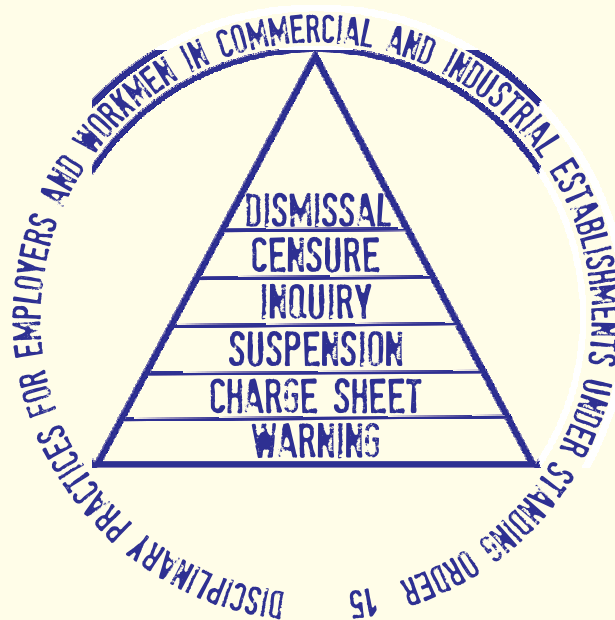




Disciplinary practices for Employers and workmen in commercial and Industrial Establishments Under Standing Order: 15



What is disciplinary practice?

Disciplinary practices are the procedures through which an employer tells workman that something is wrong and he/she needs to improve. The workman has to be given an opportunity to explain his side of situation. The disciplinary practice can lead to disciplinary action including dismissal of workman. However the law also places checks on the employers so they can not use disciplinary practice in an unjustified manner.

What is Misconduct?

When a workman does anything unruly with intention at a certain time such as willful insubordination, theft, fraud, damage to employer's property, habitual absence, go slow, riotous or disorderly behavior or participation in illegal strikes during working hours is called misconduct.

Can a workman/worker be assisted by any person?

A workman who is facing misconduct can be assisted during inquiry by a union representative and by his fellow workman.

What procedure has to be followed by an employer before taking any action against a workman?

Sometimes lapses, faults or un acceptable behavior committed/shown by a workman is not liked by the employer and forces him to take action against the workman. In this situation, he has to follow four steps.

- i) Charge Sheet: charge sheet to a workman/worker for a misconduct should be issued in one month time from the date of offence.
- ii) Explanation by workman: A workman should be given an opportunity to explain or defend himself/herself.
- iii) An independent inquiry: After explanation is submitted by the workman the employer will consider it whether the submission fulfills every requirement and if he is not satisfied he should hold a formal inquiry.
- iv) Punishments: A workman may be punished with four kinds of punishments such as reprimand, fine, suspension and dismissal according to degree or severity of offence.

Effects of punishment

- 1) A workman may be reprimanded (warned) for his misconduct or the employer can punish a workman with fine of 3% of monthly wages

payable to him/her but this fine will not be applicable to an employed person under 15 year of age. The establishments where Payment of Wages Act, 1936, does not apply, the acts and omissions which are called misdemeanors (of less degree or severity) such as disobedience of rules or orders, improper behaviour (drunkenness) making fake and misleading statements, inefficient careless or wasteful working etc, could be treated as misconduct and can also be liable for the punishment (2) withholding of increment or promotion not exceeding one year. (3) reduction to a lower post. (4) Dismissal without payment of any compensation in lieu of notice. The workman can be suspended for four days at a time and this period can not be exceeded for more than four weeks except the case of a workman/worker is pending before the labour court or labour appellate tribunal.

The establishments where Standing Order:15 is not applicable, the employers are not at liberty to exploit any workman but must follow the basic principle of equity (natural justice) so that no workman can be punished without being heard.

When are back benefits payable to a workman/worker?

- i) A workman/worker shall be paid 50% of the wages as subsistence allowance.
- ii) If the workman is not found guilty for misconduct the employer shall pay all due wages with re-instatement.

Time limitation

The employer must charge sheet a workman within 30 days of the knowledge of the misconduct.

Relating Laws

The payment of wages Act 1936. The Punjab Industrial Relations Act, 2010

Forum


Labour court or labour appellate tribunals.



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