

DADRA AND NAGAR HAVELI INDUSTRIAL EMPLOYMENT MODEL STANDING ORDERS, 2005

1. No. Government Of India EXTRAORDINARY (SERIES SILVASSA 130' 2005 / 22, 1927 No. 165 Dadra and Nagar Haveli, Labour Department Silvassa. & Dadra and Nagar Haveli was of the opinion that in the interest of the Industrial Employees (Standing 1946 (Act No. XX of 1946). It is for all industrial establishments in which twenty or more workers are employed on or after the 01st day of the pre-constitution of the State and to prescribe a scale of rates of wages to be paid to the workers employed on or after the 01st day of the pre-constitution of the State published as required by proviso to sub-section (3) of Section 5 of the Industrial Employment (Standing Orders) Act, 1946 in the Gazette, of Dadra and Nagar Haveli, (Standing Orders) Act, notified, No. dated 2/05/2003, for persons likely to be affected thereby on or before the expiry of six months from the date of publication of the said Notification in the Official Gazette. Whereas the said Gazette was available to public on 13th May, 2005. And who the objections and suggestions received from the public on the said draft have been taken into consideration of the powers conferred by proviso to sub-section (3) of Section 5 of the Industrial Employment (Standing Orders) Act, 1946. and after having considered the objection/ Advertisements (Dadra and Nagar Haveli & Dadra and Nagar Haveli is hereby directed to D. & N. I. EXTRAORDINARY GAZETTE 21st November 2003 in the Act and prescribe a separate Model Standing Orders for the industrial in which twenty or more workers are employed on any day of the calendar month and is further pleased to set out the following Model Standing Orders Short these Orders may be called the Dadra and Nagar Haveli Industrial Employment Model Orders, They shall come into force with effect from the date of their publication in the Official Gazette.

Classification of Workers Workers shall be classified as A worker who has been engaged on a permanent basis or who has been appointed on a permanent basis. (i) satisfactorily completed his probation period no appointment letter is issued or where the worker has been appointed on probation no letter of confirmation is issued at the end of the probation period, the worker shall be deemed to be a permanent worker. (ii) vacancy but Probationer A worker who has been employed to fill a vacancy provided that the period of probation shall be one year may be extended by three months at a time, however, that the total period of probation shall not exceed eighteen months. (iii) If the employer fails to issue a letter of confirmation at the end of the probation period mentioned in the proviso the worker shall be deemed to have been confirmed. (iv) Temporary A worker who is engaged for a fixed term work which is temporary or for temporary increase in normal work A person appointed under the provisions of the Apprentices Act, (v) Apprentice trainee A person appointed for the purpose of being trained provided that such (v) worker shall be paid at the same rate as temporary worker, - A person who is appointed to work in the place of a regular or temporary worker who is on leave of absence. Every worker shall be issued token number or identity card containing his name, his Father's name, address, name of the establishment where he is employed, his designation, and classification such as permanent, probationer and so on. THE D. & N. I. EXTRAORDINARY GAZETTE Appointment Letter worker shall be issued appointment letter containing the following details: (i) Name of worker (ii) Name of the establishment (iii) Residential Address - Local & Permanent (iv) Designation (v) Date of appointment (vi) Classification (vii) Terms of Appointment (viii) Provision for Social Security Purposes -) The letter of appointment shall be issued by a person duly authorized in this behalf by the employer or the Managing Director. The working hours of the establishment shall be (here give details of the hours of the establishment and also of the worker) and any change in this regard shall be communicated to the worker 24 hours in advance. All workers shall be at work at the time fixed and notified. Workers attending late would be liable for deductions of wages. For the work, beyond normal working hours overtime wages shall be paid to the workers as prescribed in the Law on Hours of Work, Leave & Other Working Conditions at the Workplace at double the rate or his normal wages on a hourly basis. Shift Working Workers may be required to work in shifts, provided that no worker shall be required to work continuously for more than five days in the night shift. Every worker who has worked for 240 days or more shall be allowed during the subsequent calendar year one day's earned leave with wages for every 20 days work in case of establishments above ground and one day's earned with wages for 15 days work in case of a worker working in a mine where the work is carried on below ground, provided that the employer may allow leave on a pro rata basis to the workers even before the completion of one year. A worker who desires to go on leave shall apply to the employer or any

other office of the establishment specified by the employer who shall issue orders on the application within a week of its submission or two days prior to commencement of leave applied for the order and where the leave application is made three days before its commencement, shall be given on the same day and if the leave is refused or postponed, the fact of such refusal or postponement shall be recorded in writing in the register to be maintained for the purpose and the worker shall be supplied with a copy of the entry made in the leave. If the worker desires an extension thereof he shall apply to the employer or to the specified officer who shall send a written reply either granting or refusing extension of leave to the worker at the address maintained in the record or given in the original application for leave. 8

10. CASUAL LEAVE, SICK LEAVE AND ANNUAL LEAVE. (1) If the worker is absent more than 15 days beyond the period of leave originally subsequently extended, he shall lose the lien on service unless he explains to the satisfaction of the employer his inability to return before the expiry of his leave. (Casual Leave and Sick Leave) (2) A worker shall be allowed 8 days casual leave in a year. Casual leave shall not be granted for more than three days at a time except in case of sickness. The casual and sick leave is intended to meet special circumstances which cannot be foreseen. Ordinarily previous permission of the employer or the Head of the Department or Section shall be obtained before availing such leave and where the same is not possible the Head of the Department shall be informed as soon as is practicable. (3) Every establishment shall observe 8 holidays in a year. Out of which 3 would be National Holidays, i.e. Republic Day, Independence Day & Ganesh Jayanti and the remaining holidays and notified to the workers by displaying the same on the notice board to be declared every year. (4) Attendance All workers shall be at the workplace specified [for them and shall not leave the place or work hours without permission (during working hours or without sufficient reasons and any unauthorized absence shall be treated as absence. (5) In case of deductions being made the wages pro-rata to the period of absence. (6) The employer may in the event of breakdown of machinery, stoppage of power supply or raw material or any other reason stop the working of the establishment and in the event of such stoppage the workers shall be notified by notice put up on the notice board. The workers shall be required ordinarily to remain within the establishment after commencing stoppage for 2 hours unless the employer has declared the day off. In the event of lay off or if not more than 2 hours are not required after remaining 2 hours in the establishment they shall be paid the lay off compensation. In case the lay off continues for more than 45 days the employer may retrench the workers as per law on the subject. (7) Termination of Service (2) (3) For termination of employment of a permanent worker a one month notice shall be required to be given either by the employer or the worker or either party may make payment wages for one month in lieu of the notice period. No notice shall be required by either side for termination of employment of a temporary, probationer or a casual worker unless the termination is on account of misconduct. (4) Where an employment of any worker is terminated or he or she quits, the wages earned by him or her and the other dues shall be paid before expiry of 48 hours of termination or as the case may be quitting of employment. (5) Discipline A worker shall be entrusted to them by the management from time to time. All workers shall maintain discipline in the establishment and with respect to the work of the establishment. (6) Following are the acts or omissions which shall be treated as (a) (b) (c) (d) (e) (f) (g) (h) (i) (j) (k) (l) (m) (n) (o) (p) (q) (r) (s) (t) (u) (v) (w) (x) (y) (z) (aa) (ab) (ac) (ad) (ae) (af) (ag) (ah) (ai) (aj) (ak) (al) (am) (an) (ao) (ap) (aq) (ar) (as) (at) (au) (av) (aw) (ax) (ay) (az) (ba) (bb) (bc) (bd) (be) (bf) (bg) (bh) (bi) (bj) (bk) (bl) (bm) (bn) (bo) (bp) (bq) (br) (bs) (bt) (bu) (bv) (bw) (bx) (by) (bz) (ca) (cb) (cc) (cd) (ce) (cf) (cg) (ch) (ci) (cj) (ck) (cl) (cm) (cn) (co) (cp) (cq) (cr) (cs) (ct) (cu) (cv) (cw) (cx) (cy) (cz) (da) (db) (dc) (dd) (de) (df) (dg) (dh) (di) (dj) (dk) (dl) (dm) (dn) (do) (dp) (dq) (dr) (ds) (dt) (du) (dv) (dw) (dx) (dy) (dz) (ea) (eb) (ec) (ed) (ee) (ef) (eg) (eh) (ei) (ej) (ek) (el) (em) (en) (eo) (ep) (eq) (er) (es) (et) (eu) (ev) (ew) (ex) (ey) (ez) (fa) (fb) (fc) (fd) (fe) (ff) (fg) (fh) (fi) (fj) (fk) (fl) (fm) (fn) (fo) (fp) (fq) (fr) (fs) (ft) (fu) (fv) (fw) (fx) (fy) (fz) (ga) (gb) (gc) (gd) (ge) (gf) (gg) (gh) (gi) (gj) 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confidential information in regard to the working or process of the establishment which may come, into the possession of the worker in the course, 'If his work (x) Refusal (or any order not in accordance with) under the Standing Orders shall be made unless the worker has been given an opportunity of being heard. Where a disciplinary proceeding against a workman is contemplated and where the presence of such workman is likely to, in the opinion of the employer, create an indiscipline or jeopardise the investigation into alleged misconduct, the employer may suspend the workman pending the pendency of suspension, the worker shall be paid subsistence allowance at the rate of 50% of the wages for the first three months and 75% of wages thereafter and if after enquiry, the charges levelled are not proved, the workman will be entitled to full wages. Provided further that if the delay in completion of proceedings and enquiry into attributable to the subsistence allowance shall not exceed 50% of his wages. Where a worker is found guilty of misconduct after an enquiry, the employer may award a period of not more than 15 days or stoppage of increments or debarment or dismissal depending on the gravity of the misconduct, Provided that no such punishment shall be imposed without giving an opportunity to the worker to explain his position except if he or she is only warned. If a worker is arrested on charge of or of a criminal offence (of moral turpitude), the employer suspend the worker without pay till such time the worker is honourably acquitted and when the worker is held guilty and sentenced, the employer may terminate the services of such a worker.

13. Payment of Wages (1) The employer shall specify a wage period and the date on which wages shall be paid provided that no wage period shall exceed one month. (2) Wages to monthly paid workers shall be paid by the seventh day of the succeeding month and in other cases as per provisions of Wages Act. Transfer Every worker shall be liable for transfer from one department to another and from one unit to another provided such units are under the same management.

17. Retirement of worker will be liable to retirement on attaining the age of superannuation, i.e. 58 years. that a worker may be retired earlier on medical grounds. Certificate of Termination of Service. Permanent worker shall be entitled to a service certificate at the time of his dismissal, employee relationship for any other discharge, resignation or on termination of reason or retirement from service. Providing of Standing Orders to the workers. These Standing Orders shall be given to every worker along with the appointment. By order and in the name of [The Administrator, Daman & Diu and Dadra and Nagar Haveli. (SATNAM SINGH) •Deputy Secretary (Development) Printed and Published by Asstt. Director. (P. Ig. & Statistics) of Govt. Printing Press, Silvassa- PRICE Rs. 07-00