



KARNATAKA EMPLOYERS' ASSOCIATION

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BENGALURU - 560 004

Reg. No. TU 507 / 20-3-1962

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CIRCULAR No.67/2019

To
All Members of the Association

KARNATAKA GOVERNMENT NOTIFIES MATERNITY BENEFIT (AMENDMENT) RULES 2018

The Association had circulated the draft Karnataka Maternity Benefit (Amendment) Rules vide KEA circular No. 68/2018 dated 12.09.2018 with regard to crèche facility.

The Karnataka Government has now notified vide notification No. LD 127 LET 2018 Bengaluru dated 15.07.2019 the Karnataka Maternity Benefit (Amendment) Rules and the same has been published in the Karnataka Gazette dated 08.08.2019. The Amended rules have come into force from 08.08.2019, the date of its publication in the Gazette.

The important obligations of the employer under the amended rules are:

- The employer shall provide and maintain a crèche for the use of children who are below the age of six years according to the standards laid down in these Rules.
- One crèche for every thirty children, who are the below the age of six years.
- The crèche shall be provided to children of all employees irrespective of the type are nature of employment, such has permanent, temporary, regular, daily wage, contract
- Crèche shall be located within the premises of the establishment or within five hundred (500) metres from the entrance gate of the establishment. shall not be situated in close proximity to establishment where obnoxious fumes, dust or odours are given off or in which excessively noisy processes are carried on.
- The creche shall be kept open at all times both by day and night, when mother or parents has employees are working, as per statutory norms.
- The children as well as the staff of the crèche shall be provided with suitable uniforms to wear at the crèche.

- There shall not be less than five(5) sq.ft. of floor area for each child to be accommodated in a crèche.
- A suitably fenced and shady open air playground shall be provided for the children.
- The following equipments shall be provided by the employer in the crèche, namely; -
 - (a) Cradles or cots.
 - (b) Beds or mattresses.
 - (c) Cotton sheets.
 - (d) Utensils to feed the children
 - (e) Sitting accommodation or furniture for use of mother for feeding and parents for attending to child.
 - (f) Rubber sheets (for children below three years)
 - (g) Blankets
 - (h) Pillow with covers.
 - (i) Toys or play materials
 - (j) Child - friendly furniture
 - (k) Medicine kit
 - (l) First aid kit.
 - (xv) There shall be no unsafe places
- A woman who has Government approved or recognized qualification and training in "Early Childhood Care and Education (ECCE)" or "Teachers Course Higher (TCH)" or equivalent qualification shall work as crèche-in-charge to look after children during the absence of their mothers as teacher-cum-warden. Along with teacher-cum-warden a woman with midwifery qualification or training shall work as crèche attendant.
- Where the number of children exceeds ten, the crèche attendant shall be assisted by female ayahs and required personnel at the rate of one ayah-
 - (a) for every ten children upto three years of age ; and
 - (b) for every fifteen children of over three years of age.
- The working hours of the crèche shall correspond to the working hours of the mothers or parents of the children admitted in the crèche. The crèche shall have to work in two or more shifts if the women are employed in two or more shifts as per statutory norms
- The crèche shall maintain the following medical records, namely:-
 - (i) Every child shall be medically examined before admission to the crèche. There shall be medical check-up of the children once in two months and their Body-Mass Index (BMI) recorded once a month.
 - (ii) A record of the periodical medical check-up.

- At least 250 ml of hygienic pure milk shall be made available for each child every day.
- The mother of such child shall be allowed in the course of the daily work, the minimum of four visits a day of sufficient time to the crèche and feed the child. The children above two years of age shall in addition be provided with an adequate supply of whole some refreshment.

There are also other obligation on the employer. A copy of the notification notifying the amended rules is attached herewith.

for KARNATAKA EMPLOYERS' ASSOCIATION

**sd/-
(B.C. PRABHAKAR)
PRESIDENT**

LABOUR SECRETARIAT

NOTIFICATION

No: LD 127 LET 2018, Bengaluru, Dated : 15/07/2019.

Whereas the draft of the Karnataka Maternity Benefit (Amendment) Rules, 2018, was published in Notification No: LD 127 LET 2018, Dated 21.07.2018 in part – IVA No.5136 of the Karnataka Gazette extraordinary dated 30th August 2018 inviting objections and suggestions from all persons likely to be affected within thirty days from the date of publication in the Official Gazette.

And whereas the said Gazette was made available to the public on 30.08.2018.

And whereas objection and suggestions, have been received in this behalf, were considered by the State Government.

Now, therefore, in exercise of the powers conferred by section 28 of the Maternity Benefit Act, 1961 (Central Act 53 of 1961), the Government of Karnataka hereby makes the following Rules, namely:-

CHAPTER-I

1. Title and Commencement:- (1) These rules may be called the Karnataka Maternity Benefit (Amendment) Rules-2019.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. Insertion of new Rule 6A.- In the Karnataka Maternity Benefit Rules, 1966, after Rule-6, the following shall be inserted, namely:-

6(A) : Creche: Every establishment to which section 11A of the Act applies, the employer shall provide and maintain a crèche for the use of children who are below the age of six years according to the standards laid down in these Rules. There shall be one creche for every thirty children, who are the below the age of six years. The crèche shall be provided to children of all employees irrespective of

the type are nature of employment, such has permanent, temporary, regular, daily wage, contract, etc. in accordance with the following standards, namely:-

(1) **Location**:- A crèche shall be located within the premises of the establishment or with in five hundred (500) metres from the entrance gate of the establishment. While the creche shall be conveniently accessible to the mothers or parents of the children accommodated in work place therein, it shall not be situated in close proximity to establishment where obnoxious fumes, dust or odors are given off or in which excessively noisy processes are carried on. Careful consideration shall be given by the employer, while deciding on the location of the crèche. The expert advice from the State or National support agencies shall be availed as part of the decision making process by the employer.

(2) **Building and Facilities** : (i) The creche building shall be constructed out of heat resisting materials and shall be safe from rain and waterproof. The requirement under planning, building control, fire safety, and health and safety legislation as well as requirement under all the relevant legislation shall be complied by the employer. The overall ecosystem of the crèche shall be clean, safe, secure and child friendly.

(ii) While in towns the crèche shall be built out of brick wall with cement or lime plaster, in rural areas it may be built of mud wall with mud plaster. In either case, the flooring and the walls upto a height of 5 ft shall have decent cement surface and well painted.

(iii) The height of the rooms shall not be less than 9 ft from the floor to the lowest part of the roof.

(iv) The rooms shall be provided with necessary doors and windows for securing and maintaining adequate light and ventilation by free flow of air. The crèche shall be provided with sufficient and suitable natural or artificial lighting connected with emergency power backup by the employer.

(v) The building shall be periodically inspected in order to see that it is safe and is being maintained under sanitary conditions, with decent decoration.

(vi) The creche shall be kept open at all times both by day and night, when mother or parents has employees are working, as per statutory norms.

(vii) There shall be a kitchen attached to the crèche with utensils and other facilities for boiling milk and preparing refreshments., etc. or alternatively hygienically prepared food/beverages shall be made available by the employer to the children. Safe and Potable drinking water at all times shall be provided through a dedicated water purifier.

(viii) The children as well as the staff of the crèche shall be provided with suitable uniforms to wear at the crèche.

(ix) There shall be a suitable washroom adjoining the crèche with separate space for washing drying of soiled cloths or linen, as well as for the washing of the children and changing their clothes. Wash-basins or similar vessels shall also be provided at the rate of one for every fifteen children. There shall be arrangements for supply of water at the rate of at least 5 gallons per child per day. Adequate supply of clean towels and soap shall be available at the crèche.

(x) Adjoining the bathroom there shall be a latrine for the exclusive use of the children in the crèche. The number of seats in the latrine shall be at the rate of one for every 20 children. Separate latrines shall be maintained for the use of mothers and crèche staff at a closer distance of the crèche.

(xi) There shall not be less than five(5) sq.ft. of floor area for each child to be accommodated in a crèche.

(xii) A suitably fenced and shady open air playground shall be provided for the children.

(xiii) The employer shall ensure that crèche shall have bright, cheerful and child accessible displays of essential play and teaching-learning material, daily schedule, child safety and essential norms.

(xiv) The following equipments shall be provided by the employer in the crèche, namely; -

- (a) Cradles or cots.
- (b) Beds or mattresses.
- (c) Cotton sheets.
- (d) Utensils to feed the children
- (e) Sitting accommodation or furniture for use of mother for feeding and parents for attending to child.
- (f) Rubber sheets (for children below three years)
- (g) Blankets
- (h) Pillow with covers.
- (i) Toys or play materials
- (j) Child – friendly furniture
- (k) Medicine kit
- (l) First aid kit.

(xv) There shall be no unsafe places like open drains or pits or any dangers near the crèche.

(xvi) The employer shall adhere to the standards and norms fixed by Central and State Governments or their official agencies for crèche, such as the National Minimum Guidelines for setting up and running crèche published under the Act by the Ministry of Women and Child Development, Government of India.

(3) **Staff:** A woman who has Government approved or recognized qualification and training in "Early Childhood Care and Education" (ECCE)" or "Teachers Course Higher(TCH)" or equivalent qualification shall work as crèche-in-charge to look after children during the absence of their mothers as teacher-cum-warden. Along with teacher-cum-warden a woman with midwifery qualification or training shall work as crèche attendant. Where the number of children exceeds ten, the crèche attendant shall be assisted by female ayahs and required personnel at the rate of one ayah-

- (a) for every ten children upto three years of age ; and
- (b) for every fifteen children of over three years of age.

(4) **Working Hours :** The working hours of the crèche shall correspond to the working hours of the mothers or parents of the children admitted in the crèche. The crèche shall have to work in two or more shifts if the women are employed in two or more shifts as per statutory norms, spread over a period not exceeding eight hours a day. Where the crèche works in shifts, different staff shall be employed to work in different shifts, depending upon the norms of working hours.

(5) **Basic Medical Records :** The creche shall maintain the following medical records, namely:-

- (i) Every child shall be medically examined before admission to the crèche. There shall be medical check-up of the children once in two months and their Body-Mass Index(BMI) recorded once a month.
- (ii) A record of the periodical medical check-up and weighment shall be entered in the record of medical examination of each child kept at the crèche.

6(B) Supply of milk and refreshment: At least 250 ml of hygienic pure milk shall be made available for each child every day. The mother of such child shall be allowed in the course of the daily work, the minimum of four visits a day of sufficient time to the crèche and feed the child. The children above two years of age shall in addition be provided with an adequate supply of wholesome refreshment.

6(C) Supply of clothes, soap and oil: (1) The crèche staff shall be provided with suitable clean clothes for use while on duty in the crèche.

- (2) An adequate supply of clean clothes, soap and oil shall be made available for each child while it is in the crèche.

6(D) Outdoor Play Facilities: The employer shall ensure that the children have access to outdoor play space which is safe, secure, well-maintained, and exclusively available for the use of the children during operating hours. Where children use public playgrounds or parks, the employer shall take all reasonable steps to provide outdoor play facilities and ensure the safety and security of the children.

PR-309

SC-100

By Order and in the name of the Governor of Karnataka

L.S. SRIKANTABABU

Deputy Secretary to Government,
Labour Department.