

The Industrial Employment (Standing Orders) Act, 1946

1. Short title, extent and application.—

This Act may be called the Industrial Employment (Standing Orders) Act, 1946. It came into force on and from 23 April 1946.

2. Scope of this act:

It extends to the whole of India:

It applies to every industrial establishment wherein one hundred or more workmen are employed, or were employed on any day of the preceding twelve months: Provided that the appropriate Government may, after giving not less than two months' notice of its intention so to do, by notification in the Official Gazette, apply the provisions of this Act to any industrial establishment employing such number of persons less than one hundred as may be specified in the notification.

Nothing in this Act shall apply to—

(i) any industry to which the provisions of Chapter VII of the Bombay Industrial Relations Act, 1946 (Bombay Act 11 of 1947) apply; or

(ii) any industrial establishment to which the provisions of the Madhya Pradesh Industrial Employment (Standing Orders) Act, 1961 (Madhya Pradesh Act 26 of 1961) apply:

Applicability of the Act

The Act applies to all industrial establishments involving 100 or more workers under Section 1(3). **Under section 2(i) Industrial Establishment are the following entities are listed below:**

- An industrial establishment as specified in section 2(i) of Payment of Wages Act.
- Factory as explained in section 2(m) of Factories Act.

- Railway Industry
- Establishment of contractor who employs workers for fulfilling the contract with the owner of an industrial establishment under section 2(e).
- Workman as specified under section 2(s) of Industrial Disputes Act.

Under Section 2(i) workman covers skilled, unskilled, manual or clerical work.

However, workman does not include employees engaged in a managerial or administrative capacity or supervisory capacity and also it does not include workers subject to Army Act, Navy Act or Air Force Act or police or prison services.

Objectives of Standing Order Act

Starting with the very objective the Standing Orders Act, out of which there are three. The first objective states that the act is to provide regular standing orders for factories, workers and the main professional or working relationship.

The second aim is to ensure that all employees recognize their employment terms and conditions they are expected to follow or adhere to. This is to help minimize the exploitation of workers against their will and knowledge.

The third objective states that it also supports the promotion of industrial peace and harmony by supporting fair industrial practices.

Next, it tells employers the procedure for getting standing orders certified. If they fall under the Industrial Employment (standing order) Act, they are expected to register themselves by giving in five draft copies of those standing orders.

The documents are sent to the certifying officers as appointed by the government, such as a regional labour commissioner for assessment. **The assessment and final certification of those standing orders is successful provided when they have all of the following details.**

- Classification of all workers into categories like temporary, probation, permanent, etc.

- The method through which workmen are informed about holidays, working hours.
- Shift working
- Temporary suspensions of work.
- Notice periods and other provisions regarding the termination of employment.
- All actions and inaction that are to be treated as misconduct and consequences for said faults.
- Grievance redressal procedure in cases of unfair treatment by the employer.
- Attendance system to be followed by all employees.
- Workmen information and records
- The process followed for obtaining an accumulation of leaves, leave encashment
- Employment termination as issued by employer and employees and notice thereof.

