

## Draft rules

1. (1) These rules may be called the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2018.

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

2. In the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), in Schedule, in item 1, for the words “fixed term employment workmen in apparel manufacturing sector;” the words “fixed term employment” shall be substituted;

3. In the Industrial Employment (Standing Orders) Central Rules, 1946,-

(a) in rule 5, for item (6A) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“(6A) Number of fixed term employment workmen;”;

(b) in Schedule 1,-

(i) in paragraph 2,-

(A) in sub-paragraph (a), for item (3A) and the entries relating thereto, the following item and entries shall be substituted, namely:-

“(3A) fixed term employment workmen”;

(B) in sub-paragraph (h), for the words “ fixed term employment workman in apparel manufacturing sector”, the words “fixed term employment workman” shall be substituted.

(ii) in paragraph 13, in sub-paragraph (2), for the words “or fixed term employment workman in apparel manufacturing sector,”, the words “or fixed term employment workman,” shall be substituted.

(c) (i) in Schedule 1A, in paragraph 3,-

(A) in sub-paragraph (a), after item (iii), the following item shall be inserted, namely:-

“(iiia) fixed term employment”;

(B) after sub-paragraph (d), the following sub-paragraph shall be inserted, namely:-

“(da) A ‘fixed term employment’ workman is a workman who has been engaged on the basis of contract of employment for a fixed period:

Provided that

- his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman;

(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”;

(ii) in paragraph 13, for sub-paragraph (b), the following sub-paragraph shall be substituted, namely:-

“(b) 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 and badli workmen; and

(ii) no workman employed on fixed term employment basis as a result of non-renewal of contract or employment or on its expiry, shall be entitled to any notice or pay in lieu thereof, if his services are terminated:

Provided that a temporary workman, who has completed three months continuous service, shall be given two weeks notice of the intention to terminate his employment if such termination is not in accordance with the terms of the contract of his employment:

Provided further that when the services of a temporary workman, who has not completed three month’s continuous service, are terminated before the completion of the term of employment given to him, he shall be informed of the reasons for termination in writing and when the services of a badli workman are terminated before the return to work of the permanent incumbent or the expiry of his (badli’s) term of employment, he shall be informed of the reasons for such termination in writing.”