

# New Labor Laws: Brief Introduction

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# Outline of Presentation

- This presentation is prepared on the basis of the recently passed Labor Act, 2017 (2074) (the “**New Labor Act**”). It was passed by the Parliament on 11 August, 2017 (27 Shrawan, 2074) and will be effective upon certification by the President. Social Security Act, 2017 (2074) has also been referred with regard to Social Security Fund.
- The presentation outlines the changes made by the New Labor Act in different headings.

# Applicability of New Labor Act

- New Labor Act applies to company, private firm, partnership firm, cooperatives, association or other organization ("entity"):
  - in operation, or established, incorporated, registered or formed under prevailing laws
  - regardless of its objective to earn profit or not.(Section 2(j))
- Entity registered in foreign country but engaged in promotion of business, sale of its products or other work in Nepal. (Section 90)

# Applicability of New Labor Act

- Headcount Threshold: No headcount threshold except as for few arrangements. Labor Act 1992 was applicable only to entity having 10 or more employees or workers.
- Where 10 or more employees are engaged:

Provision	Section Reference
Consultation with Authorized Trade Union or Labor Relation Committee for keeping the employees in reserve for more than 15 days	15(3)
Formation of Labor Relation Committee	111
Formation of Collective Bargaining Committee	116
7 days period to present clarification for termination of employee upon their work performance	142
Applicability of provision on retrenchment	145

# Applicability of New Labor Act

- Headcount Threshold:
- Where 20 or more employees are engaged:

Provision	Section Reference
Formation of Safety and Health Committee	74

# Non Applicability of New Labor Act (Section 180)

- Exempted Entity:
  - Civil Service,
  - Nepal Army, Nepal Police, Armed Police Force,
  - Entities incorporated under other prevailing laws or in situated in Special Economic Zones to the extent separate provisions are provided.
  - Working Journalists, unless specifically provided in the Contract.

# Hiring

- Modes of Hiring (Section 10):
  - Regular Employment,
  - Work Based Employment: for completion of certain work or rendering certain service,
  - Time Bound Employment: employment for certain time period determined,
  - Casual Employment: employment for seven or less days in a month,
  - Part time Employment: employment for 35 or less hours in a week.

# Hiring

- Modes of Hiring:
- **Part Time Worker (Section 19-21):**
  - a. Remuneration on the basis of hours worked, unless otherwise provided in the employment agreement
  - b. No restriction to work in other places
  - c. Entitled to social security benefits
- **Intern (Section 16 & 17) :** As per the agreement with educational institution. They shall be deemed regular employee if engaged in works other than as per their syllabus.

# Hiring

- Modes of Hiring: Trainee (Section 18)
  - Trainee: An employee may be appointed as trainee.
  - Training Period: not exceeding 1 year, except where time period has been prescribed by law
  - Entitlement to benefits: to all social security benefits including provident fund, gratuity etc.
  - Appointment as regular employee: Employer does not have an obligation to appoint the trainee as regular employee, however if appointed, he/she should not be put on probation.

# Hiring Foreign Nationals

- Work Permit (Section 22 & 23): Compulsory except in following conditions:
  - Foreign nationals who are provided diplomatic immunity
  - Arrangement as per treaty or agreement with the Government of Nepal
- General Provision (Section 22):
  - Advertisement in national level Daily Newspaper,
  - if no skilled human resource Nepali citizen is found, submit an application to obtain work permit.

# Hiring Foreign Nationals

- Entity with Foreign Investment or operating on foreign aid (Section 24 (a)): Work permit for foreign nationals deployed as chief executive or prescribed number of employees is provided simply by recording.
- Work permit for technicians deployed in work for less than three months for repairing any machinery or installing new technology or similar casual work is provided simply by recording. (Section 24(b))

# Hiring Foreign Nationals

- Employment Agreement: Compulsory
- Language of Employment Agreement (Section 25): in language understandable by the foreign employee or in English language
- Validity period of the Employment Agreement (Section 27): 3 years, unless otherwise provided in the Employment Agreement
- Repatriation of Income (Section 26): The foreign nationals can repatriate their income in convertible foreign currency.

# Outsourcing

- Works where the outsourced employees can be engaged (Section 58(1)): As prescribed by the Ministry by publishing a notice in Nepal Gazette upon the recommendation of Central Labor Advisory Council
- Nature of Work (Section 58(2)): Works other than core works of the entity

# Outsourcing: Obligation of Main Employer (Section 64)

- No employees can be obtained from the labor supplier where the employer or employer's proprietor or director or family members are engaged,
- Conclude agreement with labor supplier,
- Ensure the employees are provided minimum remuneration and facilities,
- Collect information regarding whether the employee is provided with remuneration or facilities regularly or not,

# Outsourcing: Obligation of Main Employer (Section 64)

- Request the labor supplier to provide the employee with remuneration and facilities if they are not provided with such and inform the Department or Labor Office thereof,
- Inform Department or Labor Office if the outsourced employees are not provided remuneration and facilities, even after requesting,
- Arrange for occupational health and safety measures,
- If the rate of minimum remuneration or facilities is altered after the conclusion of agreement with the Labor Supplier, the main employer should pay such additional amount to outsourced employees.

# Outsourcing: Obligation of Main Employer (Section 64)

- Main employer must obtain the employees from licensed labor supplier.
- If outsourced employees are not from the licensed labor supplier, they are deemed to be employees of the main employer.
- If outsourced employees are engaged in work against the provisions of New Labor Act, those outsourced employees are deemed to be the employees of Main employer.

# Outsourcing: Obligation of Labor Supplier

- Must be incorporated as company as per prevailing laws (Section 59(1)),
- No labor supplier company can outsource employees for more than one work or service (Section 59(4)),
- Obtain a license (Section 59(1)),
  - For the purpose of obtaining the license, an application along with applicable fee, required documents as prescribed should be submitted to concerned Labor Office.
  - Such application should be submitted to Department if the Labor supplier supplies employee in areas under more than one Labor Office.

# Outsourcing: Obligation of Labor Supplier (Section 59 & 60)

- Furnish bank guarantee or security necessary to obtain license,
- Entities outsourcing employees at the time of enforcement of New Labor Act must be incorporated as company and obtain license as labor supplier within 6 months from the date of the enforcement of New Labor Act,
- Licensed Labor Supplier should submit the details by the end of the month Poush every year to the Department or Labor Office.

# Outsourcing: Obligation of Labor Supplier (Section 61)

- Conclude an agreement with Main Supplier,
- Payment of remuneration and other facilities to outsourced employees ensuring that such is not below the minimum remuneration and other facilities prescribed,
- Collect information on occupational health and safety arrangements made by the Main Employer,
- If such arrangements are not made, recommend Main Employer to do so,
- If the Main Employer does not make such arrangements even after recommendation, inform the Department or concerned Labor Office.

# Probation Period (Section 13)

- Shortening of Probation Period

<b>Labor Act, 1992</b>	<b>New Labor Act</b>
1 year (240 days)	6 months

# Working Hours

- Maximum Working Hours (Section 28): 8 hours a day and 48 hours a week.
- Maximum Overtime (Section 30): 4 hours a day and 24 hours a week (Previously, 20 hours a week)
- Overtime Pay (Section 31): 1.5 times the regular remuneration
- Break (Section 28):
  - 30 minute break after working 5 hours where the work can be interrupted,
  - Where work cannot be interrupted, break is arranged in shifts.
- Replacement Leave (Section 42): for making workers work on public or weekly holidays

# Remuneration

- Minimum Remuneration (Section 34): As prescribed by the Government of Nepal
- Increment (Section 36): once a year at the rate of ½ day salary
- Payment of remuneration(Section 35):
  - To workers engaged in work for less than a month: within 3 days from the date of completion of the work
  - To workers in casual employment: upon the completion of the work
  - Other employee: the payment period should not exceed 1 month
- Festival Expenses (Section 37): Amount equivalent to the monthly remuneration once a year

# Leave and Holidays (Section 40-48)

- Weekly Holiday: 1 day every week
- Public Holidays: 13 days including May Day
  - 1 day additional to female employees including International Women Labor Day
- Annual Leave: 1 day for every 20 worked days
- Sick Leave: Fully paid 12 days (previously half paid up to 15 days)
  - For those who have not completed one year of service, sick leave is provided on a proportional basis.
- Mourning Leave: 13 days

# Leave and Holidays

- Maternity Leave & Paternity Leave (Section 45):

Heading	Labor Act, 1992	New Labor Act
Maternity Leave	52 days Fully paid	98 days Fully paid 60 days
Paternity Leave	Not Provisioned	15 days Fully paid

- Special Leave

Labor Act, 1992	New Labor Act
30 days in a year, not exceeding 6 months in total service period unpaid	Not Provisioned

# Leave and Holidays

- General Principles (Section 51):
  - Leave is not regarded as matter of right but privilege. The approving authority may accept or decline leave request or curtail approved leave.
  - Prior approval is required except in case of urgency.
  - Going for leave without approval is misconduct.

# Terminal Benefits: Provident Fund (Section 52)

- Provident Fund

Labor Act, 1992	New Labor Act
<p>Eligibility: Permanent worker or employee</p> <p>Contribution of employee: 10% of remuneration</p> <p>Contribution of employer: 10% of remuneration of worker</p> <p>Deposit in: Enterprise level fund or retirement fund</p>	<p>Eligibility: From the first day of appointment</p> <p>Contribution: Continues the same rate of contribution</p> <p>Deposit in: Social Security Fund.</p>

# Terminal Benefits: Gratuity (Section 53)

Labor Act, 1992	New Labor Act
<p>Eligibility: completion of 3 years of service</p> <p>Rate of Gratuity:</p> <ul style="list-style-type: none"><li>a. For the first 7 years of service: <math>\frac{1}{2}</math> of monthly salary for each year of service</li><li>b. For 7-15 years of service: <math>\frac{2}{3}</math><sup>rd</sup> of monthly salary for each year of service</li><li>c. For service exceeding 15 years: a month salary for each year of service</li></ul> <p>Deposit in: Enterprise level Fund or Retirement Fund</p>	<p>Eligibility: since the first day of employment</p> <p>Rate of Gratuity: 8.33% of remuneration every month</p> <p>Deposit in: Social Security Fund</p>

# Terminal Benefits: Leave Encashment (Section 49)

- Leave Encashment

<b>Labor Act, 1992</b>	<b>New Labor Act</b>
<ul style="list-style-type: none"><li>• Accumulated annual leave up to 60 days can be encashed at the time of discontinuation of service.</li></ul>	<ul style="list-style-type: none"><li>• Accumulated annual leave up to 90 days and sick leave up to 45 days can be encashed at the time of discontinuation of service.</li></ul>

# Terminal Benefits: Severance Compensation (Section 145)

Labor Act, 1992	New Labor Act
<ul style="list-style-type: none"><li>• Eligibility: Permanent Employee</li><li>• Rate: 30 days salary for every year of service</li></ul>	<ul style="list-style-type: none"><li>• Eligibility: Completion of 1 year of service</li><li>• Rate: 1 month salary for every year of service</li><li>• For employees who have not completed 1 year of service, the compensation shall be provided in a proportional basis.</li><li>• Employees shall not be entitled to severance compensation if he/she is entitled to unemployment allowance under Social Security Act.</li></ul>

# Other Benefits

- Medical Insurance (Section 54):
  - Coverage: at least one hundred thousand rupees (Rs. 100,000) per year for every worker
  - Premium: equally paid by the employer and worker
- Accident Insurance (Section 55):
  - Coverage: at least seven hundred thousand rupees (Rs. 700,000) for every worker
  - Premium: fully paid by employer
- Death Compensation: the nearest successor is entitled to the amount of accident insurance.
- Bonus: 10% of net profit
- Housing Fund: Removed the provision

# Misconduct & Disciplinary Action

- Misconduct
- Disciplinary Action for misconduct
- Procedure for Disciplinary Action

# Disciplinary Action for Misconduct

Labor Act, 1992	New Labor Act
Reprimanded/ Warning	Reprimanded/Warning
Withholding Annual Grade Increment	Withholding Annual Grade of Remuneration or Promotion
Suspension for up to 3 months	Deduction of one day's remuneration
Termination	Termination

- As per New Labor Act, suspension is not a disciplinary action. However, an employee can be suspended for the period he/she is imprisoned or for up to three months during the investigation for misconduct for which the service can be terminated.

# Reprimand/Warning (Section 131(1))

- absence from the work without obtaining permission,
- leaving the workplace without obtaining the permission from the Managerial level,
- coming late frequently without obtaining permission,
- not abiding the order of the senior or employer with regard to work,
- other misconducts as prescribed in Bylaws.

# Deduction of one day's remuneration (Section 131(2))

- not accepting the letter or notice of punishment,
- participation or compelling to participate in illegal strike,
- collectively delaying in the work,
- causing loss to the entity by reducing the production or service recklessly or negligently,
- trying to take facilities by submitting false details,
- not using the security instruments provided by the employer,
- Other similar misconducts as prescribed in Bylaws.

# Withholding Annual Grade of Remuneration or Promotion (Section 131(3))

- taking the entity's property outside the entity or allowing unauthorized person to use such without the permission of the competent person,
- embezzlement with the entity's transactions,
- destroying the entity's property due to negligence or recklessness,
- preventing the supply of food and water in entity or obstructing movement in the entity,
- abusing any items kept or arrangements made for interest, health and safety of the workers or employees or causing damage to them intentionally,
- Other misconducts as prescribed in Bylaws.

# Termination upon Misconduct (Section 131(4))

- causing bodily harm or injury to Proprietor, Manager or Employee of the entity,
- accepting or offering bribe,
- stealing property of entity,
- embezzlement of property of the entity,
- causing damage to the entity's property knowingly
- absence from entity for more than a consecutive period of 30 days without getting the leave approved
- causing damage to secrecy relating to special technology of the Entity,

# Termination upon Misconduct (Section 131(4))

- convicted on a criminal offence involving the moral turpitude,
- presenting false documents for appointment,
- consuming the psychotropic drugs or alcoholic drinks,
- Having been punished twice for other misconducts within 3 years,
- Other similar misconducts as prescribed in prevailing Nepal laws.

# Sexual Harassment at Workplace (Section 132)

- The service may be terminated on the basis of seriousness of offence.

# Procedure for Disciplinary Action

- Seek an explanation from the employee:
  - give a letter stating the misconduct and punishment that is likely to be awarded,
  - provide 7 days time to submit the explanation
- Time limitation for seeking explanation: within 2 months from the date of committing misconduct
- Time limitation for Punishment: within 3 months from the date of requiring of explanation. (Previously, within 2 months)
- Authority to issue Punishment: Chief executive officer or the managerial level employee authorized by the Employee Bylaws.

# Other Grounds of Termination

- Voluntary Resignation (Section 141): The employee can terminate the employment voluntarily by providing employer a resignation letter and a notice of days as prescribed.
- Termination by Notice (Section 144)

Period of Employment	Notice Period
a. For up to 4 weeks	1 day
b. 4 weeks to 1 year	7 days
c. Exceeding one year	30 days

# Other Grounds of Termination

- Compulsory Retirement (Section 147): Applicable only for regular employees:

Labor Act, 1992	New Labor Act
At 55 years of age	At 58 years of age

- Time Bound Employee (Section 140): After the expiry of the time period provided in the employment agreement
- Work Based Employee (Section 140): After the completion of the work specified in the employment agreement

# Other Grounds of Termination

- Lack of Performance (Section 142): underperforming in 3 or more consecutive performance appraisal
- On the ground of Bad Health(Section 143): The employer may terminate the employment of an employee upon the recommendation of a medical practitioner if
  - employee is physically or mentally disabled or injured
  - rendering him/her unable to work or
  - requiring a long period for medical treatment effecting in the work of the entity.

# Retrenchment (Section 145)

- Reasons of Retrenchment:
  - Due to harsh economic conditions,
  - Due to increment in number of employees as a result of merger,
  - Due to other conditions.
- Notice: 30 days prior notice specifying the reasons for retrenchment, possible date of retrenchment and number of employees to be retrenched should be provided to authorized trade union or Labor Relation Committee

# Retrenchment (Section 145)

- Employees can be retrenched after reaching a consensus with the Trade Union or Labor Relation Committee.
- Where such trade union or Labor Relation Committee do not exist or where the consensus cannot be reached, the employees can be retrenched by giving information to the Labor Office.
- The provisions of New Labor Act on retrenchment are not applicable to entities in Special Economic Zone or when the entity is partially or fully closed by the order of Labor Court or Government of Nepal.
- These provisions are also not applicable to entities with less than ten employees.

# Obligation of Employers under *Social Security Act 2074*

- Enlistment
  - Enlistment of employers(Section 29): The employer in the industry, service or business of the prescribed nature or area should enlist with the Fund as prescribed in the Nepal Gazette.
  - Enlisting of Workers (Section 30): The Act obliges the employer to enlist the workers in the Fund within 3 months from the date of appointment of any workers.
- Obligation of existing employers (Section 30): For the employers in existence at the time of the promulgation of the Act, the employers should enlist its workers within 6 months from the date of the enforcement of the Act.

# Obligation of Employers under *Social Security Act 2074*

- Rate of Contribution (Section 17): The rate of the contribution by enlisted employer or from the workers' contributable income shall be as determined by the Ministry upon the recommendation of committee. It shall be published in the Nepal Gazette and is subject to revision
- Time of Contribution (Section 12(3)): The contribution to the Fund should be made in a monthly basis, unless otherwise provided.

# Obligation of Employers under *Social Security Act 2074*

- Information on Discontinuation of Employment (Section 34): The employer should inform the Fund within a month if any of its worker has discontinued the service with the employer.

# Recovery of Contribution Amount (Section 18)

- If any employer does not contribute the contribution amount within the time period prescribed, the Fund can recover such amount along with 10% interest on it from the employer.
- However, if such failure of the employer is due to the conditions beyond the control of the employer, the employer can submit an application to the Fund.
- If such application is found to be reasonable, the Fund can exempt the employer from paying the interest partially or fully.

# Recovery of Contribution Amount (Section 18)

- The Fund can take following actions in course of recovering the contribution amount:
  - Freeze the bank accounts
  - Freeze moveable and immovable properties.
  - Abrogate all the facilities received as per law
  - Cancel the license
  - Freeze the passport

# Sanction

- It is against this Act if someone doesn't deposit the amount to the fund within the time limitation of a month or makes irregularity in any facility or submits false report or misguided details.
- For this purpose if the **amount in dispute is known** then the **punishment is specified accordingly** and if the amount in dispute is **unknown** then the Act provides **fine up to 1 lakh or imprisonment up to 6 month or both** however half of the punishment of the principle offender is given to the secondary offender.

# Settlement of Dispute: Individual Claim (Section 113-115)

- Submit a written application to the employer
- Employer should settle the dispute by negotiating with the employee within **15 days** of receipt of application
- Such time period can be extended on mutual consent or agreement
- Upon failure to settle the dispute or if the employer does not provide notice for negotiation, an application should be filed to Labor Office.
- Labor Office should settle the dispute through discussion between the parties within **21 days**. Upon failure to settle dispute through discussion, Labor Office issues the decision within **15 days**.

# Settlement of Dispute: Collective Dispute

- Authority to Submit the Collective Claim (Section 116):
  - Collective Bargaining Committee in an entity with 10 or more employees
  - The group of representatives supported by 60% or more employees by signing, where there is no authorized trade union.

# Settlement of Dispute: Collective Dispute

- Submission of collective claim in writing to the employer
- Upon the receipt of the collective claim, the employer must provide a notice in writing within **7 days** specifying the place and time for discussion.
- If the employer does not call for discussion or if the dispute is not settled through discussion within **21 days**, application can be submitted to the concerned Labor Office for mediation.
- The dispute should be settled within 21 days.

# Settlement of Dispute: Collective Dispute

- Arbitration: Where the dispute cannot be settled through mediation, it is referred to arbitration in following conditions:
  - if an agreement is done between the collective bargaining committee and employer to settle the collective dispute through arbitration or
  - in case the collective dispute arises in an entity operating essential services or
  - in case the collective dispute arises in an entity operating in the Special Economic Zone or
  - at the time strike has been prohibited during the time of emergency as per the Constitution.

# Other Means: Collective Dispute

- For Employees: Strike
- For Employer: Lock Out

# Strike (Section 121)

- The Collective Bargaining Committee can strike for the settlement of collective dispute only in the following conditions:
  - in the absence of compulsory requirement for arbitration,
  - failure of arbitrators to arbitrate,
  - failure to constitute arbitral tribunal within **21** days after the submission of application to the Ministry for settlement of collective dispute,
  - failure to arbitrate within the prescribed time,

# Strike: Contd..

- rejection to implement the arbitral award by the employer or legally challenging the arbitral award, and
- disagreement of either of the parties to the arbitral award except where the arbitration is compulsory.
- Notice of Strike: outlining the claims and specifying the date to effect the strike:
  - 7 days in prior
  - Information to Local Administration Bodies and Labor Office
- Worker appointed or deputed on the duty of control, security and guard of the entity are not entitled to go in a strike during their duty hours.

# Lock Out (Section 124)

- The entity may declare a lock out after submitting justifications with its rationale and obtaining the approval of the Department when:
  - a strike has been started or continued without giving prior notice, or
  - if the collective dispute is not settled through the process provided in the New Labor Act
- Notice of Lock out: a notice for the information of workers and employees seven days in advance specifying the date of effecting the lock-out and announcing that the entity shall be locked-out if the strike is not called off.

# Lock Out

- Notice of Lock out: If there is a situation with possibility of damage to the Entity through riot, violence, destruction, etc. from the workers and employees during the strike, the lock-out may be declared.
- In such situation, the Labor Office or the Department and the Local Administration should be informed about the lock-out with reasons within three days.
- The Local Administration should arrange for the necessary security arrangement immediately upon the receipt of such information.

# Government Intervention (Section 124(5))

- The Department can declare lock out as illegal at any time if:
  - the lock out appears irrational, or
  - it is likely to cause a breach in peace and security conditions of the country, or
  - it is contrary to the economic interests of country.

# Payment of Remuneration during strike or lock out (Section 127)

- Where the workers go in a strike contrary to the provisions of the prevailing laws, such workers are not entitled to any payment of remuneration.
- Where the lock out is declared against the provision of the law, the workers are entitled to the full payment of remuneration for the period of such lock out.
- In legal strike or lockout, the workers are entitled to half the remuneration, unless otherwise agreed in collective agreement.

# Regulating & Adjudicating Authority

- Labor Office
- Department of Labor
- Labor Court

# Composition of Labor Court

- Member: 1 Chairperson and 2 members
- Qualification of Chairperson & Members:
  - Judge of the High Court, or
  - Person qualified to be the judge of High Court
- Tenure: 4 years except when the judge of the High Court are appointed
- Functions, Duties and Facilities of Chairperson and Members: Similar to those available to judges of High Court

# Sanctions: Labor Office or Department

- Supplying Labor without license and engaging labor in work from such supplier : Fine up to NPR. 200,000
- Engaging a foreign national in work without work permit: Fine up to NPR. 200,000 depending upon the number of workers; repetition even after being punished shall be fined with additional fine of NPR. 5,000 per person per month.
- Discriminating among the workers: Fine up to NPR. 100,000 and the order the maintain the equality may be given

# Sanctions: Labor Office or Department

- Engaging a worker without appointment letter or employment agreement: Fine up to NPR. 500,000 at a rate of NPR. 10,000 per worker; the order to conclude an employment agreement and provide an appointment letter shall also be given

# Sanctions: Labor Office

- Deduction of Remuneration and Other Facilities contrary to prevailing laws: Indemnify the concerned worker with amount double the deducted remuneration and other facilities
- Obstructing government officer, submitting false details: Fine up to NPR. 20,000
- Engaging an intern or trainee against the provision of the Act: Fine up to NPR. 10,000 per intern or trainee
- Failure to deposit the gratuity amount, or in provident fund or social security fund, or to arrange medical or accident insurance: Indemnify the worker with an amount double the amount to be paid

# Sanctions: Labor Office

- Keeping the workers in reserve discriminatorily: Order to not to do so
- Terminating employment against the provisions of the Act: Issue necessary directives

# Sanctions: Labor Court

- For engaging a bonded labor: Imprisonment up to 2 years or fine up to NPR. 500,000 or both. The Labor Court can require the entity to provide such bonded labor with remuneration, allowance and other facilities, as well as to indemnify the bonded labor with an amount double such remuneration, allowance and other facilities.
- If the entity does not make health and safety arrangements knowingly and as a result the worker dies or suffers physical or mental injury: Imprisonment up to 2 years, except otherwise provided. Such person suffering the injury should be compensated.

# Appeal

- Any decision or order of the Department or Labor Office can be appealed at Labor Court within 35 days of such order or decision.
- Any decision of the entity terminating the employment or on disciplinary action can be appealed at Labor Court within 35 days of having obtained the notice of such decision.
- The appeal on the case originally tried and settled by the Labor Court is placed at Supreme Court. Any decision rendered by the Labor Court on appeal is final.

# Other Provisions

- Managerial Level Employee: Manager and managerial level employee have been prohibited from submitting collective demands on behalf of trade union, taking part in collective bargaining and taking part in strike.
- Performance Appraisal: once in a year in general
- Certificate of Work Experience: Upon the termination of service, if an employee asks for the certificate of work experience, it should be provided stating:
  - Period of service,
  - Post of the worker.

# Other Provisions

- Repeal:
  - Labor Act, 1992 (2048)
  - Industrial Trainee Training Act, 1982 (2039)
  - Retirement Fund Act, 1985 (2049)

# For Further Information:

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