

\* Chapter 17 \*

\* UNIT 2 - Industrial Employment  
(standing orders) Act, 1946 \*

\* APPLICABLE -

standing order act applicable to every establishment wherein 100 or more worker are employed on any day preceeding 12 months.

Government can extend provision of this act to such establishment employing less than 100 workmen by notification in official gazette

This act is not applicable to such industries <sup>relations</sup> to which provisions of chapter 7 of Bombay industrial regulations Act, 1946 apply and such industries to which provisions of Madhya pradesh industrial employment standing order Act apply

\* Fairness or reasonableness of standing orders.

Section 4 -

- Employer does not have a right to frame a standing order which relates to matter not included in schedule or which enable transfer of employee. Consent of employees to such standing orders would not make any difference

- It is the function of certifying officers to determine the fairness or reasonableness of provisions of standing orders.

- Act has imposed duty on Certifying officer to determine fairness & reasonableness of Standing orders before certifying.

- If Certifying Order finds out that some provisions are proposed by employer relating to matter which is not included in schedule or if officer find some provision unreasonable then he must refuse to certify it.

### \* Certification of Standing Orders.

Section 5 - Procedure should be followed by Certifying Officer.

- After receiving draft standing order from employer Certifying officer should forward copy of it to trade union or workmen.

- And should take objections and objections should submitted to him within 15 days from date of receipt of notice.

- After receipt of objections is received certifying officer shall make amendments in it, and certify it.

- Then copy of certified standing orders should sent to employer & employees within 7 days of certification.

### II Effect of Certification -

This law is special law in regard to matters enumerated in the schedule & regulations

made by employer that will prevail and any other law will not prevail.

## ii] Register of standing orders

Section 8 :- This section empowers Certifying officer to maintain register for all standing orders certified by him in prescribed form. He shall present a copy of register to a person applying for it after payment of prescribed fees.

## \* Certification of Draft standing orders.

Section 3 - The employer shall submit draft standing order to Certifying Officer within 6 months of from date when act becomes applicable on industrial establishment.

- The employer shall submit 5 copies of draft standing order to the Certifying Officer.

## \* Matters to be provided in standing order under this Act -

1) Classification of workers / employee i.e. whether they are permanent, temporary, apprentice, probationers or badlis.

2) Manner of informing / intimating periods & hours of work, holidays, pay-days & wage rates to employees.

- 3) Shift working
- 4) Attendance & late coming.
- 5) Conditions & procedure to apply, and the authority who which grant leave & holidays.
- 6) Requirement to enter premises by certain gates & liabilities to search.
- 7) Closing & reopening of sections of industrial establishment, temporary stoppage of work & rights, liabilities of employer & workmen.
- 8) Termination of employment & notice of that to be given by employer & employees.
- 9) Suspension & dismissal for misconduct & acts or omission which constitute misconduct.
- 10) Means for redress for workmen against unfair treatment or ~~wrong~~ wrongful exactions by employer or his agent & servants.
- 11) Any other Act as may be prescribed.

## \* APPEALS

Section 6 :- If order or Certifying Order is not satisfied by any employer, workmen or trade union then they can file appeal before appellate authority within 30 days from date on which copies sent to employer. The decision of appellate authority shall be final.

Appellate authority shall send copies of standing orders modified by it to employer within 7 days of its order.

## \* DATE OF OPERATION OF STANDING ORDERS.

Standing orders shall come into operation expiry of 30 days from the date on which copies are sent to employer. If there is appeal preferred then 7 days from date on which copies of order appellate authority sent to employer.

## \* POSTING OF STANDING ORDERS

The text of standing orders shall be posted by employer in English or any language understood by majority of his workmen and special boards shall be maintained for purpose near the entrance from where majority of workmen enter into establishment.

## \* DURATION & MODIFICATION OF STANDING ORDERS

Section 10 :- This section prohibits employer to modify standing orders once they certified under this Act. Any modification will not be effected until expiry of 6 months from date on which standing orders were last modified.

## \* PAYMENT OF SUBSISTENCE ALLOWANCE

If a workmen is suspended by employer pending investigation or charges of misconduct against him, the employer shall pay to such workmen subsistence allowance :

- At rate of 50% of wages which workmen was entitled to get.
- At the rate of 75% of such wages which are remaining.

## \* INTERPRETATION OF STANDING ORDERS.

- Any question related to interpretation of standing orders shall be referred to any Labour Court by any employer or worker or trade union.
- Labour Court after giving opportunity to parties to be heard shall decide it.
- Such decision shall be final & liable on both parties.

Date \_\_\_\_\_

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## \* TEMPORARY APPLICATION OF MODEL STANDING ORDERS.

The period commencing on date on which this Act becomes applicable to a establishment & ending with date on which standing orders finally come into operation in establishment then prescribed model standing orders shall be deemed to be adopted in that establishment.