

THE INDUSTRIAL EMPLOYMENT(STANDING ORDER) ACT,1946

The object of the industrial employment (standing order) act, 1946 applicable to the industrial employment of West Bengal is to have uniform standing orders for the employees in the establishment.

This Act initially applied to those industrial units having more than 100 workmen, but after an amendment in 1982 it is applicable to unit having less than 100 workmen. The main objectives of this Act, besides maintaining harmonious relationship between the employers and the employees are to regulate the conditions of recruitment, discharge disciplinary action, leave, holidays etc. of the workers employed in industrial establishment.

Employer shall submit 5 copies of proposed Standing Order to the certifying officer for approval. While making draft Standing Order, it should be in conformity with the Model Standing Order applicable to the particular establishment. Normally it contained the followings:

- a) Classification to workmen
- b) Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates,
- c) Shift working,
- d) Attendance and late coming,
- e) procedure of applying leave & approval, requirement to enter premises by certain gates,
- f) liability to search,
- g) Closing and reopening of section of the industrial establishment, and temporary stoppage of work and the rights and liabilities of the employer and workmen arising thereof
- h) Termination of employment, and the notice thereof to be given by the employer and workmen
- i) Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct,
- j) Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants & k) Any other matter which may be prescribed.

F. A. Q.

1. What is the Object of the Industrial Employment (Standing Orders) Act,1946 ?
 - A. The object of the Industrial Employment (Standing Orders) Act, 1946 applicable to the industrial employment of West Bengal is to have uniform Standing Orders for the employees in the establishment.
2. What are the main aims of this Act ?
 - A. The other objects of this Act are :-
 - (i) To maintain harmonious relationship between the employers and the employees.
 - (ii) To regulate the conditions of recruitment & discharge of the workman.
 - (iii) To initiate disciplinary action and also
 - (iv) To maintain leave, holidays etc..of the workers employed in the industrial establishment
3. Where is it applicable?
 - A. This act initially applied to those industrial units having more than 100 workers but after an amendment in 1982, it is applicable to unit having less than 100 workers.
4. What are the matters to be provided in the Standing Order under this Act?
 - a) Classification of workmen:-permanent, temporary, apprentice, probationer, badlies etc.

- b) Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates: – shall be exhibited in English and in the principal languages of workmen in notice board, time office and near the main entrance of the establishment.
- c) Shift working
- d) Attendance and late coming
- e) Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
- f) Requirement to enter premises by certain gates, and liability to search.
- g) Closing and reopening of section of the industrial establishment, and temporary stoppage of work and the rights and liabilities of the employer and workmen arising therefrom.
- h) Termination of employment, and the notice thereof to be given by the employer and workmen.
- i) Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.
- j) Means of redress for workmen against unfair treatment or wrongful exactions by the employers or his agents or servants.
- k) Any other matter which may be prescribed.

5. What are the different types of leave?

A. There are two types of leave:

(a) casual leave – 10 days may be granted with or without pay not exceeding 10 days in the aggregate in a calendar year and such leave cannot be allowed more than 3 days at a time except sickness.

(b) Earned leave: - 1(one) day in every 20(twenty) days subject to maximum 14(fourteen) days in a calendar year. Workman attendance below 240 days in a calendar year will not be entitled for such leave.

6. Whether holidays are with pay leave?

A. Yes, Holidays with pay will be allowed as per Factories Act, 1948.

7. Is the shift working changeable?

Yes, Shift working may be changed/discontinued with 2 (two) months notice in writing to the workmen.

8. What are the acts or omission which contributes misconduct?

A. The following acts and omissions shall be treated as misconduct –

- a) Willful insubordination or disobedience, whether alone or in combination with others to any lawful and reasonable order of a superior,
- b) Theft, fraud or dishonestly in connection with the employer ' s business or property,
- c) Wilful damage to or loss of employer's goods or property,
- d) Taking or giving bribes or any illegal gratification,
- e) Habitual absence without leave or absence without leave for more than 10 days,
- f) Habitual later attendance,
- g) Habitual breach of any law applicable to the establishment,
- h) Riotous or disorderly behaviour during working hours at the establishment or any act subversive or discipline,
- i) Habitual negligence or neglect of work,
- j) Frequently repetition of any act or omission for which a fine may be imposed to a maximum of 2 percent of the wages in a month,
- k) Striking work or inciting others to strike work in contravention of the provisions of any law, or rule having the force of law.
- l) Sexual harassment which includes such un-welcome sexual determined behaviour (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.

9. How to approve this Standing Order ?

A. Employer shall submit 5 (five) copies of the proposed Standing Order to the Certifying Officer for approval. While making draft standing order, it should in conformity with the Model Standing Order applicable to the particular establishment.