

THE INDUSTRIAL AND COMMERCIAL EMPLOYMENT (STANDING ORDERS) ORDINANCE, 1968 (Ordinance VI of 1968)

CONTENTS

SECTION 1. HEADING

- 1. Short title, extent and commencement.
2. Definitions.
3. Enforcement of Standing Orders.
4. Modification of Standing Orders.
5. Posting of Standing Orders.
6. Inspectors.
7. Penalties and procedure.
7A. [Repealed]
8. Power to exempt.
9. Protection to existing conditions of employment.
10. [Omitted]

SCHEDULE STANDING ORDERS

- 1. Classification of workmen.
2. Tickets.
2A. Terms and conditions of service to be given in writing.
3. Publication of working time.
4. Publication of holidays and pay days.
5. Publication of wage rates.
6. Shift working.
7. Attendances and late coming.
8. Leave.
9. [Repealed]
10. Payment of wages.
10A. Group incentive scheme.
10B. Compulsory Group Insurance.
10C. Payment of bonus.
11. Stoppage of work.
12. Closures of establishment.
12A. Termination of employment.
13. Procedure for retrenchment.
14. Re-employment of retrenched workmen.
14A. Special provisions for construction workers.
15. Punishments.
16. Eviction from residential accommodation.
17. [Repealed]
18. [Repealed]
19. Certificate of termination of service.
20. Liability of employer.

THE INDUSTRIAL AND COMMERCIAL EMPLOYMENT (STANDING ORDERS) ORDINANCE, 1968 (Ordinance VI of 1968)

[8 March 1968]

An Ordinance to amend and consolidate the law relating to industrial employment in the Province of West Pakistan.

Preamble— WHEREAS it is expedient to amend and consolidate the law relating to industrial employment in the Province of West Pakistan: AND WHEREAS the Provincial Assembly of West Pakistan is not in session and the Governor of West Pakistan is satisfied that circumstances exist which render immediate legislation necessary; NOW, THEREFORE, in exercise of the powers conferred on him by clause (1) of Article 79 of the Constitution, the Governor of West Pakistan is pleased to make and promulgate the following Ordinance—

- 1. Short title, extent and commencement.—(1) This Ordinance may be called the [1] [* * *] Industrial and Commercial Employment (Standing Orders) Ordinance, 1968.
(2) It extends to the whole of [3] the Punjab. [4] [* * *]
(3) It shall come into force at once.
(4) It applies to—
[5] (a) every industrial establishment or commercial establishment wherein twenty or more workmen are employed, directly or through any other person whether on behalf of himself or any other person, or were so employed on any day during the preceding twelve months;
(b) [6] [* * * * *]
(c) such classes of the industrial and commercial establishments as Government may, from time to time, by notification in the official Gazette, specify in this behalf.
Provided that nothing in this Ordinance shall apply to industrial and commercial establishments carried on by or under the authority of the [7] Federal or any Provincial Government, where statutory rules of service, conduct or discipline are applicable to the workmen employed therein [8].
[9] Provided further that the provisions of Standing Orders 10-B and 11, clauses (6) and (8) of Standing Order 12 and Standing Order 15 shall not apply, in the first instance, to any industrial establishment wherein not more than forty-nine persons were employed on any day during the preceding twelve months but Government may, by notification in the official Gazette, extend all or any of the said provisions to any such industrial establishment or any class of such establishments.
2. Definitions.— In this Ordinance, unless there is anything repugnant in the subject or context—
(a) "collective agreement" means an agreement in writing intended to specify the conditions of employment, and entered into between one or more employers on the one hand, and a one or more trade unions, or where there is no trade union, the duly authorised representatives of workmen, on the other;
(b) "commercial establishment" means an undertaking in which the business of advertising, commission or forwarding is conducted, or which is a commercial agency, and includes a clerical department of a factory or of any industrial or commercial establishment, the office establishment of a person who for the purpose of fulfilling a contract with the owner of any commercial establishment or industrial establishment carries out the business of a joint stock company, an insurance company, a banking company or a bank, a broker's office or stock-exchange, a club, a hotel, a restaurant or an eating house, a cinema or theater, and such other establishment or class thereof, as Government may, by notification in the official Gazette, declare to be a commercial establishment for the purpose of this Ordinance;
[10] (b) "construction industry" means an industry engaged in the construction, reconstruction, maintenance, repair, alteration or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, dam, viaduct, sewer, drain, water work, well, telegraphic or telephonic installation, electrical undertaking, gas work, or other work of construction as well as the preparation for, or laying of the foundations of, any such work or structure;
(c) "employer" means the owner of an industrial or commercial establishment to which this Ordinance for the time being applies, and includes—
(i) in a factory, any person named under clause (e) of sub-section (1) of section 9 of the Factories Act, 1934 (XXV of 1934), as manager of the factory;
(ii) in any industrial establishment under the control of any department of the [11] Federal or any Provincial Government, the authority appointed by such Government in this behalf, or where no such authority is so appointed, the head of the department;
(iii) in any other industrial or commercial establishment, any person responsible to the owner for the supervision and control of such establishment;
(d) "go-slow" means an organised, deliberate and purposeful slowing down of normal output of work by a body of workers in a concerted manner and which is not due to any mechanical defect, breakdown of machinery, failure or defect in power supply, or in the supply of normal materials and spare parts of machinery;
[12] (c) "Government" means Government of the Punjab;
(f) "industrial establishment" means—
(i) an industrial establishment as defined in clause (i) of section 2 of the Payment of Wages Act, 1936 (IV of 1936); or
(ii) a factory as defined in clause (j) of section 2 of the Factories Act, 1934 (XXV of 1934); or
(iii) a railway as defined in clause (4) of section 3 of the Railways Act, 1890 (IX of 1890);
[13] (iv) the establishment of a contractor who, directly or indirectly, employs workmen in connection with the execution of a contract to which he is a party, and includes the premises in which, or the site at which, any process connected with such execution is carried on;
Explanation—"Contractor" includes a sub-contractor, headman or agent; [14]
[15] (v) the establishment of a person who, directly or indirectly, employs workmen in connection with any construction industry;
(g) "Standing Orders" means the Orders contained in the Schedule, read with such modifications, if any, as may be made in pursuance of the provisions of section 4;
[16] (h) "trade union" means a trade union for the time being registered under the [17] Punjab Industrial Relations Act 2010 (XIX of 2010);
(i) "workman" means any person employed in any industrial or commercial establishment to do any skilled or unskilled, manual or electrical [18] work for hire or reward.
3. Enforcement of Standing Orders.— In every industrial or commercial establishment, conditions of the employment of workmen and other incidental matters shall, subject to the other provisions of this Ordinance, be regulated in accordance with the Standing Orders.
4. Modification of Standing Orders.— The Standing Orders may be modified by means of a collective agreement and not otherwise:
Provided that no such agreement shall have the effect of taking away or diminishing any right or benefit available to the workmen under the provisions of the Schedule.
5. Posting of Standing Orders.— The text of the Standing Orders shall be prominently posted and kept in a legible condition by the employer in English and Urdu, and in the language understood by the majority of his workmen on special boards to be maintained for the purpose at or near the entrance through which the majority of the workmen enter the industrial or commercial establishment and in all departments thereof where the workmen are employed.
6. Inspectors.— (1) The Inspectors of Mines appointed under section 4 of the Mines Act, 1923 (IV of 1923), the Inspectors appointed under section 10 of the Factories Act, 1934 (XXV of 1934), and such other persons, not being [19] conciliators appointed under the [20] Punjab Industrial Relations Act 2010 (XIX of 2010), as Government may, by notification in the official Gazette, appoint, shall be the Inspectors for the purposes of this Ordinance within the local limits assigned to each.
(2) An Inspector may at all reasonable hours enter on any premises and make such examination of any register or document relating to the maintenance or enforcement of the Standing Orders and take on the spot or otherwise such evidence of any person, and exercise such other powers of inspection, as he may deem necessary for carrying out the purposes of this Ordinance.
(3) Every Inspector shall be deemed to be a public servant within the meaning of the Pakistan Penal Code (XLV of 1860).
7. Penalties and procedure.— (1) An employer who modifies the Standing Orders as applicable to his industrial or commercial establishment, otherwise than in accordance with section 4, shall be punishable with fine which may extend to [21] [twenty-five thousand] rupees and in the case of a continuing offence, with a further fine which may extend to [22] [one thousand] rupees for every day after the first day during which the offence continues.
(2) An employer who does any act in contravention of the Standing Orders as applicable to his industrial or commercial establishment shall be punishable with fine which may extend to [23] [ten thousand] rupees, and in the case of a continuing offence, with a further fine which may extend to [24] [one thousand] rupees for every day after the first day during which the offence continues.
(3) Whoever contravenes any of the provisions of this Ordinance, shall, if no other penalty is elsewhere provided by or under this Ordinance for such contravention, be punishable with fine which may extend to [25] [ten thousand] rupees.
(4) Whoever, having been convicted of any offence punishable under sub-section (1), (2) or (3), again commits such offence shall, on conviction, be liable to double the punishment prescribed for such offence under the aforesaid sub-sections.
(5) No prosecution for an offence punishable under this Ordinance shall be instituted except by, or with the previous permission in writing of, the Inspector.
[26] [(6) No Court other than a Labour Court established under the [27] Punjab Industrial Relations Act 2010 (XIX of 2010), shall try any offence under this Ordinance.]
[28] 7A. [* * * * *]
8. Power to exempt.— Government may subject to such conditions as it thinks fit to impose by notification in the official Gazette, exempt any industrial or commercial establishment or class of such establishments from all or any of the provisions of this Ordinance.
9. Protection to existing conditions of employment.— Nothing in this Ordinance shall affect law, custom, usage, award or agreement in force immediately before the promulgation of this Ordinance in so far as such law, custom, usage, award or agreement ensures conditions of employment more favourable to workmen than those provided in the Standing Orders.
10. [29] [* * * * *]
[30] [31] [32] [33] [34] [35] [36] [37] [38] [39] [40] [41] [42] [43] [44] [45] [46] [47] [48] [49] [50] [51] [52] [53] [54] [55] [56] [57] [58] [59] [60] [61] [62] [63] [64] [65] [66] [67] [68] [69] [70] [71] [72] [73] [74] [75] [76] [77] [78] [79] [80] [81] [82] [83] [84] [85] [86] [87] [88] [89] [90] [91] [92] [93] [94] [95] [96] [97] [98] [99] [100] [101] [102] [103] [104] [105] [106] [107] [108] [109] [110] [111] [112] [113] [114] [115] [116] [117] [118] [119] [120] [121] [122] [123] [124] [125] [126] [127] [128] [129] [130] [131] [132] [133] [134] [135] [136] [137] [138] [139] [140] [141] [142] [143] [144] [145] [146] [147] [148] [149] [150] [151] [152] [153] [154] [155] [156] [157] [158] [159] [160] [161] [162] [163] [164] [165] [166] [167] [168] [169] [170] [171] [172] [173] [174] [175] [176] [177] [178] [179] [180] [181] [182] [183] [184] [185] [186] [187] [188] [189] [190] [191] [192] [193] [194] [195] [196] [197] [198] [199] [200] [201] [202] [203] [204] [205] [206] [207] 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11. This Ordinance was promulgated by the Governor of West Pakistan on 8th March, 1968, approved by the Provincial Assembly of West Pakistan, with amendments, on 8th May, 1968, under clause (3) of Article 79 of the Constitution of the Islamic Republic of Pakistan (1962); assented to by the Governor of West Pakistan on 10th May, 1968, and published in the West Pakistan Gazette (Extraordinary) dated 22nd May, 1968, pages 9922-A to 9922-A-12.
12. The words "West Pakistan" omitted by the Punjab Act 2008 (Federal Act XI of 2008).
13. Substituted for the words "Pakistan" by the Industrial and Commercial Employment (Standing Orders) Amendment Act 2012 (XXI of 2012).
14. The words "except the Tribal Areas", deleted by the Labour Laws (Amendment) Ordinance, 1972 (Federal Ordinance IX of 1972).
15. Substituted by the West Pakistan Industrial and Commercial Employment (Standing Orders) Amendment Act, 1973 (Federal Act XXIII of 1973).
16. Deleted by the West Pakistan Industrial and Commercial Employment (Standing Orders) Amendment Act, 1973 (Federal Act XXIII of 1973).
17. Substituted by the West Pakistan Industrial and Commercial Employment (Standing Orders) Amendment Act, 1974 (XXVII of 1974), for "Central".
18. Substituted, for the full-stop, by the West Pakistan Industrial and Commercial Employment (Standing Orders) Amendment Act, 1973 (Federal Act XXIII of 1973).
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