

SOPs to implement WFH permission under revised SEZ Rules, 2006

Recently, the Ministry of Commerce had amended the Special Economic Zone (SEZ) Rules, 2006 to provide the process, conditions, compliances, etc. to be followed by the SEZ units for availing work from home (WFH) benefits and certain listed categories, such as employees being temporarily incapacitated, travelling or working offsite.

In this regards, to ensure the harmonised implementation of the WFH rules, the Ministry of Commerce has now notified the standard operating procedures (SOPs) to be followed by the offices of the Development Commissioners (DC) as under:

Application for adoption of WFH Scheme:

- SEZ units should adopt a WFH scheme and submit applications to the relevant DC notifying the adoption of the WFH scheme, at least 15 days in advance by email to the concerned DC office, with a copy to the Specified Officer.
- The application should contain a covering note signed by the authorised signatory of the unit mentioning following details:

Date of application and duration for which permission for WFH is required	Total number of employees including contractual
Whether WFH Scheme is for all employees at the unit or for particular categories of employees	In case the WFH scheme intends to cover 50% or any higher percentage, the details of all the employees intended to be covered shall be provided
Undertaking that the unit shall ensure attendance at the unit based on the percentages provided in the Scheme and as may be approved	Details of such employees who would be eligible to opt for WFH

- An excel sheet containing following details should be submitted along with the application for WFH scheme:

Name and designation of all employees eligible to opt for WFH scheme along with SEZ/unit ID card number	Validity / expiry date of the SEZ/unit ID card
Details of laptop / other assets assigned to such employees	Duration for which the permission for WFH is required

- For the units already operating under the WFH option covering the existing employees, a period of 90 days for submission of required information would be provided, as a one-time exception.
- In case of new employees, provisional permission for WFH may be availed on an immediate basis, through an application by email, within 15 days.
- Revised WFH Scheme may be submitted at least 15 days in advance from the date of effect of such WFH scheme.

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Approval of application by DC:

- The application for approval of the WFH scheme shall be processed and approved within 15 days.
- In the event, no communication is received by the unit from the DC within 15 days from submission of application, the WFH scheme shall be deemed to have been approved.
- Discretion extended to DC, SEZ to be exercised to enable and allow the seamless implementation of the WFH scheme by the units (as they are currently operating at 90% WFH and need sufficient time to scale down gradually). Approval should not be denied or revoked without extending an opportunity to the unit to be heard, and reasons for such denial or revocation are to be provided.
- The requirement of endorsement of certificate by the Specified Officer will be implemented in a manner that avoids any hardships to the employees who are engaged in WFH. In the case where required by the Specified Officer, the units shall get the physical inspection done at a time when the employees come to the unit premises.

Other key aspects:

- The WFH facility may be flexibly utilised by units among employees due to day-to-day business requirements subject to the limit of 50% or such percentage of attendance as approved by the DC. The units shall self-certify that at any point in time, the approved percentage of the employees are working physically from the premises of the unit at the SEZ.
- The approved percentage of the employees may be calculated based on the monthly employment data of a unit for the previous month and in the case of employees working in shifts, it may be computed based on the shift-wise monthly employee data of a unit for the previous month.