



GSTIN : 29AABAK0318H1ZW

Off : 080 - 26613091 / 26607167
42103360 / 26761877

Email : kea@kea.co.in
Web : www.kea.co.in

KARNATAKA EMPLOYERS' ASSOCIATION

Date: 05-07-2020

CIRCULAR NO - 122/2020

To
All Members of the Association

KARNATAKA MODEL STANDING ORDERS AMENDED TO INCLUDE FIXED TERM EMPLOYMENT

The Department of Labour, Government of Karnataka has vide notification No. LD 382 LET 2018 dated 30.06.2020 amended the Schedule I of the Karnataka Industrial Employment (Standing Orders) Rules, 1961 to introduce 'Fixed Term Workmen' in the Model Standing Orders. Some of the highlights of the notification are:

1. 'Fixed Term Workman' is defined as a workman who has been engaged on the basis of a written contract of employment for a fixed period.
2. The hours of work, wages, allowances and other benefits of a 'Fixed Term Workman' shall not be less than that of a permanent workman.
3. 'Fixed Term Workmen' shall be eligible for all statutory benefits such as ESI, PF and Gratuity available to a permanent workman in proportion to the period of service rendered by him even if this period of employment does not extend to the qualifying period of employment required under the respective Acts.
4. 'Fixed Term Workman' shall not be entitled to any notice or pay in lieu thereof, if his services are terminated as a result of non-renewal of contract or on expiry of such contract period without it being renewed.
5. However, a 'Fixed Term Workman' shall not be terminated as a punishment unless he has been given an opportunity of explaining the charges of misconduct alleged against him.

A copy of the Notification No. LD 382 LET 2018 dated 30.06.2020 is attached.

For Karnataka Employers Association

Sd/-

B C PRABHAKAR
PRESIDENT



GOVERNMENT OF KARNATAKA

No. LD 382 LET 2018

Karnataka Government Secretariat,
Vikasa Soudha,
Bengaluru, Dated : 30 /06/2020

NOTIFICATION

Whereas, the draft of the following rules to amend the Karnataka Industrial Employment (Standing Orders) Rules, 1961 which the Government of Karnataka proposes to make in exercise of the powers conferred by Section 15 of the Industrial Employment (Standing Orders) Act, 1946 (Central Act 20 of 1946) was published vide Notification no: LD 382 LET 2018. Dated: 28/11/2019 for the information of all the persons likely to be effected thereby within thirty days from the date of its publication in the official gazette.

And, whereas objections received were examined. Now the Government of Karnataka hereby amends the following rules.

RULES

1. Title and commencement.- (1) These rules may be called the Karnataka Industrial Employment (Standing Orders) (Amendment) Rules, 2019.
(2) They shall come into force from the date of their final publication in the Official Gazette.
2. Amendment of the schedule.- In schedule I of the Karnataka Industrial Employment (Standing Orders) Rules, 1961, under the heading "A-For workmen excluding clerks and other ministerial staff,"
 - (a) in clause 2,-
 - (i) in sub-clause (a) after item (6) the following shall be inserted, namely;-

“(7) fixed term workmen”
 - (ii) after sub-clause (g) the following shall be inserted namely;-

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

....2

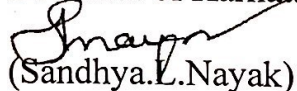
Provided that his hours of work, wages, allowances and other benefits shall not be less than that of a permanent workman.

Provided further that 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 extent to qualifying period of employment required in the Act.”

(b) in clause 14 after sub-clause (1) the following shall be inserted, namely;-

“(1A) Subject to the provisions of the Industrial Disputes Act, 1947 (Central Act 14 of 1947) no workman 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 fixed term workmen 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 clause(1).”

By order and in the name of the
Governor of Karnataka

(Sandhya.L.Nayak)
Deputy Secretary to Government
Labour Department

To: The Compiler, Karnataka Gazette, to be published in Karnataka e-gazette.

Copies:

1. The Secretary to Government of India, Ministry of Labour & Employment, Shramshakthi Bhavan, New Delhi-110 001.
2. The Principal Secretary to Government, Commerce and Industries Department, Vikasa Soudha, Bengaluru.
3. The Secretary to Government, Department of Parliamentary Affairs, Vidhana Soudha, Bengaluru.
4. The Secretary to Government, Information Technology/Biotechnology & Science & Technology Department, M.S.Building, Bengaluru.
5. The Commissioner, Labour Department, Karmika Bhavana, Bengaluru.
6. The P.S. to Hon'ble Labour Minister, Vidhana Soudha, Bengaluru.
7. The P.S. to Principal Secretary to the Government, Department of Labour, Vikasa Soudha, Bengaluru.
8. Spare Copies/Section Guard File.