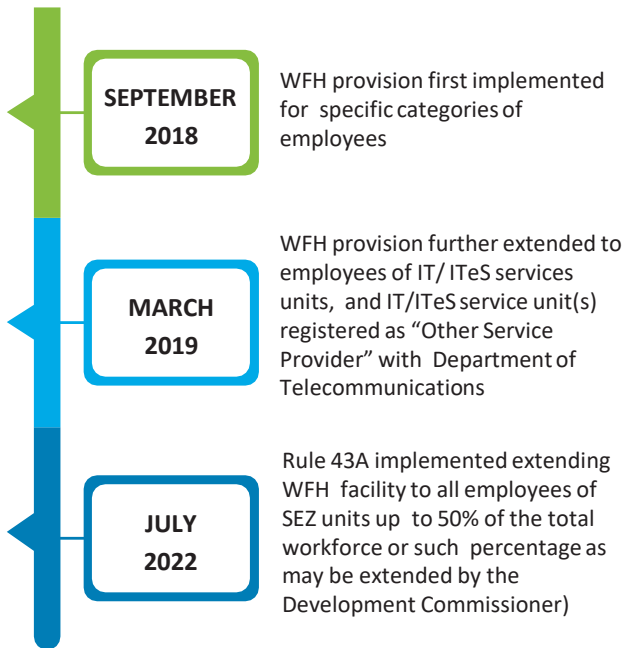


Guidelines for Work from Home ('WFH') for SEZ units

September 2022

WFH provision for SEZ units



The Ministry of Commerce has issued a detailed [guideline](#) providing standard operating procedure for implementation of Rule 43A of the SEZ Rules, 2006

Overview of the guideline

Eligible employees



- Employees of IT/ITeS
- Employees who are temporarily incapacitated
- Employees who are travelling
- Employees who are working offsite

Assets to be provided to employee



- Employees may be provided laptop, computer, video projection system and other electronic equipment
- Specified officer permission is required to remove goods temporarily without payment of duty

Validity of permission



- Valid for 1 year which may be extended on request
- **Details of new hires/exits to be informed to the Development Commissioner within 15 days**

Aspects to be kept in mind



- **Approved services:** Employees to work on approved services of the SEZ unit
- **Tag revenue with employee:** Export revenue must be tagged to the particular SEZ unit
- **Employees ceases to be part of project:** On cessation, employee to be untagged from the SEZ unit and identity card to be surrendered
- **Attendance:** Records of attendance must be kept by the SEZ unit throughout the period of WFH

Calculation of percentage of employees



- Calculation of 50% or higher percentage as approved by the Development Commissioner to be based on the previous month's employee data
- In case of employees working on shifts, the approved percentage may be computed based on shift wise monthly employee data of the unit
- **Implementation of WFH facility left at the discretion of the SEZ unit allowing for a Hybrid work model**

Overview of the guideline

WFH application



- Application to be submitted at least 15 days in advance with the Development commissioner **through email or physical application** along with the details of:
 - a. WFH scheme of the unit
 - b. Date of application and total number of employees
 - c. Eligible categories of employees for WFH
 - d. Details of employees, if WFH scheme intends to cover employees >50%
 - e. Duration for which WFH is proposed
 - f. Undertaking that Unit shall ensure attendance of 50% at any point of time

SEZ unit already operating under the WFH option, shall also submit required information before the Development Commissioner within 90 days (i.e., by 11 October 2022) from the date of notification implementing Rule 43A

- Deemed approval in case the application is not approved within 15 days

Other key clarification issued by Ministry of Commerce vide [Instruction no. 110 dated 12 August 2022](#)



Permission in case of new employees: Provisional permission for WFH may be availed on an immediate basis, which shall be regularised through an email application within 15 days



Endorsement for assets: The requirement of endorsement certificate by Specified Officer (SO) shall be implemented in such a manner to avoid any undue hardships to the employees currently WFH



Records of assets: Electronic asset removed should be duly accounted



Revision of WFH scheme: In case of revision of WFH scheme – same must be submitted at least 15 days advance with the Development Commissioner

Concluding thought



The newly introduced Rule 43A along with the much-awaited guidelines in relation to Work from Home facility for SEZ units, is a welcome one. These guidelines will not only bring procedural clarity for businesses but also ensure that a uniform process is followed across SEZs in the country, helping business in this everchanging landscape.

We will need to keep an eye on the developments with respect to WFH provisions under the Development of Enterprise and Service Hubs Bill, 2022 ('DESH Bill') that is soon set to replace the existing SEZ Act/ Rules.

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