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## LABOUR & E.S.I. DEPARTMENT

### NOTIFICATION

The 15th February, 2026

No.1154—LESI-LR-POL-0002/2026/LESI.— Whereas, subsequent to enactment of the Industrial Relations Code, 2020 (35 of 2020) (in short 'the said Code') by the Parliament, the Central Government vide Notification No. S.O. 5320(E), dated the 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section 3(ii), have brought into force all the provisions of the said Code;

Now, therefore, the following draft of certain rules, which the State Government propose to make in exercise of the powers conferred Section 99 of the Industrial Relations Code, 2020 read with Section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of -

- (i) the Odisha Industrial Disputes Rules, 1959,
- (ii) the Odisha Industrial Employment (Standing Orders) Rules, 1946, and
- (iii) the Odisha Trade Union Regulations, 1941,

except as respects things done or omitted to be done before such supersession, are hereby notified, as required by sub-section (1) of said Section 99, for information of all persons likely to be affected thereby and the **notice is hereby given that the said draft will be taken into consideration after the expiry of a period of thirty days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;**

Objections and suggestions, if any, may be addressed to the Special Secretary to Government, Labour & ESI Department, Kharavela Bhawan, Bhubaneswar-751001 and be sent through e-mail : [labsec.or@od.gov.in](mailto:labsec.or@od.gov.in). The objections and suggestions should be sent in a proforma containing columns (1) specifying the name and address of the person/organisation, column (2) specifying the rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons thereof;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

**Draft**  
**CHAPTER I**  
**PRELIMINARY**

**1. Short title, extent, application and commencement.**— (1) These rules may be called the Odisha Industrial Relations Rules, 2026.

(2) They extend to the whole State of Odisha and matters for which the State Government is the appropriate Government.

(3) They shall come into force on the date of their final publication in the *Odisha Gazette*.

**2. Definitions.**— (1) In these rules, unless the context otherwise requires,—

- (a) “Code” means the Industrial Relations Code, 2020 (35 of 2020);
- (b) “Electronically” means any information submitted by e-mail or uploading on the designated portal or digital payment in any mode for the purpose of the Code;
- (c) “Form” means a form appended to these Rules;
- (d) “Section” means a section of the Code;
- (e) “State Government” means the Government of Odisha.

(2) The words and expressions used in these rules which are not defined, but defined in the Code, shall have their respective meaning as assigned to them in the Code.

**3. Memorandum of settlement.**— (1) The settlement arrived at in the course of conciliation proceedings or a written agreement between the employer and worker arrived at otherwise than in the course of conciliation proceedings shall be in **Form-I**.

(2) The settlement shall be signed,—

- (a) by the employer or by his authorised agent, or where the employer is an incorporated Company or other body corporate, by the agent, manager or other principal officer of such company or such other body corporate; and
- (b) on behalf of workers, by any of the following office bearers of Trade Union, namely:—
  - (i) President; or
  - (ii) Vice-President; or
  - (iii) Secretary (including the General Secretary); or
  - (iv) Joint Secretary; or
  - (v) any other office bearer of the Trade Union authorised in this behalf by the President and Secretary of the Union; or

(vi) Five representatives of workers duly authorised in this behalf at the meeting of the workers held for the purpose.

(3) In case of an industrial dispute between individual worker and employer, the settlement shall be signed by the employer and the worker concerned.

(4) Where the settlement is arrived at in the course of conciliation proceedings, the conciliation officer shall send a report thereof to the State Government together with a copy of the memorandum of settlement signed by the parties to the dispute. A copy of such settlement also to be sent to the Labour Commissioner, Odisha, the concerned Joint Labour Commissioner or Divisional Labour Commissioner.

(5) Where a settlement is arrived at between an employer and his worker otherwise than in the course of conciliation proceedings, the parties to the settlement shall jointly send a copy thereof electronically or by speed post or by registered post, to the State Government, Labour Commissioner, Odisha, concerned Joint or Divisional Labour Commissioner and to the local conciliation officer having jurisdiction.

(6) The conciliation officer shall file all settlements effected under the Code in respect of industrial disputes in the area within his jurisdiction in the register maintained electronically or otherwise.

(7) The register referred to in sub-rule (6) shall contain the details including serial number, name of the industry, parties to the settlement, date of settlement, remarks and whether settlement was arrived at after the intervention of conciliation officer or by mutual negotiation:

Provided that signature of conciliation officer on the agreement shall not be necessary where the agreement for settlement is arrived at outside conciliation:

Provided further that nothing in this rule shall prohibit a settlement between a worker or workers or Trade Union and an employer on mutually agreed terms and such settlement may be in a format other than Form I.

## **CHAPTER II**

### **BI-PARTITE FORUMS**

#### **4. Works Committee, its constitution and matters related thereto under section 3.—**

**(1) Constitution of Works Committee:** Every employer to whom an order made by the State Government under sub-section (1) of Section 3 relates, shall forthwith proceed to constitute a Works Committee to promote measures for securing and preserving amity and good relations between the employer and workers and, to that end, to comment upon matters of common interest or concern, in the manner specified in this rule.

**(2) Number of Members:** (i) The number of members constituting the Works Committee shall be fixed so as to afford representation to the various categories, groups and class of workers engaged in, and to the sections, shops or departments of the industrial establishment.

(ii) The total number of members of the Committee shall not exceed twenty.

(iii) The number of representatives of the workers in the Committee shall not be less than the number of representatives of the employer therein:

Provided that the industrial establishments in which women workers are employed shall have adequate representation of women workers in Works Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

**(3) Representation of Employer:** Subject to the provisions of this rule, the representatives of the employer in the Works Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with, or associated with, the working of the industrial establishment.

**(4) Consultation with Trade Union:** Where the workers of the industrial establishment are members of a registered Trade Union or Trade Unions, the employer shall ask such registered Trade Union or Trade Unions to inform him in writing as to-

- (a) number of the workers who are members of such registered Trade Union or Trade Unions; and
- (b) if the employer has reason to believe that the information furnished to him by the registered Trade Union or Trade Unions is false, he may, after informing such registered Trade Union or Trade Unions, refer the matter to the Joint Labour Commissioner of the concerned area, who shall, after hearing the parties, decide the matter and his decision shall be final.

**(5) Group of Worker's representatives:** On receipt of the information called for under sub-rule (4), the employer shall provide for the choosing of worker's representative of the Works Committee in the following manner, namely:-

- (a) in case of a negotiating union under sub-section (2) or sub-section (3) of Section 14, such negotiating union shall nominate the worker's representatives of the Committee;
- (b) in the case of the negotiating council under sub-section (4) of Section 14, the nomination shall be in such manner that every registered Trade Union representing in the negotiating council shall be represented in the Committee in

proportion to the number of workers of the industrial establishment who are members of such Trade Union;

- (c) where there is no recognised negotiating union or negotiating council referred to in clauses (a) and (b), the workers of the industrial establishment shall elect amongst themselves the worker's representatives of the Committee :

Provided that the employer may, deploy an electronic platform for conducting the election process over an information technology application, online platform or such other platform to enable as to how the representatives of workers shall be elected for the Committee under this clause:

Provided further that where a registered Trade Union fails to furnish the information called for under sub-rule (4) within one month of the date on which it is so called for, then, such Trade Union shall for the purpose of this rule be treated as if it did not exist:

Provided also that where any reference has been made by the employer under sub-rule (4), the process of choosing the worker's representative relating thereto shall be held on receipt of the decision of the concerned Joint Labour Commissioner.

**(6) Electoral Constituencies:** The employer may, if he thinks fit, direct that the workers shall vote in either by groups, sections, shops or departments.

**(7) Qualification of candidates for election:** Any worker, of not less than nineteen years of age and with a service of not less than one year in the industrial establishment may, if nominated as provided in this rule, be a candidate for election as a worker's representative of the Works Committee:

Provided that such service qualification shall not apply to the first election in an industrial establishment which has been in existence for less than a year.

**Explanation.**—For the purposes of this sub-rule, a worker who has put in continuous service for not less than one year in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

**(8) Qualification for voters:** All workers who are not less than eighteen years of age and who have put in not less than six months' continuous service in the industrial establishment shall be entitled to vote in the election of the worker's representative of the Works Committee.

**Explanation.**— For the purposes of this sub-rule, a worker who has put in continuous service of not less than six months in two or more industrial establishments belonging to the same employer shall be deemed to have satisfied the service qualification specified therein.

**(9) Fixation of schedule for Election:** (i) The employer shall give a minimum time period of at least three working days for filing of nomination along with other requisite details while fixing a date as the closing date for receiving nominations from candidates for election as worker's representatives of the Works Committee.

(ii) The date fixed by the employer for holding the election referred to in clause (i) shall not be earlier than three days and later than fifteen days after the closing date for receiving nominations.

(iii) The date of election fixed under sub-rule (i) shall be notified at least seven days in advance to the workers concerned and such notice, which shall specify the numbers of seats to be elected, shall be affixed on the notice board or electronic notice board of the industrial establishment and given adequate publicity amongst the workers.

**(10) Nomination of candidates for election:** (i) Every nomination for election as worker's representative of the Works Committee shall be made on a nomination paper to be provided by employer and the copies thereof shall be supplied by the employer to the workers requiring them.

(ii) Each nomination paper referred to in sub-rule (10) shall be signed by the candidate to whom it relates and attested by at least two other voters belonging to the group, section, shop or department, which the candidate seeking election shall represent, and shall be delivered to the employer.

**(11) Scrutiny of nomination papers:** (i) On the day following the last day fixed for filing nomination papers, the nomination papers shall be scrutinised by the employer in the presence of the candidates and the attesting persons and those nominations which are not valid shall be rejected.

(ii) A nomination paper shall be held to be not valid under sub-rule (11), if-

- (a) the candidate nominated is ineligible for being a candidate under sub-rule (7); or
- (b) the requirements of sub-rule (10) have not been complied with:

Provided that where a candidate or an attesting person is unable to be present at the time of scrutiny, he may send a duly authorised nominee for the purpose.

**(12) Withdrawal of candidates:** Any candidate whose nomination for election has been accepted may withdraw his candidature within forty-eight hours of the completion of scrutiny of the nomination papers.

**(13) Voting in election:** (i) If the number of candidates who have been validly nominated for election as worker's representative of the Works Committee is equal to the number of seats, the candidates as such shall be forthwith declared as duly elected.

(ii) Where, in any industrial establishment, the number of candidates validly nominated for election as worker's representative of the Committee is more than the number of seats allotted to it, voting shall take place on the day fixed for election.

**(14) Officers of the Works Committee:** (i) The Committee shall have among its office-bearers a Chair person, a Vice-Chairperson, a Secretary and a Joint-Secretary.

(ii) The Chairperson of the Committee shall be nominated by the employer from amongst the employer's representatives of the Committee and he shall, as far as possible, be the head of the industrial establishment.

(iii) The Vice-Chairperson shall be elected by the members of the Committee representing the workers, from amongst themselves:

Provided that in the event of equality of votes in the election of the Vice-Chairperson, the matter shall be decided by a draw of lot.

(iv) The Secretary and the Joint Secretary of the Committee shall be elected every year.

(v) The Committee shall elect the Secretary and the Joint Secretary provided that where the Secretary is elected from amongst the representatives of the employers, the Joint Secretary shall be elected from amongst the representatives of the worker and vice versa:

Provided that the post of the Secretary or the Joint Secretary, as the case may be, shall not be held by a representative of the either the employer or the workers for three consecutive years:

Provided further that the employer's representatives shall not take part in the election of the Secretary or Joint Secretary, as the case may be, and only the representatives of the workers shall be entitled to vote in elections for the post of Secretary or Joint Secretary:

Provided also that in the event of equality of votes in an election under this sub-rule, the matter shall be decided by a draw of lot.

**(15) Term of office:** (i) The term of office of the members of the Works Committee other than a member chosen to fill a casual vacancy shall be three years.

(ii) Every member chosen to fill a casual vacancy shall hold office for the remaining period of the term of his predecessor.

(iii) The membership of any member, who fails to attend three consecutive meetings of the Committee without obtaining leave from the Committee, shall stand forfeited.

**(16) Vacancies:** In the event of worker's representative ceasing to be a member under clause (iii) of sub-rule (15) or ceasing to be employed in the industrial establishment or in the event of his resignation, death or otherwise, his successor shall be chosen in

accordance with the provisions of this rule for the remaining period of the Works Committee from the same group to which the member vacating the seat belonged.

**(17) Power to Co-Opt:** The Works Committee shall have the right to co-opt persons employed in the industrial establishment having particular or special knowledge of a matter under discussion in a consultative capacity and such co-opted member shall not be entitled to vote and shall be present at meetings only for the period during which the particular question is before the Committee.

**(18) Meetings:** (i) The Works Committee may meet as often as necessary but not less often than once in three months.

(ii) The Committee shall at its first meeting regulate its own procedure.

**(19) Facilities for meetings, etc.:** (i) The employer shall provide accommodation for holding meetings of the Works Committee and shall also provide all necessary facilities to the Committee and to its members for carrying out the work of the Committee.

(ii) The Committee shall ordinarily meet during working hours of the industrial establishment concerned on any working day and the representatives of the workers shall be deemed to be on duty while attending the meeting.

(iii) The Secretary of the Committee may with the prior concurrence of the Chairperson, put up notice regarding the functions of the Committee on the notice board of the industrial establishment.

**(20) Annual Return:** The employer shall submit the details of the constitution and the functioning of the Works Committee as a part of unified annual return provided in the Odisha Occupational Safety, Health and Working Conditions Rules, 2026 framed under the Occupational Safety, Health and Working Condition Code, 2020 (37 of 2020).

**(21) Dissolution of Works Committee:** The State Government, or the officer authorised in its behalf, may after making such inquiry as it or he may deem fit, dissolve any Committee at any time, by an order for reasons to be recorded in writing, on being satisfied that the Committee has not been constituted in accordance with the provisions of this rule or that not less than two-thirds of the number of representatives of the workers have without any reasonable justification failed to attend three consecutive meetings of the Committee or that the Committee has, for any other reason, ceased to function:

Provided that where the Committee is dissolved under this sub-rule, the employer, may, and if so required by the State Government or, as the case may be, by such officer, shall take steps to re-constitute the Committee in accordance with this rule.

**5. Choosing of members from employers and workers for Grievance Redressal Committee.–** (1) The Grievance Redressal Committee in an industrial establishment

employing twenty or more workers, shall consist of equal number of members representing the employer and workers, which shall not exceed ten.

(2) The representatives of the employer in the Grievance Redressal Committee shall be nominated by the employer and shall, as far as may be possible, be officials in direct touch with or associated with the working of the industrial establishment, preferably the heads of major departments of the industrial establishment.

(3) The worker's representative of the Grievance Redressal Committee shall be chosen in the following manner, namely:-

- (a) where there is a negotiating union under sub-section (2) or sub-section (3) of Section 14, such negotiating union or negotiating council, as the case may be, shall nominate the worker's representatives on the Grievance Committee;
- (b) in the case of a negotiating council under sub-section(4) of Section 14, the nomination shall be in such manner that every registered Trade Union representing in the negotiating council shall be represented in the Grievance Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (c) where there is no recognised negotiating union or negotiating council referred to the clauses (a) and (b), the workers of the industrial establishment shall choose amongst themselves the worker's representatives of the Grievance Committee:

Provided that the employer may, deploy an electronic platform for choosing worker's representatives under this clause, over an information technology application, online platform or such other like platform:

Provided further that there shall be adequate representation of women workers in the Grievance Committee and such representation shall not be less than the proportion of women workers to the total workers employed in the industrial establishment.

(4) The tenure of the members of the Grievance Committee shall be three years.

(5) Where there is no recognised negotiating union or negotiating council and if any dispute arises regarding choosing of the worker's representative to the Grievance Committee, the matter may be referred to the concerned Joint Labour Commissioner, who shall, after hearing the parties, decide the matter, whose decision shall be final.

**6. Application in respect of any dispute to be filed before the Grievance Redressal Committee by any aggrieved worker.-**

(1) Any aggrieved worker may file an application stating his grievance therein and dispute before the Grievance Redressal Committee giving name, designation, worker code or token number, department where he is posted,

length of his service in years, category of worker, address for correspondence, contact number, details of grievances and the relief sought therefor.

(2) The application referred to in sub-rule (1) may be sent electronically or otherwise.

(3) The application referred to in sub-rule (1) shall be filed within one year from the date on which the cause of action of such dispute arose.

**7. Manner of filing application for the conciliation of grievance as against the decision of the Grievance Redressal Committee to conciliation officer.**— Any worker who is aggrieved by the decision of the Grievance Redressal Committee or whose grievance is not resolved by the said Committee within thirty days of receipt of the application, may file an application online on designated Portal of the State Government or otherwise, within a period of sixty days from the date of the decision of the Grievance Redressal Committee or from the date on which the period specified in sub-section (6) of section 4 expires, as the case may be, to the conciliation officer through the Trade Union, of which he is a member:

Provided that in case of manual receipt of such application if any, the conciliation officer shall get the same digitised and enter the particulars of the application in the online mechanism under intimation to the Trade Union and worker.

### CHAPTER III

#### TRADE UNIONS

**8. Form of application for registration of a Trade Union.**— (1) Every application for registration of a Trade Union shall be made in **Form-II** electronically through the designated Portal of the State Government along with documents as required under section 8 of the Code to the Registrar having jurisdiction.

(2) Every application for registration of a Trade Union under section 8 of the Code shall be accompanied by an affidavit in **Form-III**, declaring that the provisions of the Code with respect to registration of a Trade Union is strictly followed and will be complied.

(3) Where a Trade Union has been in existence for more than one year before the making of an application for its registration, there shall be delivered to the Registrar, together with the application, a general statement of the assets and liabilities of the Trade Union as per Schedule III of Form-II.

**9. Form of Certificate of Registration.**— (1) On receipt of an application for registration of a Trade Union, the Registrar after due verification of information and particulars submitted with the application either by himself or through any other officer authorised by him and found proper, shall issue certificate of registration in **Form-IV** either electronically or otherwise.

(2) The Registrar shall dispose of an application, for registration of a Trade Union either granting or refusing to grant registration, within a period of sixty days from the date of receipt of such application.

**10. Form of Register of Trade Unions.**— The Register of Trade Unions referred to in sub-section (1) and (3) of Section 9 of the Code shall be maintained either electronically or otherwise, in **Form-V**.

**11. Fees and subscription.**— (1) The fee payable on registration of a Trade Union shall be as follows:

(i) Rs 2000/- for Trade Union with the membership of 1000 workers or above;

(ii) Rs 1000/- for Trade Union with the membership of less than 1000 workers.

(2) The payment of subscription by members of the Trade Union shall be as provided under the approved rules of the concerned Trade Union.

(3) On request of the Trade Union, the employer may deduct the amount of subscription from the wages of the employee after obtaining their written consent. The amount so deducted shall be construed as an authorised deduction under clause (k) of sub-section (2) of Section 18 of the Code on Wages, 2019 (29 of 2019).

(4) The amount of the registration fees may be enhanced by the State Government from time to time by notification.

**12. Form of application for cancellation or withdrawal of registration under sub-section (5) of Section 9.**— (1) Every application for cancellation or withdrawal of registration under clause (i) of sub-section (5) of Section 9 shall be signed by the Secretary and seven or more members of the Trade Union, and the seal of the Trade Union shall be affixed thereto. The application shall be sent to the Registrar in **Form-VI** electronically through the designated Portal of the State Government.

(2) On receipt of an application for the cancellation or withdrawal of registration of a Trade Union, the Registrar shall verify that the application was approved in a general body meeting of the Trade Union or if it was not so approved, that it has the approval of majority of members of the Trade Union. For this purpose, the Registrar may call for such further particulars and evidence as he may deem necessary and may examine any office bearer of the Union.

(3) The certificate of registration issued to a Trade Union under sub-rule (1) of rule 9 shall be surrendered by the Secretary of the Union when the Registrar decides to withdraw or cancel such certificate under clause (i) or clause (ii) of sub-section (5) of Section 9.

**13. Appeals under sub-section (1) of section 10.**— Any appeal made under sub-section (1) of Section 10 of the Code shall be filed within sixty days of the date on which the

Registrar passed the order against which the appeal is made to the Industrial Tribunal accompanied with a copy of the order of the Registrar.

**14. Sending of communication and notice under sub-section (1) and the manner to inform the Registrar under sub-section (3) of Section 11.–**

(1) All communications and notices to a registered Trade Union shall be sent by the Registrar, either electronically or through Post (Registered Post/ Speed Post) to the address of the head office of the Trade Union as entered in the register maintained by the Registrar.

(2) All communications and notices by a registered Trade Union with respect to any change in any of the particulars of the Trade Unions or its rules or membership shall be made to the Registrar electronically through the designated Portal of the State Government in **Form-VII** within thirty days from the date of such change.

(3) On receiving a copy of an application made for alteration of the rules of trade union, the Registrar, unless he has reason to believe that alteration has not been made in a manner provided by the rules of the Trade Union, shall register the alteration in a Register to be maintained for this purpose and shall notify the fact that he has done so to the Secretary of the Trade Union electronically or otherwise.

(4) The fee payable for registration of alteration of rules of Trade Union shall be Five hundred Rupees or as decided by the State Government from time to time, for each set of alteration made.

**15. Change in the name under sub-section (3) of Section 24.–** (1) The notice of any change of the name of the trade union shall be sent to the Registrar in **Form-VIII** electronically through the designated Portal of the State Government.

(2) When the Registrar registers a change of name under section 24, he shall digitally certify under his signature that the new name has been registered.

**16. Amalgamation of trade unions under sub-section (2) and (3) of Section 24.–**

(1) Notice of every amalgamation of trade unions shall be sent to the Registrar and where the head office of the amalgamated Trade Union is situated in a different state, to the Registrar of the concerned state electronically or otherwise through the designated Portal of the State Government in **Form-IX**.

(2) The Registrar if satisfied that the provisions of the Code in respect of amalgamation have been complied with, shall register the amalgamation and shall communicate the change in the name of the Trade Union, electronically or otherwise to the Trade Union concerned.

**17. Dissolution of registered trade union under sub-section (1) of Section 25.–**

Whenever a registered trade union is dissolved, notice of dissolution shall be shared within

fourteen days of such dissolution, electronically through the designated Portal of the State Government in **Form-X** to the Registrar along with the certificate of registration.

**18. Distribution of funds under sub-section (2) of Section 25.**— When the rules of the Trade Union do not provide for distribution of funds of the Trade Union on dissolution, the Registrar shall divide the funds among the members in proportion to the amounts contributed by the members on role at the time of dissolution by way of subscription during their membership. In the event of death of a member of a Trade Union subsequent to the date of its dissolution, but prior to the distribution of funds, the Registrar shall pay the sum payable to the legal representative of such member.

**19. Annual Returns under section 26.**— (1) The annual return to be furnished under clause (a) of sub-section (1) of Section 26 shall be submitted to the Registrar, electronically through the designated Portal of the State Government for the financial year, on or before the 30th day of April in each year by the Secretary of the Trade Union and shall be in **Form-XI**.

(2) Every Trade Union shall also submit such other particulars or information that may be required by the Registrar in connection with the annual return and relating to matters affecting the bye-laws.

**20. Audit under clause (j) of Section 7.**— (1) The annual audit of the accounts of any registered trade union shall be conducted by an auditor authorised to audit the accounts of companies under section 139 and Section 141 of the Companies Act, 2013.

(2) Declaration by Auditors.— The auditor or auditors appointed in accordance with the rules shall be given access to all the books of accounts of the Trade Union and shall verify the general statement submitted under section 26 with the accounts and vouchers relating thereto and shall thereafter sign the auditor's declaration appended in **Form-XI**, indicating separately on that form under his signature or their signatures, a statement showing in what respect he or they find the return to be incorrect, untouched or not in accordance with the Code. The particulars given in the statement shall indicate:

- (a) Every payment which appears to be unauthorised by the rules of the trade union or contrary to the provisions of the Code;
- (b) The amount of any deficiency or loss which appears to have been incurred by the negligence or misconduct of any person;
- (c) The amount of any sum which ought to have been but is not brought to account by any person.

(3) **Audit of Political Fund.**— The audit of the political funds of a registered trade union shall be carried out along with the audit of general account of the trade union by the same auditor or auditors.

(4) **Maintenance of account books by registered Trade Unions.**— Every registered Trade Union shall maintain the following books and registers to facilitate the audit of its accounts, namely,-

- (a) Register of membership and subscription;
- (b) Register of receipts and disbursements of general fund accounts;
- (c) Minutes books to record the proceedings of all the meetings;
- (d) Register of stocks, tools, and plant to show the furniture, fitting and valuable documents relating to the immovable property of the trade union;
- (e) Register of receipts and disbursements for the political fund (if there is a political fund);
- (f) A file of vouchers serially arranged; and
- (g) Machine numbered subscription receipt book.

(5) **Inspection of registers and documents.**— (a) The Register of Trade Unions maintained in accordance with rule 10 shall be made available for inspection to any person on payment of fee of Rs 200/-.

(b) Any document of trade union lying in the possession of the Registrar may be inspected by any member of that trade union on payment of Rs 100/- for each document inspected.

(c) Documents shall be open to inspection every day on which the office of the Registrar is open and within such hours as may be fixed for this purpose by the Registrar.

**21. Objects on which general funds may be spent.**— The general funds of registered trade union shall not be spent on any other object than the following, namely,-

- (a) the payment of wages, allowances and expenses to office-bearers of the Trade Union;
- (b) the payment of expenses for the administration of the Trade Union, including audit of the accounts of the general funds of the Trade Union;
- (c) the prosecution or defense of any legal proceeding to which the Trade Union or any member thereof is a party, when such prosecution or defense is undertaken for the purpose of securing or protecting any rights of the Trade Union as such or any rights arising out of the relations of any member with his / her employer or with a person whom the member employs;
- (d) the conduct of trade disputes on behalf of the Trade Union or any member thereof;

- (e) the compensation of members for loss arising out of trade disputes;
- (f) allowances to members or their dependents on account of death, old age, sickness, accidents or unemployment of such members;
- (g) the issue of, or the undertaking of liability under, policies of assurance on the lives of members, or under policies insuring members against sickness, accident or unemployment;
- (h) the provisions of educational, social or religious benefits for members (including the payment of the expenses of funeral or religious ceremonies for deceased members) or for the dependents of members;
- (i) the upkeep of a periodical published, mainly for the purpose of discussing questions affecting employers or workmen as such; and
- (j) the payment, in furtherance of any of the objects on which the general funds of the Trade Union may be spent, of contributions to any cause intended to benefit workmen in general:

Provided that the expenditure in respect of such contributions in any financial year shall not at any time during that year be in excess of one-fourth of the combined total of the gross income which has up to that time accrued to the general funds of the Trade Union during that year and of the balance at the credit of those funds at the commencement of that year.

**22. Objects of separate fund for political purposes.**— The separate fund of a registered Trade Union for promotion of civic or political interests under sub-section (2) of Section 15 of the Code, shall be utilised for the following objects, namely:-

- (a) Payment of any expenses incurred, either directly or indirectly, by a candidate or prospective candidate for election as a member of any legislative body constituted under the constitution or of any local authority, before, during, or after the election in connection with his candidature or election; or
- (b) Holding of any meeting or the distribution of any literature or documents in support of any such candidate or prospective candidate; or
- (c) Maintenance of any person who is a member of any legislative body constituted under the Constitution or of any local authority; or
- (d) Registration of electors or the election of a candidate for any legislative body constituted under the Constitution or for any local authority; or
- (e) Holding of political meetings of any kind, or the distribution of political literature or political documents of any kind.

**23. Manner of Recognition of Negotiating Union or Negotiating Council.–**

**(1) Matters for negotiation between negotiating union or negotiating council and employer for the workers employed in the industrial establishment under sub-section (1) of Section 14.–** The matters pertaining to workers which the negotiating union or the negotiating council, as the case may be, shall negotiate with the employer of the industrial establishment under sub-section (1) of Section 14 are specified, as below:-

- (i) classification of grades and categories of workers;
- (ii) order passed by an employer under the standing orders applicable in the industrial establishment;
- (iii) wages of the workers including their wage period, dearness allowance, bonus, increment, customary concession or privileges, compensatory and other allowances;
- (iv) hours of work of the workers, rest days, number of working days in a week, rest intervals, working of shifts;
- (v) leave with wages and holidays;
- (vi) promotion and transfer policy and disciplinary procedures;
- (vii) quarter allotment policy for workers;
- (viii) safety, health and working conditions and related standards;
- (ix) such matters pertaining to conditions of service and terms of employment of the workers which are not covered in the foregoing clauses; and
- (x) any other matter which is agreed between employer of the industrial establishment and negotiating union or negotiating council, as the case may be.

**(2) Criteria for recognising a single registered Trade Union of workers as sole negotiating union of workers under sub-section (2) of Section 14.–** Where there is only one registered Trade Union operating in an industrial establishment having its membership not less than 30 percent of the total workers employed in the industrial establishment, then the employer of such industrial establishment shall recognise such Trade Union as sole negotiating union of the workers.

**(3) Manner of verification of membership of Trade Unions in an industrial establishment under sub-sections (3) and (4) of Section 14.–** (i) (a) The State Government shall appoint a verification officer (hereinafter in this rule, referred to as verification officer) for the purpose of verification of membership of the Trade Unions in the industrial establishment who shall not have any interest with any of the Trade Unions in the industrial establishment, whose membership verification is to be carried out by him:

Provided that the process for recognition of the negotiating union or the negotiating council, as the case may be, shall commence three months before the expiry of the tenure of the existing recognition period of the negotiating union or the negotiating council, as the case may be, recognised by the employer under the Code.

(b) The verification officer may utilise the services of other officer to assist him depending upon the quantum of work of membership verification.

(c) The verification officer shall carry out the work of membership verification in the industrial establishment within the time as determined by the State Government.

(ii) The employer of the industrial establishment shall bear all expenses and make arrangements in connection with the verification of membership of trade unions under clause (i).

(iii) The Trade Unions which satisfy the following conditions may submit an application to the employer of the industrial establishment to accord status of negotiating union or the representatives of negotiating council of the workers, as the case may be, namely:-

(a) has a valid registration under the Trade Unions Act, 1926 and continuing as such or has the registration under the Code as the case may be; and

(b) the membership of the Trade Union be confined to the particular industrial establishment only.

(iv) The application for recognition made by Trade Union shall be accompanied with a copy of the registration certificate, a copy of list of members, details of the membership subscription and a copy of latest annual return of the trade union submitted to the Registrar of Trade Unions.

(v) (a) In case the negotiating union or negotiating council, as the case may be, has been constituted under the Code, the employer of the industrial establishment shall initiate action before expiry of the tenure of negotiating union or negotiating council, as the case may be, sufficiently in advance but not later than three months before the expiry of the tenure of negotiating union or negotiating council, as the case may be;

(b) The date of reckoning shall be fixed by the verification officer for the industrial establishment for the purpose of verification of membership of the trade unions;

(c) The employer of the establishment shall forward the documents and records submitted by trade unions, to the verification officer;

(d) On receipt of the documents and records, the verification officer shall scrutinise the records and documents submitted by the Trade Union to ascertain the status of registration of trade unions and related matters;

(e) The verification officer shall hold meeting with representatives of employer of

industrial establishment and all participating Trade Unions to decide about the process of verification of the membership of Trade Unions through secret ballot.

(f) The employer may, in consultation with the verification officer deploy an electronic process for conducting the election over an information technology application, online platform or like other platform.

**(4) Verification of membership of Trade Unions through secret ballot.**– (i) The verification officer shall convene meeting of representatives of all registered Trade Unions functioning in the industrial establishment at least sixty days before the date of actual voting, to decide-

- (a) publication of voters list;
- (b) date, time, mode of voting, place of voting;
- (c) date, time and place of counting; and
- (d) other modalities relating to secret ballot.

(ii) The verification officer shall cause the minutes of the meeting to be prepared and signed by all participating Trade Unions. All participating Trade Unions shall be allotted symbols in the same meeting. If no decision could be taken regarding date, time, mode of voting, place of voting, allotment of symbols, date, time and place of counting and like other matters in the meeting, then, the decision of the verification officer shall be final and he shall publish the schedule, programme and procedure of such secret ballot election.

(iii) All workers whose names are borne on the muster roll of the industrial establishment on the date of reckoning, shall be eligible to cast their vote.

(iv) The voters list shall be prepared by the employer of the industrial establishment on the basis of names of the workers borne on the muster roll referred to in clause (iii) and the voters list shall contain the name, father's name, designation, worker number/identity card number issued by the employer and place of posting of the worker. The final voter list shall be published by the employer after obtaining the approval of verification officer and shall be displayed at notice board at the main entrance and website, if any, of the industrial establishment. A copy of such voters list shall also be sent to the participating Trade Unions by hand or by registered post or through electronic mode.

(v) The verification officer shall display the list of the name of the participating Trade Unions with the symbol allotted to them on the notice board at the main entrance and website, if any, of the industrial establishment within two days of finalisation of the list.

(vi) The voting and counting of votes shall be held on the date, time and place fixed by the verification officer under the supervision of the verification officer and during the counting, agents of all participating Trade Unions shall be allowed to remain present.

(vii) After final counting of votes, the result shall be declared by the verification officer. The result sheet shall contain the name of all Trade Unions participated in election, total number of votes polled and the number of votes cast in favour of each of the trade unions which participated in the election.

**(5) Verification report to the employer.**— The verification officer shall submit verification report along with the result sheet to the employer of industrial establishment.

**(6) Recognition of Trade Union as negotiating union or constituents of negotiating council.**— (i) On the basis of verification report submitted by verification officer, the employer of the industrial establishment shall grant recognition to a Trade Union as a negotiating union or a constituent of negotiating council as per provisions of sub-section (3) or sub-section (4) of Section 14 of the Code, as the case may be.

(ii) Any recognition either as negotiating union or the negotiating council shall be valid for three years from the date of recognition or constitution or such further period not exceeding five years, in total, as may be mutually decided by the employer and the Trade Union, as the case may be.

**(7) Facilities to be provided by industrial establishment to a negotiating union or negotiating councils under sub-section (7) of Section 14.**— In an industrial establishment, where there is a negotiating union or negotiating council, as the case may be, the employer of such industrial establishment shall provide the following facilities to the negotiating union or negotiating council, as the case may be, namely,-

- (i) notice board for the purpose of displaying information relating to activities; of negotiating union or negotiating council, as the case may be;
- (ii) venue and necessary facilities for holding discussions by the negotiating union or negotiating council, as the case may be, as per schedule and agenda to be settled between employer of the industrial establishment and the negotiating union or negotiating council, as the case may be;
- (iii) venue and necessary facilities for holding discussions amongst the members of the negotiating union or constituents of negotiating council, as the case may be;
- (iv) facility for entrance of the office bearers of the negotiating union or negotiating council, as the case may be, in the industrial establishment for the purposes of ascertaining the matters which are relating to working conditions of the workers;
- (v) employer of the industrial establishment shall deduct subscription of the members of the Trade Union on the basis of the written consent of the worker;
- (vi) when the office bearers of the negotiating union or negotiating council shall be holding meetings with the employer as per agreed schedule between employer

and such employed office bearers shall be treated as on duty; and

(vii) employer of an industrial establishment, having three hundred or more workers, shall provide suitable office accommodation with necessary facilities to the negotiating union or negotiating council, as the case may be.

**(8) Manner of making application for adjudication of dispute before Tribunal under sub-section (1) of Section 22.**— Where any dispute arises between-

(i) one Trade Union and another; or

(ii) one or more workers who are members of Trade Union and the Trade Union regarding registration, administration or management or election of office bearers of the Trade Union; or

(iii) one or more workers who are refused admission as members and the Trade Union; or

(iv) where the dispute is in respect of a Trade Union which is a federation of Trade Unions and office bearer authorised in this behalf by the Trade Union,

then, the aggrieved person may make application to the Tribunal having jurisdiction, in **Form-XII** within a period of one year from the date on which the dispute arises, electronically or by registered post or by speed post or in person.

**24. Manner and purpose of recognition of a Trade Union under sub-section (2) of Section 27.**— (1) In case a Trade Union or a federation of Trade Unions, intends to be recognised as a State Trade Union, may make an application electronically in the designated Portal of the State Government in **Form-XIII** to the State Government or an Officer authorised by the State Government in this regard.

(2) The State Government or the authorised officer, as the case may be, shall, after due enquiry, decide such application within sixty days of its receipt and send copies of the decision to the applicant, the Labour Commissioner and the Registrar.

(3) If any dispute arises in relation to such recognition, the State Government or the authorised officer shall refer the dispute to the Tribunal. The Tribunal shall, after giving an opportunity of hearing to the applicant decide the appeal within sixty days and the order shall be binding upon the parties.

## CHAPTER IV

### STANDING ORDERS

**25. Model Standing Orders.**— The Model Standing Orders for the purposes of the Code in respect of industrial establishments in State spheres relating to the conditions of service and other matters incidental thereto or connected therewith shall be those set out by the Central Government in accordance with sub-section (1) of Section 29 of the Code.

**25-A. Forwarding of information to certifying officer.**– (1) If the employer adopts the model standing orders of the Central Government referred to in section 29 with respect to matters relevant to his industrial establishment or undertaking, then, he shall intimate the concerned certifying officer electronically or otherwise, the specific date from which the provisions of the model standing orders which are relevant to his establishment or undertaking have been adopted.

(2) The model standing order adopted under sub-rule (1) shall apply to the industrial establishment, and to all its units in the State.

(3) On receipt of information under sub-rule (1), the certifying officer shall enter the details of the industrial establishment which has adopted the model standing order in the register maintained under rule 32.

(4) Where, the certifying officer observes that the industrial establishment, which has intimated adoption of model standing orders, is also engaged in activities other than for which model standing orders have been adopted, then, he may, within a period of thirty days from such receipt of intimation of model standing orders so adopted, direct such employer to include or adopt certain provisions which are relevant to his industrial establishment and indicate those relevant provisions and direct such employer to comply the same within a period of thirty days from the date of the receipt of such direction and send a compliance report only in respect of those provisions which the certifying officer has so directed to get included.

(5) If no observation is made by the certifying officer within a period of thirty days of the receipt of the information as specified in sub-rule (1), then, the model standing order shall be deemed to have been certified by the certifying officer.

(6) The provisions of the model standing orders adopted in accordance with the provisions of these rules shall remain in force with effect from the date specified in sub-rule (1).

(7) Without prejudice to the provisions of this rule, the certifying officer shall not raise any observation if the industrial establishment is engaged in activities which are wholly covered by the activities of the industrial establishment to which the standing orders apply.

**26. Choosing of representatives of workers of the industrial establishment or undertaking for issuing notice by certifying officer where there is no Trade Union.**–

(1) Where there is no Trade Union as is referred to in clause (i) of sub-section (5) of Section 30, then, the certifying officer or any authorised officer in his behalf, shall call a meeting of the workers to choose three representatives, to whom he shall, upon their being chosen, issue notice along with a copy of the standing order or modification, as the case may be, in English, as well as the translation thereof in the language understood by

the majority of the workers, requiring comments or suggestions, if any, which the workers may desire to make to the draft standing orders to be submitted within fifteen days from the date receipt of such notice.

(2) The Trade Union or negotiating union or constituent of negotiating council shall be given a copy of the draft standing orders or modification, as the case may be, in English as well as in Odia language for seeking their comments or suggestions, if any, within fifteen days from the date of the receipt of the notice in this rule.

**27. Authentication of certified standing orders.**— The standing orders or the modifications in the standing orders certified in pursuance of sub-section (8) of Section 30 shall be authenticated by the certifying officer and shall be sent electronically, and a hard copy thereof by registered post or speed post, within seven days from the date of such authentication to all concerned, that is to say, the employer and all the registered Trade Unions or chosen representative of workers:

Provided that there shall not be any requirement of authentication under this rule in cases of deemed certification under sub-section (3) of Section 30 and in cases where the employer has certified adoption of model standing orders.

**28. Statement to accompany draft standing orders.**— (1) The statement to be accompanied with a draft standing orders shall contain, the particulars such as name of the industrial establishment or undertaking concerned, address, e-mail address, contact number and the strength and details of workers employed therein including particulars of Trade Union, if any, to which such workers belong.

(2) The statement to be accompanied with a draft modification in an existing standing order, shall contain the particulars of such standing order which is proposed to be modified along with a tabular statement containing details of each of the relevant provision of that standing order in force and the proposed modification therein and reasons therefor.

(3) The statement referred to in sub-rules (1) and (2) shall be signed by a person authorised by the industrial establishment or undertaking.

(4) The model standing orders, if modified, shall also apply to all the units of the industrial establishment or undertaking.

**29. Conditions for submission of draft standing orders in similar establishment.**— In case of group of employers engaged in similar industrial establishments, they may, after consultation with the concerned Trade Union, submit a joint draft of standing order under section 30 and for the purpose of proceedings specified in sub-sections (1), (5), (6), (8) and sub-section (9) thereof:

Provided that the joint draft of standing orders, in cases of group of employers engaged in similar industrial establishments, shall be drafted and submitted to the Additional Labour Commissioner, Odisha, who shall, in consultation with the concerned certifying officers, certify or refuse to certify such joint draft standing orders, after recording reasons therefor:

Provided further that certifying officer shall give notice to all the concerned parties, and ensure reasonable opportunity of being heard before certifying the standing orders.

**30. Disposal of appeal by appellate authority.**— (1) An employer or Trade Union or the negotiating union or negotiating council, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking, may prefer an appeal against the order of the certifying officer made under sub-section (5) of Section 30 within sixty days of the receipt of such order, and for that purpose draw up a memorandum of appeal in a tabular form stating therein the provisions of the standing orders which are required to be altered or modified or deleted or added along with the reasons therefor, and file it electronically or in person with the Appellate Authority.

(2) The Appellate Authority shall fix a date for the hearing of the appeal and direct notice thereof to be given,—

- (a) where the appeal is filed by the employer, to Trade Union or the negotiating union or negotiating council, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking;
- (b) where the appeal is filed by a Trade Union or the negotiating union or negotiating council, to the employer and the negotiating union or the negotiating council or all other Trade Unions of the workers of the industrial establishment, as the case may be, or where there is no negotiating union or negotiating council in an industrial establishment or undertaking, any union or such representative body of the workers of the industrial establishment or undertaking; and
- (c) where the appeal is filed by a representative body of the workers, to the employer and other Trade Unions of the workers of the industrial establishment, or where there is no trade union of the workers in an industrial establishment or undertaking, any other worker who joins as a party to the appeal.

(3) The appellant shall furnish each of the respondents with a copy of the memorandum of appeal referred to in sub-rule (1).

(4) The appellate authority may at any stage of the proceeding call for any evidence, if it considers necessary for disposal of the appeal.

(5) On the date fixed under sub-rule (2) for the hearing of the appeal, the appellate authority shall take such evidence as it may have called for or considers relevant, if produced, and after hearing the parties, dispose of the appeal.

**31. Sending of order and maintaining of standing orders.**– (1) The order of the appellate authority shall be sent electronically or otherwise within three days of the disposal of appeal to the- employer or Trade Union or the negotiating union or negotiating council or any union or representative body of the workers, as the case may be, by whom the appeal has been filed.

(2) The text of the standing orders as finally certified or deemed to have been certified or adopted model standing orders under this Chapter, shall be maintained by the employer in English and in Odia language and in the language understood by majority of workers where the industrial establishment is situated.

(3) The certified standing orders shall be displayed in legible condition by the employer on the special board to be maintained for the purpose at the entrance or near the entrance of the industrial establishment through which majority of workers enter and may also be posted on the designated portal/ website, if any, of such industrial establishment.

**32. Register for filing finally certified copy of standing orders.**– (1) The certifying officer shall maintain electronically, a register in **Form-XIV**, of all finally certified standing orders or deemed to have been certified or adopted model standing orders, of all the concerned industrial establishments, which shall, contain details of –

- (a) the unique number assigned to each standing order;
- (b) name of industrial establishment;
- (c) nature of industrial establishment;
- (d) date of certification or deemed certification or date of adoption of model standing orders by each establishment or undertaking;
- (e) the areas of operation of the industrial establishment; and
- (f) such other details as may be relevant and helpful in retrieving the standing orders and create a data base of such of all standing orders.

(2) The certifying officer shall furnish a copy of the certified standing orders or deemed certified standing orders referred to in sub-rule (1) to any person applying therefor, on

payment of two rupees per page of the certified standing orders or deemed certified standing orders, as the case may be.

(3) The payment of fee for getting certified standing orders may also be made through electronic mode.

**33. Application for modification of standing orders.**— The application for modification of an existing standing orders under sub-section (2) of Section 35 shall be submitted electronically in the designated portal of the State Government and a copy of the same shall be sent by registered post/ speed post. The same shall contain the particulars of such standing orders which are proposed to be modified along with a tabular statement containing details of each of the relevant provisions of standing orders in force, and proposed modifications therein, reasons thereof and the details of registered Trade Unions operating therein, and such statement shall be signed by a person authorised by the industrial establishment or undertaking or workers or a Trade Union or other representative body of the workers, as the case may be, who has submitted such application for modification.

## CHAPTER V

### NOTICE OF CHANGE

**34. Notice for change proposed to be effected.**— (1) Any employer intending to effect any change in the conditions of service applicable to any worker in respect of any matter specified in the Third Schedule to the Code, shall give notice in **Form-XV** electronically or by registered post / speed post with acknowledgement due or in person, to such workers likely to be affected by such change and shall also upload such notice on the designated portal, if any, of the industrial establishment.

(2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on the notice board or on the electronic notice board at the main entrance gate of the industrial establishment:

Provided that when there is a registered Trade Union or registered Trade Unions or a negotiating union or negotiating council relating to the concerned industrial establishment, a copy of such notice shall also be served in the manner specified in sub-rule (1) on the secretary of such Trade Union or each of the secretaries of such Trade Unions, or secretary of the negotiating union or constituent of negotiating council, as the case may be.

## CHAPTER VI

### VOLUNTARY REFERENCE OF DISPUTES TO ARBITRATION

**35. Form of arbitration agreement and manner of signed by parties thereto.**– (1) The employer and workers may agree to refer any industrial dispute to arbitration by entering into an arbitration agreement as provided in **Form-XVI**.

(2) The arbitration agreement referred to in sub-rule (1) shall be signed by the parties to the said agreement and it shall be accompanied by the consent, either in writing or electronically, of arbitrator or arbitrators.

(3) The arbitration agreement referred to in sub-rule (1) shall be signed

- (i) in case of an employer, by the employer himself, or when the employer is an incorporated company or other body corporate, by the agent, manager or other officer of the company or corporation authorised for such purpose;
- (ii) in the case of workers, by the officer of the registered Trade Union authorised in this behalf or by five representatives of the workers duly authorised in this behalf at a meeting of the concerned workers held for such purpose; and
- (iii) in the case of an individual worker, by such worker himself or by an officer of the registered Trade Union, of which the worker is a member, or by another worker in the same establishment duly authorised by him in this behalf.

**Explanation.**– For the purposes of this rule, the term “officer”,-

- (a) in case of an association of the employers, means any officer of such association of the employers authorised for such purpose; and
- (b) in case of a registered Trade Union, means any of the following officers of such Trade Union authorised for such purpose, namely:-
  - (i) President; or
  - (ii) Vice-President; or
  - (iii) Secretary (including the General Secretary); or
  - (iv) a Joint Secretary; or

any other officer of such Trade Union authorised in this behalf by the President and Secretary of such Trade Union.

**36. Issuing of notification.**– Where an industrial dispute has been referred to arbitration and the State Government is satisfied that the persons making the reference represent the majority of each party, it shall publish a notification in this behalf in the *Odisha Gazette* and upload it on the website of the Labour & ESI Department, Government of Odisha, for the information of the employers and workers who are not parties to the arbitration agreement

but are concerned in the dispute so that they may present their case before the arbitrator or arbitrators appointed for such purpose.

**37. Choosing of representatives of workers where there is no Trade Union.**— Where there is no Trade Union, the representative of workers to present their case before the arbitrator or arbitrators, in pursuance of clause (c) of the proviso to sub-section (5) of Section 42, shall be chosen by a resolution passed by the majority of concerned workers in **Form-XVII** authorising therein to represent the case and the workers shall be bound by the acts of their representatives who have been so chosen to represent before the arbitrator or arbitrators, as the case may be.

## CHAPTER VII

### MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

**38. Manner of filling up of vacancy under sub-section (9) of Section 44, procedure for selection, salaries and allowances and other terms and conditions of Judicial Member of the Industrial Tribunal of the State under sub-section (5) of Section 44.**— The manner of filling up of vacancy under sub-section (9) of Section 44, procedure for selection, salaries and allowances and other terms and conditions of the Judicial Member of the Industrial Tribunal of the State under sub-section (5) of Section 44 shall be as notified by the State Government from time to time.

**39. Manner of filling up of vacancy under sub-section (9) of Section 44 and procedure for selection, salaries and allowances and other terms and conditions of Administrative Member of the Industrial Tribunal of the State under sub-section (5) of Section 44.**— The manner of filling up of vacancy under sub-section (9) of Section 44, procedure for selection, salaries and allowances and other terms and conditions of the Administrative Member of the Industrial Tribunal of the State under sub-section (5) of Section 44 shall be as notified by the State Government from time to time.

**40. Holding of conciliation proceedings, full report, and application and the manner of deciding such application under sub-section (6) of Section 53.**— (1) Where the conciliation officer receives any,—

- (a) notice of a strike or lockout given under rule 42 or rule 43; or
- (b) application in respect of an existing industrial dispute; or
- (c) information regarding apprehended industrial dispute,

then, he shall,—

- (i) in case of clause (a), enter the details on the designated portal and hold conciliation proceedings and inform the concerned parties the date of sitting for such purpose;

(ii) in case of clause (b), enter the details on the designated portal and examine the application and if he finds that such dispute pertains to the jurisdiction of State Government, transfer the application to the concerned authority or otherwise proceed with the application and hold the conciliation in respect thereof; and

(iii) in case of clause (c), enter the details on the designated portal and issue a fresh notice to the parties concerned declaring his intention to commence conciliation proceedings.

(2) The employer's representatives and the worker's representative shall, on receipt of the notice referred to in sub-rule (1), submit their respective statements in respect of the said dispute in the first meeting of the conciliation proceedings.

(3) The conciliation officer shall, without delay, ascertain the facts and circumstances relating to the dispute and enquire into all matters affecting the merits and right settlement thereof and hold conciliation proceedings between the parties to the dispute and may do all such things as he thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(4) If no settlement is arrived at in the conciliation proceedings referred to in sub-rule (3), the conciliation officer shall, within seven days from the date on which the conciliation proceedings are concluded, upload a report on designated portal of the Labour & ESI Department, Government of Odisha and forward a copy thereof through electronic mode or by registered post or speed post or in person to the parties to the dispute and to the appropriate Government. The report shall be made accessible to the parties concerned on the said designated portal.

(5) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of the conciliation proceedings, the conciliation officer shall, apart from submitting a report thereof to the State Government or an officer authorised in this behalf by the State Government along with a memorandum of the settlements signed by the parties to the dispute, also upload such report and memorandum of settlement on the designated portal of Labour & ESI Department, Government of Odisha.

(6) The report referred to in sub-rule (4) shall, *inter alia*, contain the submissions of the employer, worker or Trade Union, as the case may be, involved in the dispute and it shall also contain the efforts made by the conciliation officer to bring the parties to an amicable settlement, reasons for refusal of the parties to resolve the dispute and the conclusion arrived at by the conciliation officer.

(7) All the evidences before the conciliation officer, except the documentary evidence, shall be filed in the form of affidavit and the parties to the dispute shall also file the application or, as the case may be, reply or rejoinder thereof in the form of an affidavit.

**41. Application for recovery of dues under section 59.**– (1) Where any money is due from an employer to a worker or a group of workers under a settlement or an award or under the provisions of Chapter IX or Chapter X of the Code, the worker or the group of workers, as the case may be, may apply in **Form-XVIII** for the recovery of such money due:

Provided that in the case of a person authorised in writing by the worker, or in the case of the death of the worker, the assignee or heir of the deceased worker shall make the application in **Form-XIX**.

(2) Where any worker or a group of workers is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money, the worker or the group of workers, as the case may be, may apply to the Tribunal having jurisdiction, in **Form-XX** for the determination of the amount due or, as the case may be, the amount at which such benefit should be computed, and such Tribunal shall decide the application within a period not exceeding three months from the date on which the application is filed:

Provided that in the case of the death of a worker referred to in this sub-rule, the application shall be made in **Form-XXI** by the assignee or heir of the deceased worker.

## CHAPTER VIII

### STRIKES AND LOCK-OUTS

**42. Number of persons by whom notice of strike shall be given, person or persons to whom such notice shall be given and manner of giving such notice under sub-section (4) of Section 62.**– (1) The notice of strike referred to in sub-section (1) of section 62 shall be given to the employer of an industrial establishment in **Form-XXII**, which shall be duly signed by the Secretary of the concerned registered Trade Union or where there is no registered Trade Union, by five elected representatives of the workers giving the notice relating to the concerned industrial establishment, endorsing the copy thereof electronically or otherwise to the local Conciliation Officer; concerned Joint Labour Commissioner or Divisional Labour Commissioner, the Labour Commissioner, Odisha, Bhubaneswar and the Secretary, Labour and ESI Department, Government of Odisha, Bhubaneswar.

(2) The date of receipt of the notice referred to in sub-section (1) shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of rule 40.

(3) If the employer of an industrial establishment receives any notice of strike as referred to in sub-section (1) of Section 62 from any person employed by him, then he shall, within five days from the date of receiving of such notice, intimate the same electronically to the concerned conciliation officer and Labour Commissioner, Odisha.

**43. Notice of lock-out and authority.**– (1) The notice of lock-out referred to in sub-section (2) of Section 62 shall be given by the employer of an industrial establishment in **Form-XXIII** to the Secretary of every registered Trade Union relating to such industrial establishment by registered post or speed post or electronically, endorsing a copy thereof to the Local Conciliation Officer; concerned Joint / Divisional Labour Commissioner; Labour Commissioner, Odisha, Bhubaneswar and the Secretary, Labour and ESI Department, Government of Odisha, Bhubaneswar electronically.

(2) The notice referred to in sub-rule (1) shall be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment and a copy of the said notice may also be posted on the designated portal, if any, of such industrial establishment and the date of receipt of such notice by the conciliation officer shall be the date of receiving the notice for the purposes of clause (a) of sub-rule (1) of rule 40.

(3) If the employer gives to any person employed by him a notice of lock-out, then he shall, within five days from the date of such notice, intimate electronically the same to the State Government, Labour Commissioner, Odisha and concerned Conciliation Officer.

## **CHAPTER IX**

### **LAY-OFF, RETRENCHMENT AND CLOSURE**

**44. Service of notice before retrenchment of worker.**– If any employer desires to retrench any worker employed in his industrial establishment who has been in continuous service for not less than one year under him, then, such employer shall give prior notice of such retrenchment in **Form-XXIV** to the State Government, endorsing a copy thereof to the local Conciliation Officer; concerned Joint Labour Commissioner or Divisional Labour Commissioner, the Labour Commissioner, Odisha, Bhubaneswar electronically or, by registered or speed post, in the following manner, namely:-

- (a) where notice is given to a worker, notice of retrenchment shall be sent within three days from the date on which notice is served on the worker;
- (b) where no notice is given to the worker and he is paid one month's wages in lieu thereof, notice of retrenchment shall be sent within three days from the date on which such wages are paid; and

- (c) where retrenchment is carried out under an agreement, which specifies a date for the termination of service, notice of retrenchment shall be sent so as to reach the State Government and a copy thereof to the Labour Commissioner, Odisha; concerned Joint Labour Commissioner or Divisional Labour Commissioner and the local Conciliation Officer, at least one month before such date:

Provided that if the date of termination of service agreed upon is within thirty days of the agreement, the notice of retrenchment shall be sent to State Government along with a copy thereof to the Labour Commissioner, Odisha; concerned Joint Labour Commissioner or Divisional Labour Commissioner and the local Conciliation Officer within three days of the agreement.

**45. Manner of giving an opportunity for re-employment to retrenched workers.– (1)**

The employer shall prepare a list of all workers in the particular category from which retrenchment is contemplated, arranged according to the seniority of their service in that category and cause a copy thereof to be pasted on a notice board in conspicuous place in the premises of the industrial establishment at least seven days before the actual date of retrenchment.

(2) When any vacancy occurs in an industrial establishment and there are workers of such industrial establishment retrenched within one year prior to the proposal for filling such vacancies, then, the employer of such industrial establishment shall, if such workers are citizens of India and have given their willingness for employment, give them preference over other on the basis of their service seniority.

(3) The employer shall arrange for the display on a notice board in a conspicuous place in the premises of the industrial establishment the details of vacancies at least fifteen days before the date on which such vacancies are to be filled and shall also give intimation of those vacancies by registered post or speed post or through e-mail to every one of all the retrenched workers eligible to be considered therefor, to the latest address or e-mail, given by each of them at the time of retrenchment or at any time thereafter:

Provided that when the number of such vacancies is less than the number of retrenched workers, it shall be sufficient if the intimation is given by the employer individually to the senior most retrenched workers in the list referred to in sub-rule (1) and the number of such senior most workers being double the number of such vacancies:

Provided further that where the vacancy is of duration of less than one month there shall be no obligation on the employer to send intimation of such vacancy to individual retrenched workers:

Provided also that if a retrenched worker, without sufficient cause being shown in writing to the employer, does not offer himself for re-employment on the date or dates specified in the intimation sent to him by the employer under this sub-rule, the employer may not intimate to him the vacancies that may be filled on any subsequent occasion.

(4) Immediately after complying with the provisions of sub-rule (3), the employer shall also inform the negotiating union or the constituent of negotiating council or Trade Unions connected with the industrial establishment, of the number of vacancies to be filled and names of the retrenched workers to whom intimation has been sent under that sub-rule:

Provided that the provisions of this sub-rule need not be complied with by the employer in any case where intimation is sent to every worker mentioned in the list prepared under sub-rule (1).

**46. Service of notice by employer for intended closure.**— (1) If an employer intends to close down an industrial establishment, he shall give notice within the time as specified in sub-section (1) of Section 74 of such closure in **Form-XXIV** to the State Government, endorsing a copy thereof to the local Conciliation Officer; concerned Joint / Divisional Labour Commissioner; Labour Commissioner, Odisha, Bhubaneswar electronically or, by registered or speed post.

(2) A copy of the notice referred to in sub-rule (1) shall also be sent to the registered Trade Unions or authorised representatives of workers, as the case may be, operating in the industrial establishments.

## CHAPTER X

### SPECIAL PROVISIONS RELATING TO LAY-OFF, RETRENCHMENT AND CLOSURE IN CERTAIN ESTABLISHMENTS

**47. Manner of making application to State Government by employer for the intended lay-off and manner of serving copy of such application to workers.**— (1) An application for permission under sub-section (1) of Section 78 shall be made by the employer in **Form XXV** to the State Government, endorsing the copy thereof to the local Conciliation Officer; concerned Joint / Divisional Labour Commissioner and Labour Commissioner, Odisha stating clearly therein the reasons for the intended lay off and a copy of such application shall be served simultaneously to the worker concerned electronically, or in person, or by registered post or speed post.

(2) The application referred to in sub-rule (1) shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance of the industrial establishment.

**48. Time-limit for review.**– (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (4) of the Section 78.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application, within thirty days from the date on which the order is made, to the State Government for reviewing the order and that State Government shall, within two months from the date on which the application is made, dispose of the same after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1) on its own motion, it may take necessary steps within one month from the date on which the order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

**49. Manner of making application to the State Government by employer for intended retrenchment and manner of serving copy of such application to workers.**– (1) An application for prior permission referred to in clause (b) of sub-section (1) of Section 79 shall be made by the employer in **Form-XXV** electronically, stating clearly therein the reasons for the intended retrenchment and a copy of such application shall be sent to the concerned workers electronically, or in person, or by registered post or speed post.

(2) The application referred to in sub-section (1) shall also be displayed conspicuously by the employer on a notice board or on electronic board at the main entrance to the industrial establishment.

**50. Time-limit for review.**– (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (3) of Section 79.

(2) The employer or any worker concerned, along with the order referred to in sub-rule (1), may make an application within thirty days from the date on which such order is made, to the State Government for reviewing that order and that Government shall within a period of two months from the date on which such application is made, dispose of the application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1), on its own motion, it may take necessary steps within one month from the date on which such order is made and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

**51. Application to State Government by employer for intended closing down of an industrial establishment and the manner of serving copy of such application to the representatives of workers.**— An employer who intends to close down an industrial establishment, to which the provisions of Chapter X of the Code apply, shall apply to the State Government in **Form-XXV** endorsing the copy thereof to the local Conciliation Officer; concerned Joint or Divisional Labour Commissioner and Labour Commissioner, Odisha electronically for prior permission, at least ninety days before the date on which intended closure is to become effective, stating clearly therein the reasons for such intended closure of the industrial establishment and simultaneously a copy of such application shall also be sent to the representatives of the workers electronically and in person, or by registered post or speed post.

**52. Time-limit for review.**— (1) The State Government may, either on its own motion or on the application made by the employer or any worker, review its order granting or refusing to grant permission under sub-section (2) of Section 80.

(2) The employer or any worker concerned may make an application along with the order referred to in sub-rule (1), within thirty days from the date on which such order is made, to the State Government for reviewing that order and that Government shall, within two months from the date on which such application is made, dispose of that application after providing the concerned parties an opportunity of being heard.

(3) Where the State Government decides to review the order referred to in sub-section (1) on its own motion, it may take necessary step within one month from the date on which the order is made, and after providing the concerned parties an opportunity of being heard, dispose of such review within a period of two months from the date on which such decision is taken.

## **CHAPTER XI**

### **WORKER RE-SKILLING FUND**

**53. Manner of utilisation of fund.**— (1) Every employer who has retrenched a worker or workers in his industrial establishments under the Code, shall, within ten days from the date of such retrenchment, electronically transfer an amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers into the designated accounts [name of the account shall be displayed on the website of the Labour & ESI Department, Government of Odisha and the Labour Commissioner, Odisha] to be maintained by the Labour Commissioner, Odisha / office of the Joint Labour Commissioner / office of the Divisional Labour Commissioner, as required.

(2) The fund so received under sub-rule (1) shall be transferred by office of the Labour Commissioner, Odisha / office of the Joint Labour Commissioner / office of the Divisional Labour Commissioner electronically to each of the retrenched worker account or retrenched workers' accounts, as the case may be, within forty-five days of retrenchment to enable him utilise that amount for his re-skilling.

(3) The employer shall also submit the list containing the name of each retrenched worker, the amount equivalent to fifteen days of wages last drawn by such retrenched worker along with his bank account details to office the Labour Commissioner, Odisha or office of the Joint Labour Commissioner or office of the Divisional Labour Commissioner.

## CHAPTER XII

### OFFENCES AND PENALTIES

**54. Manner of compounding of offence by a Gazetted Officer and the manner of making application for compounding of any offence.**— (1) The officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of Section 89 (hereinafter referred to as the compounding officer), upon receipt of an application by the accused electronically or by registered post and within 30 days of such receipt, if is of the opinion that any offence under the Code for which the compounding is permissible under the said section and in respect of which prosecution is not instituted, he shall send a notice to the accused in **Form-XXVI** consisting of three parts through the designated portal of the State Department.

(2) In part I of Form-XXVII, the compounding officer shall, *inter alia*, specify-

- (a) the name of the offender and his other particulars;
- (b) the details of the offence and the section under which the offence has been committed; and
- (c) the compounding amount required to be paid towards the composition such offence.

(3) In Part II of the Form-XXVI, the compounding officer shall specify the consequences if the offence is not compounded, and part III of the said Form shall contain the application to be filed by the accused, if he desires to compound the offence.

(4) Each notice referred to in sub-rule (1) shall have a continuous unique number containing alphabets or numerical and other details such as compounding officer concerned, industrial establishment, year, place and type of inspection for the purpose of easy identification.

(5) The accused to whom the notice referred to in sub-rule (1) is served, may send the duly filled up application in Part III of Form-XXVI to the compounding officer electronically

and deposit the compounding amount electronically in the account specified by the compounding officer, within fifteen days of the receipt of the said notice.

(6) Where the prosecution has already been instituted against the accused in the Court of competent jurisdiction, the accused may make an application to such Court to allow composition of the offence against him and the Court may, after considering the application, allow composition of the offence by the compounding officer in accordance with the provisions of Section 89 and procedure specified in this rule.

(7) If the accused complies with the requirement of sub-rule (5), the compounding officer shall compound the offence for the amount of money deposited by the accused and-

- (a) if the offence is compounded before the institution of prosecution, then, no complaint for prosecution shall be instituted against the accused; and
- (b) if the offence is compounded after the institution of prosecution under sub-rule (6) with the permission of the Court, then, the compounding officer shall treat the case as closed and intimate the composition of offence to the competent Court by which such composition was allowed and after receiving such intimation, the Court shall discharge the accused person and close the prosecution.

### **CHAPTER XIII**

#### **MISCELLANEOUS**

**55. Protected workers.**— (1) Every registered Trade Union connected with an industrial establishment, to which the provisions of the Code apply, shall communicate to the employer before the 30th April of every year, the names and addresses of such of the officers of such Trade Union who are employed in that establishment and who, in the opinion of such Trade Union should be recognised as protected workers.

(2) Any change in the incumbency of any officer of the Trade Union referred to in sub-rule (1) shall be communicated to the employer by such Trade union within fifteen days of such change.

(3) The employer shall, within fifteen days of the receipt of the names and addresses from the Trade Union under sub-rule (1) and subject to the provisions of sub-section (3) and sub-section (4) of Section 90, recognise such workers to be protected workers for the purposes of the said section and communicate to such Trade Union, in writing, the list of workers recognised as protected workers for a period of twelve months from the date of such communication.

(4) Where the total number of names received by the employer under sub-rule (1) exceeds the maximum number of protected workers, admissible for the industrial establishment

under sub-section (4) of Section 90, the employer shall recognise only such maximum number of workers as protected workers:

Provided that where there is more than one registered Trade Union in the industrial establishment, the maximum number shall be so distributed by the employer among the Trade Unions that the numbers of recognised protected workers in individual Trade Unions bear practicably the same proportion to one another as the membership figures of the Trade Unions; and the employer shall in that case intimate in writing to the President or the Secretary of the each concerned Trade Union, the number of protected workers allotted to it:

Provided further that where the number of protected workers allotted to such a Trade Union under this sub-rule falls short of the number of officers of such Trade Union seeking protection, then that Trade Union shall be entitled to select the officers to be recognised as protected workers; and such selection shall be made by that Trade Union and communicated to the employer within five days of the receipt of written intimation of the employer in this regard.

(5) Where a dispute arises between an employer and any registered Trade Union in any matter connected with the recognition of protected workers under this rule, such dispute shall be referred to the Joint Labour Commissioner concerned, whose decision thereon shall be final.

**56. Complaint by an aggrieved employee.**— (1) Every complaint of an aggrieved employee under section 91 shall be made electronically, or by registered post or speed post in **Form-XXVI** and shall be accompanied by as many copies thereof for each of the opposite parties mentioned in such complaint.

(2) Every complaint under sub-rule (1) shall be verified by the aggrieved employee making the complaint or by the authorised representative of such employee proved to the satisfaction of the conciliation officer, arbitrator, Tribunal or the industrial tribunal, as the case may be, to be acquainted with the facts of the case.

**57. Authorisation of worker for representing in any proceeding.**— Where the worker is not a member of any Trade Union, then, any member of the executive or other office-bearer of any Trade Union connected with or by any other worker employed in the industry in which the worker is employed, may be authorised in **Form-XVII** by such worker to represent him in any proceeding under the Code relating to a dispute in which that worker is a party.

**58. Authorisation of employer for representing in any proceeding.**— Where an employer is not a member of any association of employers, then, such employer may

authorise in **Form-XVII**, an officer of any association of employers connected with, or by any other employer engaged in, the industry in which the employer is engaged, to represent him in any proceeding under the Code relating to a dispute in which that employer is a party.

**59. Enquiry.**— The manner of holding an enquiry under sub-section (1) of Section 85 shall be those set out by the Central Government in accordance with Section 99(3) of the Code.

**60. Expenses of witness.**— Every person, who attends or otherwise appears on receipt of a summon, as a witness before an Industrial Tribunal or an arbitral tribunal, shall be entitled to an allowance for expenses on the same rates as applicable to witnesses in the civil court in the State where such enquiry, adjudication or arbitration, as the case may be, is being conducted.

**61. Submission of a copy of certain Form to office of Director General, Labour Bureau.**— A copy of each of Form-XXII (Notice of strike), Form-XXIII (Notice of lockout), Form-XXIV (Notice of intimation of retrenchment or closure to the State Government), Form-XXV (Application for permission of lay-off or retrenchment or closure) and Form-XXVI (Compounding of offences), shall be shared electronically with Director General, Labour Bureau.

**62. Publication for communication.**— For the purposes of communication to effect service of messages and documents under these rules, the State Government, the Industrial Tribunal, every employer for which the State Government is the appropriate Government, every Trade Union or negotiating union or the constituents of negotiating council and every authority referred to in these rules, shall specify their e-mail id or website or portal or any or all of them, as the case may be, in their respective letter-heads.

**63. Maintenance of records, registers, forms, notice, and display board.**— (1) All records, registers, forms, notices, display boards and other documents which are required to be maintained under the Code and under these rules shall also be maintained in electronic manner in the required format or containing the information as is required.

(2) The records, registers, forms, notices, display boards and other documents referred to in sub-rule (1) shall comply with the requirement of retention of records and shall be produced or shown as and when required by the Inspector-cum-Facilitator or the concerned authority specified in this behalf under the Code or these rules.

**64. Appointment of Commissioner.**— Where it is necessary to appoint a Commissioner under sub-section (3) of Section 59 for the purposes of computing the money value of a benefit referred to in sub-section (2) of the said section, the Tribunal may appoint a-

- (a) person with experience in the particular industry, trade, business or field encompassing the question referred to in sub-section (2) of the said section; or
- (b) person who had been a judge of a civil court; or
- (c) stipendiary magistrate; or
- (d) registrar or secretary of, a Tribunal constituted under any Central /State Act / Code.

**65. Fees for the Commissioner, etc.–** (1) The Tribunal shall, after consultation with the parties, estimate the probable duration of enquiry by the Commissioner referred to in rule 65 and fix the amount of his fees and other incidental expenses incurred by him.

(2) The Tribunal shall direct the payment of fees and other incidental expenses to the Commissioner into the nearest treasury, within a specified time, by such party or parties and in such proportion, as it may deem fit.

(3) The Commissioner shall not submit his report until the receipt of deposit into the treasury of the sum referred to in sub-rule (2) is filed before the Tribunal:

Provided that the Tribunal may, for reasons to be recorded in writing, direct that any further sum or sums be deposited into the treasury within such time and by such parties as it may deem fit:

Provided further that the Tribunal may in its discretion, extend the time for depositing such sum into the treasury.

(4) The Tribunal may, at any time, for reasons to be recorded in writing, vary the amount of the Commissioner's fees in consultation with the parties.

(5) The Tribunal may direct that the fees shall be disbursed to the Commissioner in such instalments and on such date as it may deem fit.

(6) The undisbursed balance, if any, of the sum deposited under this rule shall be refunded to the respective party or parties who deposited the sum in the same proportion as that in which it was deposited.

**66. Time for submission of report.–** (1) Every order for the appointment of Commissioner under sub-section (3) of Section 59 shall indicate a date, allowing sufficient time, for the Commissioner to submit his report.

(2) If for any reason the Commissioner anticipates that the date fixed for the submission of his report is likely to be exceeded, he shall apply, before the expiry of the said date, for extension of time setting forth grounds thereof and the Tribunal shall, after consideration, pass suitable orders on such application:

Provided that the Tribunal may, if it deems fit for sufficient cause, grant extension of time even where no application for such extension has been received from the Commissioner within the time limit allowed under sub-rule (1).

**67. Power to waive, etc.**— Notwithstanding anything contained in these rules, the State Government may, when it considers that it is required in the public interest, it may, by notification, waive off or defer any of the provisions of these rules to be in force in whole State or such part thereof for such period as may be specified in the notification.

**68. Adoption of procedure prescribed by Central Government.**— Notwithstanding anything contained in these rules, wherein the State Government is the appropriate Government, but the Central Government has been specifically empowered to prescribe any procedure or make rule under the Code, the State Government shall adopt the same procedure as prescribed by the Central Government.

**FORM-I**  
(See rule 3)

**MEMORANDUM OF SETTLEMENT ARRIVED AT IN THE COURSE OF  
CONCILIATION PROCEEDINGS OR OTHERWISE**

Names of Parties:

..... Representing employer(s);

..... Representing workers;

Short recital of the case

.....

Terms of settlement

.....

Signature of the parties

Witnesses:

(1)

(2)

\*Signature of Conciliation Officer

In case the settlement arrived at between the employer and his workers otherwise than in the course of conciliation proceeding the copy of the memorandum shall be marked to the local Conciliation Officer; concerned Joint/Divisional Labour Commissioner and Labour Commissioner, Odisha.

**FORM-II**

[See sub-rule (1) of rule 8]

**APPLICATION FOR REGISTRATION OF TRADE UNION**

Dated the..... day of..... 20.....

1. We hereby apply for the registration of a Trade Union under the name of
2. The address of the head office of the Union is
3. The Union came into existence on the day of .....
4. The Union is a Union of employers /workers engaged in the industry (or profession).
5. The particulars required by Section 8 of the Industrial Relations Code, 2020
6. The particulars given in Schedule-II show the provisions made in the rules for the matters detailed in Section 7 of the Industrial Relations Code, 2020.
7. The particulars required by Section 8(2) of the Industrial Relations Code, 2020, are given in Schedule III.  
(To be struck out in the case of unions which have not been in existence for one year before the date of application).

8. We have been duly authorised to make this application by\*.

	Signature	Occupation	Address
Signed	1		
	2		
	3		
	4		
	5		
	6		
	7		

\*State here whether the authority was given by a resolution of a general meeting of the Union, if not in what other way it was given.

**To the Registrar of Trade Unions**

**SCHEDULE I  
LIST OF OFFICERS**

Title	Name	Age	Address	Occupation
-------	------	-----	---------	------------

**Note:-** Enter in this Schedule the names of all members of the executive of the Union showing in column 1 the names of any posts held by them (e.g. President, Secretary, Treasurer, etc.) in addition to their offices as members of the executive.

**SCHEDULE II  
REFERENCE TO RULES**

The numbers of the rules-making provision for the several matters detailed in column 1 are given in column 2 below:

Matter	Number of Rules
1	2
The name of the Trade Union	
The whole of the objects for which the union has been established.	
The whole of the purposes for which the general funds of the union shall be applicable.	
The maintenance of a list of members.	
The facilities provided for the inspection of the list of members by officers and members.	
The admission of ordinary members.	
The admission of honorary or temporary members.	
The payment of a subscription by members	
The conditions under which members are entitled to benefit assured by the rules.	
The conditions under which fines or forfeitures can be imposed on any member.	
The annual general body meeting of the members,	
The business to be transacted at annual general body meeting including election of office bearers.	
The manner in which the members of the executive and the other officers of the union shall be elected and removed and filling of casual vacancies.	
The safe custody of the funds	
The annual audit of the accounts.	
The facilities for the inspection of the account books by officers and members.	
The manner in which the rules shall be amended, varied or rescinded.	
The manner in which the union may be dissolved.	

**SCHEDULE III**  
**GENERAL STATEMENT OF ASSETS AND LIABILITIES**  
**ON THE ..... DAY OF.....**

(This need not be filled in if the Union came into existence less than one year before the date of application for registration.)

<b>Liabilities</b>	<b>Rs.</b>	<b>Assets</b>	<b>Rs.</b>
Amount of General fund		Cash	
Amount of political fund		In hands of Treasurer	
Loans.... from		In hands of Secretary	
Other liabilities (to be Specified)		In hands of-	
		In the Bank	
		In the Bank	
		Securities as per list below	
		Unpaid subscription due	
		Loans to-	
		Immovable property	
		Goods and furniture	
		Other assets (to be specified)	
<b>Total Liabilities</b>		<b>Total Assets</b>	

**LIST OF SECURITIES**

<b>Particulars</b>	<b>Nominal Value</b>	<b>Market value</b>	<b>In hands of</b>	<b>Signed</b>
1.				
2.				
3.				
4.				
5.				
6.				
7.				

**FORM-III**  
[See sub-rule (2) of rule 8]

**STANDARD FORMAT OF AFFIDAVIT FOR REGISTRATION OF TRADE UNION  
BEFORE REGISTRAR OF TRADE UNION, ODISHA**

The deponents submit

1. That we have made application for the registration of Trade Union under sub- section (1) of section 6 of the Industrial Relation Code 2020 (Central Act 35 of 2020) read with Rule 8 under name .....  
..... (Proposed name of the Trade Union).
2. That we are duly authorised to make application for the registration of the said Trade Union.
3. That the content of application and documents attached with application are true and correct and nothing has been concealed.

Signature of the deponents

- 1-.....
- 2-.....
- 3-.....
- 4-.....
- 5-.....
- 6-.....
- 7-.....

**Verification**

It is verified that the contents of the aforesaid affidavit are to the best of my knowledge and belief, true and correct.

Date..../..../.....(dd/mm/yy)

Signature of Applicant(s)

**FORM-IV**

[See sub-rule (1) of rule 9]

**CERTIFICATE OF REGISTRATION OF TRADE UNION**

**No.**

It is hereby certified that the ..... has been registered as a Trade Union under the Industrial Relations Code, 2020 (Central Act 35 of 2020), this ..... Day of.....

**Seal**

**Registrar of State Trade Unions in  
the State of Odisha**

**FORM-V**  
(See rule 10)

**REGISTER OF TRADE UNIONS**

1. Serial number
2. Date of Registration
3. (a) Name of the members making the application  
(b) Occupations of the members making the application  
(c) Address of the members making the application
4. Name of Trade Union
5. Address of the head office of Trade Union.
6. Date of establishment of Trade Union
7. Officer of Trade Union
  - Title
  - Name
  - Age
  - Occupation
  - Address
8. Signature of the Registrar
9. (a) Whether the provision has been made for separate fund under section 15(2) and, if so from what date.  
(b) Initials of the Registrar
10. (a) Date of intimation of alteration of Rules  
(b) Date of registration of alteration of rules and its notification by the Secretary of the Trade Union.  
(c) Initials of Registrar
11. (a) Date of Registration of change of address of registered office.  
(b) Address of the Trade Union as changed.  
(c) If the changed address is in another State whether extracts of registration sent to the State.  
(d) Initials of the Registrar
12. (a) Date of registration of change or name  
(b) Name of the Trade Unions as changed  
(c) Initials of the Registrar
13. (a) Date of registration of amalgamation  
(b) Name of amalgamated Union  
(c) Registration number of the amalgamated Union  
(d) Initials of the Registrar
14. (a) Date of application for cancellation of registration under section 9(5)  
(b) Date of giving notice for cancellation or withdrawal under section 9(5)  
(c) Date of issue of order withdrawing or cancelling registration.  
(d) Initials of the Registrar.
15. (a)(1) Name of the members applying for dissolution.  
(2) Occupation of the members applying for dissolution.  
(3) Address of the members applying for dissolution.  
(b) Date of registration or of dissolution and issue of certificate to that effect.

- (c) Number and date of Registrar's proceeding ordering distribution of funds, if any.
- (d) Initial of the Registrar.

***\*Note-one page shall be allotted for each union.***

**FORM-VI**

[See sub-rule (1) of rule 12]

**REQUEST TO WITHDRAW OR CANCEL THE CERTIFICATE OF REGISTRATION**

Name of Trade Union :

Registration Number :

Address :

Date.....day of..... 20.....

To

The Registrar of Trade Unions. Place.....

The above mentioned Trade Union desires that the Certificate of Registration may be withdrawn (or cancelled) and at a general meeting (\*) duly held on the..... day of 20... it was resolved as follows:—

(Here give exact copy of Resolution)  
Secretary

- (Signed) 1
- (Signed) 2
- (Signed) 3
- (Signed) 4
- (Signed) 5
- (Signed) 6
- (Signed) 7

Members

We hereby declare that what is stated herein is true to the best of our knowledge and belief.

- (Signed) 1
- (Signed) 2
- (Signed) 3
- (Signed) 4
- (Signed) 5
- (Signed) 6
- (Signed) 7

Secretary

Members

(\*) If not at a general meeting state in what manner the request has been determined upon.

**FORM-VII**

[See sub-rule (2) of rule 14]

**CHANGE IN REGISTRATION PARTICULARS AND ITS CONSTITUTIONS OR RULES**

Name of trade union already  
registered.....  
Registration No .....Address

.....  
Dated this ..... day of .....  
20.....

To

The Registrar of Trade Union,  
Odisha

This application for change the following rules is hereby submitted for  
amendment/deletion/addition.

Rule No	Wording of current rule	Proposed Amendment/deletion/addition	Wording of the rule after amendment	Reasons for amendment /deletion/addition

The consent of the members was obtained by referendum, resolution or a general meeting. If procedure allowed is covered by any rule, quote number of the rule.

(Signed)  
Secretary

- 
- (1)  
(2)  
(3)  
(4) Members,  
(5)  
(6)  
(7)

**FORM-VIII**

[See sub-rule (1) of rule 15]

**NOTICE OF CHANGE OF NAME OF TRADE UNION**

Name of trade union already registered.....

Registration No .....Address

.....Dated

this ..... day of ..... 20 .....

To

The Registrar of Trade Union,  
Odisha

Notice is hereby given that subject to the provisions of section 24 of the Industrial Relations Code, 2020 (Central Act 35 of 2020), the name of the above mentioned trade union has been changed to .....

The consent of the members was obtained by\*

(Signed)  
Secretary

(1)

(2)

(3)

(4) Members,

(5)

(6)

(7)

\* i.e., by referendum, resolution or a general meeting. If procedure allowed is covered by any rule, quote number of the rule.

**FORM-IX**

[See sub-rule (1) of rule 16]

**NOTICE OF AMALGAMATION OF TRADE UNIONS**

- a. Name of Registered Trade Union and the Number of Registration :
- b. Name of Registered Trade Union and the Number of Registration (and so on if more than two) :

Address.....

Date this..... day of.....

To

The Registrar of Trade Unions

Place.....

Notice is hereby given that in accordance with the requirements of Section 24 of the Industrial Relations Code, 2020 (Central Act 35 of 2020) the members of each for (or every one) of the above mentioned Trade Unions have resolved to become amalgamated together as one Trade Union.

And that the following are the terms of the said amalgamation

(State the terms).

And that it is intended that the Trade Union shall henceforth be called as

.....

Accompanying this notice is a copy of the rules intended to be henceforth adopted by the amalgamated Trade Union which are the rules (if so) of the Trade Union.

(To be signed by seven members and

the

Secretary of each Trade Union)

(Signed) 1

(Signed) 2

(Signed) 3

(Signed) 4

(Signed) 5

(Signed) 6

(Signed) 7

(Name and address to which registered copy is to be sent)

**FORM-X**  
(See rule 17)

**NOTICE OF DISSOLUTION**

Name of trade union ..... Registration No .....

Address .....

Dated:.....

To

The Registrar of Trade Unions,  
Odisha

Notice is hereby given that the above-mentioned trade union was dissolved in pursuance of the rules thereof on the .....day of .....20 .....

We have been duly authorised by the union to forward this notice on its behalf, such authorisation is based on a resolution passed at a general meeting on the\*.

Dated ..... 20 .....

(Signed)  
Secretary

- (1)
- (2)
- (3)
- (4)
- (5)
- (6)
- (7)

Members,

\*Here insert the date, or if there was no such resolution state in what other way the authorisation was given.

**FORM-XI**

[See sub-rule (1) of rule 19 and sub-rule (2) of rule 20]

**ANNUAL RETURNS FOR THE YEAR ENDING THE 31ST DECEMBER .....****PART A**

1	Name of the Trade Union / Federation			
2	Address of the Trade Union / Federation			
3	Registered Head Office			
4	Number and date of certificate of registration			
5	Classification of industry			
6	Classification of Sector [Please state to which of the following four categories, the Union belongs : (a) Public Sector—Central Sphere, (b) Public Sector—State Sphere, (c) Private Sector – Central Sphere and (d) Private Sector—State Sphere.]			
7	Name of the All India Body / Federation to which affiliated			
8	Affiliation number			
9	Membership fee per month / per quarter / per half-year / per year			
		Male	Female	Total
10	Number of members on books at the beginning of the years.			
11	Number of members admitted during the year			
12	Number of members who left during the year			
13	Number of members on books at the end of the year (i.e. on the 31 <sup>st</sup> December.....).			
14	Number of members contributing to political fund.			
15	Number of members who paid their subscription for the whole year			
16	A copy of the rules of the Trade Union corrected up to the date of dispatch of his return is appended.			
17	Part B of the return below has been duly completed.			

**Date the****Secretary**

\*If the Union falls under more than one category, the membership claimed in each category may be shown separately.

**PART B****Statement of Liabilities and Assets on the 31<sup>st</sup> day of March.....**

<b>Liabilities</b>	<b>Rs</b>	<b>Assets</b>	<b>Rs</b>
Amount of General Fund		Cash- In hands of Treasury In hands of Secretary In hand of	

Amount of Political Fund		In the --- --- Bank In the --- --- Bank Securities as per list below	
Loans from-		Unpaid subscription due for (a) the year (b) previous year	
Debts due to-		Loans to- (a) Office bearers (b) Members (c) Others	
Other liabilities (to be specified.)		Immoveable property Goods and furniture Other assets (to be specified)	
<b>Total- Liabilities</b>		<b>Total- Assets</b>	

#### List of Securities

Particulars	Face value	Cost price	Market price date on which accounts have been made up	In hand of

**Treasurer**

#### PART C General Fund Account

Income	Rs	Expenditure	Rs
Balance at beginning of the year		Salaries and allowances of office bearers.	
Subscription from members (including unpaid subscriptions due for the year)		Travelling allowance, salaries allowances and expenses of establishments.	
(a) Subscription received		Auditor's fees	
(b) Subscription in arrears for three months or less.		Legal expenses	
(c) Subscription in arrears for more than three months		Expenses in conducting trade disputes.	
Donations		Compensation paid to members for loss arising out of trade disputes.	
Sale of periodicals, books, rule, etc.		Funeral, old age, sickness, un-employment benefits, etc.	

Interest on investments		Educational, social and religious benefits	
Income from miscellaneous sources (to be specified)		Cost of publishing periodicals, rents, rates and taxes - Stationery, printing and postage	
		Expenses incurred under Rule 21(i) of the Odisha Industrial Relations Rules, 2026 (to be clearly specified).	
		Other expenses (to be specified)	
		Balance at the end of year	
<b>Total</b>			<b>Total</b>

**PART D**  
**Political Fund Account**

Income	Rs	Expenditure	Rs
Balance at the beginning of the year		Payments made on objects specified in rule 22 of the Odisha Industrial Relations Rules, 2026(to be specified).	
Contributions from members @ ..... per member		Expenses of management (to be fully specified) @ ..... per member	
		Balance at the end of year	
<b>Total</b>			<b>Total</b>

**Treasurer**

### Auditor's Report

I have audited the foregoing, 'General Fund Account' in Part C and the 'Political Fund Account' in Part D of the ..... (name of the Trade Union) for the year ending ..... and also the statements of liabilities and assets as well as list of securities in Part B of the said Trade Union as on ..... and report that

- (i) I have obtained all the information and explanations and have had access to all the books and accounts of Trade Union which were necessary for the purpose of my audit;
- (ii) The Trade Union has properly maintained its membership register and its books of accounts as required by law:
- (iii) (Subject to whatever remarks or qualifications the auditor wants to make) In my opinion and to the best of my information and according to the explanation given to me, the foregoing accounts, statement and list have been properly drawn up and they give a true and correct view of income, expenditure, assets and liabilities of the Trade Union.

*Note:-* If the state of Account is such that Auditor is unable to express the opinion on the 'true and correct' aspect of the Accounts, statement and the list, he should state his reason therefor.

### Auditor

**The following changes of officers have been made during the year .....  
Officers Relinquishing Office**

Name	Office	Date of relinquishing office

### Officers appointed

Name	Date of birth	Private address	Personal Occupation	Title of position held in Union	Date on which appointment in column 5 was taken up	Other officers held in addition to membership of executive with date
1	2	3	4	5	6	7

### Elections

Dated of last election of Office bearers

Date of next election office bearers

**Secretary**

**FORM-XII**

[See sub-rule (8) of rule 23]

**MANNER OF MAKING APPLICATION FOR ADJUDICATION OF DISPUTE**

Before the Industrial Tribunal, ..... (place of the Industrial Tribunal having jurisdiction where dispute arises).

(A) Name and Address of Applicant(s)

Versus

(B) Name and Address of Opposite party(ies)

Brief facts of the dispute (statement regarding specific issues of dispute may be mentioned) which are connected with and relevant to the dispute under sub-section (1) of Section 22 of Industrial Relations Code, 2020 (35 of 2020).

**PRAYER**

The applicant(s) pray(s) that instant application may be admitted for adjudication and request(s) to pass appropriate award in the matter.

Name and signature of the worker(s) or  
Officer of Trade union, raising the dispute

**FORM-XIII**  
[See sub-rule (1) of rule 24]

**APPLICATION FOR RECOGNITION AS A STATE LEVEL TRADE UNION**

Name of the Trade union / Federation of Trade

Unions.....

Address.....

Dated the .....day of..... 20.....

To

The Secretary to the Government,  
Labour & ESI Development Department,  
Government of Odisha, Bhubaneswar  
(or)  
The Authorised Officer (Designation)

Dear Sir,

I am to state that at the general meeting of the members/at the meeting of the executive of the above-mentioned Trade Union / Federation of Trade Unions which was held at on the day of..... 20....., it was resolved that the union should apply to you for recognition as State Level Trade Union under sub section (2) of Section 27 of the Industrial Relations Code, 2020 (Central Act 35 of 2020). A copy of the resolution in this behalf signed by the President/Chairman of the Trade Union is enclosed.

2. The Trade Union is duly registered on the ..... day of.....year, under Certificate No.....issued by the Registrar of Trade Unions, (Place).

3. A copy of the rules of the Trade Union is attached.

4. The address of the head office of the Trade Union to which all the communications may be addressed is .....

5. The Trade Union has affiliation of other trade unions in the state, list of such trade unions and their addresses, registration details and membership etc. is attached herewith.

6. The Trade Union has total .....members (number) in the state (District Wise, Trade Union wise membership).

Yours faithfully,  
General Secretary / Secretary

**FORM-XIV**  
(See rule 32)

**REGISTER FOR CERTIFIED STANDING ORDERS**

**PART I**

Industrial Establishment

Unique and continuous number	Name of the Industrial establishment	Nature of the Industrial establishment	Whether standing order is (a) model standing order, or (b) deemed standing order or (c) certified standing order	Date of adoption or date of deemed authentication or date of certification / authentication of standing order
(1)	(2)	(3)	(4)	(5)

Date of Filing appeal	Date and nature of decision	Amendment made on appeal, if any	Date of the dispatch of the copy of standing orders as settled on appeal	Any other relevant detail
(6)	(7)	(8)	(9)	(10)

**PART II**

Should contain the certified copy of the Standing Orders electronically.

**FORM-XV**

[See sub-rule (1) of rule 34]

**NOTICE OF CHANGE OF SERVICE CONDITIONS PROPOSED BY AN EMPLOYER**

Name of employer .....

Address.....

Dated the ..... day of ..... 20.....

In accordance with sub-section (1) of Section 40 of the Industrial Relations Code, 2020 (35 of 2020), I/We hereby give notice to all concerned that it is my/our intention to effect the change/changes specified in the annexure, with effect from ..... in the conditions of service applicable to workers in respect of the matters specified in the Third Schedule to the said Code.

Signature.....

Designation .....

**ANNEXURE**

(Here specify the change/changes intended to be effected)

Copy forwarded to:

1. The Secretary of registered Trade Union, if any.
2. Concerned Joint Labour Commissioner.

**FORM-XVI**  
[See sub-rule (1) of rule]

**AGREEMENT FOR VOLUNTARY ARBITRATION**  
**Between**

.....Name of the parties representing  
employer(s)

**And**

..... Name of the parties representing  
worker

It is hereby agreed between the parties to refer the following dispute to the arbitration of  
..... [here specify the name(s) and address(es) of the  
arbitrator(s)].

- (i) Specific matters in dispute.
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved.
- (iii) Name of the worker in case he himself is involved in the dispute or the name of the union, if any, representing the worker or workers in question.
- (iv) Total number of workers employed in the undertaking affected.
- (v) Estimated number of workers affected or likely to be affected by the dispute.

\*We further agree that the majority decision of the arbitrators) shall be binding on us in case the arbitrator(s) are equally divided in their opinion they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator (s) shall make his (their) award within a period of ..... (here specify the period agreed upon by the parties) from the date of publication of this agreement in the Official Gazette by the State Government or within such further time as is extended by mutual agreement between us in writing. In case, the award is not made within the period afore mentioned, the reference to the arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitrator.

Signature of the parties representing employer/ any officer of the Trade Union / representing worker / workers.

Witnesses:

- 1. ....
- 2. ....

Copy to: (i) The Conciliation Officer [here enter office address of the Conciliation Officer for the area concerned].  
(ii) The Secretary to the Government, Labour & ESI Department, Odisha, Bhubaneswar.

**FORM-XVII**  
(See rules 37, 57 and 58)

**AUTHORISATION BY A WORKER, GROUP OF WORKERS, EMPLOYER OR GROUP OF EMPLOYERS TO BE REPRESENTED IN A PROCEEDING BEFORE THE AUTHORITY UNDER THE INDUSTRIAL RELATIONS CODE, 2020**

Before the Authority  
(Here mention the authority concerned)

In the matter of: (mention the name of the proceeding )  
.....

workers

Versus

.....  
Employer

I/we hereby authorise Shri / Smt/Kumari .....to  
represent me/us in the above matter.

Dated this.....day of.....20.....

Signature of person(s) nominating the representative(s)

Address Accepted.

**FORM-XVIII**

[See sub-rule (1) of rule 41]

**APPLICATION FOR RECOVERY OF DUES UNDER SUB-SECTION (1)  
OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020**

To,

- (1) The Secretary, Labour & ESI Department, Government of Odisha, Bhubaneswar
- (2) The Labour Commissioner, Odisha, Bhubaneswar

Sir,

I/We have to state that I am/we are entitled to receive from M/s ..... a sum of Rs..... (Rupees.....) only on account of under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) /in terms of the award dated the..... given by..... /in terms of the settlement dated the ..... arrived at between the said M/s ..... and their worker through ..... the duly elected representatives.

I/We further state that I/we served the management with a demand notice by Registered Post / Speed Post on ..... for the said amount which the management has neither paid nor offered to pay to me/us even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I/We request that the said sum may kindly be recovered for the management under sub-section (1) of section 59 of the Industrial Relations Code, 2020 (35 of 2020) and paid to me/us as early as possible.

Signature of the applicant(s)

Address(es)

Station:

Date:.

**ANNEXURE**

[(Here indicate the details of the amount(s) claimed.)]

**FORM-XIX**

[See sub-rule (1) of rule 41]

**APPLICATION FOR RECOVERY OF DUES BY A PERSON AUTHORISED BY A WORKER OR BY THE ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (1) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020**

To

- (1) The Secretary, Labour & ESI Department, Government of Odisha, Bhubaneswar  
 (2) The Labour Commissioner, Odisha, Bhubaneswar

Sir,

I Shri/Smt./Kumari.....have to state that Shri/Smt./Kumari..... is/was entitled to receive from M/s..... a sum of Rs ..... (Rupees ..... ) only on account of ..... under the provisions of Chapter IX and X of the Industrial Relations Code, 2020 (35 of 2020) /in terms of the award dated the..... given by ...../in terms of the settlement, dated the ..... arrived at between the said M/s..... and their worker through ..... the duly elected representatives.

I further state that I served the management with a demand notice by Registered Post / Speed Post on ..... for the said amount which the management has neither paid nor offered to pay to me even though a fortnight has since elapsed. The details of the amount have been mentioned in the statement hereto annexed.

I request that the said sum may kindly be recovered from the management under sub-section (1) of Section 59 of the Industrial Relations Code, 2020 (35 of 2020), and paid to me as early as possible.

I have been duly authorised in writing by..... (here insert the name of the worker) to make this application and to receive the payment of the aforesaid amount due to him.

I am the assignee/heir of the deceased worker and am entitled to receive the payment of the aforesaid amount due to him.

Station.....

Signature of the authorized person/ assignee/heirs

Date.....

Address.....

**ANNEXURE**

(Here indicate the details of the amount claimed.)

**FORM-XX**

[See sub-rule (2) of rule 41]

**APPLICATION FOR COMPUTATION OF MONEY UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020**

Before the State Government Industrial Tribunal at. ....  
between..... and.....

(1)Name of the applicant(s) .....

(2)Name of the employer .....

The petitioner(s)..... a worker of.....M/s. ....  
of.....The petitioner(s) undersigned, worker/workers  
of..... is/are entitled to receive from the said  
M/s.....the money /benefits mentioned in the  
statement hereto annexed.

It is prayed that the Tribunal may be pleased to determine the amount / amounts due  
to the petitioner(s).

Signature or Thumb Impression (s) of the applicant(s)

Address(es) .....

Place.....

Date.....

**ANNEXURE**

(Here set out the details of the money due or the benefits accrued together with the case  
for their admissibility.)

**FORM-XXI**

[See sub-rule (2) of rule 41]

**APPLICATION FOR COMPUTATION OF MONEY BY A PERSON WHO IS AN ASSIGNEE OR HEIR OF A DECEASED WORKER UNDER SUB-SECTION (2) OF SECTION 59 OF THE INDUSTRIAL RELATIONS CODE, 2020**

Before the State Government Industrial Tribunal at .....  
..... between .....  
and

(1) Name of the applicant/applicants .....

(2) Name of the employer .....

I am/We are the assignee(s) of the deceased worker and am/are entitled to make an application on his behalf.

Shri/Smt..... former worker of M/s  
..... of ..... is entitled to receive from the said M/s  
..... the money/benefits mentioned in the statement hereto  
annexed;

It is prayed that the Tribunal be pleased to determine the amount/amounts due to the deceased worker.

Signature of the assignee/heirs

Name and Address of worker.....

Address (es) .....

Place.....

Date.....

**ANNEXURE**

(Herein set out the details of the money due or the benefits accrued together with the case for their admissibility).

**FORM-XXII**

[See sub-rule (1) of rule 42 and rule 61]

**NOTICE OF STRIKE TO BE GIVEN BY UNION (NAME OF UNION)/ GROUP OF WORKERS**

Name of five elected representatives of workers.....

Dated the.....day of.....20.....

To  
(The name of the employer).

Dear Madam /Sir,

In accordance with the provisions contained in sub-section (1) of Section 62 of the Industrial Relations Code, 2020 (35 of 2020) I/We hereby give you notice that I propose to call a strike / we propose to go on strike on.....20....., for the reasons explained in the annexure.

Yours faithfully,

(Secretary of the Union)

Five representatives of the workers duly elected at a meeting held on ..... (date), vide resolution attached.]

**ANNEXURE**

Statement of the Case.

Copy to:

- 1) Local Conciliation Officer (here enter office address of the officer in the local area concerned)
- 2) Concerned Joint / Divisional Labour Commissioner
- 3) The Labour Commissioner, Odisha, Bhubaneswar
- 4) The Secretary, Labour & ESI Department, Government of Odisha, Bhubaneswar
- 5) Labour Bureau

**FORM-XXIII**

[See sub-rule (1) of rule 43 and rule 61]

**NOTICE OF LOCK-OUT TO BE GIVEN BY AN EMPLOYER OF AN INDUSTRIAL ESTABLISHMENT**

Name of employer .....

Address.....

.....

Dated the.....day of.....20.....

In accordance with the provisions of 62(5)of the Industrial Relations Code, 2020 (35 of 2020), I/we hereby give notice to all concerned that it is my/our intention to effect lock out in.....,..... department(s), section(s) of my/our establishment with effect from ..... for the reasons explained in the annexure.

Signature.....

Designation.....

**ANNEXURE**

1	Statement of reasons
---	----------------------

Copy forwarded to:

- 1) The Secretary of the Registered Union, if any
- 2) Local Conciliation Officer (here enter office address of the officer in the local area concerned)
- 3) Concerned Joint / Divisional Labour Commissioner
- 4) The Labour Commissioner, Odisha, Bhubaneswar
- 5) The Secretary, Labour & ESI Department, Government of Odisha, Bhubaneswar

**FORM-XXIV**

[See rules 44, sub-rule (1) of rule 46 and 61]

**NOTICE OF INTIMATION OF RETRENCHMENT/ CLOSURE TO BE GIVEN BY AN EMPLOYER TO THE STATE GOVERNMENT UNDER THE PROVISIONS OF CHAPTER IX OF THE INDUSTRIAL RELATIONS CODE, 2020 AND RULES MADE THERE UNDER**

(To be submitted online. In case of exigencies, on paper in the prescribed format below)

Name of Industrial Establishment

/Undertaking/Employer.....

Labour Identification Number

.....

Dated.....

(Note: The intimation for Closure/Retrenchment to the appropriate government shall be served sixty days and thirty days before commencement of Closure/Retrenchment respectively)

To,

The Secretary,  
Labour & ESI Department,  
Government of Odisha, Bhubaneswar

1. \*(Retrenchment) (a) under section 70(C) of the Industrial Relations Code, 2020 (35 of 2020), I/ we\* hereby intimate you that I\*/we\* have decided to retrench..... workers\*\* out of a total of ..... Workers\*\* with effect from .....(DD/MM/YYYY)

or

\*(Closure) (b) under section 74(1) of the Industrial Relations Code, 2020 (35 of 2020), I / we\* hereby intimate you that I\*/we\* have decided to close down, .....(name of the industrial establishment or undertaking) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is ..... (number of workers)

2. The reason for Retrenchment / Closure is

.....  
.....  
.....

3. \*The worker(s)\* concerned were given on the ..... (DD/MM/YYYY) one month's notice in writing as required under section 70(a)\*/ Section 75(1)\* of the Industrial Relations Code, 2020 (35 of 2020).

or

\* The worker(s) concerned have been given on the.....(DD/MM/YYYY) one month's pay in lieu of the notice as required under section 70(a)\* / Section 75(1)\* of the Industrial Relations Code, 2020 (35 of 2020).

4. \* I\*/We\* hereby declare that the worker(s) concerned have been\*/will be\* paid all their dues along with the compensation due to them under section 70\* / Section 75\* of the Industrial Relations Code, 2020 (35 of 2020) before or on the expiry of the notice period.

or

\*I/We\* hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I\*/we\* will pay all the dues along with the compensation due to them under concerned laws.

5. (Retrenchment) I/we\* hereby declare that the worker(s) concerned have been\* / will be\* retrenched in compliance to the Section 71 and Section 72 of the Industrial Relations Code, 2020 (35 of 2020).
6. I\*/ we\* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been Annexed.
7. I\*/ we\* hereby declare that the above information given by me\*/us\* in this notice and the Annexures enclosed herewith true, I\*/ we\* am\*/ are\* solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

Yours faithfully,

(Name of Employer/ \*\*\*Authorised Representative with Seal)

(\* Strike off which is not applicable.)

(\*\* Indicate number in figures and words both)

(\*\*\*Copy of Authorisation letter issued by the employer shall be enclosed)

Copy to :

- (1) The Office of DG Labour Bureau, Ministry of Labour and Employment, (only for statistical purpose)
- (2) The Labour Commissioner, Odisha
- (3) Concerned Joint / Divisional Labour Commissioner
- (4) Local Conciliation Officer
- (5) The Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.

**FORM-XXV**

[See rules 47(1), 49(1), 51 and 61]

**APPLICATION FOR PERMISSION OF LAY-OFF/ CONTINUATION OF LAY-OFF/ RETRENCHMENT/ CLOSURE TO BE GIVEN BY AN EMPLOYER / INDUSTRIAL ESTABLISHMENT /UNDERTAKING TO THE STATE GOVERNMENT UNDER THE PROVISIONS OF CHAPTER X OF THE INDUSTRIAL RELATIONS CODE, 2020 AND RULES MADE THEREUNDER**

(To be submitted online. In case of exigencies on paper in the specified format below)

Name of Industrial Establishment or Undertaking or

Employer.....

Labour Identification

Number.....

Dated.....

(Note: The application to the State Government shall be served as indicated below:

Lay-off : at least 15 days before the intended Lay-off

Continuation of Lay-off – at least 15 days before the expiry of earlier Lay-off Retrenchment  
– at least 60 days before the intended date of retrenchment

Closure – at least 90 days before the intended date of closure)

To,

The Secretary,  
Labour & ESI Department,  
Government of Odisha, Bhubaneswar

1. \*(Lay-off) (a). under section 78(2) of the Industrial Relations Code, 2020 (35 of 2020), I\*/we\* hereby apply for “permission to lay-off .....workers\*\* out of total of ..... workers\*\* employed in my\*/our\* establishment (details to be given in **Annexure-I**) with effect from ..... (DD/MM/YYYY).

or

\*(Continuation of lay-off) (b) under section 78(3) of the Industrial Relations Code, 2020 (35 of 2020), I\*/we\* hereby apply for permission to continue the Lay-off .....workers\*\* out of total of ..... laid off workers\*\* in my\*/our\* establishment (details to be given in **Annexure-I**) with effect from ..... (DD/MM/YYYY).

or

\*(Retrenchment) (c) under section 79(2) of the Industrial Relations Code, 2020 (35 of 2020), I\*/we\* hereby apply for permission for intended retrenchment of..... workers out of total of ..... workers\*\* employed in my\*/our\* establishment (details to be given in **Annexure-I**) with effect from ..... (DD/MM/YYYY).

or

\*(Closure) (d) under section 80(1) of the Industrial Relations Code, 2020 (35 of 2020), I / we\* hereby inform you that I\*/we\* intended to close down the undertaking..... (name of the industrial establishment or undertaking or employer) (details to be given in **Annexure-I**) with effect from..... (DD/MM/YYYY). The number of workers whose services would be terminated on account of the closure of the undertaking is (number of workers)

\* (Lay-off/Continuation of Lay-off) The worker(s) concerned were given on ..... (DD/MM/YYYY) notice in writing as required under section 78(2)\*/ Section 78(3)\* of the Industrial Relations Code, 2020 (35 of 2020).

or

\*(Retrenchment/ Closure) The worker(s) concerned were given on (DD/MM/YYYY) three months' notice in writing as required under section 79\*/ Section 80\* of the Industrial Relations Code, 2020 (35 of 2020).

or

\*(Retrenchment/ Closure) The worker(s) have been given on... (DD/MM/YYYY) three month's pay in lieu of notice as required under section 79\*/ Section 80\* of the Industrial Relations Code, 2020 (35 of 2020).

2. The details of affected worker(s) is at **Annexure II**.
3. (Retrenchment) I\*/we\* hereby declare that the workers concerned will be retrenched in compliance to the Section 71 and Section 72 of the Industrial Relations Code, 2020 (35 of 2020).
4. \*I/We\* hereby declare that the worker(s) concerned have been\*/will be\* paid all the dues and compensation due to them under section 67, read with Section 78(10)\*/ Section 79\* / Section 80\* of the Industrial Relations Code, 2020 (35 of 2020) before or on the expiry of the notice period.

or

\*I/We hereby state that currently Insolvency proceedings are on in respect of the said Industrial Establishment/Undertaking/Employer, and that I\*/we\* will pay all the dues along with the compensation due to them under concerned laws.

5. I/ we\* hereby declare that no court case is pending before any Court in the matter, and if yes, the details thereof have been annexed herewith.
6. I/ we hereby declare that the above information given by me/ us\* in this notice and enclosures is/ are\* true, I/ we am/ are solely responsible for its accuracy and no facts/ materials has been suppressed in the matter.

The permission sought for may please be granted.

Yours faithfully,

(Name of Employer/ \*\*\*Authorised Representative with Seal)

(\* Strike off which is not applicable.)

(\*\* Indicate number in figures and word both)

(\*\*\*Copy of authorisation letter issued by the employer shall be enclosed)

(Please give replies against each item)

1	Name of the undertaking with complete postal address, email, mobile and land line.	
2	Status of undertaking— (i) Whether Central public sector/State public sector/ like other,  (ii) Whether a private limited company/ partnership firm/ partnership firm  (ii) Whether the undertaking is licensed/registered and if so, name of licensing/ registration authority and licence/registration certificate numbers.	
3	(a) Corporate Identification Number	
	(b) Goods and Service Tax Identification Number (GSTIN)	
4	(i) Annual production, item wise for preceding three years- (ii) Production figures, month-wise, for the preceding twelve months,	
5	Audit report of the legal entity that own the establishment/ undertaking including Balance sheets, profit and loss accounts for the last three years.	To be annexed
6	Names of the inter-connected companies or companies under the same management.	
7	Details of lay-off/ retrenchment resorted to in the last three years including the periods of such lay-offs/ retrenchment the number of workers involved in each such lay-off/ Retrenchment / continuation of lay off	
8	Any other relevant details which have bearing on lay-off/ continuation of lay off/ retrenchment/ closure.	

**ANNEXURE II**

(Details of affected workers)

Sl. No	UAN/ CMPFO	Name of the Worker	Category (Highly Skilled / Skilled/ Semi- skilled / Unskilled )	Date from which in service in/with the said establishment /Undertaking/ Employer	Wage as on date of Application	Remarks
1						
2						
3						

Copy to:

- (1) The Office of DG Labour Bureau, Ministry of Labour and Employment, (only for statistical purpose)
- (2) The Labour Commissioner, Odisha
- (3) Concerned Joint / Divisional Labour Commissioner
- (4) Local Conciliation Officer
- (5) The Registered Unions/ Authorised Representatives of Workers operating in the establishments or undertakings.

**FORM-XXVI**  
(See rules 54 and 61)

**NOTICE TO THE EMPLOYER/PERSON WHO COMMITTED AN OFFENCE FOR THE FIRST TIME, FOR COMPOUNDING OF OFFENCE UNDER SECTION 89 OF THE INDUSTRIAL RELATIONS CODE, 2020 READ WITH RULE 54**

The undersigned, the Compounding Officer, for the purposes of section 89 of the Industrial Relation Code, 2020 (35 of 2020), hereby intimates you that the allegation has been made against you for committing offence for the violation of various provision of this Code as per the details given below:–

**PART I**

- 1. Name and Address of the offender Employer/person  
.....
- 2. Address of the Establishment  
.....
- 4. Particulars of the offence  
.....
- 5. Section of the Code under which the offence is committed  
.....
- 6. Compounding amount required to be paid towards composition of the offence.....

**PART II**

You are advised to deposit the above mentioned amount within fifteen days from the date of receipt of this notice for compounding the offence as per section 89 of the Industrial Relations Code, 2020 (35 of 2020) read with rule 41, along with an application dully filled in part – III of this notice.

In case you fail to deposit the said amount within the time so specified, no further opportunity shall be given to you and necessary steps shall be taken for filing of prosecution under section 87 of the said Code shall be issued.

(Signature of the Compounding Officer)

Date:  
Place:

**PART – III**  
**(Application under sub-section (4) of section 89 of the Industrial relations Code, 2020 read with rule 41 for compounding of offence)**

1. Name of applicant (name of the employer/person who committed the offence under the Industrial Relations Code 2020 (35 of 2020) to be mentioned.....
2. Address of the applicant .....
3. Particulars of the offence .....
- .....  
Section of the Code under which the offence has been committed .....
4. Details of the compounding amount deposited (electronically generated receipt to be attached) .....
5. Details of the prosecution, if filed for the violation of above mentioned offences may be given .....
6. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence  
.....  
.....  
.....
7. Any other information which the applicant desires to provide  
.....  
.....

Applicant  
(Name and signature)

Dated:

Place:

Copy to: Labour Bureau

**FORM- XXVII**

(See rule 56)

**COMPLAINT UNDER SECTION 91 OF THE INDUSTRIAL RELATIONS CODE, 2020**

Before the Conciliation officer/ Arbitrator/ Industrial Tribunal.....,

In the matter of:.....

Reference No.....

A. .... Complainant(s);

Versus

B. .... Opposite Party(ies).

Address: .....

The petitioner(s) begs/beg to complain that the Opposite Party(ies) has/have been guilty of a contravention of the provisions of Section 90 of the Industrial Relations Code, 2020 as shown below:

(Here set out briefly the particulars showing the manner in which the alleged contravention has taken place and the grounds on which the order or act of the management is challenged.)

The complainant(s) accordingly prays/pray that the Conciliation Officer / Arbitrator / Industrial Tribunal may be pleased to decide the complaint set out above and pass such order or orders thereon as it may deem fit and proper.

The number of copies of the complaint and its annexure required under rule 43 of the Industrial Relations Code, 2020 (35 of 2020) are submitted herewith.

Dated this.....day of.....20.....

Signature of the Complainant(s)

**VERIFICATION**

I do solemnly declare that what is stated in paragraph .....above is true to my knowledge and that what is stated in paragraphs.....above is stated upon information received and believed by me to be true. This verification is signed by me at..... on .....day of.....20.....

Signature  
or Thumb impression of the person verifying\_\_\_\_\_.

By Order of the Governor  
CHITHRA ARUMUGAM

Additional Chief Secretary to Government