

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 3211
TO BE ANSWERED ON 06.08.2018
MODEL SHOPS AND ESTABLISHMENTS ACT**

**3211. SHRI T. RADHAKRISHNAN:
SHRI S.R. VIJAYAKUMAR:
SHRI S. RAJENDRAN:
SHRI BIDYUT BARAN MAHATO:
SHRI SUDHEER GUPTA:
SHRI GAJANAN KIRTIKAR:
SHRI ASHOK SHANKARRAO CHAVAN:
KUNWAR HARIBANSH SINGH:**

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) the details and the salient features of Model Shops and Establishments (Regulation of Employment and Condition of Services) Act, 2016;**
- (b) whether the Government has permitted 24 hours working for Malls, Restaurants and other such workplaces in the country and if so, the details thereof;**
- (c) whether adequate steps/necessary precautions have been taken by the Government not to harass workers to work beyond normal working hours and if so, the details thereof;**
- (d) whether the Government is aware of the various challenges especially safety and security of workers including women working in the night shifts likely to crop up as a result of the said proposal; and**
- (e) if so, the details thereof along with the remedial steps taken/proposed to be taken by the Government in this regard?**

**ANSWER
MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a): The salient features of the Model Shops and Establishments (Regulation of Employment and Conditions of Service) Bill, 2016 are:

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(i) The Model Bill applies to shops and establishments employing ten or more workers except manufacturing, (ii) freedom to operate 365 days in a year and opening/closing of establishments, (iii) women to be permitted during night shift, if the provisions of shelter, rest room, ladies toilet, adequate protection of their dignity and transportation etc. exist, (iv) no discrimination against women in the matter of recruitment, training, transfer or promotions, (v) online one common Registration through a simplified procedure, (vi) power to appropriate Government to make rules regarding adequate measures to be taken by the employer for the safety and health of workers, clean and safe drinking water, first aid, lavatory, crèche and canteen by group of establishments, in case it is not possible due to constraint in space or otherwise by individual establishments, (vii) five paid festival holidays in addition to national holidays etc.

(b): A shop or an establishment may work on all days in a week subject to the conditions that every worker shall be allowed weekly holiday of at least twenty four consecutive hours of rest. If workers is denied weekly holiday, the compensatory leave in lieu thereof shall be given within two months and if the workers is required to work on a day of rest, he shall be entitled to wages at the rate of twice his ordinary rate of wages.

(c): No Adult workers shall be required or allowed to work in a shop or establishment for more than 48 hours in any week and nine hours in a day and no worker shall be asked to work continuously for more than 5 hours unless he has been given a break of not less than half an hour. Sufficient penalty provisions have been made in the Bill for non-compliance of these provisions.

(d) & (e): No women shall be required or allowed to work in a shop or establishment for more than 48 hours in any week and except between hours of 6 A.M. and 9 P.M. Women workers to be permitted to work during night shift if the State Government is satisfied that adequate provisions of shelter, rest room, ladies toilet, night crèche, adequate protection of their dignity, honour and safety and transportation etc. exist.