

ABSTRACT

The Tamil Nadu Shops and Establishment Act, 1947 (Tamil Nadu Act XXXVI of 1947) – Permitting all Shops and Establishments to keep open for 24x7 all days of the year-initially for a period of three years – Orders – Issued

LABOUR AND EMPLOYMENT (K2) DEPARTMENT

G. O. (Ms) No.60

Dated 28.05.2019

எண்(1), மசூரி - 14

திருவாரூர் ஆய்வு 2050

Read:

1. The Secretary to Government of India, Ministry of Labour and Employment D.O.No.S-25012/6/2015-ISH-II, dated 05.06.2016.
2. Hon'ble Minister of State Government of India, Labour and Employment: Letter No.D.O.No S-25012/6/2015-ISH-II, dated 02.08.2016.
3. The Principal Secretary/Commissioner of Labour, Chennai-6 Letter No S2/50266/2017, dated 12.02.2018.

ORDER

In the letter first read above, the Secretary, Ministry of Labour and Employment, Government of India, has sent a copy of the Model Bill of the Shops and Establishment (Regulation of Employment and Conditions of Service) Bill, 2016 considered by the Union Cabinet, has stated that the model Bill was finalized after detailed deliberations and discussions with the employees/labour representatives, employers association and State Governments through Tripartite Consultations process. Further the Model Bill is a suggestive piece of legislation and the States can modify the State Shops and Establishments Act either by adopting the said Model Bill as it is or after modifying its provisions as per the requirement of the State.

2. In the letter second read above, Hon'ble Minister of State, Labour and Employment, Government of India has stated that the Model Bill aims at bringing about uniformity in the legislative provisions, thereby ensuring uniform working conditions across the country and facilitate the ease of doing business and generate employment opportunities. Therefore, he has requested to consider adopting the said Model Bill as it is or after modifying its provisions as per requirement of State/UT. The Model Bill, 2016 inter-alia, includes freedom to

operate 365 days in a year, and opening / closing time of establishment, women to be permitting during night shifts, if the provision of shelter, rest room, adequate protection of their dignity and transportation etc., exists; no discrimination against women in the matter of recruitment, training, transfer or promotions, online registration through a simplified procedure, Safety and Welfare measures of workers etc.

3. In the letter third read above, the Principal Secretary / Commissioner of Labour has sent proposal on permitting all Shops and Establishments in Tamil Nadu to keep open for 24x7 on all days of the year initially for a period of three years, with specified conditions, as in the notification.

4. The Government after careful consideration, accept the proposal of the Principal Secretary / Commissioner of Labour and decided to permit all Shops and Establishments in Tamil Nadu to keep open for 24x7 for all days of the year initially for a period of three years with the conditions specified in the notification.

5. Accordingly, the appended Notification will be published in the Tamil Nadu Government Gazette.

(BY ORDER OF THE GOVERNOR)

SUNIL PALIWAL
PRINCIPAL SECRETARY TO GOVERNMENT

To

The Works Manager, Government Central Press, Chennai-600 009.

(2Copies) (for publication in Tamil Nadu Government Gazette)

The Principal Secretary / Commissioner of Labour, Chennai-600 006.

The Hon'ble Minister of State (Independent Charge), Labour and Employment,
Government of India, Sharam Sakthi Bhawan, New Delhi-110 119.

Copy to

The Special Personal Assistant to Hon'ble Minister for Labour, Chennai-600 009

The Private Secretary to the Principal Secretary.

Labour and Employment Department, Chennai - 600 009.

SF/SC/ Clean copy to file (C.No.13795/K2/2018)

//FORWARDED BY ORDER//


SECTION OFFICER.

29/11/19

NOTIFICATION


In exercise of the powers conferred by Section 6 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) the Governor of Tamil Nadu, in public interest, hereby exempts all shops and establishments employing 10 or more persons, from the provisions of sub-section (1) of Section 7 and sub-section (1) of Section 13 of the said Act and permits to keep open for 24x7 on all days of the year, for a period of three years with effect from the date of publication of this notification, unless it is revoked, subject to the following conditions, namely:-

- (1) Every employee shall be given one day holiday in a week on rotation basis, and the details of every employee shall be provided in 'Form-S' added to the Tamil Nadu Shops and Establishments Rules, 1948 and shall be exhibited by the employer in a conspicuous place in the establishments.
- (2) Every employer shall exhibit details of the employees who are on holiday/leave, on daily basis, in a conspicuous place in the establishments.
- (3) The wages including overtime wages of the employees shall be credited to their savings bank account.
- (4) An employer shall not require or allow any person employed to work therein for more than eight hours in any day and forty eight hours in any week and the period of work including over time shall not exceed ten and a half hours in any day and fifty-seven hours in a week.
- (5) If employees are found working on any holiday or after normal duty hours without proper indent of overtime, penal action will be initiated against the employer/manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.
- (6) Woman employee shall not be required to work beyond 8.00 p.m. on any day in normal circumstances. Provided that the employer after obtaining written consent of a woman employee shall allow her to work between 8.00 pm and 6.00 am subject to providing adequate protection of her dignity, honour and safety.
- (7) Transport arrangements shall be provided to the woman employee who works in shifts. A notice to this effect shall be exhibited at the main entrance of the establishment indicating the availability of transport.
- (8) The employees shall be provided with restroom, wash room, safety lockers and other basic amenities.
- (9) Every employer employing woman employee shall constitute Internal Complaints Committee against sexual harassment of women under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (Central Act 14 of 2013) and the said Committee shall be operative.

- (10) The above said terms and conditions shall be treated and implemented in addition to those provisions specified in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.
- (11) In the case of violation of any statutory provision or any of the above terms and conditions noticed by the inspector or otherwise, necessary penal action will be initiated against the employer/Manager as laid down in the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and the Tamil Nadu Shops and Establishments Rules, 1948.

SUNIL PALIWAL
PRINCIPAL SECRETARY TO GOVERNMENT

//TRUE COPY//


SECTION OFFICER
21/7/19