

CHANDIGARH ADMINISTRATION

LABOUR DEPARTMENT

DRAFT NOTIFICATION

No. 12/2/420-HII(2)-2020/7700

Dated: 03/06/2020

The Industrial Employment (Standing Orders) Punjab Rules, 1949 notified by Punjab Government under the Industrial Employment (Standing Orders) Act, 1946, were adopted by the Chandigarh Administration. Further, amendment was carried out in these rules by Chandigarh Administration vide Home Department Notification No.8/4/4/73-4h(S)/27164 dated 28th December, 1973.

The Industrial Employment (Standing Orders) Punjab Rules, 1978, were published by Punjab Government vide Notification No.GSR.63/C.A20/46/Section15/78 dated the 18th June, 1978 in the Punjab Government Gazette.

The Central Government has now amended the Industrial Employment (Standing Orders) Act, 1946 vide Notification No. G.S.R.235(E), dated the 16th March, 2018 vide which "Fixed Term Employment" has been introduced in item 1 of Schedule of the said Act.

Therefore, in exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), the Administrator, Union Territory, Chandigarh intends to adopt the Industrial Employment (Standing Orders) Punjab Rules, 1978 as amended from time to time and further to amend the Industrial Employment (Standing Orders) Punjab Rules, 1978. The suggestions/objections are hereby invited from the general public qua the same. The general public may send their suggestions/objections to the same within the period of 30 days so as to reach the office of Secretary Labour, Chandigarh Administration on or before 05:30 PM on 03/07/2020.

(1) These rules may be called the Industrial Employment (Standing Orders) Punjab (Amendment) Rules, 2020 as applicable to UT Chandigarh.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In the Industrial Employment (Standing Orders) Punjab Rules, 1978, after Rule 3, the following Rule 3A 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 Industrial Employment (Standing Orders) Punjab (Amendment) Chandigarh Rules, 2020 as fixed term employment thereafter."

3. In Rule 5 of the Industrial Employment (Standing Orders) Punjab Rules, 1978 after Sub-Rule 7, a new Sub-Rule shall be added as 7A "Number of fixed term employment workmen".

4. In Schedule II of the Industrial Employment (Standing Orders) Punjab Rules, 1978, the following item shall be inserted namely:-

(i) In paragraph 3(1) of the Schedule II after item(f), the following item shall be inserted:-

"(g) fixed term employment workmen";

(ii) To elucidate the term "Fixed Term Employment" the following sub-paragraph (8) after sub-paragraph (7) in paragraph 3 of Schedule II to the Industrial Employment (Standing Orders) Punjab Rules, 1978, shall be inserted:-

"(8) 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.

(iii) In Schedule II, paragraph 19, for sub-paragraph(2), the following sub-paragraph shall be substituted namely:-

“(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 workmen whether monthly rated, weekly rated or piece rated and probationers or badli workmen; and
- (ii) no workmen 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 that 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 matter prescribed in paragraph 23.

Secretary Labour
Chandigarh Administration