

Shops and Establishments (Regulation of Employment and Conditions of Service) Bill, 2016

The Union Cabinet chaired by the Prime Minister Shri Narendra Modi has considered the Model Shops and Establishment (Regulation of Employment and Conditions of Service) Bill, 2016. The Bill will now be sent to States/UTs to enable them to modify their individual Acts, if they so desire either by adopting the said Bill as it is or after modifying its provisions as per their requirements. This Bill was finalised after detailed deliberations and discussions with public through internet and with employees/labour representatives, employers' associations/federations and State Governments through tripartite consultative process.

The main features of the draft model Bill are as follows:-

1. It will cover only establishments employing ten or more workers except manufacturing units.
2. The Bill provides for freedom to operate 365 days in a year and opening/closing time of establishment.
3. Women to be permitted during night shift, if the provision of shelter, rest room ladies toilet, adequate protection of their dignity and transportation etc. exists.
4. No discrimination against women in the matter of recruitment, training, transfer or promotions.
5. Online one common Registration through a simplified procedure.
6. Powers of Government to make rules regarding adequate measures to be taken by the employer for the safety and health of workers.
7. Clean and safe drinking water.
8. Lavatory, crèche, first aid and canteen by group of establishments, in case, it is not possible due to constraint in space or otherwise by individual establishment.
9. Five paid festival holidays in addition to national holidays etc.
10. Exemption of highly skilled workers (for example workers employed in IT, Biotechnology and R&D division) from daily working hours of 9 hours and weekly working hours of 48 hours subject to maximum 125 over-time hours in a quarter.

The Model Bill would bring about uniformity in the legislative provisions, making it easier for all the States to adopt it and thereby ensuring uniform working conditions across the country and facilitate the ease of doing business and generate employment opportunities.