



Standardized guidelines  
for submission of Draft  
Standing Orders for  
certification under the  
provisions of The  
Industrial Employment  
(Standing Orders) Act,  
1946 and rules framed

DEPARTMENT OF LABOUR & EMPLOYMENT

**CERTIFIED STANDING ORDERS FOR THE WORKMEN OF  
M/S.....,..... VILLAGE .....  
TEHSIL ....., DISTRICT....., HIMACHAL PRADESH.**

**1. APPLICATION**

- A) These Standing Orders may be called the CERTIFIED STANDING ORDERS of M/s. ...., Village ..... Teh- ....., District ....., Himachal Pradesh.
- B) These Standing Orders shall come into force in accordance with the provisions of Section 7 of the Industrial Employment (Standing Orders ) Act,1946.
- C) These Standing Orders shall apply to all the workman employed in the Factory of M/s. ...., Village ..... Teh- ....., District ....., Himachal Pradesh as defined in section 2 (s) of the Industrial Disputes Act, 1947.
- D) The Standing Orders may be modified as provided in section 10 of the Industrial Employment (Standing Orders) Act, 1946.

**2. DEFINITIONS:-**

- i) Industrial Establishment:- 'Industrial Establishment' means as defined in the Industrial Employment ( Standing Orders) Act, 1946 and by what so ever name is called such as ; Establishment / Factory/ Unit/ Company / Mill etc.
- ii) Unit or Employer :- 'Unit' and 'Employer' mean M/s. ....having its Industrial Establishment namely Ms. ...., Village ..... Teh- ....., District ....., Himachal Pradesh with its registered / head office at .....(mention name and address of Head / Registered Office).
- iii) Factory Management :- 'Factory Management' means the Occupier and or the Factory Manager appointed under the Factories Act, 1948.
- iv) Manager :- 'Manager' means the Factory Manager appointed under the Factories Act, 1948.
- v) Factory :- 'Factory' will include the factory compound and factory premises, all of its precincts, its lay-out and its administrative buildings situated at Village .....P.O..... Tehsil.....Distt. ...., H.P.

- vi) Board :- 'Board' means the Board of Directors of the Company.
- vii) Workman :- 'Workman' means a workman as defined in section 2(s) of the Industrial Disputes Act,1947
- viii) Notice :- 'Notice' means a notice in writing required to be given or to be passed for the purpose of these Standing Orders.
- ix) Notice Board :- 'Notice Board' means the board specifically maintained for displaying the Unit's notices of a general character from time to time at the main gate of the factory or time office or in concerned section / department of the factory as prescribed in Labour Laws.
- x) Leave :- 'Leave' means authorized absence with or without pay.
- xi) Habitual :- 'Habitual' means involving repetition of any act of commission or omission for more than 3 times in a period of 12 calendar months.
- xii) Management :- 'Management' means the Managing Director, any Director or the Factory Manager or the Manager or any other person as may be authorized in this behalf.
- The word Director, President, General Manager, Employer, Management, Industrial Establishment, shall for all purposes means the Management of M/s. ....at Village.....Tehsil .....District ..... H.P
- xiii) Dismissal :- 'Dismissal' means ordinarily punishment by way of dismissal from services but compulsorily to pursuant to proper enquiry.
- xiv) Superannuation :- 'Superannuation' means the attainment of an age of 60 years by the employee.
- xv) Unauthorized Absence :- 'Unauthorized absence' shall mean and include absence without prior permission of the appropriate authority, desertion of work place or leaving the industrial establishment/ factory premises before the fixed time.
- xvi) Words imparting the singular number will include the plural numbers and vice-versa, except where expressly mentioned otherwise. Similarly, the words imparting the masculine gender shall include the feminine gender except where expressly mentioned otherwise.
- xvii) 'Medical Certificate' means a certificate duly signed by the authorized Doctor of E.S.I. Dispensary, concerned Civil Surgeon or a Registered Medical

Practitioner, who is M.B.B.S. or by the Government Doctor who is so authorized under law.

3. **CLASSIFICATION OF WORKMEN**

The workmen shall be classified as under:-

- 1) Permanent
- 2) Probationer
- 3) Temporary
- 4) Casual
- 5) Apprentice (Learner/Trainee)
- 6) Badli (Substitute)

- 1) **'Permanent Workman'** is one who is appointed as such by a written order of the management on a permanent post and includes any person who has satisfactorily completed a probationary period as given in sub-clause (2) below has been confirmed as such in writing against a permanent post.
- 2) **'Probationer'** means a workman who is provisionally employed on trial to fill any vacancy against a permanent post and has not been confirmed as permanent in accordance with these Standing Orders. Ordinarily the period of probation shall be 3 months but it may be extended once for a further period of 3 months provided probationary period shall not more than 6 months.
- 3) **'Temporary'** workman means a workman who has been engaged on temporary basis for any specified work for a specified period stipulated in the terms of employment on the completion of which his/her services shall stand terminated automatically and shall also include any workman who may be employed as an additional hand in connection with temporary increase in workload or for doing work of an urgent nature.
- 4) **'Casual'** workman means a workman who is employed for any work of an occasional, casual or intermittent nature. He will be paid only for the actual days or time worked.
- 5) **Apprentices** means a person who is undergoing apprenticeship training in a designated trade in terms of the Apprenticeship Act, 1961 and the rules framed thereunder.
- 6) **'Badli'** or 'Substitute' workman is a workman who has been appointed in the post of permanent workman or a probationer, who is temporarily absent.

#### 4. EMPLOYMENT

- A) All appointments in the service of M/s. .... (hereinafter referred to as the Industrial Establishment ) shall be made by the management at its sole discretion and responsibility. Employment of a workman shall be made on the basis of statement made by him/ her in the application on the Company's Employment Form submitted by him/her to the Unit at the time of his/her joining the Unit's service and also subject to his/her being found medically fit by the Govt. Doctor or Unit's Doctor of the establishment. The candidate shall not be required to pay any fee to the doctor for this purpose.
- B) The acceptance of employment by a candidate includes acceptance of an agreement to abide by the provisions of these Standing Orders including the rules and regulations made there under.
- C) **Service Record**
- Matters relating to service card, token, tickets, certification of service, change of residential address of workers and record of age.
- i) Service Card:- The industrial establishment shall maintain a 'Service Card 'in respect of each workman in Form I appended to these Orders, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf along with date.
- ii) Residential Address of workman:- A workman shall notify to the employer immediately on engagement the details of his/her residential address and thereafter promptly communicate to his/her employer any change of his/her residential address. In case the workman has not communicated to his/her employer the change in his /her residential address, his/her last known address shall be treated by the employer as his/her residential address for sending any communication.
- iii) Record of Age:- Every workman shall indicate his exact date of birth to the employer or the officer authorized in this behalf, at the time of entering the service of industrial establishment. The employer or the officer authorised by him in this behalf may before the date of birth of workman is entered in his/her service card, requires him/her to supply:-
- a) His/her matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority; or
  - b) A certified copy of his/her date of birth as recorded in the registers of a Municipality, Local Authority or Panchayat or Registrar of Births.
  - c) In the absence of either of the aforesaid two categories of certificates, the employer or the officer authorised by him/her in this behalf, may require the workman to supply a certificate from a Government Medical Officer indicating the probable age of the workmen; provided the cost of obtaining such certificate is borne by the employer;



- iv) The date of birth of a worker entered in the service record of the industrial establishment, shall be the sole evidence of his/her age in relation to all matters pertaining to his/her service including fixation of the date of his retirement from the service of the establishment. All formalities regarding recording of the date of birth shall be finalised within three months of the appointment of workman.
- v) Cases where the date of birth of a workman had already been decided on the date these rules came into force, shall not be reopened under these provisions.

**NOTE:-** Where exact date of birth of a workman is not available and only the year of birth is established, then the 1st July of the said year shall be taken as the date of birth.

**5. ATTENDANCE CARD /OR TOKENS, MUSTER ROLLS, IDENTITY CARDS:**

- A) The name of every worker shall be entered in the Industrial Establishment's Muster Roll clearly indicating the classification/designation/nature of work.
- B) Every worker shall mark his attendance by Biometric Machine / Attendance Punching Card/ any similar mechanism, containing particulars such as name designation and time.
- C) Every worker shall be given an identity card bearing his photograph, name, token No. and any other particular deemed necessary by the company and these identity card shall be issued as prescribed in the relevant rules made under the Labour laws and enactments.
- D) The Identity Card and/or the Gate Passes shall be non-transferable.
- E) All workers shall be at work in the establishment at the time fixed and notified in accordance with the standing instructions issued from time to time and it has to be regulated and notified as provided in Factories Act, 1948 and rules framed thereunder.
- F) The worker shall not visit other departments and places of work on route to his/her own place of work. The worker will have reasonable access to urinals and latrines as such this may not be considered as minor misconduct or any other misconduct.
- G) A workman who gives his identity card or token or attendance card to someone else, or makes any alteration in the Identity card or Token or Attendance Card or causes a change in the Identity Card or Token or Attendance Card either by himself/herself or any unauthorized person, shall be liable for disciplinary action.

H) The shift times will be regulated as provided in the Factories Act, 1948 and rules framed thereunder.

6. **ENTRY AND EXIT (For Factory Workers only)**

Every workman working in the factory shall enter and go out of the factory/ establishment by such gate(s) as may be provided for the purpose and shall get his/her attendance recorded in the attendance card in the manner notified on the notice board by the management in this behalf from time to time as provided in relevant Labour Acts & Rules.

7. **SEARCH**

The search at the entry / leaving gate or inside the factory shall be done by an authorized male / female authorized functionary of the industrial establishment for search of respective male or female workers.

8. **ATTENDANCE & LATE COMING**

All workmen shall be at their respective work-place punctually at the time fixed and notified on the notice board by the management from time to time. The absence from place of work or late coming will be regulated as per the provisions of the Payment of Wages Act, 1936, however, circumstances beyond control may be considered in such cases.

9. **DUTY HOURS**

The periods of duty hours of each category and each shift will be fixed and notified on the notice board by the management and are liable to be changed for the purpose of rotation, to suit concern of the management, subject to the provisions of the Factories Act, 1948 and rules framed thereunder.

10. **PAYMENT OF WAGES**

- A) All workmen shall be paid wages on a working day before the expiry of the seventh day of the wage period in respect of which wages are payable, if the number of workman employed by the establishment does not exceed one thousand; and before the expiry of the tenth day of such wage period in all other cases, after making recovery/deductions as are allowed Payment of Wages Act, 1936 or authorized by law to be in force from time to time.
- B) Any wages due to a workman but not paid on the usual pay day on account of their having remained unclaimed, shall be paid on unclaimed wages pay day, which shall be notified on the notice board in English and Hindi and shall be before the twentieth day from the expiry of wage period.

- C) Un-claimed wages of a deceased workman shall be paid to his legal nominee or legal heir before the expiry of third working day on which a substantiated claim is presented by his/her nominee or on his/her behalf by a legal representative, provided such a claim is submitted within three years of the death of the workman. For this purpose, a claim shall be considered to be substantiated, if it is certified by any Gazetted Office, Executive Officer local urban body or a Municipal Commissioner, M.L.A. or a Sarpanch of the village of the deceased workman. However, where a deceased workman has declared his nominee under the 'Employees Provident Fund Act/Payment of Gratuity Act, he/she will be considered as the rightful claimant to receive the unclaimed wages.
- D) All unclaimed wages shall be kept for payment to the Workman's legal heirs or legal nominee for a period of three years from the date they are due to be paid, after which these shall be remitted to the Welfare Commissioner for the purpose provided under the Himachal Labour Welfare Fund Act and rules made there under.
- E) Where the workman ceases to be in service, the wage earned by him/her and his/her other dues payable by the management, shall be paid before the expiry of the second working day from the day on which he ceases to be in the employment of the establishment, provided the workman has handed over the possession of tools, furniture, and all other articles, properties, dues if any, of the industrial establishment / unit entrusted to him/her, to the head of the section or supervisor or the Factory Manager.
- F) Where the workman ceases to be in service but does not leave the industrial establishment's accommodation in possession of his dependents he shall be liable to pay the prevailing market rent of such accommodation for the period of occupation.

**11. SHIFT WORKING:**

- A) Shift working will be regulated in accordance with the provisions of the Factories Act, 1948 and rules framed thereunder. More than one shift may work in a department or any section of a department at the discretion of the management. Notices showing the shifts working in each department shall be pasted on the notice board. It is open to the management to change the shifts and the shifts hours depending upon the exigencies of work.
- B) Worker shall be liable to be transferred from one shift to another at the discretion of the management as per provision of the Factories Act 1948.
- C) The retrenchment and re-employment shall be regulated as per the provisions of the Industrial Disputes Act, 1947 and rules framed thereunder.

**12. TRANSFER / OUTSTATION DUTIES:**

- A) Workmen shall be liable to be transferred or sent on outstation duty in connection with any work or business of the employer for such period as may



- be considered necessary.
- B) The interests of the establishment will be inconsonance with the interest of the workers, whenever transfer is warranted it will be done on well founded reasons and as far as possible the consent of the worker or workers may also be obtained. Such transfers or outstation duties shall not adversely affect service conditions, wages and other monetary benefits of the worker and such transfer/out-station duties shall be under the same employer.
  - C) The quantum of expenses will be in consonance with the expenditure likely to be incurred and reasonable amount of advance money will be paid. And an advance notice of 48 hours will be given while deputing on out station duty and in case of transfer such order will be made 10 days in advance.

13. **LEAVE**

- A) The leave with wages shall be regulated as per the provisions of the Factories Act, 1948. Casual leave, sick leave and National and Festival Holidays shall be allowed/availed and observed in accordance with the provisions of the H.P. Industrial Establishments (National and Festival Holidays, Casual and Sick Leave) Act,1969 and the Employees State Insurance Act, 1948 or better provisions shall be made as per service conditions and settlement regarding leaves and holidays.
- B) Maternity benefits and maternity leave shall be regulated as per the Maternity Benefit Act, 1961 or better provisions shall be made as per service conditions and settlement regarding leaves and holidays.
- C) (i) A workman may be granted leave without pay for a total period of one month during the calendar year. Grant of such leave shall depend on the requirements of the department in which he/she is employed and shall be at the total discretion of the management. However, in the case of sickness, if the total period of such leave granted to a worker exceeds one month in any calendar year, the manager may extend it beyond one month depending on the merits of the case. Further for granting of such leave, exigencies of employee shall also be considered along with discretion of the management, Further where the ESI Act, 1948 is applicable, the period of sickness is accordingly regulated as per relevant provisions and rules framed thereunder.  
(ii) An application for sick leave extending more than 3 days shall be accompanied by a medical certificate signed by the Medical Practitioner in the absence of the Medical Officer of the Industrial Establishment or of the Employees' State Insurance Corporation; but in case the worker happens to be outside the place, by a certificate issued by a Registered Medical Practitioner or Govt. Medical Officer.
- D) Any workman, who desires to obtain leave of absence without pay for any cause, shall apply in writing to the Departmental Officer, ordinarily one week before commencement of the leave applied for or the case may be. It shall be the duty of the Departmental Officer to pass orders on the application within 3 days of its receipt. If the leave applied for is of urgent nature, i.e., to commence on the date of the application, shall be dealt with without delay. If the leave asked for is granted, the grant of such leave shall be recorded on the application, attendance card and a leave pass will be issued to the worker. If, however, the

leave is refused or postponed, the fact of such refusal or postponement shall be expressed and explained in writing. However the condition of one week advance will not be applicable in case of sickness and in case any unforeseen circumstances.

- E) If a worker, after proceeding on leave, desires an extension thereof, he/she shall make an application in writing for the purpose, to the authority granting leave in sufficient time for the reply to reach him before the expiry of the leave already granted. A written reply either of the grant or refusal of extension of leave shall be sent to the workman through ordinary post as well as registered post or through courier, on the address supplied by him/her, otherwise on the address already given in the records of the establishment if his/her application is received before the expiry of the leave originally granted to him/her. It shall be at the discretion of the management to grant or refuse such extension keeping in view the merits of the case.

#### 14. OVERSTAY

- A) If the worker remains absent beyond the period of leave originally granted or subsequently extended, he/she shall lose his/her lien on his/her employment unless:
- i. He / She returns within 8 days of the expiry of leave: and
  - ii. Gives explanation to the satisfaction of the management of his inability to return in time and in such case, the management at its sole discretion keeping in view merits of each case, may allow continuation of his/her employment.
  - iii. A workmen not reporting for duty within 8 days of the expiry of his/her leave. The disciplinary action may be contemplated.
- B) If a workman is involved in a criminal case and unable to report for work on that account, his/her services are liable to be terminated after conducting disciplinary action.

#### 15. DEDUCTIONS

All the deductions from wages of workers shall be made in accordance with the provisions of Payment of Wages Act, 1936.

#### 16. SAFETY REGULATIONS AND PREVENTION OF ACCIDENTS

- A) Safety regulations / equipments shall be established by the occupier as provided in the Factories Act, 1948 and H.P. Factories Rules, 1950 as per standard specification provided for particular equipment / machine / process which shall be observed by the worker.
- B) In addition to the obligations as laid down in the Factories Act, 1948, all workers shall be bound to observe all other safety regulations or rules as may be notified by the management on the notice board from time to time and shall also use the

safety equipments provided for, as and when considered necessary for the safety of workers or any other person, by the management. Breach of this order shall constitute misconduct on the part of the workman concerned and shall be liable to taken disciplinary action.

- C) The appropriate garments will be provided by the management. It is obligatory for the safety of the workers working at or near a fast moving machine that no loose garments should be worn during the course of his work in the industrial establishment such as Kurta, Dhoti, Lungi etc.

**17. LAY-OFF RETRENCHMENT, CLOSURE OR STOPPAGE OF WORK AND TRANFER OF ESTBALISHMENT ETC.**

The Lay-Off, Retrenchment, Closure and Stoppage of Work and Transfer of Establishment shall be as per provisions of the Industrial Disputes Act, 1947 and The Model Standing Orders of the Industrial Employment ( Standing Order ) Himachal Pradesh Rules 1973 and Amendment Rules 1991.

**18. TERMINATION OF EMPLOYMENT AND RESIGNATION**

- A) Where it becomes necessary to terminate the services of a permanent workman due to reasons to be recorded in writing such reasons being reasons other than misconduct, retrenchment or close down, such as his being declared by the Government as a traitor or a person likely to jeopardize the safety of the establishment, and subject to the provision of the Employees State Insurance Act and Workmen's Compensation Act, 1923 or an employee who develops serious defect in the eyes-sight or hearing or mental deficiency one month's notice in writing shall be given by the management or salaries in lieu thereof to the workman concerned.
- B) The above provisions shall not however, absolve the management of their obligation to abide by the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force for the termination of services by way of retrenchment or otherwise.
- C) If a permanent workman intends to leave the service of establishment he shall give one month's notice of his intention to do so in writing to the management or may, if he wants to be relieved earlier, surrender in lieu thereof wages equivalent to the delays for which the notice falls short of one month.

**19. BEHAVIOUR**

A workman shall at all times conduct himself soberly while in the Industrial Establishment's employment and shall show all proper respect and civility to all persons having any dealings with the Industrial Establishment and shall in all such dealings, exhibit his best behavior to promote the good reputation thereof.

20. **SECRECY**

- A) No worker shall carry with him or take out from the Industrial Establishment's premises books, drawings, photographs, instruments, apparatus, documents and any other property or record belonging to the unit or relating to the Industrial Establishment's affairs, unless he is so authorized by the manager to do so in writing.
- B) No workman shall be permitted to take notes, drawings, photographs and sketches for his own use or for passing on to someone else, of any building, plant, any manufacturing process within the Industrial Establishment or any copy-right material, or any other Industrial Establishment's notes or drawings, which for the time being is in his / her possession.
- C) No worker, except in the ordinary course of his duties during service, shall disclose to any one any secret information or any other information or make copies or disclose information concerning the operation of the unit's business, which is in the nature of the trade or business secret or relating to its manufacturing process.
- D) Breach of this order shall be misconduct (major) and the workman shall be liable to punishment in accordance with these Standing Orders.

21. **EMPLOYEES TO GIVE ACCOUNT OF COMPANY'S PROPERTY ON THE TERMINATION OF EMPLOYMENT**

- A) A workman shall give an account of all papers, books, tools, and other property of the Industrial Establishment in his possession, custody or charge, at the time of his employment.
- B) The value of all shortages or damages of the Industrial Establishment's tools and other property in the workman's possession, custody or charge, shall be recoverable from him.
- C) No account shall be cleared unless the worker has vacated his quarter in the colony.

22. **RETRENCHMENT**

The management may retrench a worker or any number of workers in accordance with the relevant provisions of the Industrial Disputes Act, 1947 and rules framed there under.

23. **ACCIDENTS/PHYSICAL FITNESS AND MEDICAL CHECK UP**

- A) Medical checkup / physical fitness of the workman will be done medical Officer of the Govt. or Medical Officer of the company. The management may take appropriate action as per the provisions of the labour laws in case the worker is not medically fit. The medical examination of all workers may be carried out in

every 6 months as desired by the management and the same shall be at the cost of the management.

- B) A workman who is involved in an accident during the course of his duties, shall report such accident as soon as practically possible for him to the in charge of the department where he is detailed to work. In case he is unable to report the supervisor / incharge of the Deptt., shall report to the Factory Manager.

24. **MEDICAL AID IN CASE OF ACCIDENTS**

Where a workman meets with an accident during the course of duties or arising out of his employment, the employer /management shall, at the employer's expanse make satisfactory arrangements for immediate and necessary medical aid to the injured workman and shall arrange for his further treatment, if considered necessary by the doctor attending to him. Wherever the workman is entitled for treatment and benefits under the Employees State Insurance Act, 1948 or the Employees Compensation Act, 1923, the management shall arrange for the treatment and compensation accordingly.

25. **MANAGEMENT TO FIX STRENGTH**

It will be exclusively a management's function to fix strength of any unit, branch or department of the establishment and this strength will not be called into question by the workman. Such strength of workers shall be rationally, reasonable and in consonance with the standard design / capacity prescribed by the manufacturing standards or any other relevant standards.

26. **PROMOTION**

Promotion to workmen subject to vacancy, shall be given considering the seniority, present efficiency, past records of conduct, age, nature of job, ability and merits, besides it would be at the discretion of the management to recruit a new hand for a higher post or to promote any one from a lower rank and the same will be further subject to the provisions of the labour laws.

27. **WORKMEN NOT TO JOIN EDUCATIONAL INSTITUTION ETC. WITHOUT PERMISSION**

- A) No worker shall get himself admitted for a regular course in any educational institution or any other institution imparting technical or other training, except a social organization during the course of his employment, except with the



written permission of the management. The permission may be deferred, partially or wholly withdrawn on the bases of reasoned grounds which are to be conveyed in writing.

- B) The management may, however, grant extraordinary leave with or without pay at its discretion if exceptional circumstances are placed/ referred to the satisfaction of the management.
- C) The management may direct a worker to take training or enter into such studies on such terms and conditions as may be specified by the management in this behalf according to the experience of work. All expenses for such training shall be borne by the management.

28. **REDRESS OF EMPLOYEES AGAINST UNFAIR TREATMENT ETC.**

All complaints arising out of employment including those relating to unfair treatment, wrongful execution or wrongful application of these service conditions shall be subject to the provisions of the Industrial Dispute Act, 1947, relevant laws and rules framed there under.

29. **COMPLAINTS AND GRIEVANCES PROCEDURE**

Any workman having a cause for complaint about his work or working conditions shall have a right to present his case to the management, for investigation and consideration within two days of the arising of the cause. The procedure for its redress shall be as follows:-

Stage I - A workman desiring to raise any question in which he is directly concerned shall in the first instance discuss it with his immediate supervisor or his Sectional Head.

Stage II- Failing a satisfactory solution of his problems or grievances by his immediate supervisor or his sectional head, as the case may be, within three days the workman may request the consideration of his case by the Grievance Committee which shall be constituted as under :-

**Grievance Committee**

- a) Every industrial establishment employing shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances.
- b) The Grievance Redressal Committee shall consist of equal number of members from the employer and the workmen.

- c) The chairperson of the Grievance Redressal Committee shall be selected from the employer and from among the workmen alternatively on rotation basis every year.
- d) The total number of members of the Grievance Redressal Committee shall not exceed more than six: Provided that there shall be, as far as practicable, one woman member if the Grievance Redressal Committee has two members and in case the number of members are more than two, the number of women members may be increased proportionately.
- e) Notwithstanding anything contained in this section, the setting up of Grievance Redressal Committee shall not affect the right of the workman to raise industrial dispute on the same matter under the provisions of Industrial Disputes Act, 1947.
- f) The Grievance Redressal Committee may complete its proceedings within forty-five days on receipt of a written application by or on behalf of the aggrieved party.
- g) The workman who is aggrieved of the decision of the Grievance Redressal Committee may prefer an appeal to the employer against the decision of Grievance Redressal Committee and the employer shall, within one month from the date of receipt of such appeal, dispose off the same and send a copy of his decision to the workman concerned.

30. **MISCONDUCTS**

**(A) Major Misconducts:**

Without prejudice to the general meaning of the term “Misconduct” it shall deem and mean, of all acts of misconducts and other acts of omission specified herein below:-

1. Insubordination and or refusal to work or disobedience whether alone or with others, of any lawful and reasonable orders of superiors including the order which the manager may issue under these standing orders from time to time.
2. Theft, fraud or dishonesty in connection with the company business or property of another person’s or employee on the premises of the establishing or unauthorized retention of any property or quarter of the company.
3. Breach of any standing order or any law applicable to the establishment or any rules made there under.
4. Soliciting or collecting contribution for any purpose whatever including union dues or subscription or canvassing union membership at any time in the establishment without the written permission of the manager.
5. Engaging in trade including money lending or borrowing within the premises of the establishment.
6. Riotous, disorderly or incident behaviors or wrong fully interfering with the

- work of other employees or any improper Act, with in the establishment premise or inciting violence.
7. Damage whether willful or due irresponsible action or negligence to any plant, machinery of work in process or to any property of establishment.
  8. Disclosing to any unauthorized person any information in regard to the process or relating to business of the establishment which may come to possession of a workman during the course of his employment.
  9. Distributing or exhibiting or causing to distribute or exhibit hand bill, pamphlet, posters and/ or other things or causing to be displaying by mean of signature or writing or other visible representations of any matter with-in factory premise without previous sanction of the manager in writing.
  10. Taking or smuggling or being found in possession of any lethal weapon in toxicants, explosive material etc. in the establishment.
  11. Doing private, personal or union work within the establishment without the previous permission of the manager.
  12. Willful falsification, defacement or destruction of records of the establishment.
  13. Allowing an unauthorized person to operate his machine and operating or attempting to operate or use of any machine without specific permission or use of any machine without specific permission or instructions of the in-charge.
  14. Operating or attempting to operate or use of any machine without specific permission or instructions of the in-charge
  15. Blocking or obstruction the gate or gates of the establishment factory or office, subject to the provisions of the Industrial Disputes Act, 1947.
  16. Hunger strike with factory premises, go slow, dharna, stay in strike or to tool down for any reason whatsoever, subject to the previsions of the industrial Disputes Act, 1947.
  17. Habitual late attendance.
  18. Smoking at workshop floor and at place where smoking is prohibited.
  19. Willful or deliberate or intentional or knowingly slowing down of production or inciting other to slow down, subject to the provisions of the industrial Disputes Act,1947.
  20. Conviction by a court of law for any offence involving moral turpitude.
  21. Threatening, intimidating, insulting, abusing, using abusive language or

assaulting any superior or co-worker in connection with the establishment business, either inside or outside the factory.

22. Tampering with any safety devices installed in the establishment or not following the given instructions pertaining to safety or refusal to use safety apparatus/equipment provided by the management.
23. Drunkenness or intoxication or gambling during the course of duties.
24. Willful absent from duty or making application for leave on false grounds.
25. Unauthorized occupation or use of company quarter, telephone, conveyance or other property.
26. Sexual harassment which includes such un-welcome sexual determined behavior (whether directly or by implication) as-
  - I. Physical contact and advances; or
  - II. Demand or request for sexual favours; or
  - III. Sexually coloured remarks; or
  - IV. Showing pornography ; or
  - V. Any other un-welcome physical, verbal or non-verbal conduct of sexual nature.

26-A Provided that where there is a complaint of sexual harassment within the meaning of above sub-clause (29.26), the Complaints Committee constituted under sub-paragraph (29.26-B) in each establishment for inquiring into such complaints, shall deemed to be inquiring authority appointed by the employer for the purpose of these rules. The complaint committee shall hold the inquiry, unless separate procedure has been prescribed for the complaints committee for holding such inquiry into the complaints of procedure laid down in these rules.

(29.26B) the complaints committee shall consist of –

- a) A chairperson who shall be a woman;
- b) Two members representing non- government organization (NGO) or any other body which is familiar with the issue of sexual harassment or nominees of the National or State Human Rights Commission or the National or State Commission for woman familiar with the issue of sexual harassment, To be nominated by the employer:

Provided one of the two members of the Complaints Committee shall be a woman.

(29.26C) The complaints Committee shall make and submit every year an annual report, to the appropriate Government, of the complaints and action taken.

(29.26D) The employers or their agents shall report, to the appropriate Government, on the compliance of the guidelines issued by the Central Government in pursuance of the directions of the Supreme Court in Writ Petition (Criminal) Nos. 666-670 of 1992(Vishaka V. State of Rajasthan and Others) including on the reports of the Complaints Committee

**(B) Minor Misconducts:**

- i. Late or irregular attendance.
- ii. Absence from duty without leave and without sufficient justification for any period less than 10 days.
- iii. Overstaying sectioned leave without sufficient justification for any period more than 10 days.
- iv. Neglecting work or negligence in the performance of duties.
- v. Sleeping, napping/dozing during working hours.
- vi. Refusal to work on a job or assignment of similar nature without giving adequate reasons for the same.
- vii. Holding a meeting inside the premises of the establishment without the previous permission of the manager or except as permitted by law.
- viii. Failure to show consideration or attention to officers, customers or other employees of the establishment or unseemly behaviors during the course of duties.
- ix. Borrowing money from a subordinate.
- x. Refusal to undergo training in first aid, fire fighting and air raid precautions without any cogent reasons.
- xi. Refusal to receive official communication.

**31. PROCEURE FOR DEALING WITH CASES OF MAJOR MISCONDUCTS AND PUNISHMENT**

**A) PUNISHMENTS**

Against a workman found guilty of any major misconduct, the following punishments can be awarded by the management after holding proper enquiry, taking into consideration the act(s) of misconduct (s) so proved:

- 1) Dismissal or discharge from service.
- 2) Break in service and loss of benefits of past service
- 3) Demotion to the next lower cadre.
- 4) Stopping or with-holding of increment and promotion for a period up to two



- years.  
5) Warning, reprimand or censure.

B). **PROCEDURE OF ENQUIRY AND PUNISHMENT FOR MAJOR MISCONDUCT:**

No order imposing any of the penalties specified in clause 30(A) other than those specified in clause 32 shall be made except after an enquiry, in the manner provided in this rule:-

- a) The employer or the manager or a person authorized by the employer or the manager shall give to concerned worker a charge sheet clearly setting forth the charges of misconduct and circumstances appearing against him and requiring his explanation.  
b) The worker shall be given at least ten days for submitting his explanation.

Provided that such time may be extended for a maximum period of fifteen days after the expiry of 10 days, if cogent reason are advanced by the worker for seeking an extension.

**Note:-** A show cause notice making details of the misconduct and requiring the explanation may be treated as charge sheet.

- c) In case the worker fails to submit his explanation within the prescribed time or extended time allowed to him or whether the explanation submitted by him is not found satisfactory, the employer or the manager or the person authorized by the employer or by the manager shall appoint a person to hold an enquiry and issue a notice containing the name of the enquiry officer, date time and place of enquiry. The enquiry officer may be from within or outside the establishment.

Provided:- That in case the workman admits in writing the charges leveled against him and the employer is satisfied that such an admission is voluntary, it shall be open to employer or the manager to award any one of the punishment provided in clause 30 without holding any inquiry.

- d) While holding the inquiry, first of all the evidence produced by the employer against the concerned worker shall be recorded and the accused worker shall be given full opportunity to cross examine the witness produced by the management against him. After that the detailed statement of the accused employee shall be recorded in respect of all the evidence in defense. In case he does not want to produce any evidence in defense, the inquiry officer shall record his statement to that effect. If he wants to produce evidence in defense, it shall be recorded. Defense witnesses may be cross examined by the management's representative.  
e) The inquiry officer may ask any question to the witnesses or the accused worker in the interest of justice;

- f) If the worker makes a request, the inquiry officer shall issue a written requisition to the employer to produce before him any documents or information in his custody, which is considered relevant or necessary for the purpose of the enquiry. The employer shall produce the documents or information unless production of the documents is prejudicial to the interest of the establishment.
- g) The concerned worker, if he makes a request, shall be furnished with the certified copies of the documents, statements and depositions sought to be relied on as evidence against him before he is called upon to make his submission to enquiry officer during the inquiry.
- h) The accused worker may mention any employee of the establishment as defense witness. The inquiry officer shall call him to give evidence unless for reasons to be recorded in writing, he considers his evidence to be irrelevant.
- i) During the inquiry proceedings the concerned worker shall be permitted to be assisted/ defended by a fellow worker who must be an employee of the establishment. The worker defending shall be given necessary time for the conduct of the inquiry. No outsider will be permitted to represent the workmen during inquiry proceedings.
- j) The inquiry officer shall on the conclusion of the inquiry, submit his report in writing giving his findings with reasons thereof to the authority, which had appointed the inquiry officer.
- k) In case the management decides to impose any of the major punishments on the accused employee on the basis of the finding of the inquiry officer it shall supply a copy of the report of the inquiry officer to the accused worker for his comments.
- l) If the reply given by the accused worker is not found to be satisfactory, the employer shall pass appropriate order of punishment against the worker. A copy of this order shall be given to the concerned worker immediately.

The worker may appeal against the order so passed to the higher authorities or take legal course of action.

**Note:-** Any notice, order, charge sheet or intimation under these orders which is meant for an individual worker shall ordinarily be in English (or) Hindi unless a specific written request is made by the concerned worker, to be provided in a language other than English. In case of an employee who is absent, such a notice

shall be sent to him by registered notice with acknowledgement on his last known address as per office record.

32. **PROCEDURE FOR AWARDING PENALTIES FOR ACTS OF MINOR MISCONDUCT**

Where an allegation of a minor misconduct is alleged against a workman, he shall be called upon to explain his position. He shall be given one week's time to submit his explanation. The Manager shall, after considering the reply received from the workman and taking into account the gravity of circumstances that may exist, decide whether the workman deserves any punishment and if so, pass orders accordingly. The management may, in special circumstances, hold an inquiry into the allegations after serving him with a proper charge-sheet and following the procedure as per clause 31-B of these rules. The worker may appeal against the order so passed to the higher authorities or take legal courses of action.

33. **SUSPENSION**

A workman against whom any action is proposed to be taken may be suspended pending inquiry or for the periods, if any, given to him for submitting his explanation. The order of suspension will take effect immediately on its communication to the workman and it shall be formulated as per the provisions of Model Standing Orders.

- 1) Where the inquiry contemplated or pending is departmental, the subsistence allowance shall for the first 90 days from the date of suspension, be equal to half or 50% of the wages to which the workman would have been entitled to if he was on leave with wages. If it exceeds 90 days and gets prolonged unless the inquiry has been delayed because of default of the worker and worker continues to be suspended, the subsistence allowance shall for the period exceeding 90 days, be equal to  $\frac{3}{4}$ th or 75% of wages provided further that during the period of suspension.

The management has the right to ask the concerned workman for marking his attendance every day at the appointed time and place so stipulated in the written orders issued to him and if the workman fails to do so, he shall not be entitled for suspension allowance.

- 2) If on the conclusion of the inquiry or of the criminal proceedings, the workman concerned is found guilty of the charges framed against him and it is considered that an order of dismissal or suspension or fine or stoppage of annual increment

or reduction in rank or any other punishment would meet the ends of justice, the management/manager shall pass an order accordingly.

- 3) If a workmen is found guilty under the above clause and it is considered that the period of suspension up to the conclusion of the enquiry is sufficient punishment, orders shall be passed to reinstate the workman treating the period of suspension as punishment without further payment for this period except the suspension allowance admissible under these standing orders.
- 4) If on the conclusion of the enquiry proceedings, the workman has been found not guilty of any charges framed against him, he shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages and other service benefits as he would have received if he had not been placed under suspension.
- 5) The payment of subsistence allowance under the standing orders shall be subject to the suspended workman concerned not taking up any employment anywhere else during the period of suspension and presenting himself on each working day at the entrance gate of the industrial establishment at the time specified in the suspension order by the Manager. The suspended workman shall accept all the communications addressed to him by the management.
- 6) In awarding any punishment under these standing orders, the management may take into account the gravity of the misconduct, the previous record, if any.
- 7) All orders of dismissal or any other punishment shall be made in writing by the manager.
- 8) A copy of the order passed by the management / manager shall be supplied to the workman concerned and it shall take effect from the date specified therein.
- 9) A workman dismissed for misconduct shall be paid his dues before the expiry of second working day, provided the worker has immediately delivered to the authorized person all the property or belongings of the management in his possession. The residential accommodation or other accommodation allotted to him, will be handed over to the management within 15 days.

34. **END OF EMPLOYMENT OF A WORKMAN.**

- A) Service of a permanent workman shall be liable for termination at any time by

giving one month's notice or pay in lieu thereof subject to provisions of applicable labour laws. Likewise, a permanent workman shall be liable to give similar notice or shall have to surrender pay in lieu thereof in the event of his desiring to leave the service of his own accord.

- B) A workman who has served a notice of resignation he may be relieved of his appointment at any time after he has given notice even before its expiry, with mutual consent, a discharge slip will be given to him to enable him to have accounts cleared. The due wages to such a workman must, if possible, be paid on the day he is relieved and in any case, following days after the expiry of the notice of the date of relieving. If relieved earlier, in case the worker has in his possession any property or belongings of the unit, will deliver the same immediately to the unit within the expiry of two days period from the date of acceptance of resignation.
- C) The resignation can be withdrawn at any time during notice period till it is not accepted by the management.
- D) The punishment shall be as per legal provisions, proportionate to misconduct and as per natural justice.

**35. DISMISSAL**

- A) A workman shall be liable to dismissal for misconduct, in pursuance of an inquiry or an employee has been convicted by a court of law.
- B) While awarding the punishment of dismissal, the management shall take into account the gravity of the misconduct, the previous record, if any, of the workman and gravity circumstances or misconduct that may exist.
- C) The punishment shall be as per legal provisions, proportionate to misconduct and as per natural justice.

**36. SERVICE OF NOTICE**

Any notice of general nature or individual notice once refused by the addressee, such memo or letter shall be pasted on the notice board at or near the place of the worker and shall be deemed to have been personally served on the worker concerned. All notices required to be pasted under these standing orders shall



be in English and Hindi and in a language which is understood by the majority of workers and shall be kept in legible and clean condition and in case of conflict of interpretation in English and Hindi or any other language version, the one in English shall prevail.

**37. METHOD OF SERVICE**

In case an employee refuses to accept or evade any communication under these standing orders when offered to him by hand, such a communication shall be sent to him under Registered post at his last known address and a copy of the same put on the notice board.

**38. MAINTENANCE OF DISCIPLINE**

Maintenance of discipline in the industrial establishment shall be the sole responsibility of the management and under no circumstances any act of misconduct shall be tolerated at the cost of discipline. All workers are expected to carry out the orders of their supervisor in good faith and to the best of their responsibility.

**39. RETIREMENT**

- A) Every permanent workman shall superannuate on the date he/she:
  - i) Attains the age of 60 years; or
  - ii) Is declared permanently medically unfit to do any job available with the management and accepted by the worker.
- B) The management may, in its discretion, re-employ a workman and such re-employment shall be purely on contractual basis for specified period.

**40. GRATUITY**

All workmen shall have the benefit of gratuity as per Payment of Gratuity Act, 1972 and rules framed there under or any other relevant law.

**41. CERTIFICATION OF SERVICE**

Every permanent workman shall be entitled to a service certificate at the time of his dismissal, discharge or retirement from service. Every workman shall be entitled to a service certificate after cessation of his employment on demand and as per the provision of the Model Standing Orders.

42. **LIABILITY OF THE MANAGER**

The Manager/Factory Manager of the establishment shall be held personally responsible for the faithful observance of these standing orders.

43. **EXHIBITION OF STANDING ORDERS**

- 1) A copy of these Standing Orders in English or Hindi or language understood by the majority of workmen shall be pasted at the Manager's office as well as on a notice board maintained at or near the main entrance of the industrial establishment marked "Standing Orders" and shall be kept in a legible condition.
- 2) In case of any conflict in the meaning of the Standing Orders in English or Hindi language, the English text shall be taken to be authentic.

\* \* \* \* \*

**“ FORM – 1 ”**

(See clause 4- (C)

**SERVICE RECORD**

Name of Industrial Establishment/ Factory :

Ticket/Token No. :

1. Register Serial No.
2. Name
3. Specimen Signature/Thumb- impression
4. Father's or Husband's Name
5. Sex
6. Religion
7. Date of birth
8. Place of birth
9. Date of joining
10. Details of Medical Certificate at the time of joining
11. Educational and other qualification
12. Can read
13. Can write
14. Can Speak
15. Height
16. Identification marks
17. Category of workman
18. Department
19. Details of family members
20. Permanent address
21. Local address
22. Quarter No.
23. Life insurance Policy No.
24. provident Fund Account No.
25. Nominee of gratuity
26. Nominee of pension, if any
27. Employee State insurance No.
28. Training courses attended (details)
29. Eligibility for higher jobs

30. Proficiency tests passed.

31. Employment History ( as per following table):-

Department	Token No.	Designation	Pay Scale	Date of Joining	Date of Leaving	Reason

32. Absence Period( as per following table):-

From	To	Reason	Medical reports regarding suitability for continued employment.

- (i) Sick Leave
- (ii) Earned Leave
- (iii) Any Other Leave

33. Maternity Benefit

34. Workmen's Compensation

Details of accidents:

35. Details of Disciplinary Action

36. Promotions

- (i) Details
- (ii) Awards
- (iii) Issue of Certificate of commendation

37. Date of superannuation

38. Any other matter.

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