



Sakshi Singhal
Trainee Associate

STANDING ORDERS FOR SERVICE SECTOR, 2020

The Union Labour and Employment Ministry (“**Ministry**”) has, pursuant to Section 29(1)¹ of the Industrial Relations Code, 2020 (“**IR Code**”), published the model Standing Orders for Service Sector, 2020² (“**SO**”). The IR Code is yet to come into force.

SO is a contract between the employee and the employer which lays down the rules of conduct within an industrial establishment having over 300 workers which needs approval of either the Central or State Government.

To keep in mind the specific needs of the service sector, Clause 10 of the SO will authorise an employer to allow its employee(s) to WFH. The Clause states: “**Work from home.-** Subject to conditions of appointment or agreement between employer and workers, employer may allow a worker to work from home for such period or periods as may be determined by employer.”

This is the first time that the Ministry has incorporated WFH option and these Standing Orders will be applicable to all industries employing more than 300 workers under the Occupational Safety, Health and Working Conditions Code, 2020 (“**OSHWC Code**”). This Code also is yet to come into force.

CONCLUSION

The incorporation of WFH provisions in the SO provides flexibility to the service industry which was hitherto permissible only through guidelines of the Union Ministry of Home Affairs consequent to the pandemic. However, given that this is a draft model SO, establishments may await the final version SO which will be released once the IR Code is brought into force. Once that is done, establishments must work to suitably modify using the Model SO and seek its certification under the IR Code.³

We will shortly be releasing a separate *Counselence Connect* comparing the Model SO with the current model SO under the Industrial Employment (Standing Orders) Act, 1946.

This *Counselence Connect* contains information in a nutshell on a recent change in law.

This is not legal advice and must not be treated so. For legal advice, please contact us at: info@counselence.com.

¹ The Central Government shall make model standing orders relating to conditions of service and other matters incidental thereto or connected therewith.

² https://labour.gov.in/sites/default/files/224080_compressed.pdf

³ Section 30 of the IR Code on *Preparation of draft standing orders by employer and procedure for certification*.