



## The Ceylon National Chamber of Industries - CNCI

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## Final Evaluation of “Achiever Awards - 2018” Applications by External Panel of Judges

The applications received for the “CNCI Achiever Awards” competition are evaluated at several stages. At first, it is the initial scrutinizing by the CNCI staff to presume that the applications are in order. Next is the Auditors’ check to ascertain the accuracy and appropriateness of the financial details and reports submitted and to verify/highlight the financial figures and ratio analysis, which is normally tasked to a reputed audit firm. In this year, it was performed by M/s TR Associates.

Thereafter the evaluation by the internal panel of judges, at which stage all the contestants in the categories of Micro and Small are interviewed and all the applications including other categories were evaluated against the detailed information provided by them under 13 areas which are considered as selection criteria. Formally the internal panel of judges was mainly consisting of Chartered Accountants, Engineers, Senior Managers and Business consultants.

Finally it is the Evaluation by the external panel of judges. In this year, the final evaluation panel was chaired by Professor Kapila Perera - Vice Chancellor of the University of Moratuwa. The increased competitiveness due to huge number of applications and their operational success sharpened the process of evaluation.

The panel members for the External Judging Committee consisted of those who represented the organizations which were closely related to the industrial sector; namely the Institution of Engineers Sri Lanka, Industrial Technology Institute, Institute of Chartered Accountants of Sri Lanka, B.R.de Silva & Co, Kelani Cables PLC, Central Environmental Authority, DFCC Bank PLC, Management Consultant, Sri Lanka Standards Institution and National Productivity Secretariat.

The photographs show the final evaluation of applications by the External Panel of Judges, headed by Professor Kapila Perera – Vice Chancellor of University of Moratuwa.



# Holiday Entitlements and the Working Hours under the Sri Lankan Labour Law

## Holiday Entitlement

Employment in Sri Lanka is governed by several Acts and Statutes. The Shop and Office Employees (Regulation of Employment and Remuneration) Act No 19 of 1954, covers the employees in all shops and offices in Sri Lanka, except for any bazaar or sale of work for charitable or other purposes carried on for a period of one month or less, or for a greater period with the approval of the Minister of Labour, any business undertaken in connection with funerals, members of tutorial staff of schools, or watchers and caretakers.

Under the Act, an employee is eligible to several types of holidays. They are:

- Weekly holiday
- Annual leave
- Casual leave / sick leave
- Public holiday
- Full moon Poya holiday
- Maternity leave

### **Weekly holiday**

An employee who works for 28 hours or more in a given week is eligible for one and half days as a weekly holiday with full remuneration, which should be granted on such week or the week immediately succeeding. Generally, such leave is granted as half day on Saturday and a full day on Sunday. In practice, many organizations provide the complete day as a holiday on Saturday.

### **Annual leave**

The employee is permitted to 14 days of annual leave complete with the full salary for each concluded year of service. Hence, employees are not entitled to annual leave on the first year of employment. Annual leave for the second year of employment is accrued based on the date the employee joined service. The annual leave accrual is set out below.

- Between January 1 and March 31 of the previous year – 14 days
- Between April 1 and June 30 of the previous year – 10 days
- Between July 1 and September 30 of the previous year – 7 days
- Between October 1 and December 31 of the previous

### **Casual leave/ sick leave**

The second year onwards the employee will be eligible for 7 days of casual leave. On the first year of employment, the employee is entitled to one casual leave for every two complete months of service.

### **Statutory holiday**

In terms of the Act, the following days have been declared as public holidays with pay for the shop and office employees. These are also commonly referred to as “Mercantile Holidays”

- \* Thai Pongal day
- \* Independence day
- \* Sinhala & Tamil New Year
- \* Day preceding Sinhala & Tamil New Year
- \* May Day
- \* Day after Vesak full moon Poya
- \* Prophet Mohammed’s Birthday
- \* Christmas

An employee who is required to engage in work on a public holiday is paid no less than twice the daily salary, or a substitute holiday on any day prior to 31<sup>st</sup> December of the given year.

### **Full Moon Poya holiday**

Employees are granted a holiday on full moon poya days. The days on which poya holidays are granted are published in the Gazette every year. An employee who is required to engage in work on a poya day is paid no less than one and a half times the daily salary.

### **Maternity leave**

For the birth of the first and second child, a female employee is entitled to 84 days of paid leave, which includes 14 days of pre-confinement leave and 70 days after confinement. For the birth of the third child and any subsequent child, the leave entitlement is 42 days (including 14 days of pre-confinement leave and 28 days after confinement). Maternity leave is considered without taking into account the weekly holidays, public holidays and full moon poya holidays.

## Working Hours

**Working Hours in Sri Lanka:** There are three laws that set the working hours, -Wages Board Ordinance of 1941, Shop and Office Employees Act of 1954, Factories Ordinance of 1950.

### **What are the laws in Sri Lanka relating to working hours ?**

There are three laws that set the working hours, rest intervals and different types of holidays. These are:

- Wages Board Ordinance of 1941
- Shop and Office Employees Act of 1954
- Factories Ordinance of 1950

### **How will I know which of these laws is applicable to establishment I am working in?**

1. The Factories Ordinance applies to any establishment engaged in:

- A manufacturing process
- Charitable or reformatory work
- Technical or vocational training, where any manual labour is exercised such as making, altering, and repairing, ornamenting, finishing, washing, cleaning, or adapting for sale.

Even if these premises do not constitute a factory, the provisions of the Factories Ordinance will apply.

- The Shop and Office Employees Act is applicable to all employees working in a shop or an office.
- The Wages Board Ordinance will apply to all trades listed under the Ordinance.

### **What are the categories of workers in Sri Lanka?**

1. Permanent workers
2. Probationers
3. Apprentices
4. Temporary workers
5. Contract workers

### **How does the private sector engage workers?**

- Workers in the private sector are mostly engaged on time bound contracts.
- The probationary period is generally six months, but in some cases, can be extended for a further three months.
- Apprentices work on a temporary basis depending on the time period required under their skills or trade for practical instruction.
- Temporary workers are hired on the basis of a particular task required for a defined time period. Seasonal workers are also in this category.

All contract workers work according to a specified job description for a fixed pay that does not involve overtime payments or additional ad hoc allowances.

### **How does the public sector engage workers?**

The public service engages its employees on a permanent basis, and it is presumed that the period will continue until retirement at the age of 55 years.

### **What are the daily and weekly working hours? When does the overtime start and what is rate of overtime?**

#### **Wages Board Ordinance:**

- A normal working week cannot exceed 48 hours
- All work over and beyond that period is considered overtime.
- A maximum of 12 hours of overtime per week is permitted.
- According to Section 24 (d) the payment for work on holidays should not be less than the overtime rate
- If no overtime rate has been determined, then payment must be calculated at one-and-a quarter times the rate normally applicable to such work
- A holiday must be given with or without remuneration on a day within a specified number of days

In the case of any special class of workers, the payment should not be less than one and a half times the rate normal to such work, without the grant of a substitute holiday.

#### **The Shop and Office Employees Act**

- Working hours on any one day shall not exceed 8 hours, and
  - In any one week shall not exceed 45 hours.
- This rule is not applicable to any person who holds an executive or managerial position in a public institution.

#### **Factories Ordinance Section 67 - the work of women and young persons:**

- The total hours worked, exclusive of intervals for meals and rest, shall not exceed 9 hours in any day nor exceed 48 hours in any week
  - The working of hours of a person above the minimum age for employment (14 years) but less than 16 years shall not exceed 12 hours per day – not before 6 a.m. and not after 6 p.m.
  - The working hours of those below 18 years, cannot go beyond 8 p.m. and not beyond 1 p.m. on one day of the week.
- Both women and young persons cannot be employed continuously for a spell of more than four and a half hours without an interval of at least half an hour.

#### **What are the rules for night work for women?**

As per the Factories Ordinance, while women can be employed in a factory and permitted to work throughout the night:

- No woman shall be forced to work at night against her will
- The Commissioner of Labour must sanction the factory to employ women after 10 p.m. at night
- Women have worked from 6 a.m. to 6 p.m. cannot be employed after 10 p.m. on any day
- Night work by women shall be paid at a rate not less than one and half times the normal payment
- Female wardens must be present in the factory to oversee the welfare of women workers

*Source : Labour Law in Sri Lanka*



# DFCC BANK

*Keep Growing*



# Change or perish

*The society has seen many revolutions. Today we are witnessing what is called the Fourth Industrial Revolution which is essentially the proliferation of technology in all aspects of our lives. Businesses too have been revolutionized with technology to evolve from 'manually driven' to be 'technology driven' entities. Therefore the human factors in organizations have also changed. Organizations do not 'tick' the way they used to as the industry has changed.*

*Mr. Pradeepa Kekulawala, a senior Human Resource professional with diverse exposure and the President of HR Professionals Association who also heads the HR function of the National Carrier, SriLankan Airlines, to get his insights on the present phenomenon and its challenges on Human Resource development. Following are excerpts of the interview:*

**Q: What are the emerging challenges in Human Resource development and productivity which have manifested in the modern world, in the context of the Fourth Industrial Revolution?**

A: The Fourth Industrial Revolution is also known as the technological revolution where technology reigns supreme. Therefore we have reached an era where business is driven by leveraging technology to optimize output. Even when it comes to enhancing people productivity, there are different technology driven initiatives which are practiced in the world. Therefore the biggest challenge in enhancing human productivity and output in this Fourth Industrial Revolution is making people tech-savvy and inducing them to explore how to use technology to its optimum. This would not only enhance their own productivity, but the collective synergy of the organization as well.

**Q: What are the key challenges experienced by the HR fraternity due to the above challenges, in terms of human capital development?**

A: As I explained earlier, it is all about being more technology driven. When you say being technology driven, it is about being more scientific. As HR professionals, especially when it comes to building people's competencies and skills, we need to shift from the qualitative evaluations to more quantitative evaluations and measurements. Quantitative evaluations can only be perfected through analytics. Therefore, matrices and analytics have to be utilized in human resource development functions.

We also need to ensure that other areas of organizations are number driven. Therefore the challenge is to create a paradigm shift where you shift from being qualitative to quantitative and be analytics driven in decision making.

**Q: Is Sri Lanka ready to embrace new trends, how far behind are we?**

A: I believe Sri Lanka is ready to embrace these trends, especially if you look at the working population and dissect it into millennials and post millennials. I think millennials are future ready. Millennials are very much data driven, analytical and tech savvy. You can probably define them as the 'Fourth Industrial Revolutionaries'. However, we also have the older generation, the decision makers and policy makers who are equally important.

Decision making and adopting to change would be the biggest challenge that Sri Lanka would have in terms of pre-millennial population. However I do believe that the future or the new generation of this country is ready.

**Q: As a country what are the opportunities we should look to seize in order to stay on par with regional and global competition?**

A: I strongly hold the view that we should have strategies that should stop the brain drain. We need to get people who have migrated to foreign countries back into our system. We need to have effective policies in the country so that people are attracted to come back. We need to make Sri Lanka a knowledge hub. Sri Lankans are very smart. We have a very educated and highly intellectual set of people but it is scattered across the world. They are creating wealth and adding value for other societies and countries. I think what we should do is to bring them back whilst drawing effective strategies to retain the people who are here. We need to retain those who have not taken the option of moving and try to use them for nation building.

For instance, a majority of the Silicon Valley work is being done offshore in places like India. Business process as well as consultancy services are often outsourced. These are areas which we can in-

*Continued on page 07*

**Q: What are the areas in human capital development which we need to focus in order to build organisations to last?**

A: Equipping people with necessary skills and affording opportunities for people to use these skills and empowering them lavishly. Further appraising people better and rewarding people objectively becomes a critical need. We see, a divide between what is desired and what is seen in critical talent building and rewarding output in this country.

Most importantly we need to build mindsets of people to understand that change is the only constant. Change is inevitable. Not only you need to manage the change, you need to lead the change as well. What happens in many organizations is that when you go through phases maybe from a small family owned company to a conglomerate or from a government entity to a private entity or a public shareholding entity, there are fundamental realities that come in as change. The biggest hindrance that impedes progress is that our people are not ready for change. Managing change has to be the mindset we need to build. When you say manage change, you have to drive change as well. If you look at the human resource function of an organization, it is vested to a very large extent on leading the change by various interventions and engagements. I think that's one of the main areas we need to be involved in as HR professionals.

**Q: As a leading HR figure in the country what is the strategic shift that HR fraternity should embrace in order to progress with the modern trends?**

A: We need to be the leading force of the business. HR was once considered as a supporting role. Thereafter HR was known as a business partner, then a business driver. Another fine-tuned term would be to define HR as a leader who leads the business because it is people who drives change. It's not buildings or machines or technology that drives change. You can develop, shape and mentor your people to win wars and win revolutions, achieve business success or even be destructive. Therefore it all depends on how you engage

with the employees. The biggest challenge is to ensure that HR fraternity understands that they are there to lead the business.

**Q: As the Head of Human Resources of SriLankan Airlines what are the people factors or practices that the organization should embrace to confront the challenges and restructuring hat we are hearing about?**

A: The biggest challenge would be to accept the need to change and make people become the drivers and leaders of change. SriLankan Airlines which was once a legacy carrier is now forced to look at itself as a value carrier or a competitive carrier who has to take on the so called giants of the industry. SriLankan is now forced to come out of the shell of the comforts of a 30 year history and look at novelties and new practices without resting on its laurels. Glorious 30 years has no meaning if we don't look to the future.

SriLankan Airlines is also forced to look at options to shrink with a view to grow and this Government has clearly spelled that SriLankan will have to think that it has to create value and be self-sustainable instead of being spoon-fed by the stakeholder. In simple terms SriLankan is forced to change its business model. Change of the business model calls for change in thinking. Change in thinking comes down from stakeholder to the last level of the organization. How you adapt yourself to the change is the challenge. You either change or perish.



SriLankan Airlines Head of Human Resources Pradeepa Kekulawala

Source : Daily ft dated 01st August 2018

## Confusion over FDI and FTAs

\$ 16 billion worth FDI anticipated through the FTA with Singapore'. A headline last week that would have caught the eyes of many. Recently the CEO of Apple Inc., Tim Cook said, "The number one reason why we like to be in China is the people. China has extraordinary skills." Clearly he was not referring to an FTA as the primary driver to move to China. On the contrary, he was still prepared to move to China despite the protectionist trade war between China and USA.

### The need is for "ideal FDI", not any FDI

FDI is something that a lot of experts had been harping over the last many years. The fact that Sri Lanka's FDI are poor compared to other developing nations such as Vietnam and the fact that FDI are crucial to drive economic growth and so on. However FDI should be the "driver" and not the "end result". Put another way, the emphasis should be to attract the "ideal FDI" and not just any FDI.

The ideal FDI we need to attract are the ones that would create more jobs, improve the income level of the people, increase Government revenue on a recurring basis and as a result drive long term economic growth. Such an outcome could be achieved mainly by high value add industries with an export bias.

### Failing to attract ideal FDI

"Have we attracted such FDI in the past?" A related question would be "Have we attracted reputed MNCs to invest in Sri Lanka with the objective of exporting to other countries?". The answer to that is a definite no. Maybe with the exception of a few (including the Tourism industry which is clearly the leading industry to attract global brands since the ending of the war), we don't have international brands who have shifted their operations to Sri Lanka. We import Toyotas and Hondas manufactured in Thailand, but does it occur to us why they could not be manufactured in Sri Lanka?

Therefore when "experts" and "politicians" talk of FDI, the questions one should ask is "Are we attracting the ideal FDI? Have we created the environment to attract such FDI? Are we attracting reputed brands such as 'Toyota' or 'Samsung'?"

### Have FDI really improved in recent past?

We could term all FDI that don't fall to the above "ideal" category as "other FDI". It seems most FDI that we attract so far belong to this category. While there is a short term benefit from the inflow of foreign currency, the long term benefit of such FDI is not that great as it may not achieve the criteria specified above (i.e. create more jobs, elevate income levels of the people and increase Government revenue on a recurring basis, etc.). There has been a lot of publicity that FDI have increased in the

recent past and was close to \$ 2 billion in 2017. A deeper analysis illustrates that the incremental FDI would be due to the Colombo port city and Hambantota port developments. However it is not clear as to how many jobs would be created, whether these are high value add industries and the revenue to the Government in the long run etc. In fact it could be more to do with China's desire to have a strong hold for obvious geo political reasons.

The other main FDI in 2017 are the reinvestment of earnings / capital expenditure of telecom players (which is largely routine in nature and not actually a resurgence) and the real estate development projects. Both the real estate and telecom sectors are not industries that would directly earn a great deal of future foreign currency earnings and jobs, although the improvement in telecom sector could facilitate the development of such sectors.

The above facts coupled with the fact that we haven't attracted global brands clearly indicate that the performance of FDI remain poor.

### The false link between FDI and FTAs

The implication that \$ 16 billion worth FDI are driven by the FTA with Singapore is also questionable. Intriguingly almost \$ 15 billion out of that is on account of a single oil refinery project. The key questions that need to be answered are: "What are the potential export destinations for this project? How many jobs would be created for Sri Lankans? What's the recurring (tax) revenue for the Government? Why is it not possible if not for the FTA? (put another way, what concessions were given under the FTA for the investor?) Is the investor a reliable, global brand, etc.?" Answers to this kind of simple questions would challenge the utterances of not only the "politicians" but also the "experts".

While there is a tendency to link FDI with FTAs, it is difficult to see the rationale. The simple logic is, non-existence of import tariffs or taxes may not be the primary reason for an investor to invest. As Tim Cook so eloquently pointed out, the primary evaluation for an investment would be based on the availability of key factors for the business to succeed and the availability of a compelling business model.

*Source Daily ft dated 02 August 2018*



# LAKE HOUSE

## Leema Creations modernizes and upgrades business for enhanced quality and productivity

Leema Creations is a Sri Lankan based award winning, multi-disciplinary design and furniture manufacturing firm constituted in year 2000 by Incorporated Civil Engineer Channa Wijesekara. The Company currently is considered a market leader in the industry in both commercial and residential segments bringing all Interior fit out disciplines together to provide total solutions to the growing market demand. It operates under the standards of ISO 9001:2008 certification and the guidelines and steered by core values of creativity, quality, value, reliability and service.

Leema Creations' pace of furniture production has always been intense, but it has long been obvious that the Company would have to scale up quickly to cater to the ever growing clientele. As a result, the management of the Company has commenced the upgrading process to extensively modernize, redesign and upgrade the machinery, infrastructure facility and operating systems of the organization. These measures will include introduction of latest machinery to the furniture production, improve customer service quality, bring in more professional and experienced design and technical expertise, improve the elegance of the showrooms and re-strategize marketing effort. The management expects that this measure will significantly improve the quality of state of the art overall appearance and provide a more appealing status

"We intend to increase the quality of service to our customers at Leema in a sustained manner and implement a number of measures to prepare the organization for the future," commented Leema Creations founder and Managing Director Channa

Wijesekara. "Effective and graceful modern designs, state-of-the-art customer services and an appealing atmosphere will assist us to entice our regular customers from all sectors," he further added.

Other key elements of the development are the modernization and makeover of the operation and new services will be provided by Leema Creations. The organization has plans to increase the existing floor area of 80,000 sq. ft. by adding more work space. The aim is to make customers spend more time with our staff by creating a modern and friendly atmosphere and to improve and complement the customer services provided.

Alongside the newly introduced machinery, the Company has created a more efficient floor plan with significantly more automation enabling a streamlined and more consistent workflow. These upgrades are done based on reliability considerations and upgrading will increase productivity and quality as a forward investment that can have a greater business value.



Source : Daily ft dated 21st July



# What CNCI is planning

The Ceylon National Chamber of Industries – CNCI has organized the one day Seminar referred to above on “Disciplinary Procedures & Conducting Formal Disciplinary Inquiries” to be conducted on 28<sup>th</sup> August 2018 at Raja Bojun Seminar Hall, Liberty Arcade, Colombo 03.

We have decided to organize this program on identification of the development needs of many of the organizations of both in the Public & Private sectors, which we have observed in many instances. Human capital is the most important element in any organization next to their external customers. Managing of such physical resources in a manner that they are disciplined and motivated is a crucial requirement for any organization. Possession of proper disciplinary procedures in companies and handling of disciplinary inquiries in a correct manner frees companies from unnecessary labour issues which will in turn amounts to the reputation of organizations.

“All managers should be HR managers” since every manager does a significant part of Human Resource Management in any discipline. Under the circumstances, this programme is ideally applicable to Directors/CEOs and all managers and executives in both HR and non HR areas. We invite all the interested individuals to attend at this programme on 28<sup>th</sup> August 2018, to update yourself from the areas necessary, which will be conducted by senior and responsible officials from the Department of Labour with their vast knowledge and experience.

## Seminar on “Disciplinary Procedures & Conducting Formal Disciplinary Inquiries”



### Details of the Program

Date : 28th August 2018  
 Time : 9.00am - 4.30pm  
 (Registration starts at 8.30am)  
 Venue : Raja Bojun Seminar Hall, Colombo 03

### Investment & Discounts

Rs.8,500/- for CNCI Members  
 Rs.9,000/- for Non Members  
 (Inclusive of Lunch & Refreshments)  
 5% for 3 - 4 Participants  
 10% for 5 or more Participants

### Resource Persons

**Mr.Milanga Weerakkody** B.A, LL.M, Attorney-at-Law,  
 Chief Legal Officer,  
 Commissioner of Labour – Legal (Law Enforcement)  
 Department of Labour,

**Mr.K.G Kumarasinghe** LL.B, LL.M, Attorney-at-Law,  
 Legal Officer,  
 Department of Labour,



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- ♦ Implementation of Orders / Awards & Role of Department of Labour
- ♦ Final Outcome of Labour Disputes

For Registration: Please email to : [po@cnci.lk](mailto:po@cnci.lk), [cnci@sl.lk](mailto:cnci@sl.lk), [thecnci@gmail.com](mailto:thecnci@gmail.com)  
 For Further details : please contact : Madhushika or Nilanthi

**For :** Directors/CEOs, General Managers & All Managers, Executives in HR/Admin/Legal/Operations, Supervisors, Academics, and Interested Parties



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# The Ceylon National Chamber of Industries organized a successful Seminar on

“New Inland Revenue Act”- Operational Perspectives on Private Sector

on 19<sup>th</sup> July 2018

@ Hotel Taj Samudra.

The Ceylon National Chamber of Industries – CNCI organized a one day seminar on “New Inland Revenue Act-Operational Perspectives on the Private Sector” was conducted on 19<sup>th</sup> July 2018 from 9.00am to 4.30pm at Hotel Taj Samudra, Colombo 03.

We decided to organize this programme mainly to give an awareness to the organizations of both in the public and private sectors and to discuss any practical issues faced by them after implementing the New Inland Revenue Act. Directors/CEOs, Managers, Executives, Supervisors, Academics, Tax consultants and also Auditors Participated for this Seminar to get verifications for their issues as there was a Panel discussion also arranged.

### *Some Comments from the Participants*

The seminar is very valuable, thank you.

An interesting seminar, Learned lot of new things about the New Inland Revenue Act.

Very important seminar, Thank you CNCI for organizing this programme

The Panel discussion is very important to clarify our issues

Distributed materials are very useful to us



## Exchange Rates for 30th July 2018

| Currency            | Buying Rate | Selling Rate |
|---------------------|-------------|--------------|
| Australian Dollar   | 115.1603    | 119.8782     |
| Canadian Dollar     | 120.4648    | 124.7912     |
| Swiss Franc         | 157.4398    | 163.1687     |
| Renminbi            | 22.6842     | 23.7576      |
| Euro                | 181.7842    | 187.9613     |
| British Pound       | 204.4965    | 210.8880     |
| Yen                 | 1.4048      | 1.4553       |
| Singapore Dollar    | 114.7556    | 118.5443     |
| United State Dollar | 157.9286    | 161.1249     |

Source : Central Bank Records - Exchange Rates dated on 03rd August 2018

## Economic Indicators for 30th July 2018

|                        | Last             | Reference | Previous | Range         | Frequency |
|------------------------|------------------|-----------|----------|---------------|-----------|
| GDP Annual Growth Rate | 3.2%             | Mar/18    | 3.54     | 0.5 : 16.12   | Quarterly |
| Unemployment Rate      | 4.5%             | Mar/18    | 4        | 3.7 : 16.6    | Quarterly |
| Inflation Rate         | 5.4%             | Jul/18    | 4.4      | -0.9 : 28.3   | Monthly   |
| Interest Rate          | 7.25%            | Aug/18    | 7.25     | 6 : 10.5      | Daily     |
| Balance of Trade       | -933 USD Million | May/18    | -999     | -1101 : -50.1 | Monthly   |
| Government Debt to GDP | 77.6%            | Dec/17    | 78.8     | 16.3 : 109    | Yearly    |

Source : Central Bank Records on 03rd August 2018

