

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946 & THE RULES

CHECK-LIST

Applicability of the Act

Every industrial establishment wherein 100 or more (in many States it is 50 or more).
Any industry covered by Bombay Industrial Relations Act, 1946.
Industrial establishment covered by M.P. Industrial Employment (Standing Orders) Act, 1961.

Sec. 1

Conditions for Certification of Standing Orders

- Every matter to be set out as per Schedule and Rule 2A.
- The standing orders to be in conformity with the provisions of the Act.

Submissions of Draft Standing Orders

Within six months from the date when the Act becomes applicable to an industrial establishment. Five copies of the draft Standing Orders are to be submitted to the Certifying Officer under the Act.

Sec.3

Matters to be provided in Standing orders

Classification of workmen, e.g., whether permanent, temporary, apprentices, probationers, or badlis.
Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
Shift working.
Attendance and late coming.
Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
Requirement to enter premises by certain gates, and liability to search.
Closing and re-opening of sections of the industrial establishments, and temporary stoppages of work and the right and liabilities of the employer and workmen arising therefrom.
Termination of employment, and the notice thereof to be given by employer and workmen.
Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
Means of redressal for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants.

Additional Matters

Service Record – Matters relating to service card, token tickets, certification of service, change of residential address of workers and record of age Confirmation Age of retirement Transfer Medical aid in case of Accident Medical Examination Secrecy Exclusive service.

Secs.2 (g), 3(2) and Rule 2A

Procedure for Certification of Standing Orders

Certifying Officer to forward a copy of draft standing orders to the trade union or in the absence of union, to the workmen of the industry. The trade union or the other representatives, as the case may be, are to be heard.

Sec.5

Date of Operation of Standing Orders

On the date of expiry of 30 days from certification or on the expiry of 7 days from authentication of Standing Orders.

Sec. 7

Posting of Standing Orders

The text of the standing orders as finally certified shall prominently be posted in English or in the language understood by majority of workmen on special board at or near the entrance for majority of workers.

Sec. 9

Temporary application of Model Standing Orders

Temporary application of model standing orders shall be deemed to be adopted till the standing orders as submitted are certified.

Sec.12-A

Payment of Subsistence Allowance to the Suspended Workers

At the rate of fifty per cent, of the wages which the workman was entitled to immediately preceding the date of such suspension, for the first ninety days of suspension.
At the rate of seventy-five percent of such wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings against such workman is not directly attributable to the conduct such workman. **Sec.10-A**

PENALTIES

- Failure of employer to submit draft Standing Orders fine of Rs.5000 and Rs.200 for every day on continuation of offence.
- Fine of Rs.100 on contravention and on continuation of offence Rs.25 for every day.