

# Maharashtra Shop & Establishment Act 2017

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## **Key Additions Requiring attention of the Employers to undertake compliance as below:**

### **Health and safety of Workers**

Every employer shall be responsible for supervision & take such measures relating to the health and safety of the workers including cleanliness, lighting, ventilation, and prevention of fire as may be prescribed.

### ***Cleanliness, lighting and ventilation.***

#### **Cleanliness-**

- Premises of every establishment shall be Kept clean and free from infection. It should have proper ventilation and lighting. No rubbish, filth or debris shall be allowed to accumulate or to remain on any premises or in an establishment or in the surroundings of such an establishment in such a position that effluvia therefore can arise within the area of the establishment or its surroundings.

#### **Ventilation-**

- The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

#### **Lighting-**

- (1) The premises of every establishment shall be sufficiently lighted during all working hours.
- (2) If it appears to an inspector that the premises of any establishment within his jurisdiction are not sufficiently lighted, he may serve on the employer an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.



**- Precautions against fire.**

(1) Protect the premises and the workers therein from the danger of fire. Employer shall adopt and implement all such measures as suggested, recommended or directed by the Fire Officer, Department of the Local Authority or Fire Brigade of that local area or any such Authority. It shall be his duty to follow the norms and guidelines for protection against fire as per the provisions of any law for the time being in force or any direction or instruction issued by any Local Authority or any such authority wherein the establishment is situated. The employer shall produce, whenever demanded by the Facilitator, a copy of the order or instruction or guidelines, etc. issued by the Fire Officer of Local Authority or any such authority.

**- First-aid appliances.**

Every employer shall maintain such duly equipped first-aid Box in each establishment with the following first-aid appliances and medicine viz -

- (i) small, medium and large sterilized dressing in required numbers;
- (ii) large size sterilized burn dressing in required numbers;
- (iii) packets of sterilized cotton-wool in required numbers;
- (iv) pair of dressing scissors;
- (v) bottle containing solution of iodine or mercury-chrome;
- (vi) bottle containing solution of savolatine having the dose and mode of administration indicated on the label;
- (vii) bottle containing potassium permanganate crystals;
- (viii) any antidote for burns;
- (ix) sufficient numbers of sanitary napkins for women workers, wherever applicable.



**- Latrines and urinals.**

Every employer either individually or a group of employers shall provide and maintain a common, neat and clean urinal and latrine facility with supply of antibacterial liquid soap for men and women workers separately in such sufficient numbers. It shall be well ventilated with an exhaust fan and lighted and safe for use by women workers in particular. It should have a proper provision of water supply and flushing of waste. Provided that, several employers may provide common facilities of latrines and urinals, in case it is not possible, in an establishment due to constraint in space or otherwise.

**- Drinking Water.**

The employer shall make effective arrangements to provide and maintain at suitable points conveniently situated for all persons employed in the establishment, a sufficient supply of wholesome drinking water.

**- Crèche facility.**

In every establishment wherein fifty or more workers are employed, there shall be provided and maintained a suitable room or rooms as crèche for the use of children of such workers:

Provided that, if a group of establishment, so decide to provide a common crèche within a radius of one kilometer, then, the same shall be permitted by the Chief Facilitator, subject to such conditions as may be specified in the order.

**- Canteen.**

The State Government shall require the employer to provide and maintain in the establishment, wherein not less than one hundred workers are employed or ordinarily employed to maintain a canteen for the use of its workers.

Provided that, if a group of establishments, so decide to provide a common canteen, then the same shall be permitted by the Chief Facilitator by an order, subject to such conditions as may be specified in the order.

***- Pertaining to employing Women workers in Night Shifts.***

Women workers employed in Maharashtra can work between 7.00 AM to 9.30 PM. If they are required to work beyond 9.30 PM, The below formalities to be undertaken in Maharashtra -

1. Consent in Form L for working in Night shift to be obtained from such an employee.
2. Transportation Up To the doorstep of residence to be provided along with Security Guard
3. You need to engage women security guards within the premises if there are more than 9 women working in day or night shifts whatsoever. Such security guards should be police verified.
4. Every woman worker who works during the night as per her shift schedule is entitled to 1 (one) additional paid holiday for every 2 (two) months worked in a year.
5. Form a Committee for Sexual harassment & ensure enforcement at all times.
6. Providing proper lighting & illumination at all places where women are expected to work during night shifts.
7. Every employer is under an obligation to maintain a complaint box and display the phone numbers of local police stations, control rooms and women help line numbers prominently in the establishment.
8. The no. of women employed in night shifts cannot be less than 3 at any given time.
9. You have to submit an undertaking on an annual basis that you shall provide all the facilities as mentioned under Rule 13 of the Rules (Conditions for employment of women in general as well as in night shifts) and shall take due care and diligence regarding the safety, dignity and honor of women workers in general and particularly of those working during the night shift

***- Part-time employment.***

- (1) It shall be lawful for the employer to engage part- time workers provided that he shall not be allowed to work more than five hours in a day.
- (2) No part time worker shall be allowed to work overtime under any circumstances.
- (3) Wages payable to a part time worker shall be computed by dividing the per day rate of Minimum Wages applicable to that scheduled employment by eight (hours) with fifteen per cent. Rise in it or by dividing the prevailing rate of per day wages fixed for permanent workers doing similar work in that establishment by eight (hours) with fifteen per cent. rise in it, whichever is higher.

***- Identity card.***

(1) Alongwith the particulars to be contained in the identity card of worker specified in section 17 of the Act, the identity card shall also contain an emergency contact number of workers.

(2) The employer may issue an identity card in electronic form subject to the condition that a hard copy of the identity card shall be maintained and a copy of the same shall be produced as and when demanded by the Facilitator.

***- Notice by employer or manager of accumulated leave.***

The employer or manager shall communicate in Form 'P' to the concerned worker, whose leave, which has been carried forward, has reached the maximum limit allowed under sub-section (5) of section 18, as soon as possible in the first quarter of each calendar year. Such notice shall state that no further leave can be carried forward.

***- Health, Safety and Welfare Committee.***

1) Every Establishment Wherein one hundred or more workers are ordinarily employed, there shall be constituted a Health, Safety and Welfare Committee, Consisting of equal number of employer and worker's representatives.

2) The Representative of the employer and workers on the Health, Safety and Welfare Committee shall Include:-

(i) Senior Official who by his position in the organization can contribute effectively to the function of the Said Committee and he shall be the Chairman.

(ii) Representative of Head of all the Departments or In- Charge of Section of the establishment. e.g. sales, purchase, material, personnel, marketing , finance etc., if any.

(iii) Maximum ten workers representative nominated by the workers of the establishment as members of the said Committee. The said Committee shall have a sufficient number of representatives of women workers, wherever women workers are employed.

3) The duties, functions and responsibilities of the said Committee are as follows:-

(i) To survey the premises and to examine whether there are any accident prone spots in the premises or defects or hazardous objects or hazards in the premises.

(ii) To follow and pursue to get such spots, defects, objects or hazards rectified.

(iii) To conduct health care or wellness camps once in a year in the organization or establishment.



- (iv) To create awareness about any contagious disease or epidemics or any natural calamities or any calamities due to accident, fire, etc.
- (v) To conduct recreation, cultural, and sports activities annually.
- (vi) To conduct social and educational awareness programmes like Swaccha Bharat Abhiyan, Tree Plantations, Family Welfare, Beti Bachao-Beti Padhao, etc.
- (vii) It shall be the duty and responsibility of the said Committee to organize the above event with due care and diligence.

***- Intimation of persons discharging managerial function.***

Every employer registered under section 6, shall inform the Facilitator in Form 'T' the names and designation and brief nature of duties of such persons who are discharging managerial function. The information in Form "T" shall be submitted annually and whenever there is any change, during the year.

***- Intimation of persons doing confidential work.***

Every employer shall inform in Form 'U' the names of such persons who are occupying positions of confidential character in an establishment. However, the number of such persons shall not be more than one percent of the total strength of workers of the establishment subject to a maximum of fifty persons. The information in Form "U" shall be submitted annually and whenever there is any change, during the year.

***- Name Board to be in Marathi.***

The Name Board of every establishment shall be in Marathi language in Devnagari Script and shall essentially be written in the beginning:

Provided that, the employer may also have the Name Board in any other language and script in addition to Marathi in Devnagari Script. Provided further that, the font size of Name Board in Marathi shall not be less than that of the Name Board in any other language:

Provided also that, no establishment where liquor is served or sold shall have a Name Board in the name of legends or fort.



**- Leave with pay and payment of wages.**

A worker shall be entitled to eight paid festival holidays in a calendar year, namely, 26th January, 1st May, 15th August and 2nd October and four such other festival holidays as may be agreed to between the employer and the workers as per the nature of business, before the commencement of the year. For holiday on these days, he shall be paid wages at a rate equivalent to the daily average of his wages (excluding overtime), which he earns during the month in which such compulsory holidays falls: Provided that, the employer may require any worker to work in the establishment on all or any of these days, subject to the conditions that for such work the worker shall be paid double the amount of the daily average wages and also leave on any other day in lieu of the compulsory holiday.

**Leave Rules.**

Type of Leave	Leave Entitlement	Maximum Carry Forward
Sick Leave	No provision for Sick Leave	NA
Casual Leave	8 Days	Unavailed Leaves shall lapse
Earned/Privilege Leave	5 days (for every 60 days worked) 18 days (for every 240 days worked)	45 days

**Working Hours in Establishments.**

Normal working hours	9 hrs in a day & 48 hrs in a week
Interval for Rest	After 5 hrs of work interval of at least half an hour
Max. OT hrs	125 hrs in a period of 3 months
Rate of OT Wages	Twice the ordinary rate of wages





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