

The industrial employment  
(standing orders) Act

# Introduction & Def

- To avoid friction amongst the employees employed in an industry is the primary objective of the Industrial Disputes Act, 1947. Legislation in India.
- It was considered that the society had a right to settlement of terms of employment of Industrial workers. Settlement of Labor problems.
- Therefore, the steps were taken by the Government to enact Industrial Employment (Standing Orders) Act, 1946, with a view to afford protection to the workers regarding the conditions of employment.
- **Definition under the Act (Sec.2)**

“Standing Orders” mean rules relating to the conditions of employment of workmen specified in the Schedule to the Act [Sec.2(g)] to be covered and the employer has to draft for submission to the Government. These are matters specified in the Schedule.

## Objective of the

1. The purpose of having Standing Orders in other commercial establishments is to regulate the relations.
2. These Orders regulate the conditions of employment, misconduct etc. of the workers employed in the undertakings.
3. Unsolved grievances can become industrial disputes.

# Model Standing Order

- Classification of Workers
- Publication of Work Time, Holidays, Pay Day
- Shift Working
- Attendance and Late Coming
- Leave and Holidays
- Casual Leave
- Payment of Wages
- Stoppage of Work
- Termination of Employment
- Disciplinary Action for Misconduct
- Suspension
- Dismissal
- Complaints

# Procedure for the App Standing Order

- The main provision that deal for the ap  
Orders are:
  1. Procedure for the submission of Draft Stan  
[Section 3].
  1. Procedure for the Conditions for Certifi  
Orders [Section4].
  2. Procedure for Certification of Standing O  
Adoption) [Section 5].
  3. Appeals [Section 6].

# Procedure for the submission of Draft Standing Orders

1. Within 6 months from the date on which the Act becomes applicable to industrial establishment, the employer shall submit to the Certifying Officer 5 copies of draft standing orders proposed by him.
2. Provision shall have to be made as such even in the Schedule which may be applicable to industrial establishment and were model standing orders prescribed.
3. Subject to such conditions as may be prescribed, employers in similar industrial establishments may join draft or standing orders under this section.

## Procedure for Certification Orders (Procedure for

1. The Certifying officer receipt of the draft standing orders from the employer shall forward a copy of the draft standing orders to the recognized trade union of the employees. The submission of objection to draft standing orders shall be within 15 days of the submission of the draft standing orders.
2. The standing orders came into operation 15 days from the date on which the authorized draft standing orders are forwarded to the employees by the certifying officer.
3. The conditions of employment, which are subject to the agreement of the employer and the workmen from the date of the standing orders become operational.

## Appeal of Standing Order

- Any employer, workmen, trade union or representatives of workmen aggrieved by the order of the Certifying Officer may appeal to the appellate authority within 30 days from the date on which copies are transmitted.
- The appellate authority may confirm the order, set it aside, or certify it as certifiable, or may make modifications or additions to make them certifiable and it has to send copies of the order to the concerned person within 7 days of the order.



# Certifying Officer

- **Definition:-**

The “certifying officer” under standing or Labor Commissioner, Labor Commissioner or other the appropriate government by the notification in perform all or any of the functions of certifying officer.

- **Powers of Certifying Officer:-**

Every Certifying Officer and appellate authority shall of Civil Court for the purpose of:

1. Receiving Evidence,
2. Administering oaths,
3. Enforcing the attendance of witness, and
4. Compelling the discovery and production of documents.

## Payment of Subsistence

- Where any workmen is suspended by the investigation or inquiry into complaints or against him, the employer shall pay subsistence allowance:
  - a. At the rate of 50% of the wages which the workman was receiving immediately preceding the date of such suspension; and
  - b. At the rate of 70% of such wages for the suspension.

## Offences and Penalties

- An employer who fails to submit the draft required by Section 3 or who modified otherwise with sec.10 shall be punishable with fine which may extend to Rs.5000 and in case of continuous offence further fine of Rs.200 for every day after the first during which the offence continues.
- An employer who does not act in contravention of the orders finally certified under this Act shall be punishable with fine which may extend to Rs.100 and in case of continuous offence further fine of Rs.25 every day after the first during which the offence continues.
- No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the appropriate government. It can be tried only by a presidency magistrate or the second class magistrate.

