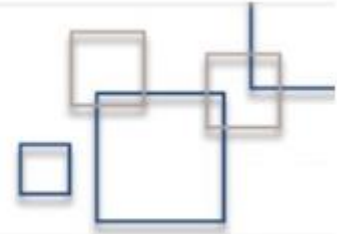


Littler Global Guide - India - Q4 2019

Littler | Publications



Commercial Establishments in Karnataka Permitted to Remain Open 24/7, for Three Years

New Order or Decree

Authors: Vikram Shroff, Leader and Archita Mohapatra, Attorney-at-Law - Nishith Desai Associates

On October 11, 2019, the State Government of Karnataka has issued a notification permitting shops and commercial establishments in the State of Karnataka employing at least 10 persons to remain open on 24 by 7 basis on all days of the year. The notification stipulates certain conditions relating to compliance with the maximum daily hours of 8 hours and weekly hours of 48 hours, payment of overtime wages, consent requirements and transport arrangements for women employees working in shifts. The notification is valid for three years.

Factories Permitted to Schedule Women Employees for Night Shift

New Order or Decree

Authors: Vikram Shroff, Leader and Archita Mohapatra, Attorney-at-Law - Nishith Desai Associates

On November 20, 2019, the State Government of Karnataka issued a notification allowing women employees in factories to work during night hours (i.e., from 7pm until 6am). The employer is required to comply with certain health, safety and security conditions, besides prohibition of sexual harassment at the workplace, providing transportation facilities for women employees, engaging sufficient security guards and having CCTV footage to ensure safety of the women employees. The employer is also required to provide certain amenities and facilities including rest rooms, canteen facility and rest intervals.

Code on Industrial Relations introduced in Lok Sabha

Proposed Bill or Initiative

Authors: Vikram Shroff, Leader and Archita Mohapatra, Attorney-at-Law - Nishith Desai Associates

On November 28, 2019, the draft Code on Industrial Relations, 2019 (IR Code) was introduced in the lower house of the Parliament, Lok Sabha. It was subsequently referred to the Parliamentary Standing Committee on December 23, 2019, to give its report within three months. The IR Code consolidates three major federal level labor laws pertaining to industrial relations, being the Industrial Disputes Act, 1947, the Trade Unions Act, 1926 and the Industrial Employment (Standing Orders) Act, 1946. While the IR Code proposes to change some of the existing provisions of the laws, it also proposes certain new provisions including on negotiating unions, mandating the employer to recognize trade union and formation of a worker re-skilling fund.

Code on Social Security introduced in Lok Sabha

Proposed Bill or Initiative

Authors: Vikram Shroff, Leader and Archita Mohapatra, Attorney-at-Law - Nishith Desai Associates

Having been introduced in Lok Sabha (lower house of the Parliament), the draft Code on Social Security, 2019, was referred to the Parliamentary Standing Committee on December 23, 2019, and the report of the Committee is to be submitted within three months. With replacing and consolidating various labor laws, the Social Security Code proposes to introduce certain new definitions and provisions, including in relation to gig workers and platform workers. The proposed new law seeks to replace or consolidate the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (EPF Act); the Employees' State Insurance Act, 1948 (ESI Act); the Payment of Gratuity Act, 1972; the Employees' Compensation Act, 1923; the Maternity Benefit Act, 1961; the Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959; the Cine Workers Welfare Fund Act, 1981; the Building and Other Construction Workers Welfare Cess Act, 1996; and the Unorganized Workers' Social Security Act, 2008.

Registration of IC Made Mandatory for Noida

Upcoming Deadline for Legal Compliance

Authors: Vikram Shroff, Leader and Archita Mohapatra, Attorney-at-Law - Nishith Desai Associates

On November 14, 2019, the District Magistrate of Gautam Buddha Nagar (a district in Uttar Pradesh) issued a notification directing employers to form an Internal Complaints Committee (IC) pursuant to Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (SH Act). As a result, employers in that region are required to upload all relevant information about their IC on the Sexual Harassment Online Redressal (SHOR) website (<https://www.shorapp.in>) / SHOR app by November 30, 2019, and also upload the annual IC report for 2019 on the SHOR website / app by January 31, 2020.