

INDUSTRIAL EMPLOYMENT (STANDING ORDER) ACT 1946 AND ITS OPERATION AT JUSCO

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ABSTRACT

Jamshedpur utility and services company (JUSCO) is India's only comprehensive urban infrastructure service provider. JUSCO, subsidiary unit of Tata Steel began its journey in 2004, where its objective was to transform an obligatory service into a customer focused sustainable corporate body. The company intends to meet the need for infrastructure development in a sustainable manner by anticipating and addressing the country's growth need so that the ability of future generation to meet their own need is not compromised. Unlike its parent driven company Tata Steel, JUSCO has always been a value driven organisation. The five core values of organisation are; integrity, excellence, responsibility, pioneering and unity.

KEYWORDS: *JUSCO, Infrastructure Development, Integrity, Excellence, Responsibility, Pioneering.*

Introduction

Industrial Employment Act 1946

An act requires employers in industrial establishments formally to define conditions of employment under them.

It is enacted as follows:

- **Short title Extent and Application**

The industrial employment act is extended in the entire India and is applied to every industrial establishment where 100 or more workmen are employed or were employed on any day of the preceding 12 months. Provided that the appropriate government may after giving not less than 12 months notice of its intention so to do, by notification in the official gazette, apply the provision of this act to any industrial establishment employing such number of persons less than 100 as may be specified in the notification.

Nothing in this act shall apply to; any industry to which provision of chapter vii of the Bombay industrial relation act 1946 apply, any industrial establishment to which Madhya Pradesh industrial employment (standing order) MPEI act 1961 apply. Provided that notwithstanding anything contained in the MPEI act 1961 the provision of this act shall apply to all industrial establishments under the control of central government.

- **Interpretation**

In this act unless there is anything incompatible in the subject or context: appellate authority means an authority appointed by the appropriate government by notification in the official gazette to exercise in such area as may be specified in the notification. The functions of an appellate authority laid under this act are that, in relation to an appeal pending before an industrial court or authority immediately before the commencement of the IEA act 1963 the court or authority shall be deemed to be the appellate authority.

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Objective of the Study

- To provide suitable elucidation pertaining to the expansion and optimal satisfaction of the people of the organisation.
- To retrieve the errors in the legal books of employment standing orders of the company.
- To analyse and interpret the degree of awareness and satisfaction of the employees.
- To stimulate industrial peace and harmony by promoting fair industrial practices.

Research Methodology

Primary data has been collected by administering interview schedule. It has been collected from the respondent, like workers and supervisors. Duly completed interview schedule was collected from the respondents for collecting the primary data. Random sampling method was used for this research work.

Standing Order

Section 2(g) standing order means, rules of conduct for workmen employed in industrial establishment mentioned in the schedule of the act.

Approval of Standing Order

Every employer cover under this act has to prepare standing orders covering the matter required in the standing orders. Five copies of these should be sent to certifying officer for approval. As per section 5, certifying officer will inform the union and workmen and hear their objections and then he certifies the standing order for the industrial establishment. Till then model standing order prepared by government automatically is applied as per section 12(A).

Standing order should be displayed in English and local language on special notice board or near entrance of the establishment (Section 9). However, section 10 says that if modification is required, it can be done by following similar procedure. Certified standing order and their authenticated copies are sent to employer and worker on the expiry of thirty days. If any appeal has been made then, after 7 days of the order, the standing orders will be applicable. Once the standing order are certified, they supersede any terms and conditions of employment contained in the appointment letter and if any inconsistency lie between standing order and appointment letter, the provision of standing order prevail.

Standing orders are binding on employer and employee as these are statutorily imposed conditions of service. A workman is punished if the act committed by him is a misconduct as defined under standing order such as insubordination, disobedience, fraud, dishonesty, damage to employers property, taking bribe, regular absentee or late attendance, negligence in work, etc. If a workman is suspended by employer, he will be paid subsistence allowance equal to 50% of wages for first ninety days of suspension for remaining period till the disciplinary proceedings are completed (sec 10A)(1).

Matters to be provided in Standing Order Under this Act

- Categorization of workmen i.e, temporary, permanent, skilled, etc.
- Ways of proclaiming to workmen period and working hours, holidays, pay day, wage rate, etc.
- Working in shift.
- Attendance and late coming.
- Strategy for applying for leave and holiday and persons authorised for it.
- Requirement to enter premises by certain gate.
- Closing and opening of sections of the industrial establishment.
- Temporary stoppage of work.
- The rights and liabilities of the employer and workmen arising there from.
- Vacancies
- Termination of employment and the notice thereof to be given by employer and workmen.
- Suspension or dismissal for misconduct and act or omission which constitute misconduct.
- Means of redress for workmen against unfair treatment by the employer or his agents.
- Retirement age.
- Any other matter which may be prescribed.

Workmen

Under section 2(i) of industrial dispute act, workmen can be skilled, unskilled, manual or clerical worker. However, he cannot be engaged in managerial or administrative capacity or supervisory capacity.

Awareness among the Employees about the Rules of Employment Standing Orders (ESO) of Jusco

The survey was conducted among the employee of JUSCO regarding the JUSCO's employment standing order .50% of the employee were partially aware, 30% were not at all aware and 20% were fully aware about the rules of the company's ESO.

Information from the Employer about the Rules, Benefits and Conditions under ESO

Out of the total respondent, it was found that more than50% employs have been informed by their employer about the rules, conditions and benefits coming under the scope of company's ESO. However, 20% do not know about it and 30% were not informed by the employer.

Satisfaction among the Employees Regarding the Terms of Shifts Rotation of Working Hours

The answer which came from the employee was that, maximum number of employees was highly satisfied regarding the shift rotation of working hours. However, 10% were partially satisfied 30% were neutral.

Awareness Regarding the Various Employment Conditions

Survey was conducted among the employees regarding the availability of various leaves and availing the benefits under various employment conditions. It was quiet surprising that none of the employee lack knowledge about the various leaves, benefits taken avail in compliance with the ESO of JUSCO.

Various Leave Benefits for Employees

Various leaves benefits such as sick leave, casual leave, festival leave, accident leave, leave without pay, general provision of leaves are few among them which were availed generally by the employees. However, it was found that most of them have availed various leave benefit. Most oftenly availed leaves were festival leave, casual leave and sick leave.

Constraints

- Lack of optimum knowledge about employment compliance among the employees.
- Inadequate knowledge regarding rules, conditions and benefits coming under the scope of the company standing order among the employees.

Recommendation and Suggestion

- Books or handouts of the company's ESO must be distributed to each and every employee/worker associated with/or working in the company.
- The handouts must be printed in simple and understandable language only.
- The handouts must be given to the employees at the time of joining itself.
- The employees must be well-explained and acquainted about the importance of these handouts.

Conclusion

By and large it can be said that the respondents have not been put in place the ESO..They should be provided with proper handouts. This is unfortunate. A firm is a firm irrespective of who owns its.However from Tatas the expectation of people lies higher . This type of arguments cuts no ice with at least the well informed segment of the employees. However over years JUSCO has rapidly evolved primarily because of its ability to communicate very effectively with employees and people. Leaders at all level should ensure that the channels are open. Continuous interaction with employees should take place by managers and senior executive. There ia an increasing trend of labour productivity, which can be partly associated /referred to participation and cooperation .

References

- ⇒ <https://indiankanoon.org/doc/1376794/>
- ⇒ Tata steel intranet
- ⇒ Jusco handouts.

