

**GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT**

**THE MEGHALAYA INDUSTRIAL EMPLOYMENT (STANDING ORDERS)
DRAFT AMENDMENT RULES, 2020**

Notification No. LBG.45/14/ 39

Dated, Shillong, the 29th June 2020

In exercise of the powers conferred by Section 15, read with clause (b) of Section 2 of the Industrial Employment (Standing Orders) Act, 1946 (XX of 1946), the Governor of Meghalaya proposes to amend the Meghalaya Industrial Employment (Standing Orders) Rules {as adapted from the Assam Industrial Employment (Standing Orders) Rules, 1947} vide the Meghalaya Adaptation of Laws Order (No.1) 1974}, hereinafter referred to as the Principal Rules.

If any interested person(s) likely to be affected by these proposed amendments has any objection(s) or suggestion(s), he/she may send the same to the office of the Labour Commissioner, Meghalaya, Horse Shoe Building, Shillong – 793001, Government of Meghalaya within a period of thirty (30) days from the date of publication of the said draft amendment rules in the Official Gazette of Meghalaya.

The objection(s) or suggestion(s), if any, received within the above stipulated period shall be taken into consideration by the Government before finalising the said draft amendment rules, namely:-

1. Short title, extent and commencement.-

- (1) These rules may be called the Meghalaya Industrial Employment (Standing Orders) Amendment Rules, 2020.
- (2) These Rules shall come into force from the date of their publication in the Official Gazette of Meghalaya.

2. Amendment of Rule 1.-

In the Principal Rules, in sub-rule 2 of Rule 1, the following shall be substituted:

“(2) They shall apply to all industrial establishments in respect of which the Government of Meghalaya is the appropriate government.”

3. Omission and Renumbering of Schedules and Forms.-

In the Principal Rules,

- (a) the Schedules appended to these Rules are omitted and renumbered, namely-
 - (i) Schedule I shall be omitted.
 - (ii) Schedule II shall be amended and renumbered as Schedule I.
 - (iii) Schedule III shall be amended and renumbered as Schedule II.
- (b) the Forms appended to the Schedule are omitted and renumbered, namely-
 - (i) Form B shall be omitted.
 - (ii) Form C shall be omitted.
 - (iii) Form F shall be renumbered as Form B.
 - (iv) Form D renumbered as Form C.
 - (v) Form E renumbered as Form D.

4. Amendment of Rule 3.-

In the Principal Rules, for Rule 3, the following shall be substituted:

“The Model Standing Orders for the purposes of the Act shall be those set out in Schedule I appended to these rules.”

5. Insertion of Rule 3A.-

In the Principal Rules, for Rule 3, the following Rule shall be inserted:

“**3A.** No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment on the date of commencement of the Meghalaya Industrial Employment (Standing Orders) Amendment Rules, 2020 as fixed term employment thereafter.”

6. Amendment of Rule 4.-

(a) In the Principal Rules, in sub-rule (a) of Rule 4, the following shall be substituted:

“**Application for Certification of Standing Orders.-** An application for Certification of Standing Orders shall be made in Form B.”

(b) In the Principal Rules, in sub-rule (b) of Rule 4, the following shall be inserted:

(i) In Item 1 of Form A, the words “fixed term employment” shall be inserted after the word “badlis”;

(ii) Additional matters shall be inserted after Item 10 of Form A namely-

- (1) Method of filling vacancies
- (2) Service Record - Service Card, Appointment Letter & Certificate of Service, Residential Address of Workman and Record of Age
- (3) Confirmation,
- (4) Age of Retirement,
- (5) Transfer,
- (6) Medical Aid in case of accidents,
- (7) Medical Examination,
- (8) Secrecy,
- (9) Exclusive Service,

(c) In the Principal Rules, after sub-rule (b) of Rule 4, the following rule shall be inserted

“(c) **Prescribed Particulars of Workmen.-** The prescribed particulars of workmen for purposes of sub-section(3) of Section 3 of the Act shall be-

- (1) Total number employed;
- (2) Number of permanent workmen;
- (3) Number of temporary workmen;
- (4) Number of casual workmen;
- (5) Number of badlis or substitutes;
- (6) Number of fixed term employment workmen;
- (7) Number of probationers;
- (8) Number of apprentices;
- (9) Name of the trade union, or trade unions, if any, to which the workmen belong;
- (10) Remarks.”

7. Amendment of Rule 5.-

In the Principal Rules, for sub-rule (iii) Rule 5, the following shall be substituted:

“submit separate statements of the prescribed particulars of the workmen including the name of the trade union, if any, in respect of each establishment; and”

8. Amendment of Rule 7.-

In the Principal Rules, for Rule 7,

(a) for sub-rules (i) and (ii), following sub-rule and clauses shall be substituted

“7. (i) As soon as may be after he receives an application under Rule 3 in respect of an industrial establishment, the Certifying Officer shall-

(a) where there is a trade union of the workmen, forward a copy of the draft Standing Orders to the trade union together with a notice in Form C;

(b) where there is no such trade union, call a meeting of the workmen to elect three representatives, to whom he shall, upon their election, forward a copy of the draft Standing Orders together with a notice in Form C.”

(b) sub-rules (iii) renumbered as sub-rule (ii)

(c) sub-rules (iv) renumbered as sub-rule (iii)

9. Amendment of Rule 9.-

In the Principal Rules, for Rule 9, following rule, sub-rule and clause shall be substituted:

“7. Memorandum of Appeals.-

(1) Any person desiring to prefer an appeal in pursuance of sub-section (1) of Section 6 of the Act shall draw up a memorandum of appeal setting out the grounds of appeal and forward it in quintuplicate to the appellate authority accompanied by a certified copy of the standing orders, amendments or modifications, as the case may be. The memorandum of appeal shall be in Form E set out in Schedule II to these rules.

(2) The appellate authority shall, after giving the appellant an opportunity of being heard, confirm the Standing Orders, amendments or modifications as certified by the Certifying Officer unless it considers that there are reasons for giving the other parties to the proceedings a hearing before a final decision is made in the appeal.

(3) Where the appellate authority does not confirm the standing orders, amendments or modifications it shall fix a date for the hearing of the appeal and direct notice thereof to be given—

(a) where the appeal is filed by the employer or a workman, to trade unions of the workmen of the industrial establishments, and where there are no such trade unions to the representatives of workmen elected under clause (b) of Rule 6, or as the case may be, to the employer ;

(b) where the appeal is filed by a trade union, to the employer and all other trade unions of the workmen of the industrial establishment ;

(c) where the appeal is filed by the representatives of the workmen, to the employer and any other workmen whom the appellate authority joins as a party to the appeal.

(4) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal.

- (5) The appellate authority may at any stage call for any evidence it considers necessary for the disposal of the appeal.
- (6) On the date fixed under sub-rule (3) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or consider to be relevant."

10. Amendment of Rule 10.-

In the Principal Rules, Rule 10 shall be omitted.

11. Amendment of Rule 11.-

In the Principal Rules, Rule 11 shall be renumbered as Rule 10 and shall be substituted:

"10. Registers to be maintained.- The register required to be maintained by Section 8 of the Act shall be in Form D and shall be properly bound, and the Certifying Officer shall furnish a copy of Standing Orders approved for an industrial establishment to any person applying therefor on payment calculated at Rupee One per page for the first 10 pages and Fifty paise for every additional page."

12. Renumbering of Rule 12.-

In the Principal Rules, Rule 12 shall be renumbered as Rule 11.

13. Amendment of Schedule I.-

For Schedule II appended to the Principal Rules and renumbered as Schedule I as per Amendment Rule 3, the following shall be substituted, namely –

"SCHEDULE I

(See Rule 3)

MODEL STANDING ORDERS

1. These orders shall come into force on.....
2. **Classification of workmen.-**
 - (a) Workmen shall be classified as--
 - (1) permanent,
 - (2) probationers,
 - (3) badlis,
 - (4) temporary,
 - (5) casual,
 - (6) apprentices,
 - (7) fixed term employment workmen.
 - (b) A "permanent workman" is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of three months in the same or another occupation in the industrial establishment, including breaks due to sickness, accident, leave, lock-out, strike (not being an illegal strike) or involuntary closure of the establishment.
 - (c) A "probationer" is a workman who is provisionally employed to fill a permanent vacancy in a post and has not completed three months' service therein. If a permanent employee is employed as a probationer in a new post he may, at any time during the probationary period of three months, be reverted to his old permanent post.

- (d) A "badli" is a workman who is appointed in the post of a permanent workman or probationer who is temporarily absent.
- (e) A "temporary workman" is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period.
- (f) A "casual workman" is a workman whose employment is of a casual nature.
- (g) An "apprentice" is a learner who is paid an allowance during the period of his training.
- (h) A "fixed term employment workman" is a workman who has been engaged on the basis of a written contract of employment for a fixed period:

Provided that-

- (a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman; and
- (b) he shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute'.

3. Tickets.-

- (1) Every workman shall be given a permanent ticket unless he is a probationer, badli, temporary worker, apprentice or fixed term employment workman.
- (2) Every permanent workman shall be provided with a departmental ticket showing his number, and shall, on being required to do so, show it to any person authorised by the manager to inspect it.
- (3) Every badli shall be provided with the badli card on which shall be entered the days on which he has worked in the establishment, and which shall be surrendered if he obtains permanent employment.
- (4) Every temporary workman shall be provided with a 'temporary' ticket which he shall surrender on his discharge.
- (5) Every casual worker shall be provided with a 'casual' card, on which shall be entered the days on which he has worked in the establishment.
- (6) Every apprentice shall be provided with an 'apprentice' card, which shall be surrendered if he obtains permanent employment.
- (7) Every fixed term employment workman shall be provided with a 'fixed term employment' ticket on which shall be entered the term period of his employment in the establishment, and which shall be surrendered on the completion of the employment period.

4. Requirement to enter the premises by certain gates and liability to be searched-

- (1) No workman shall enter or leave the premises of the establishment except by the gate or gates appointed for the purpose and clearly marked 'Entrance or Exit'.
- (2) A workman who is off his duty, has resigned, or has been discharged, suspended or declared by a competent medical authority to be suffering from a contagious or infectious disease shall immediately leave the premises of the establishment and shall not enter any part of it, except for bonafide purposes and with the express permission of the Manager.
- (3) All workmen shall be liable to be searched with due dignity both at the time of entry and exit at the main entrance by a person of the same sex authorised by the Manager in this behalf and if he so chooses in the presence of a co-workman of his choice, if readily available.

5. Publication of working time.- The periods and hours of work for all classes of workers in each shift shall be exhibited in English and in the principal languages of workman employed in the establishment on notice-boards maintained at or near the main entrance of the establishment and at the time-keeper's office, if any.

6. **Publication of holidays and pay-days.**- Notices specifying (a) the days observed by the establishment as holidays, and (b) pay-days shall be pasted on the said notice-boards.
7. **Publication of wage rates.**- Notices specifying the rates of wages payable to all classes of workman and for all classes of work shall be displayed on the said notice-boards.
8. **Shift working.**--More than one shift may be worked in a department or departments or any section of a department of the establishment at the discretion of the employer. If more than one shift is worked, the workmen shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months' notice being given in writing to the workmen prior to such discontinuance, provided that no such notice shall be necessary if the closing of the shift is under agreement with the workmen affected.

If as a result of the discontinuance of the shift working, any workmen are to be retrenched, such retrenchment shall be effected, in accordance with the provisions of the Industrial Disputes Act, 1947 (14 of 1947), and the rules made thereunder.

If shift working is restarted, the workmen shall be given notice and re-employed in accordance with the provisions of the said Act and the said rules.

Note: The Shift Working shall be arranged in such manner of rotation that no workman shall be permanently in the night shift.

9. **Notice of changes in shift working.**- Any notice of discontinuance or of re-starting of a shift working required by Standing Order 8 shall be in the Form F appended to these orders and shall be served in the following manner, namely:

The notice shall be displayed conspicuously by the employer on a notice-board at the main entrance to the establishment:

Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served by Registered post on the Secretary of such union.

10. **Attendance and late coming.**- All workmen shall be at work at the time fixed and notified under Paragraph 5. Workmen attending late will be liable to the deductions provided for in the Payment of Wages Act, 1936.

11. **Leave.**-

- (1) Holidays with pay will be allowed as provided for in Chapter VIII of the Factories Act 1948, and other holidays in accordance with law, contract, custom and usage in the concerned district and state of Meghalaya.
- (2) A workman who desires to obtain leave of absence shall apply to the employer or any other officer of the industrial establishment specified in this behalf by the employer, who shall issue orders on the application within a week of its submission or two days prior to the commencement of the leave applied for, whichever is earlier, provided that if the leave applied for is to commence on the date of the application or within three days thereof, the order shall be given on the same day. If the leave asked for is granted, a leave pass shall be issued to the worker. If the leave is refused or postponed, the fact of such refusal or post postponement and the reasons there for shall be recorded in writing in a register to be maintained for the purpose, and if the worker so desires, a copy of the entry in the register shall be supplied to him. If the workman after proceeding on leave desires an extension thereof he shall apply to the employer or the officer specified in this behalf by the employer who shall send a written reply either granting or refusing extension of leave to the workman if his address is available and if such reply is likely to reach him before the expiry of the leave originally granted to him.
- (3) If the workman remains absent beyond the period of leave originally granted or subsequently extended, he shall lose his lien on his appointment unless he (a) returns within eight days of the expiry of the leave and (b) explains to the satisfaction of the employer or the officer specified in this behalf by the employer, his inability to return before the expiry of his leave. In case the workman loses his lien on his appointment, he shall be entitled to be kept on the badli list.

12. **Casual Leave.-** A workman may be granted casual leave of absence with or without pay not exceeding 10 days in the aggregate in a calendar year. Such leave shall not be for more than three days at a time except in case of sickness. Such leave is intended to meet special circumstances which cannot be foreseen. Ordinarily, the previous permission of the head of the department in the establishment shall be obtained before such leave is taken, but when this is not possible, the head of the department shall, as soon as may be practicable, be informed in writing of the absence from and of the probable duration of such absence.
13. **Payment of wages.-**
- (1) Any wages, due to the workmen but not paid on the usual pay day on account of their being unclaimed, shall be paid by the employer on an unclaimed wage pay day in each week, which shall be notified on the notice-boards as aforesaid.
 - (2) All workmen will be paid wages on a working day before the expiry of the seventh or the tenth day after the last day of the wage period in respect of which the wages are payable, according as the total number of workmen employed in the establishment does not or does exceed one thousand.
14. **Stoppage of work.-**
- (1) The employer may, at any time, in the event of fire, catastrophe, breakdown of machinery or stoppage of power-supply, epidemics, civil commotion or other cause beyond his control, stop any section or sections of the establishment, wholly or partially for any period or periods without notice.
 - (2) In the event of such stoppage during working hours, the workmen affected shall be notified by notices put upon the notice-board in the department concerned, and at the office of the employer and at the time-keeper's office, if any, as soon as practicable, when work will be resumed and whether they are to remain or leave their place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of the stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour, the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In the case of piece-rate workers, the average daily earning for the previous month shall be taken to be the daily wage. No other compensation will be admissible in case of such stoppage. Whenever practicable, reasonable notice shall be given of resumption of normal work.
 - (3) In case where workmen are laid off for short periods on account of failure of plant or a temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without pay, as the case may be. When, however, workmen have to be laid off for an indefinitely long period, their services may be terminated after giving them due notice or pay in lieu thereof.
 - (4) The employer may in the event of a strike affecting either wholly or partially any section or department of the establishment close down either wholly or partially such section or department and any other section or department affected by such closing down. The fact of such closure shall be notified by notices put on the notice-board in the section or department concerned and in the time-keeper's office, if any, as soon as practicable. The workmen concerned shall also be notified by a general notice, prior to resumption of work, as to when work will be resumed.
15. **Termination of employment.-**
- (1) For terminating employment of a permanent workman, notice in writing shall be given either by the employer or the workmen - one month's notice in the case of monthly-rated workmen and two weeks' notice in the case of other workmen: one month's or two week's pay, as the case may be, may be paid in lieu of notice.

(2) Subject to the provisions of the Industrial Disputes Act 1947 (14 of 1947), -

- (i) no notice of termination of employment shall be necessary in the case of temporary workman whether monthly-rated, weekly-rated or piece-rated and probationers or badli workmen; and
- (ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on the expiry of such contract period without it being renewed, shall be entitled to any notice or pay in lieu thereof, if his services are terminated:

Provided the services of a temporary workman shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him in the manner prescribed in Paragraph 17.

(3) Where the employment of any workman is terminated, the wages earned by him and other dues, if any, shall be paid before the expiry of the second working day from the day on which his employment is terminated.

16. Disciplinary action for misconduct.-

(1) A workman may be fined up to two per cent of his wages in a month for the following acts and omissions, namely:-

.....
.....

Note.- Specify the acts and omissions which the employer may notify with the previous approval of the Government of Meghalaya or of the prescribed authority in pursuance of Section 8 of the Payment of Wages Act, 1936.

(2) A workman may be suspended for a period not exceeding four days at a time, or dismissed without notice or any compensation in lieu of notice, if he is found to be guilty of misconduct.

(3) The following acts and omissions shall be treated as misconduct:

- (a) wilful in subordination or disobedience, whether alone or in combination with others, to any lawful and reasonable order of a superior,
- (b) theft, fraud or dishonesty in connection with the employer's business or property,
- (c) willful 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 late 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 of discipline,
- (i) habitual negligence or neglect of work,
- (j) frequent repetition of any act or omission for which a fine may be imposed to a maximum of 2 per cent of the wages in a month.
- (k) striking work or inciting others to strike work in contravention of the provision of any law, or rule having the force of law.
- (l) sexual harassment which includes such unwelcome 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 unwelcome physical, verbal or non-verbal conduct of sexual nature

Provided that where there is a complaint of sexual harassment within the meaning of clause (l) of sub-paragraph (3), the Complaints Committee constituted under sub-paragraph (3B) in each establishment for inquiring into such complaints, shall, notwithstanding anything

contained in Paragraph 17, be deemed to be the inquiring authority appointed by the employer for the purpose of these rules.

(3A) The Complaints Committee shall hold the inquiry, unless separate procedure has been prescribed for the Complaints Committee for holding such inquiry into the complaints of sexual harassment, as far as practicable, in accordance with the procedure laid down in these rules.

(3B) The Complaints Committee shall consist of –

(a) a Chairperson who shall be a woman;

(b) two members representing Non-Government Organisation (NGO) or any other body which is familiar with the issue of sexual harassment or nominees of the State Human Rights Commission or the State Commission for Women familiar with the issue of sexual harassment,

to be nominated by the employer:

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

(3C) The Complaints Committee shall make and submit every year an annual report, to the appropriate Government, of the complaints and action taken.

(3D) The employers or their agents shall report, to the appropriate Government, on the compliance of the provisions of the provisions of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

(4) (a) Where a disciplinary proceeding against a workman is contemplated or is pending or where criminal proceedings against him in respect of any offence are under investigation or trial and the employer is satisfied that it is necessary or desirable to place the workman under suspension, he may, by order in writing suspend him with effect from such date as may be specified in the order. A statement setting out in detail the reasons for such suspension shall be supplied to the workman within a week from the date of suspension.

(b) A workman who is placed under suspension shall be paid a subsistence allowance in accordance with the provisions of Section 10A of the Act.

(c) In the enquiry, the workman shall be entitled to appear in person or to be represented by an office-bearer of a trade union of which he is a member.

(d) The proceedings of the enquiry shall be recorded in English or in the language of the State where the industrial establishment is located, whichever is preferred by the workman.

(e) The proceedings of the inquiry shall be completed within a period of three months :

Provided that the period of three months may, for reasons to be recorded in writing, be extended by such further period as may be deemed necessary by the inquiry officer.

(f) If on the conclusion of the enquiry or, as the case may be, of the criminal proceedings, the workman has been found guilty of the charges framed against him and it is considered, after giving the workman concerned a reasonable opportunity of making representation on the penalty proposed, that an order of dismissal or suspension or fine or stoppage of annual increment or reduction in rank would meet the ends of justice, the employer shall pass an order accordingly:

Provided that when an order of dismissal is passed under this clause, the workman shall be deemed to have been absent from duty during the period of suspension and shall not be entitled to any remuneration for such period, and the subsistence allowance already paid to him shall not be recovered :

Provided further that where the period between the date on which the workman was suspended from duty pending the inquiry or investigation or trial and the date on which an order or suspension was passed under this clause exceeds four days, the workman shall be deemed to have been suspended only for four days or for such shorter period as is specified in the said order of suspension and for the remaining period he shall be entitled to the same

wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period :

Provided also that where an order imposing fine or stoppage of annual increment or reduction in rank is passed under this clause, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages as he would have received if he had not been placed under suspension, after deducting the subsistence allowance paid to him for such period:

Provided also that in the case of a workman to whom the provisions of clause (2) of Article 311 of the Constitution apply, the provisions of that article shall be complied with.

- (g) If on the conclusion of the inquiry, or as the case may be, or the criminal proceedings, the workman has been found to be not guilty of any of the 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 as he would have received if he had not been placed under suspension after deducting the subsistence allowance paid to him for such period.
- (h) The payment of subsistence allowance under this standing order shall be subject to the workman concerned not taking up any employment during the period of suspension.
- (5) In awarding punishment under this standing order, the authority imposing the punishment shall take into account any gravity of the misconduct, the previous record, if any, of the workman and any other extenuating or aggravating circumstances, that may exist. A copy of the order passed by the authority imposing the punishment shall be supplied to the workman concerned.
- (6) (a) A workman aggrieved by an order imposing punishment may within twenty-one days from the date of receipt of the order, appeal to the appellate authority.
- (b) The employer shall, for the purposes of Clause (a), specify the appellate authority.
- (c) The appellate authority, after giving an opportunity to the workman of being heard shall pass order as he thinks proper on the appeal within fifteen days of its receipt and communicate the same to the workman in writing.

17. Complaints.-

All complaints 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 other person specified in this behalf with the right of appeal to the employer.

18. Liability of employer.-

The employer of the establishment shall personally be held responsible for the proper and faithful observance of the standing orders.

19. Exhibition of standing orders.-

A copy of these orders in English or in the local language or the language understood by a majority of the workmen shall be posted at the manager's office and on a notice-board maintained at or near the main entrance to the establishment and shall be kept in a legible condition.

20. Method of filling vacancies.-

In the matter of filling up of permanent vacancies, badli and temporary workmen, probationers and fixed term employment workmen would be given preference in order of their seniority.

21. 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.*- Every industrial establishment shall maintain a service card in respect of each workman in Form G in Schedule II, wherein particulars of that workman shall be recorded with the knowledge of that workman and duly attested by an officer authorised in this behalf together with date.

(ii) *Appointment Letter and Certification of service.-*

- (a) Every workman shall be given an Appointment Letter at the time of joining his post, specifying the nature of work (designation) and depending on the particulars of workmen, the period of employment (indicating the days, months, years) and other terms and conditions.
- (b) Every workman shall be entitled to a service certificate, specifying the nature of work (designation) and the period of employment (indicating the days, months, years), at the time of discharge, termination, retirement or resignation from service.
- (iii) *Residential address of workman.-* A workman shall notify the employer immediately on engagement the details of his residential address and thereafter promptly communicate to his employer any change of his residential address. In case the workman has not communicated to his employer the change in his residential address, his last known address shall be treated by the employer as his residential address for sending any communication.

(iv) *Record of age.-*

- (a) Every workman shall indicate his exact date of birth to the employer or the officer authorised by him in this behalf, at the time of entering service of the establishment. The employer or the officer authorised by him in this behalf may before the date of birth of a workman is entered in his service card, require him to supply :-
 - (i) his matriculation or school leaving certificate granted by the Board of Secondary Education or similar educational authority ; or
 - (ii) a certified copy of his date of birth as recorded in the registers of a municipality, local authority or Panchayat or Registrar of Births;
 - (iii) in the absence of either of the aforesaid two categories of certificate, the employer or the officer authorised by him in this behalf may require the workman to supply, a certificate from a Government Medical Officer not below the rank of a Medical & Health Officer of a PHC/CHC/Civil Hospital of the home district of the workman, indicating the probable age of the workman, provided the cost of obtaining such certificate is borne by the employer ;
 - (iv) where it is not practicable to obtain a certificate from a Government Medical Officer, an affidavit sworn, either by the workman or his parents, or by a near relative, who is in a position to know about the workman's actual or approximate date of birth, before a First Class Magistrate or Oath Commissioner, as evidence in support of the date of birth given by him.
- (b) The date of birth of a workman, once entered in the service card of the establishment shall be the sole evidence of his age in relation to all matters pertaining to his 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 a workman.
- (c) Cases where date of birth of any workman had already been decided on the date these rules come into force shall not be reopened under these provisions.

Note. - Where exact date of birth is not available and the year of birth is only established then the 1st July of the said year shall be taken as the date of birth.

22. Confirmation

The employer shall in accordance with the terms and conditions stipulated in the letter of appointment, confirm the eligible workman and issue a letter of confirmation to him. Whenever a workman is confirmed, an entry with regard to the confirmation shall also be made in his service card within a period of thirty days from the date of such confirmation.

23. Age of Retirement

The age of retirement or superannuation of a workman shall be as may be agreed upon between the employer and the workman under an agreement or as specified in a settlement or award which is binding on both the workman and the employer. Where there is no such agreed age, retirement or superannuation shall be on completion of 58 years of age by the workman.

24. Transfer

A workman may be transferred according to exigencies of work from one shop or department to another or from one station to another or from one establishment to another under the same employer:

Provided that the wages, grade, continuity of service and other conditions of service of the workman are not adversely affected by such transfer:.

Provided further that a workman is transferred from one job to another, which he is capable of doing, and provided also that where the transfer involves moving from one State to another such transfer shall take place, either with the consent of the workman or where there is a specific provision to that effect in the letter of appointment, and provided also that (i) reasonable notice is given to such workman, and (ii) reasonable joining time is allowed in case of transfers from one station to another. The workman concerned shall be paid traveling allowance including the transport charges, and fifty per cent thereof to meet incidental charges.

25. Medical Aid in Case of Accidents

Where a workman meets with an accident in the course of or arising out of his employment, the employer shall, at the employer's expense, 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 on him. Wherever the workman is entitled for treatment and benefits under the Employee's State Insurance Act, 1948 or the Employee's Compensation Act, 1923, the employer shall arrange for the treatment and compensation accordingly.

26. Medical Examination

Wherever the recruitment rules specify medical examination of a workman on his first appointment, the employer, shall, at the employer's expense, make arrangements for the medical examination by a registered medical practitioner.

27. Secrecy

No workman shall take any papers, books, drawings, photographs, instruments, apparatus, documents or any other property of an industrial establishment out of the work premises except with the written permission of his immediate superior, nor shall he in any way pass or cause to be passed or disclose or cause to be disclosed any information or matter concerning the manufacturing process, trade secrets and confidential documents of the establishment to any unauthorised person, company or corporation without the written permission of the employer.

28. Exclusive Service

A workman shall not at any time work against the interest of the industrial establishment in which he is employed and shall not take any employment in addition to his job in the establishment, which may adversely affect the interest of his employer."

14. Amendment of Form A under Schedule III.-

For Form A under Schedule III appended to the Principal Rules and renumbered as Schedule II as per Amendment Rule 3, the following shall be substituted, namely –

"FORM A"

[See Rule 4(b)]

Matters which shall be provided for in the Standing Orders	Reference to the paragraph or clause of the Standing Orders where Provided
1	2
1. Classification of workmen, e.g., whether permanent, temporary, apprentice, probationers, badlis or fixed term employment workmen	
2. Manner of intimating to workmen periods and hours of work,	

<p>holidays, pay-days and wage rates.</p> <p>3. Shift working.</p> <p>4. Attendance and late coming.</p> <p>5. Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.</p> <p>6. Requirement to enter, premises by certain gates and liability to search.</p> <p>7. Closing and re-opening of sections of industrial establishment, temporary stoppages of work and the rights and liabilities of the employer and workmen arising therefrom.</p> <p>8. Termination of employment, and the notice thereof to be given by employer and workmen.</p> <p>9. Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.</p> <p>10. Means of redress for workmen against unfair treatment or wrongful exactions by the employer or his agents or servants.</p> <p>11. Method of filling vacancies</p> <p>12. Service Record</p> <p>13. Confirmation</p> <p>14. Age of retirement</p> <p>15. Transfer</p> <p>16. Medical aid in case of accidents</p> <p>17. Medical examination</p> <p>18. Secrecy</p> <p>19. Exclusive Service</p> <p>20. Any other matter which may be prescribed.</p>	
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15. Amendment of Form F under Schedule III.-

For Form F under Schedule III appended to the Principal Rules and renumbered as Form B and Schedule II respectively as per Amendment Rule 3, the following shall be substituted, namely –

“FORM B”

[Industrial Employment (Standing Orders) Act, Section 3)]

Dated _____

To,
The Certifying Officer, &
Deputy/Assistant Labour Commissioner,
.....District
(District Headquarter).

Sir,

Under the provisions of Section 3 of the Industrial Employment (Standing Orders) Act, 1946, I enclose five copies of the draft Standing Orders proposed by me for adoption in

.....
(Name)

.....
(Place)

.....
(Postal address)

an industrial establishment owned/controlled by me, with the request that these orders may be certified under the terms of the Act. I also enclose statements giving the particulars prescribed in Rule 4 (c) of the Meghalaya Industrial Employment (Standing Orders) Rules.

I am, etc.

.....
(Signature)

Employer
Manager

16. Amendment of Form D under Schedule III.-

For Form D under Schedule III appended to the Principal Rules and renumbered as Form C and Schedule II respectively as per Amendment Rule 3, the following shall be substituted, namely –

“FORM C”

[Notice under Section 5 of the Industrial Employment (Standing Orders) Act, 1946]

OFFICE OF THE CERTIFYING OFFICER,

(District)

P.O. (District Headquarter)

No.

Dated (District Headquarter),

I, (Shri/Smt./Kum.), Certifying Officer & Deputy/Assistant Labour Commissioner, District, (District Headquarter), forward herewith a copy of the draft Standing Orders proposed by the employer for adoption in the industrial establishment and submitted to me for certification under the Industrial Employment (Standing Orders) Act, 1946. Any objection which the workmen may desire to make to the draft Standing Orders should be submitted to me within fifteen days from the receipt of this notice.

(Seal)

.....
Certifying Officer and
Deputy/Assistant Labour Commissioner,
(District Headquarter),

To,
The Secretary,

..... Union

Representatives elected under Rule 7(i)

Name
Occupation
Industrial Establishment

17. Amendment of Form E under Schedule III.-

For Form E under Schedule III appended to the Principal Rules and renumbered as Form D and Schedule II respectively as per Amendment Rule 3, the following shall be substituted, namely –

“FORM D”

[Notice under Section 5 of the Industrial Employment (Standing Orders) Act, 1946]

Register of Standing Orders

PART I

INDUSTRIAL ESTABLISHMENT

Serial No.	Date of the despatch of the copy of Standing Orders authenticated under Section 5 for the first time	Date of filing appeal	Date and nature of decision	Amendments made on appeal, if any	Date of the despatch of the copy of the Standing Orders as settled on appeal	Any notice subsequently given or received of any amendment	Result

PART II

(Should contain the authenticated copy of the Standing Orders)

18. Insertion of Form E.-

For Schedule III appended to the Principal Rules and renumbered Schedule II as per Amendment Rule 3, the following Form E shall be inserted:

FORM E

[See Rule 9 – Memorandum of Appeals]

(To be furnished in respect of each clause appealed against, separately)

- (1) Draft of the Standing Orders under appeal as submitted by the employers.
- (2) Objection made/modification suggested, if any, to the Draft Standing Order under appeal, by the Trade Union/Representatives of workmen.
- (3) Standing Order under appeal, as certified by the Certifying Officers.
- (4) Grounds of appeal by the employers/trade union/workmen's representatives.

19. Insertion of Form F.-

For Schedule III appended to the Principal Rules and renumbered Schedule II as per Amendment Rule 3, the following Form F shall be inserted:

FORM F

(See Standing Order 9 of Schedule I)

Notice of discontinuance/restarting of a shift working to be given by the /an employer.

Name of employer.....

Address.....

Dated theday of20.....

In accordance with Standing Order No _____ of the Standing Orders certified and approved in respect of my/our industrial establishment, I/we hereby give notice to all concerned that it is my/our intention to discontinue/restart the shift working specified in the Annexure with effect from.....

Signature.....

Designation.....

Annexure

(Here specify the particulars of change in the shift working proposed to be effected).

Copy forwarded to:-

- (1) The Secretary of Registered Trade Union, if any.
- (2) The Assistant/Deputy Labour Commissioner *(Here enter office address of the Assistant/Deputy Labour Commissioner in the local area concerned.)*
- (3) The Labour Commissioner, Meghalaya, Shillong.

20. Insertion of Form G.-

For Schedule III appended to the Principal Rules and renumbered Schedule II as per Amendment Rule 3, the following Form G shall be inserted:

FORM V

(See Standing Order 21, Schedule I)

SERVICE CARD

Name of Estt./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 qualifications
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 for Gratuity
26. Nominee for pension, if any
27. Employees State Insurance No.
28. Training courses attended (details)

29. (Eligibility for higher jobs)
30. Proficiency tests passed.

31. Employment History

Department	Token No.	Designation	Scale of Pay	Joined	Left (Reason)
1	2	3	4	5	6

32. Absence Periods

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
35. Details of accidents :
36. Details of Disciplinary Action
37. Promotions
 (i) Details
 (ii) Awards
 (iii) Issue of Certificate of Commendation
38. Date of superannuation
39. Any other matter.

(Shri D. P. Wahlang, IAS)
Principal Secretary to the Govt. of Meghalaya
Labour Department

Memo No. LBG.45/14/79-A

Dated, Shillong, the 29th June 2020

Copy to:

1. P.S. to the Chief Minister for kind information of the Hon'ble Chief Minister.
2. P.S. to the Deputy Chief Minister, in-charge Labour Department, for kind information of the Hon'ble Minister.
3. P.S. to the Chief Secretary for kind information of the Chief Secretary.
4. All Additional Chief Secretaries/Principal Secretaries/Commissioner & Secretaries/Secretaries
5. All Deputy Commissioners
6. The Labour Commissioner, Meghalaya, Shillong.
7. The Director, Printing & Stationery, Meghalaya, Shillong for favour of publication in the next issue of Meghalaya Gazette.
8. The Senior Informatics Officer, NIC Meghalaya, with a request to put up in the Homepage of the website of the Labour Commissioner, Meghalaya, www.meglc.gov.in.

for favour of
information.

By Orders, etc,

Deputy Secretary to the Govt. of Meghalaya
Labour Department