

MB HCOI Labour II and Employment laws
 dated: 29.8.2020

CLASSMATE

Unit IV The Industrial Employment (standing orders)

Time 11-12 AM. Act 1946.

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1. The industrial Employment (standing order) Act, 1946 was passed on 18th December, 1946.
2. It extends to whole of India.
3. In these rules (a) Act means the Industrial Employment (Standing order) Act, 1946 (20 of 1946)
4. (b) Form means a form set out in Schedule I These rules.

4 10A Provide in standing orders relating to all industrial establishment.

- (1) Medical aid in case of accident
- (2) Railway travel facilities.
- (3) Method of filling vacancies
- (4) Transfers
- (5) Liability of Manager of the establishment or mine.
- (6) Service Certificate.
- (7) Exhibition and supply of standing order.

10B

- (1) Service Record matters relating to Service Card, token tickets, Certification of service, change of residential address of workers and record of age.
- (2) Confirmation
- (3) Age of retirement
- (4) Transfer
- (5) Medical aid in case of accidents
- (6) Medical examination
- (7) Secrecy
- (8) Exclusive service.
- (2) The model standing order of the Act in respect of industrial establishment in Coal mines

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4. Application for certification of standing orders shall be made in form I

5. The prescribed particulars of workmen for the purpose of sub sec (3) of sec 3 of the act shall be

- (1) Total number employed
- (2) Number of permanent workmen.
- (3) Number of temporary workmen.
- (3)A Number of casual workmen.
- (4) Number of badlis or substitutes
- (5) Number of probationers
- (6) Number of apprentices,
- (6)A Number of fixed term employment workmen in apparel manufacturing sector.
- (7) Number of trade union, if any to which the workmen belong
- (8) Remarks.

(6) As soon as may be after he receive an application under rule 4 in respect of industrial establishment, the certifying officer shall forward a copy of the draft standing order to the trade union.

(6) No such trade union call a meeting of the workmen to elect their representative and forward a copy of standing order together with notice in form II.

(7) standing order certified in pursuance of sub sec (3) of the sec 5 or sub sec (2) of signature and seal of the certifying officer or appellate authority as the case may be shall be forwarded by such officer, authority within a week by registered letter post to the employer, and to the trade union

P.T.O

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- (7)(1) The memorandum of appeal shall be in Form V A
- (2) The appellate authority shall giving opportunity of being heard, confirm the standing orders, amendment or modification by the certifying officer.
- (3) where the appellate authority does not confirm the standing order, amendments, or modification it shall fix date for hearing of the appeal and direct notice thereof to be given.
- (4) The appellant shall furnish each of the respondent with a copy of memorandum of appeal.
- (5) The appellate authority may at any stage call for any evidence.
- (6) on the date fixed under sub rule (3) of the hearing of the appeal.
- (8) The Register required to be maintained by the sec 8 of the act shall be in form III and shall be properly bound and certifying officer shall furnish a copy of standing orders approved for an industrial establishment to any person applying therefor on payment of a fee calculated at the following rates per copy.
- (1) for the first two hundred words or less, 75 paise
- (11) for every additional one hundred words or fraction thereof 37 paise.

Schedule I

Model Standing order in respect of industrial establishment in Coal Mines -

1. These orders shall come into force on
2. Classification of workmen as
 - (a) permanent
 - (b) probationers
 - (c) badlis or substitute -

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(E) A. fixed term employment in apparel manufacturing sector.

(d) temporary

(e) Casual

(d) apprentice

3 **TICKETS:** - (1) Every workman shall be given a permanent ticket unless he is a probationary.

(2) Every permanent workman shall be provided with deptt ticket showing his number.

(3) Every badli or substitute shall be provided a badli card.

(4) Every temporary workman shall be provided with a temporary ticket

(5) Every casual worker shall be provided with a CASUAL CARD

(6) Every apprentice shall be provided with an APPRENTICE CARD which shall be surrendered.

(4) **PUBLICATION OF WORKING TIME:** The period and hours of work for all classes of workers in each shift shall be exhibited in english or principle languages on notice board near the main entrance gate of establishment and time keeper office.

(5) **Publication of holidays and pay days -** Notice specifying (a) the days observed by the establishment as holidays (b) pay days shall be posted on the notice board.

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7. **SHIFT WORKING:** More than one shift may be worked in department or deptt of any section of a deptt of the establishment at the discretion of employer.

If shift working is restarted, the workmen shall be given notice and reemployed in accordance with the provision of the said act.

7A. **NOTICE OF CHANGE IN SHIFT WORKING:**

Any notice of discontinuance or restarting of a shift working required by standing order 7 shall be in the form IV A and shall be served in the following manner.

The notice shall be displayed by the employer on a notice board at the main entrance gate of the establishment and a copy of notice shall also be served by registered post to the secretary of union.

8. **Attendance and late coming:**

All workmen shall be at work at the establishment at the time fixed and notified under paragraph 6. Workmen attending late will be liable to the deduction provided for in payment of wages act, 1936.

9. **Leave:** (1) Holidays with pay will be allowed as provided for in chapter VIII of factories act 1948. and other holidays in accordance with the law.

(2) A workman who desires to obtain leave of absence shall apply to the employer or any other officer of the industrial establishment.

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10. **CASUAL LEAVE:** A workman may be granted Casual leave of absence with or without pay not exceeding **10 days** in the aggregate in a calendar year. Such leave shall not be more than **3 days** at a time except in case of **Sickness**.

11. **PAYMENT OF WAGES -**

(1) Any wages, due to the workman but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified in notice board.

12. **STOPPAGE OF WORK:** (1) The employer may at any time, in the event of fire, breakdown of machinery, stoppage of power supply, epidemics, civil commotion or other cause beyond his control, stop any section or section of establishment wholly, or partially for any period without notice.
(2) In the event of such stoppage during working hours, the workmen shall be notified by notice put upon the notice board in the deptt concerned.

13. **Termination of employment:** (1) For terminating employment of permanent workman, notice writing shall be given either by the employer or the workman one month notice in the case of monthly rated workmen and two weeks notice in the case of other workmen. one month or two weeks pay, as the case may be, may be paid in lieu of notice.

(2) No temporary workman shall be entitled to an notice or pay in lieu thereof, if his service terminates - see over leaf - page NO. 07.

14. Disciplinary action of misconduct -

(1) A workman may be fined upto 2% of his wages in a month for any of the following act and omission namely -

(1) A workman may be suspended for a period of not exceeding 4 (four) days at a time dismissed without notice.

(2) The following acts and omission shall be treated as misconduct.

(a) willful insubordination or disobedience.

(b) theft, fraud or dishonesty

(c) willful damage to or loss of employer's goods or property.

(d) taking or giving bribes or any illegal gratification.

(e) habitual absence without leave

(f) habitual late attendance.

(g) habitual breach of any law applicable to the estb.

(h) riotous or disorderly behaviour during working hours at the establishment.

(i) habitual negligence or neglect of work.

(j) Frequent repetition of ~~work~~ any act or fined may be imposed 2% of wages in a month.

(k) Striking work

(l) Sexual harassment which include such unwelcome sexually determined behaviour.

(i) Physical Contact

(ii) a demand or request for sexual favours

(iii) Sexually coloured remarks.

(iv) Showing pornography

15. Complaints: All Complaints arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent or manager in this behalf with right of appeal to the employer.

16. Certificate on termination of Service - Every permanent workman shall be entitled to a service certificate at the time of his dismissal discharge, or retirement from service.

17. Liability of Employer: The employer of the establishment shall personally be held responsible for the proper and faithful observance of standing order.

18. Exhibition of Standing orders: A copy of these orders in English and in local language shall be posted on a notice board at near main entrance gate of the establishment shall be kept in a notice board.

To,

The Certifying officer,

Area

place

Sir,

under the provision of sec 3 of the industrial Employment (standing order) Act, 1946. I enclose five (5) Copies of the draft standing orders proposed by me for adoption in - - - - -

INDUSTRIAL EMPLOYMENT (STANDING ORDER)

ACT - 1946.

MATTER TO BE PROVIDED IN STANDING ORDER UNDER THIS ACT.

1. Classification of workmen e.g. permanent, temporary, apprentice, probationers, or badlis.
2. Workmen periods and hours of work, holidays, paydays and wage rates.
3. Shift working
4. Attendance and late coming
5. Applying for grant leave and holidays.
6. Enter into premises by certain gates.
7. closing and reporting sections of industrial establishment.
8. Termination of employment, notice to be given by employer and workmen.
9. Suspension or dismissal for misconduct
10. Redress for workmen against unfair treatment