

COURSE NAME - LAW
CLASS- LL.B-4TH SEM
SUBJECT- LABOUR LAW -II
TOPIC- The Industrial Employment
- (Standing Orders) Act, 1946
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INTRODUCTION

This Act is to require employers in industrial establishments to formally define conditions of employment under them and submit draft standing orders to certifying Authority for its Certification. It applies to every Industrial establishment wherein 100 or more workmen are employed or were employed on any day of the preceding 12 months

The Act does not apply to :

Any industry to which The Bombay Industrial Relations Act; 1946 apply.

Any industry to which The Madhya Pradesh Industrial Employment (Standing Orders) Act 1961 apply

Object of the Act:

1. Object of the Act is to require the employers in industrial establishments to define the conditions of employment under them and make the conditions known to workmen employed by them before they accept the employment .
2. To maintain uniformity in terms and conditions of employment in respect of workmen belonging to the same category . The rules made in the regard to these conditions is called Standing Orders.

MATTERS TO BE PROVIDED IN STANDING ORDERS UNDER THIS ACT

.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, an liability to search.

.Closing and reporting of sections of the industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and workmen arising there from.

.Termination of employment, and the notice to be given by employer and workmen.

.Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.

.Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants.

.Any other matter which may be prescribed.

Additional Matters • Service Record • Token tickets, • Record of age, • Fixing Age of retirement • Medical Examination • Secrecy • Exclusive Service

Procedure for Certification & Adoption of Standing Orders

Sec-3. Submission of draft standing orders.-Within six months of the application of the Act , to an industrial establishment, the employer shall submit to the Certifying Officer five copies of the draft standing orders proposed by him for adoption in his industrial establishment.

Standing orders to be accompanied by particulars of workmen: The draft standing orders submitted shall be accompanied by a statement giving prescribed particulars of the workmen employed in the industrial establishment including the name of the trade union, if any, to which they belong.

Employers in similar establishments may submit a joint draft for their convenience.

Conditions for certification of standing orders (sec-4)

Standing orders shall be certified under this Act if--

- (a) provision is made for every matter set out which is applicable to the industrial establishment, and
- (b) the standing orders are otherwise in conformity with the provisions of this Act; the Certifying Officer is under an obligation to adjudicate upon the fairness or reasonableness of the provisions of any standing orders

Certification of standing orders (sec-5)

On receipt of the draft, the Certifying Officer shall forward a copy to the trade union, if any, of the workmen, or where there is no such trade union, to the workmen, in the prescribed form requiring objections, if any, which the workmen may desire to make to the draft standing orders to be submitted to him within fifteen days from the receipt of the notice.

After giving the employer and the trade union or representatives of the workmen an opportunity of being heard, the Certifying Officer shall decide whether or not any modification or addition to the draft submitted by the employer is necessary to render the draft standing orders certifiable under this Act, and shall make an order in writing accordingly

The Certifying Officer shall thereupon certify the draft standing orders, after making any modifications and within **seven days** send copies of the certified standing orders to the employer and to the trade union or other prescribed representatives of the workmen.

Date of commencement of Operation of Standing Orders

On the date of expiry of 30 days from certification or on the expiry of 7 days from the Appellate order if any passed.

Display of Standing Orders

The certified Standing Orders should be displayed in English language or in the language understood by majority of workmen on a notice board at or near the entrance of the Establishment.

Appeal (SEC-6)

Any employer, workman, trade union or other prescribed representatives of the workmen aggrieved by the order of the Certifying Officer within 30 days from the date on which copies are sent by the certifying officer, appeal to the appellate authority, and the appellate authority, whose decision shall be final, shall by order in writing confirm the standing orders either in the form certified by the Certifying Officer or after amending the said standing orders by making such modifications or additions as it thinks necessary to render the standing orders certifiable under this Act. The appellate authority shall, within seven days of its order, send copies of the Certifying Officer, to the employer and to the trade union or other prescribed representatives of the workmen.

Date of operation of standing orders (sec-7)

Standing orders shall, unless an appeal is preferred , come into operation on the expiry of thirty days from the date on which authenticated copies are sent or where an appeal is preferred, on the expiry of seven days from the date on which copies of the order of the appellate authority are sent

Register of standing orders (sec-8)

A copy of all standing orders as finally certified under this Act shall be filed by the Certifying Officer in a register in the prescribed form maintained for the purpose, and the Certifying Officer shall furnish a copy to any person on payment of the prescribed fee

Posting of standing orders (sec-9)

The text of the certified standing orders shall be prominently posted by the employer in English and in the language understood by the majority of his workmen on special boards maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial establishment and in all departments where the workmen are employed.

Duration and modification of standing orders(sec-10)

A certified standing orders shall not, except on agreement between the employer and the workmen or a trade union or other representatives of the workmen be liable to modification until the expiry of six months from the date on which the standing orders or the last modifications thereof came into operation. An employer or workman or a trade union or other representative body of the workmen may apply to the Certifying Officer for the modification and such application shall be accompanied by five copies of the modifications proposed to be made, and where such modifications are proposed to be made by agreement between the employer and the workman or a trade union or other representative of the workmen, a certified copy of that agreement shall be filed along with the application.

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