

Highlights of the Draft Model Standing Orders for the Manufacturing Sector, Mining Sector and Service Sector, 2020*

Pursuant to Section 29 of the Industrial Relations Code, 2020 the Central Government has published the Draft Model Standing Orders for the Manufacturing Sector, Mining Sector and Service Sector. Keeping in view the needs of the services sector, a separate Model Standing Orders for Services Sector has also been prepared first time.

The highlights of these Model Standing Orders are as follows:-

- Where an employer adopts a Model Standing Orders of the Central Government with respect to matters relevant to his industrial establishment or undertaking, then, such model standing order shall be deemed to have been certified.
- The model standing orders adopted in respect of an industrial establishment shall also be applicable to all other industrial units of the industrial establishment irrespective of location.
- Uniformity has been maintained in all the three Model Standing Orders while providing some flexibility considering the sector-specific requirements.
- All the three Model Standing Orders encourage employer for use of information technology in dissemination of information to the workers through electronic mode.
- To provide safeguard to IT industry, “Involvement in unauthorized access of any IT system, computer network of the employer/ customer/client” has been prescribed as a misconduct.
- The concept of “Work from home” has been formalized in the Model Standing Orders for Service Sector.
- The Model Standing Orders for Services Sector inter alia provides that in case of IT Sector, the working hour shall be as per agreement or conditions of appointment between employer and workers.
- “Habitual” with respect to indiscipline has been defined if the worker found guilty of any misconduct three or more times in preceding twelve months.
- Rail Travel Facility has been extended to the workers in the mining sector. Presently, it is being availed by the workers in coal mines only.

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- Model Standing Orders extend to all States and Union territories within India to the industrial establishments employing three hundred or more number of workers who are working in the industrial establishments, and which are covered under the Occupational Safety, Health and Working Conditions Code, 2020 and the rules made thereunder, under the control of Central Government or the State Government engaged in manufacturing sector and mining sector as well as service sector.
- According to Draft Model Standing Orders, the workers are classified as:
 - Permanent;
 - Temporary;
 - Apprentices;
 - Probationers;
 - Badlis; and
 - Fixed Term Employment
- All workers belonging to any categories under the Code on Industrial Relations, 2020 shall be issued an identity badge or card bearing his full name, employee number, blood group, mobile number, if any, and a recent photograph.
- The periods of hours of work and wage rates for all categories of workers shall be exhibited on the notice board or Electronic Notice Board and on the Human Resource Portal of the industrial establishment, if any, from time to time in Hindi, English and in the local language majority of workers in industrial establishment are conversant.
- Model Standing Orders also covers Shift working; Notice of changes in shift working; Attendance and Late Coming; leave; Casual Leave.
- All payment including wages to the workers shall be paid by crediting in the bank account of worker on electronic mode or digital form. Intimation to the payment made to a worker shall be sent to him through Short Messaging Service (SMS) or e-mail or social media communication, such as, WhatsApp or by issuing a slip.
- Every industrial establishment shall maintain a service card in respect of each worker electronically or in manual form, wherein particulars of that worker shall be recorded with the knowledge of that worker in Form I. In case of manual maintenance of service card, the record shall be duly attested by an officer in this behalf together with date.
- Model Standing Orders also covers Conditions regarding Confirmation; Age of retirement; Transfer; Medical aid in case of accidents; Medical Examination; Secrecy; Exclusive Service ;Stoppage of work.
- Subject to the provisions of the Industrial Relations Code, 2020 and the rules framed thereunder, for terminating employment of a permanent worker, prior notice of one month shall be given or the worker shall be paid wages in lieu of such notice period.

- No temporary worker whether monthly rated, weekly rated or piece rated, and no probationer or badli or fixed term employment worker as a result of non-renewal of contract or employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated.
- Draft Model Standing Orders provides for Disciplinary action for misconduct and also state the act which shall denote misconduct such as theft, fraud, or dishonesty in connection with the employer's business or property, taking or giving of bribes or an illegal gratification etc.
- All complaints or grievances arising out of employment including those relating to unfair treatment or wrongful exaction on the part of the employer or his agent, shall be submitted to the Manager or person specified in this behalf with the right to appeal to the employer.
- The employer of the industrial establishment shall be responsible for the proper and faithful observance of the Standing Orders. The workers shall also observe the Standing Orders truly and faithfully.
- If the employer adopts the model standing order of the Central Government referred to in section 29 of the Industrial Relations Code, 2020, he shall intimate the concerned certifying officer electronically the specific date from which the provisions of the model standing orders have been adopted.
- A copy of the Standing Orders in Hindi, English and in the local language majority of workers in a factory are conversant with, shall be displayed on the notice board or electronic notice board and Human Resource portal of the industrial establishment, if any.
