

Industrial Employment (Standing Orders) Act FAQ

1. Did the Government of A.P. apply the provisions of the Industrial Employment (Standing Orders) Act, 1946 to industrial establishments employing 50 or more workers ?

Ans. Yes. Vide G.O..Ms.No.33 dt.5.7.1999 of LET&F (Lab.II) Dept., the Government applied the provisions of this Act to any industrial establishment employing 50 or more workers.

2. Do certified standing orders have statutory force ?

Ans. Yes. Certified standing orders have statutory force - 1995 (1) LLJ 887.

3. Who is certifying officer ?

Ans. Labour Commissioner and the officers appointed by the Government by notification in the Official Gazette. Joint Commissioners of Labour are appointed as Certifying Officers vide G.o.Ms.No.46 dt.20.6.2008.

4. Who is the Appellate Authority ?

Ans. Additional Commissioner of Labour is appointed as the Appellate Authority vide G.o. Ms.No.46 dt.20.6.2008.

5. What are the conditions for certification of standing orders ?

Ans. Standing Orders shall be certifiable if –

- a) Provision is made therein for every matter set out in the Schedule which is applicable to the industrial establishment, and
- b) the standing orders are otherwise in conformity with the provisions of this Act.

6. Can the Certified Standing Orders be modified ?

Ans. Yes. Section 10 of the Act provides for modification of standing orders on application by an employer or workman or a trade union of the workmen.

7. Does the Act provide for payment of subsistence allowance ?

Ans. Yes. Section 10-A deals with payment of subsistence allowance. The employer shall pay subsistence allowance at the rate of 50% of the wages

for the first ninety days of suspension and at the rate of 75% of wages for the remaining period of suspension if the delay in the completion of disciplinary proceedings is not directly attributable to the conduct of the workman.

8. Who is competent to decide the question as to the application or interpretation of the Certified Standing Order ?

Ans. The Labour Court.

9. Is sexual harassment of any woman at her workplace a misconduct under model standing orders ?

Ans. Yes.