
CERTIFIED STANDING ORDERS

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CERTIFIED STANDING ORDERS

1. TITLE

These Standing Orders shall be called the Standing Orders of Kerala Agro Machinery Corporation Ltd., Athani, a Company incorporated under the Companies Act, 1956, with its registered office at Athani in Ernakulam Dist. of Kerala State.

2. ACCEPTANCE

All existing and future workmen of KAMCOLtd., Athani shall be deemed to have accepted the Standing Orders and be bound by them.

3. INTERPRETATION

In these orders unless there is anything repugnant to the subject or context.

- 3.a. 'The Company' means Kerala Agro Machinery Corporation Ltd., Athani.
- 3.b. 'Workman' means any person employed by the Company to do any skilled, semi-skilled, unskilled, manual, clerical or supervisory work and who is a workman as defined in Section 2(s) of the Industrial Disputes Act, 1947.
- 3.c. 'Management' means the management of Kerala Agro Machinery Corporation Ltd., Athani and includes, MD, GM, Dy. GM(s), Secretary, M(s), Dy.M(s), AM(s), AE(s), Supdts. And any other officer who is authorised to act on behalf of the Company.
- 3.d. 'Factory' means the factory of Kerala Agro Machinery Corporation Ltd., Athani, comprising of all buildings, machinery, stores, godowns and other auxiliaries in the company belonging to and owned by the company and any addition or extensions that may be made from time to time.
- 3.e. 'Uniform' means all parts/item of the full uniform prescribed for or supplied to each category of workmen by the company which they are required to wear I full while on duty.
- 3.f. 'Notice Board' means the Board or Boards placed at a conspicuous place for the purpose of exhibiting notices relating to an of interest to workmen. Such boards will be clearly marked as 'Notice Board'.
- 3.g. 'Habitual' means involving repetition of an act or omission for more than three times within a period of one month.
- 3.h. 'Muster Roll' includes register or registers containing the nominal roll etc. of workmen as maintained the Company.
- 3.i. Masculine shall include feminine and singular the plural and vice-versa.

4. WORKMEN CLASSIFICATION

Workmen shall be classified as:

- i) Permanent
- ii) Probationers
- iii) Temporary
- iv) Trainees
- v) Apprentices

- 4.a. A permanent workman' is a workman who has been engaged on a permanent basis and includes any person who has satisfactorily completed a probationary period of one year in the same or another occupation in the industrial establishment and who has been confirmed by an order issued by the appointing authority.
- 4.b. A 'Probationer' is a workman who is provisionally employed to fill up a permanent vacancy in a post and has not completed the probationary service of a preliminary period of one year subject to extension for a further period of six months, if necessary.
- 4.c. A 'temporary workman' is a workman who has been engaged for work which is of an essentially temporary nature likely to be finished within a limited period not exceeding 179 days.
- 4.d. A 'trainee workman' is a workman engaged for work to fill up a vacancy in any post either permanent or temporary in nature and who has not completed the period of training as per the Rules of the Company.
- 4.e. An 'apprentice' is a learner engaged to learn work under the Apprentices Act, 1961 or the Apprentices (Amendment) Act, 1973 who is paid a stipend as per Rules and who has no claim for being absorbed into the service of the Company.

5. WAGES FOR WORKMEN

All workmen will be employed on monthly wages and will be paid on a monthly basis.

6. ATTENDANCE CARDS

Every workman shall be given an attendance card containing his name, employee number etc. Similarly every permanent and probationary workman shall be provided with an identity card containing his stamp size photograph, name, employee number, date of joining service etc .

7. PUBLICATION OF WORKING TIME

The periods and hours of working time for all classes of workmen in each shift shall be exhibited in English/Malayalam on Notice Boards maintained at the main entrance of the factory.

8. HOLIDAYS

Decision regarding holidays will be taken by the management in consultation with the recognised trade unions as per the provisions of the National & Festival Holidays Act and Rules. Notice specifying the days observed by the company as holidays shall be published on the said Notice Board.

9. SHIFT WORKING

More than one shift may be worked in a department or departments or any section of a department or the establishment at the discretion of the employer. If more than one shift is worked, the workman shall be liable to be transferred from one shift to another. No shift working shall be discontinued without two months notice being given in writing to the workmen prior to such discontinuance provided that no such notice shall be necessary if the closing of the shift is with an agreement with the workmen affected.

10. NOTICE OF CHANGE IN SHIFT WORKING

Any notice of discontinuance or re-starting of a shift working shall be in the prescribed form as provided under the Kerala Industrial Employment (Standing Orders) Rules, 1958. The notice shall be displayed conspicuously by the employer on the Notice Board at the main entrance of the Company. Provided that where any registered trade union of workmen exists, a copy of the notice shall also be served on the Secretary of such union.

11. ATTENDANCE AND LATE COMING

All workmen shall be at work at the establishment at the times fixed and notified by the employer. Workmen attending late upto a period of half an hour shall be admitted for work and such workmen are liable to the deductions provided for in the Payment of Wages Act, 1936. Workmen reporting for work after half an hour will also be admitted to work if permitted by the departmental head.

12. ABSENCE WITHOUT PERMISSION

12.a. Any workmen who after presenting for work at the appointed place of work leaves his section/department during any period of the working hours without permission or without any sufficient reason, shall be liable to be treated as absent for such period. This is without prejudice to the right of the management to initiate appropriate disciplinary action against him under the provisions of the standing orders.

12.b. If, however, the workman leaves the premises of the company during working hours without permission, he shall be liable to be treated as absent for the whole day in case his absence commences before the recess period and for half a day in case his absence commences after the recess period.

12.c. If the workman leaves from the premises of the company with the permission of his superiors, his wages for the actual period of absence only shall be liable to be deducted. The deduction from wages to be made for the period of absence under this order shall be made in accordance with the provisions of the Payment of Wages Act, 1936.

13. LEAVE

The following kinds of leave will be granted to the workmen.

13.1 Earned Leave (Leave with wages as provided under Chapter VIII of The Factories Act (1948))

13.2 Casual Leave

13.3 Sick Leave (for those who are not covered under the ESI Scheme)

13.4 Special Leave – leave without wages

13.5 Maternity Leave will be granted as per the provisions of the Maternity Benefit Act to whom not covered under the E.S.I. Act.

13.6 The administration of leave will be done as provided under the long-term settlements between the management and the workmen in force from time to time.

14. ENTRANCE AND EXIT THROUGH PROPER GATE

The workman shall not enter or leave the premises of the Company except by the gate or gates appointed, for the purpose.

15. SEARCH BY SECURITY STAFF

All male workers shall be liable, on leaving the premises of the Company to be searched by the security staff and all female workers shall be liable to be detained by the security staff for search by female searchers, if, acting without malaise, the security staff suspect the worker is in wrongful possession of property belonging to the company. In case body search is required, the same shall be conducted in the presence or two other persons of the same sex.

16. PAYMENT OF UNCLAIMED WAGES

Any wages due to a workman, but not paid on the usual pay day on account of various reasons which are being unclaimed, shall be paid by the employer on such unclaimed wage pay day in each month as may be notified to the workmen.

17. STOPPAGE OF WORK

The employer may at any time in the event of fire, catastrophe, break-down of machinery or stoppage of power supply, epidemic, civil commotion or other causes beyond his control stop any section or sections of the establishment wholly or partially, for any period or periods without any notice. In such cases workmen will be laid off from work and due compensation will be paid to them, if eligible, as per

the provisions of the Industrial Disputes Act, 1947. However, there will not be any deduction from wages for the first day in the circumstances where the workmen have to be laid off for more than a day.

18. MISCONDUCT

The following acts and omissions on the part of workmen shall amount to misconduct:

- 18.1 Willful insubordination or disobedience, whether alone or in combination with others, of any lawful and reasonable orders of a superior.
- 18.2 Theft, fraud, dishonesty or misappropriation in connection with the business or property of the company.
- 18.3 Willful damage to or loss of goods or property of the firm.
- 18.4 Taking or giving bribe or any illegal gratification
- 18.5 Habitual absence without applying for leave or continuous absence without taking leave for more than ten days.
- 18.6 Habitual late attendance
- 18.7 Habitual breach of any law or rules or orders etc.
- 18.8 Drunkenness, riotous or disorderly behaviour during working hours within the premises of the establishment or any act subversive of discipline.
- 18.9 Negligence or neglect of work
- 18.10 Repetition of any act or omission for which fine may be imposed under the Payment of Wages Act, 1936.
- 18.11 Striking work or inciting others to strike work in contravention of any provisions of law or rule having the force of law.
- 18.12 Collection or canvassing for the collection of money within the premises of the company for purposes not sanctioned by the management.
- 18.13 Over-staying of sanctioned leave without proper authority or satisfactory explanation.
- 18.14 Engaging in trade, money-lending or any other business within the premises of the company.
- 18.15 Smoking within the factory premises where it is prohibited.
- 18.16 Distribution or exhibition of any notice, hand bills, posters, pamphlets or any other type of literature which are defamatory to the establishment within the premises of the company without the sanction of the management.
- 18.17 Holding or attempting to hold meetings within the premises of the company without the sanction of the management.

- 18.18 Gambling within the premises of the company
- 18.19 Sleeping while on duty
- 18.20 Intimidating, assaulting, threatening or abusing any person including workmen and officers within the premises of the company.
- 18.21 Malingering
- 18.22 Insolvency
- 18.23 Failure to report to the management the occurrence of any contagious or notifiable disease to himself/herself
- 18.24 Loitering or absence without leave from the place of appointed work without obtaining permission from the superiors.
- 18.25 Refusal to be searched by the Security Personnel.
- 18.26 Interference with the safety devices installed at the company premises or contravention of any safety rules.
- 18.27 Furnishing false information in respect of details about himself/herself, family members, age, qualifications, previous service etc.
- 18.28 Entering or attempting to enter, leaving or attempting to leave the company premises except through gates or routes specified for the purpose.
- 18.29 Manufacturing or attempting to manufacture unauthorised articles within the company premises or divulging any secrets or confidential matters of the company to others interested in them.
- 18.30 Conviction by a Court of Law for a criminal offence.
- 18.31 Habitual breach of any rules or instructions for the maintenance and running of any department or maintenance of cleanliness of any portion of the premises of the company.
- 18.32 Engaging directly or indirectly in any private trade or business or accepting any employment without the previous sanction of the Managing Director.

19. PROCEDURE FOR DEALING WITH MISCONDUCTS

- 19.1 No order of punishment shall be made unless the workman concerned is informed in writing of the alleged misconduct and is given a reasonable opportunity to explain the circumstances alleged against him.
- 19.2 If the explanation submitted by the concerned workman is found satisfactory by the management, further proceedings against him shall be dropped. If the explanation is found unsatisfactory, he may be charge-sheeted by the management as per the provisions of these standing orders and an impartial domestic enquiry shall be instituted.

19.3 A workman may be suspended from service without wages and allowances pending domestic enquiry into the charges levelled against him. An order of suspension pending enquiry shall be in writing and shall take effect immediately on its delivery to the workman such orders shall set out in detail the alleged misconduct and the workman shall be given a reasonable opportunity to explain the circumstances leading to the charges alleged against him. If on enquiry the misconduct is proved, the workman shall be deemed to have been absent from duty for the period of suspension and shall not be entitled to any wages other than subsistence allowance as per the provisions of the Kerala Payment of Subsistence Allowance Rules, 1974, for such period. If not, the workman shall be deemed to have been on duty during the period of suspension and shall be entitled to the same wages and allowances as he would have received if he had not been suspended.

19.4 In awarding punishment under these standing orders, the management shall take into account the gravity of the misconduct, the previous records if any of the workman and any other extenuating or aggravating circumstances that may exist. A copy of the order passed by the management shall be served on the workman concerned. If on the conclusion of the enquiry the workman has been found guilty of the charges levelled against him an order of punishment shall be issued after giving him a reasonable opportunity of making representation on the punishment proposed.

20. RETIREMENT AND SUPERANNUATION

Every workman shall retire from service on attaining the age of 60. He will be relieved from service on the last working day of the month in which he completes his sixtieth year of age. In the event of the day of completion of the age of 60 years falls on the first day of a month, he shall be relieved on the last working day of that month only.

21. RESIGNATION

Workmen who wish to leave the service of the company shall give 30 days notice to the management provided that when such notice is given the management is entitled to accept it with immediate effect or from any time before the expiry of the notice.

22. CERTIFICATE ON LEAVING SERVICE

A workman leaving the service of the company shall be entitled to receive a certificate of service from the company.

CERTIFIED
DEPUTY LABOUR COMMISSIONER
COMMISSIONER FOR WORKERS COMPENSATION
ERNAKULAM.

CERTIFICATION OF STANDING ORDERS

STANDING ORDERS

**PROCEEDINGS OF THE CERTIFYING OFFICER UNDER THE
INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946
DEPUTY LABOUR COMMISSIONER, ERN AKULAM
Present: K.V. Mohandas**

- Sub: Industrial Employment (Standing Orders) Act, 1946, and the Kerala Industrial Employment (Standing Orders) Rules, 1958 – Kerala Agro Machinery Corporation Ltd., Athani-683585 – Certification of Standing Orders – Orders issued.
- Ref: 1. Application dated 22.06.1995 by the Sr. Manager, Administration.
2. Notice in Form.II dated 1st November 1995 to the Trade Unions.

ORDER NO. S.O.C. 5/95 IN O.D. 2357/95 DATED 30th NOVEMBER 1998

1. An application under Section 3(1) of the Act and Rule 4 have been submitted by the Senior Manager Administration, Kerala Agro Machinery Corporation Ltd., Athani, with five copies of the draft Standing Orders proposed by him for adoption in his establishment. The particulars required under Section 3(3) of the Act and Rule 5 were also furnished along with the application. Subsequently, copies of the draft Standing Orders were served on the representatives of the trade unions with direction to offer objections and suggestions, if any, within fifteen days from the date of receipt of the same.
2. The trade union representatives, after going through the draft standing orders and discussions with their colleagues, had filed their objections to the draft Standing Orders. In the light of the objections raised, hearings were posted for finalisation of the standing orders with reference to the objections raised. The provisions under draft Standing Orders were discussed with the trade union representatives and management and the objections raised were settled amicably between them in the hearings. The draft was thoroughly perused to ensure the fairness and reasonableness of the provisions and was suitably modified to make it consistent with the provisions of the statute. I am satisfied that no further addition or modification is required to render the draft standing orders certifiable under the Act.
3. Therefore, in exercise of the powers conferred on me under section 5(3) of the Act and Rule 10, the Standing Orders for adoption in the Kerala Agro Machinery Corporation Ltd., Athani, is hereby certified and my signature and seal is affixed. The copies of the certified Standing Orders duly authenticated are forwarded herewith to those concerned.
4. The Standing Orders shall, unless an appeal is preferred under Section 6 of the Act, come to operation on the expiry of thirty days from the date of receipt of the same as provided under Section 7 of the Act.

5. The text of the Standing Orders as finally certified under this Act shall be prominently posted by the employer in English and in the language understood by the majority of the workmen on special board to be maintained for this purpose as provided in Section 9 of the Act.

Certifying Officer,
Commissioner for Workmen's Compensation,
Deputy Labour Commissioner, Ernakulam.