



ABSTRACT

Tamil Nadu Shops and Establishments Act, 1947
1947) – Permitting all Shops and Establishments to keep open on all 365 days for the further period of three years – Orders - Issued.

LABOUR AND EMPLOYMENT (K2) DEPARTMENT

G.O.(Ms) No.53

Dated: 22.03.2017

Thunmugi – Panguni 9,
Thiruvalluvar Aandu 2048.

Read:

1. G.O.(Ms)No.55 Labour and Employment Department, dated. 25.02.2016 published in Tamil Nadu Government Gazette Publication No.12, Part II – Section 2, dated 23.03.2016.
2. From the Commissioner of Labour, Chennai-600 006, Letter No.S2/3883/2017, dated 03.02.2017.

ORDER:

In the Government order first read above, orders have been issued exempting all shops and establishments in Tamil Nadu from the provisions of sub-section (1) of Section 11 of the Tamil Nadu Shops and Establishments Act, 1947 (Tamil Nadu Act XXXVI of 1947) and permitting all the shops and establishments in Tamil Nadu to keep open on all 365 days of the year initially for a period of one year, in public interest with effect from the date of publication of the appended notification in the Tamil Nadu Government Gazette, subject to certain conditions. The above said appended notification was published in Tamil Nadu Government Gazette on 23.03.2016 and the period of exemption ordered therein expires on 22.03.2017.

2. In the letter second read above, the Commissioner of Labour has sent the proposal to permit all the Shops and Establishments in Tamil Nadu to keep open on all 365 days of the year for the further period of three years, with specified conditions.

3. The Government after careful consideration, accept the above said proposal of the Commissioner of Labour.

4. Accordingly, the appended notification will be, published in the Tamil Nadu Government Gazette both in English and Tamil.

p.t.o.

APPENDIX.
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) and in continuation of the Labour and Employment Department Notification No.II(2)/LE/ 242/2016 published at page 233-234 of Part II-Section 2 of the Tamil Nadu Government Gazette, dated the 23rd March 2016, the Governor of Tamil Nadu, in public interest, hereby exempts all establishments from the provision of sub-section (1) of section 11 of the said Act and permits all the establishments in the State of Tamil Nadu to keep open on all 365 days of the year, for a further period of three years with effect from 23rd March 2017, 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' 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 hours in any day and fifty four 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) Women employees shall not be required to work beyond 8.00 p.m. on any day in normal circumstances.
- (7) Transport arrangements shall be provided to the women 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 women employees 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 Act and the Rules.
- (11) In 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.

P. AMUDHA,
SECRETARY TO GOVERNMENT

//TRUE COPY//


SECTION OFFICER.
20/3/17