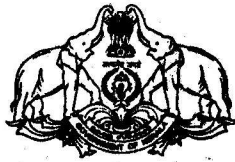


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Government of Kerala
2015



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI

Reg. No. KL/TV(N)/634/2015-17

കേരള ഗസറ്റ്
KERALA GAZETTE

അസാധാരണം
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്

PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA

Labour and Skills (E) Department

NOTIFICATION

G. O. (P) No. 134/2015/LBR. Dated, Thiruvananthapuram, 16th September, 2015
31st Chingam, 1191.

S. R. O. No. 610/2015.—In exercise of the powers conferred by sub-section (1) of section 34 of the Kerala Shops and Commercial Establishments Act, 1960 (Act 34 of 1960), the Government of Kerala after considering the suggestions received on the draft rules published as per Notification No. 31240/E3/2014/LBR dated 31st March, 2015 in the Kerala Gazette Extraordinary No. 783 dated 7th April, 2015 as required under sub-section (4) of section 34 of the said Act; hereby make the following rules further to amend the Kerala Shops and Commercial Establishments Rules, 1961, namely:—

RULES

1. *Short title and commencement.*—(1) These rules may be called the Kerala Shops and Commercial Establishments (Amendment) Rules, 2015.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Shops and Commercial Establishments Rules, 1961,—

(i) in rule 2B,—

(a) in clause (b) of sub-rule (1), for the words “has been paid” the words “and excess fee, if any, as prescribed under sub-rule (3) have been paid” shall be substituted;

(b) after sub-rule (2), the following sub-rule shall be inserted, namely:—

“(3) The fees chargeable for the grant or renewal of a certificate of registration shall be the same:

Provided that if the application for renewal is not received within the time limit specified in sub-section (6) of section 5A of the Act, a fee of twenty five per cent in excess of the fee ordinarily payable for certificate of registration shall be payable for such renewal;

(ii) in rule 2D, for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) Whenever any change occurs in the particulars relating to registration under section 5A, the employer shall submit an application for amendment of Registration Certificate in Form Bill to the competent authority having jurisdiction over the area in which the establishment is situated, within one month of such change”.

(iii) in rule 2G,—

(a) in sub-rule (2), for the words “ten rupees” the words “fifty rupees” shall be substituted;

(b) in sub-rule (3), for the words "five rupees" the words "fifty rupees" shall be substituted;

(c) for sub-rule (4), the following sub-rule shall be substituted, namely:—

"(4) The fees payable for an appeal under section 5B of the Act shall be ten percentage of the fee applicable under sub-rule (1)."

(d) for the proviso to sub-rule (5), the following proviso shall be substituted, namely:—

"Provided that the payment shall be accepted by the competent authority through TR-5 receipt and remitted to treasury in lump sum on the next working day itself."

(iv) after rule 2I, the following rule shall be inserted, namely:—

"2J. Issue of Appointment Letter.—(1) Every employer of a medium or big establishment shall issue an appointment letter to the employees appointed/engaged by him in Form BC on his appointment/engagement. In case such employee holds appointment/engagement before the commencement of the Kerala Shops and Commercial Establishments (Amendment) Rules, 2015, appointment letter shall be issued within three months from the date of commencement of the Kerala Shops and Commercial Establishments (Amendment) Rules, 2015, and in any other case, on the date of appointment/engagement of the employee.

(2) Every employer of a big establishment shall issue identity card to all employees, employed/engaged by him in Form BD.

(3) Every employer shall issue service certificate to all employees, employed/engaged by him in Form BE, within seven days of receipt of application from the employee concerned for the issue of such certificate."

(v) in rule 4, after sub-rule (4), the following sub-rule shall be inserted, namely:—

“(4A) Every employer of a small or medium establishment shall provide or arrange separate latrines and urinals for the use of male and female employees. Every big establishment shall have at least one latrine each for every twenty females and every twenty males separately. If the employer provides rest rooms within the establishment latrines/urinals attached to the rest rooms under sub-rule (8) of rule 5A shall be deemed to be those provided under this rule.”

(vi) after rule 5, the following rule shall be inserted, namely:—

“5A. *Rest Rooms*.—(1) Employer of every medium and big establishment shall provide rest rooms, where the employees can have their food and take rest, with sufficient space proportionate to the number of employees employed by him in the establishment.

(2) The rest room shall be sufficiently lighted and ventilated and shall be maintained in clean and good condition.

(3) The rest room shall be conveniently located within or adjacent to the establishment.

(4) Separate rest rooms and facility to maintain personal hygiene and for disposal of sanitary napkins shall be provided to the female employees if the number of female employees exceeds five.

(5) Every rest room shall be adequately furnished with sufficient number of chairs or benches with back rest for sitting.

(6) Suitable provisions for wholesome drinking water, ventilation, fresh air, natural and artificial lightings shall be provided in the rest room.

(7) Tables with impervious tops shall be provided for use of employees for having their food.

(8) Every employer shall provide and maintain latrines and urinals along with the rest rooms as follows:—

(a) One latrine/urinal each for every 20 employees or part thereof;

(b) Separate latrine/urinals shall be provided to male and female employees;

(c) The urinals/latrines shall be adequately lighted and maintained in a clean and sanitary condition.

(9) No employer shall install any electronic or other equipments in or adjacent to restroom so as to infringe the privacy of employees”.

(vii) in rule 6, after sub-rule (3), the following sub-rule shall be inserted, namely:—

“(4) *Mandatory protective measures to be adopted by employers.*—

(a) The employer shall provide to the employees protective equipments and clothings in conformity with the quality as prescribed by the Bureau of Indian Standards where there is likelihood of bodily injury or exposure to physical or chemical hazards.

(b) In case any accident occurs in any shop or establishment which causes bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more, shall be reported by the employer to the Inspector within three days of the date of occurrence of such accident:

Provided that in the case of death or fatal accident, a notice of accident shall be reported within twenty four hours to the Inspector concerned.

(c) The employer shall provide suitable goggles for the protection of eyes of the employees engaged on or in the immediate vicinity of any process carried out in the shop or establishment which otherwise will cause thermal/chemical injury to the eyes of the employee so engaged therein.

(d) In every medium establishment the employer shall provide and maintain a first-aid box with the following contents, namely:—

<i>Sl. No.</i>	<i>Items</i>	<i>Quantity</i>
(1)	(2)	(3)
(i)	Assorted Adhesive Plasters	35
(ii)	Triangular Bandages	3
(iii)	Sterile Eye Pads	4
(iv)	Safety Pins	3
(v)	Medium Sterile Wound dressings	12
(vi)	Large Sterile Wound dressings	6
(vii)	Non-alcoholic Cleaning wipes	15
(viii)	Crepe Roller Bandage	2
(ix)	Pair of Disposable Latex Gloves	10
(x)	Sterile Eye Wash (500 ml)	2
(xi)	Pocket Mask or Disposable Face	1
(xii)	Scissors	1
(xiii)	Adhesive Tape	1
(xiv)	Elasticized Roller Bandage	2
(xv)	Small Burn Dressing	1
(xvi)	Large Burn Dressing	1
(xvii)	Gauze Pads (Small Pack)	1
(xviii)	Safety Glasses	1
(xix)	Antibiotic ointment-Povidone Iodine	2 Tubes
(xx)	Normal saline	1 Bottle
(xxi)	Aspirin and Paracetamol Tablets	10 Each
(xxii)	Ice Pack	1
(xxiii)	Tweezers	1
(xxiv)	First aid leaflet	1

(e) The employer of every big establishment shall provide sufficient quantity of the items specified in sub-clause (d) proportionate to the number of employees employed by him in such establishment.”.

(viii) in the Schedule to sub-rule (1) of rule 6A, in column (2) “Maximum limit in weight”, for the figure “75” appearing against the words “Adult male” in column (1) “Persons”, the figure “55” shall be substituted.

(ix) after rule 6B, the following rules shall be inserted, namely:—

“6C. *Hostel facilities*.—(1) Every employer employing more than fifty employees shall provide or arrange separate hostel facilities free of cost, for men and women employees whose residence is located at a distance of more than 25 kilometers from the establishment.

(2) The employer shall make suitable provisions for wholesome drinking water, ventilation, fresh air and natural and artificial lightings.

(3) The building provided or constructed for hostel facilities shall have adequate ventilation, protection against heat, wind, rain and shall have smooth, hard and impervious floor surface.

(4) In the hostels, each employee shall be provided with beds measuring 3 ft.×6 ft. in dimension with comfortable mattress and pillows. A minimum space of 3ft. shall be maintained between the beds. Three tier beds are prohibited.

(5) Every employee shall be provided with safe storage facilities to keep their personal belongings.

(6) Latrines/Urinals and bath rooms shall be provided and maintained hygienically in the hostels. A minimum of one latrine/urinal for every ten employees or part thereof shall be provided.

(7) Washing facilities shall be provided and maintained in hostels.

6D. Creches.—(1) Every establishment employing twenty or more women employees in any day of the preceding twelve months shall provide and maintain creche facilities, free of cost, for the children of employees under six years of age:

Provided that a group of employers may join together through Trusts or other institutional device or by mutual agreement to provide group creche under intimation to the Inspector concerned within thirty days of its formation.

(2) The creche shall conveniently be accessible to the employees whose children are accommodated therein.

(3) The employer shall engage a woman to be in charge of a creche who has sufficient training and experience in the field of child and infant care as approved by the State Government, for every thirty children or part thereof.

(4) Every employer shall provide milk and other refreshment for the child as specified by the Government from time to time. There shall not be less than 15 sq.ft. of floor area for each child to be accommodated.

(5) Construction of the creche should offer adequate protection against heat, moisture and should have smooth, hard and impervious floor surface. Adequate number of fans shall be provided in each creche.

(6) There shall be provisions for wholesome drinking water, ventilation, fresh air and natural and artificial lightings. The entire premise of the creche including urinals and latrines shall be maintained in a hygienic condition.

(7) There shall be a wash room, in or adjoining to the creche, which shall be properly maintained for the use thereof.

(8) The creche shall be furnished with suitable furniture and a cradle shall be provided for each child below the age of two years.

(9) Sufficient mattresses, pillows and toys are to be provided in the creche for the use of the children.”

(10) There shall be one latrine for the use of 15 children in the creche.

(x) In rule 9, after sub-rule (2) the following sub-rule shall be inserted, namely:—

(3) Any sum required to be paid by an employer to an employee under section 15 of the Act shall be recoverable by the Inspector as arrears of revenue due on land under the Revenue Recovery Act for the time being in force.”.

(xi) in rule 10,—

(a) after sub-rule (4), the following sub-rules shall be inserted, namely:—

“(4A) Copy of appointment letters issued in Form BC shall be retained by the employer for a period of three years from the date of issue.

(4B) Every employer shall retain a copy of service certificate in Form BE for the whole service of the employee concerned with him and in case of death while in service or retrenchment or termination of employment, the employer shall retain the copy of service certificate for a period of three years from such date;

(b) in sub-rule (8) for the words, letters, figures and brackets “except the register in Form BB prescribed under sub-rule (1A) above” the words “except the registers, records or Forms specifically mentioned otherwise in the rule” shall be substituted;

(c) after sub-rule (10) the following sub-rule shall be inserted, namely:—

“(10A) No employer shall make, cause or allow in any record, register, notice or Form in written or electronic format prescribed, an entry which is to his knowledge false in any material particular, or wilfully omits or causes or allows to be omitted from any such record, register, notice or Form an entry required to be made therein.”;

(d) in sub-rule (11), for the words "a visit book" the words "an Inspection Book" shall be substituted.

(xii) after rule 12A, the following rule shall be inserted, namely:—

12B.—"*Submission of Annual Welfare Return.*—Every employer of a medium or big establishment shall submit an Annual Welfare Return in Form I to the Inspector on or before 15th February of every year."

(xiii) in rule 14, for the word "fifty" the words "two thousand five hundred" shall be substituted.

(xiv) in Form B I, in Sl. No. 2, in item (iii), for the word "employer" the words "employer owning or having ultimate control over the affairs of the establishment" shall be substituted.

(xv) in Form B II,—

(i) below the title, registration of the certificate, for the words "Registration Certificate No" the words "Registration Certificate No and Year of Registration" shall be substituted;

(ii) in the entries below the body of the Certificate, for the words "Name of Employer" the words "Name of employer owning or having ultimate control over the affairs of the establishment" shall be substituted.

(xvi) in Form B III,—

(a) in the title, for the words "NOTICE OF CHANGES" the word "APPLICATION" shall be substituted;

(b) in Serial No. 2, for the word "employer" the words "employer owning or having ultimate control over the affairs of the establishment" shall be substituted.

(xvii) after Form BB the following Forms shall be inserted, namely:—

FORM BC

[See rule 2J (1)]

LETTER OF APPOINTMENT

No.

1. Registration No. of the establishment ..
2. Name and address of the establishment
with pincode, telephone/mobile number
and e-mail ID ..
3. Name of the employer ..
4. Name and address of the employee ..

Shri/Smt.aged.....years S/o or D/o or
W/o.....residing at.....is appointed as.....(designation/category) in
this establishment with effect from.....(date). He/she is appointed/
engaged with a monthly wages/salary of Rs.(Rupees.....only) and is
entitled to other allowances and statutory benefits as per the law in force.

Signature of employer

Place:

Date:

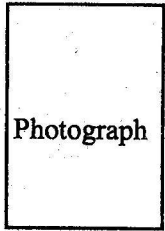
Name and seal of the employer

FORM BD

[See rule 2J(2)]

IDENTITY CARD

1. Name and full address of the establishment with pincode, telephone/mobile number, e-mail ID :
2. Registration number of the establishment :
3. Name of the employee and his full postal address with pincode, telephone/mobile number, e-mail ID :
4. Age/date of birth :
5. Blood group of the employee :
6. Designation :
7. Date of joining duty :
8. Date of issue of the card :
9. Signature of the employee :



Photograph

Name, signature and seal of the employer

FORM BE

[See rule 2J (3)]

SERVICE CERTIFICATE

Registration No.

Name and address of the establishment

This is to certify that Shri/Smt.aged.....years S/o or D/o or W/o residing at.....is working as/has worked as.....(designation/category) in this establishment from.....(date) to.....(date). He/she resigned/retrenched/superannuated on.....from the service of this establishment. He/she is being paid/was paid salary/wages of Rs.....(Rupees.....) only.

Place:

Signature of the employer

Date:

Name and seal of the employer

(xvix) after Form H the following Form shall be inserted,
namely:—

FORM I

[See rule 12 B]

WELFARE RETURN

Report for the period ending 31st December.....(Year)
(To be furnished on or before the 15th February of the succeeding year)

1. Name and address of establishment :
2. Registration number and year of registration :
3. Name of employer :
4. Number of employees :
5. Highest number of employees during the period :
1. Male :
2. Female :
6. Rest rooms provided : Yes/No

Facilities provided in the rest rooms
(Describe facilities provided and its numbers as mandated by rule 5A)

- (a) No. of rest room exclusively for women employees :
- (b) No. of latrines: (c) No. of urinals: (d) No. of chairs:
7. Hostels provided : Yes/No

Facilities provided in the hostel
(Describe facilities provided and its numbers as mandated by rule 6C)

- (a) No. of latrines: (b) No. of urinals: (c) No. of beds:

8. Creches/group creches provided : Yes/No

Facilities provided in the creches/group creches
(Describe facilities provided and its numbers as mandated by rule 6D)

- (a) No. of children: (b) Name of the creche attendant:
(c) No. of latrines: (d) No. of urinals:
(e) No. of cradles/mattress etc.:

9. First Aid Box provided : Yes/No

10. Service Certificate

1. Number of certificate issued :
2. Number of employees enrolled
in the Kerala Shops and
Commercial Establishments
Workers Welfare Fund Board :

Place:

Signature

Date:

Name and seal of the employer.

To

The Inspector

By order of the Governor,

TOM JOSE,

Principal Secretary to Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Consequent to the amendment made to the Kerala Shops and Commercial Establishments Act, 1960 through the Kerala Shops and Commercial Establishments (Amendment) Act, 2014 (Act 3 of 2015), Government have decided to amend the Kerala Shops and Commercial Establishments Rules, 1961 so as to provide provisions for the purpose of regulating the appointment conditions, betterment of working conditions and to enhance the penalties and also to make it in consonance with the recommendations of the International Labour Organisation.

The notification is intended to achieve the above object.