

Unit 1 - Introduction

Background of Employee Relations

The term 'employee relations' refers to a company's efforts to manage relationships between employers and employees. An organization with a good employee relations program provides fair and consistent treatment to all employees so they will be committed to their jobs and loyal to the company. Such programs also aim to prevent and resolve problems arising from situations at work.

- ER or employee relations in Human resources are a function commonly dealing with improving employee morale and solving workplace issues.



DIMR
PUNE

Dr. J. J. Waghmare Institute of Management and Research

- Definition: The Institute of Personnel and Development (IPD) defines employee relation as “ that part of personnel; management that enable competent managers through the development of institutions, procedures and policies to reconcile within acceptable limits to the organization, the interest of employers as the buyers of labour service and those of employees as the suppliers of labour services.”
- Farnham (1993), suggests that Employee relation are: “ Concerned with the interaction between primary parties who pay for work and those who provide it in the labour market (employers and employees), those acting as secondary parties on their behalf (management or management organization and trade unions) and those providing a third party role on employment matters (state agencies and EU institutions)”

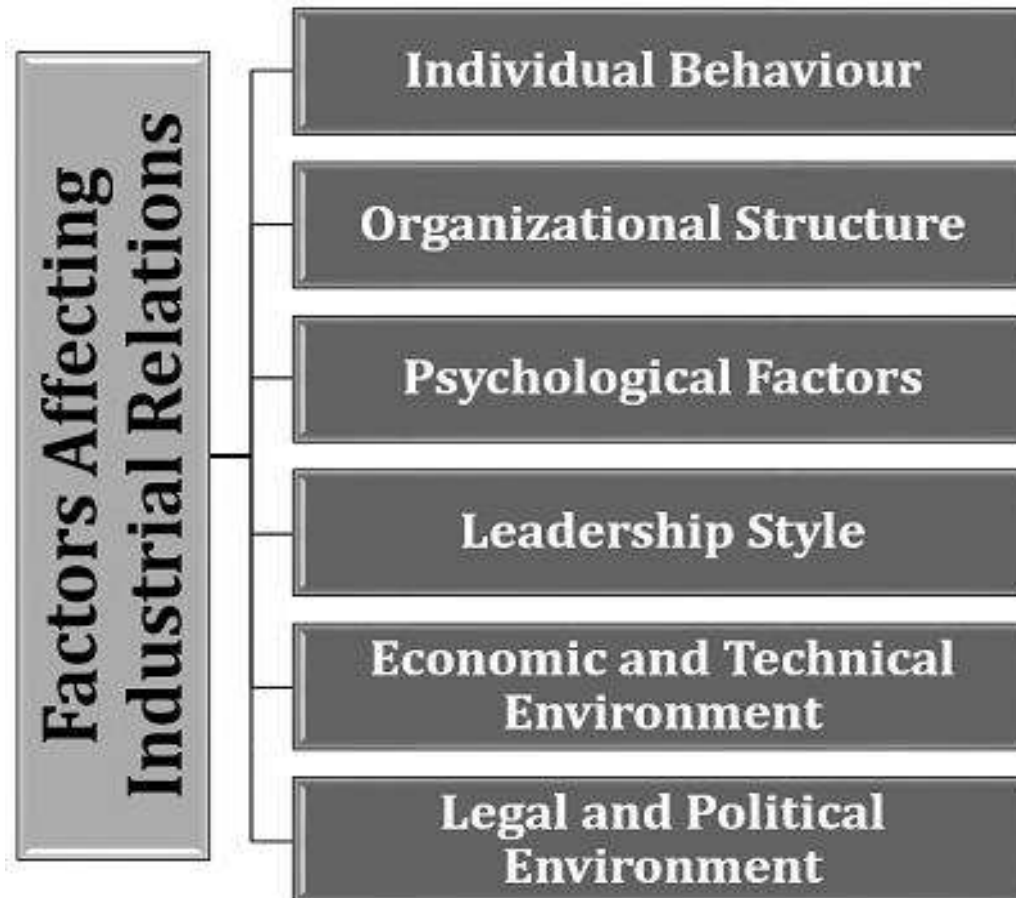
Scope of Employee Relations

- (a) Relationship among employees, between employees and their superiors or managers.
- (b) Collective relations between trade unions and management. It is called union-management relations.
- (c) Collective relations among trade unions, employers' associations and government.

Objectives

- Employees Rights
- Collective Bargaining
- Grievance Handling
- Contract Interpretation
- Mental Revolution

Factors



Importance of ER

- Encourage good organizational climate, mutual understanding and cooperation.
- • There is a clear and fair policy in solving the problems of the organization.
- • Employee relation treats people as valuable assets.
- • There is a equitable, fair and transparent treatment of employees.
- • There is an effective communication throughout the organization.
- • Shift from Industrial Relations to Employees Relations

Approaches to Employee Relations

- The Dunlop's approach :- also called as system approach

$$R = f(A, T, M, P, I)$$

- Based on three sets of different variables:
 - 1) Actors
 - 2) Context
 - 3) Ideology

- The Social Action Approach :-
- Given By
- The way in which individual influence the social structure and makes society.
- Studies Behavior Influences
- Analyze impact of techno-economic and politico –organizational changes.
- Analyze power of various components of IR.

The Human Relations Approach



- Some of the **primary objectives** of the human relations approach are as follows:
 - • To ensure cooperation by promoting the mutual interest of the organization;
 - • to enhance the productivity of the individuals;
 - • to satisfy the psychological, social and economic needs of the employees.

The Gandhian Approach



- Demands should be reasonable and through collective action
- Avoid strikes as far as possible.
- Strike should be the last action only.
- In case of organizing a strike, workers should remain peaceful and non-violent.

Labour Policies



- Social Justice
- Social Equity
- International Uniformity
- Acts of Indian Labor Laws

Role Of ILO

- The three main functions of the I.LO are:
 - 1) To establish international labour standards;
 - 2) To collect and distribute information on labour and industrial conditions, and
 - 3) Provide technical assistance

Influence on Legislation in India



- Factories and Mines
- Wage legislations
- Social security

Unit 2- Mechanism for Harmonious ER



Collective Bargaining – Definition –

International Labour Organization :

“Negotiations about working conditions and terms of employment between an employer and a group of employees or one or more employees”

According to Beach, “Collective Bargaining is concerned with the relations between unions reporting employees and employers (or their representatives).”

Meaning



- Collective Bargaining refers to the discussion and negotiation between the employer and the employees on the terms of employment, including the working environment, conditions of employment, shift length, work holidays, vacation time, sick leave, and health care benefits, as well as compensation based items like basic pay, overtime pay and retirement benefits.

Nature Of Collective Bargaining

- Collective Process
- Strategic
- Flexibility
- Relation of Giving and Taking
- Decision Making Process

Essential Conditions For Collective Bargaining

- Continuous Dialogue
- Problem Solving Attitude
- Availability of Data
- Trade Union
- Favorable Political and Social Climate

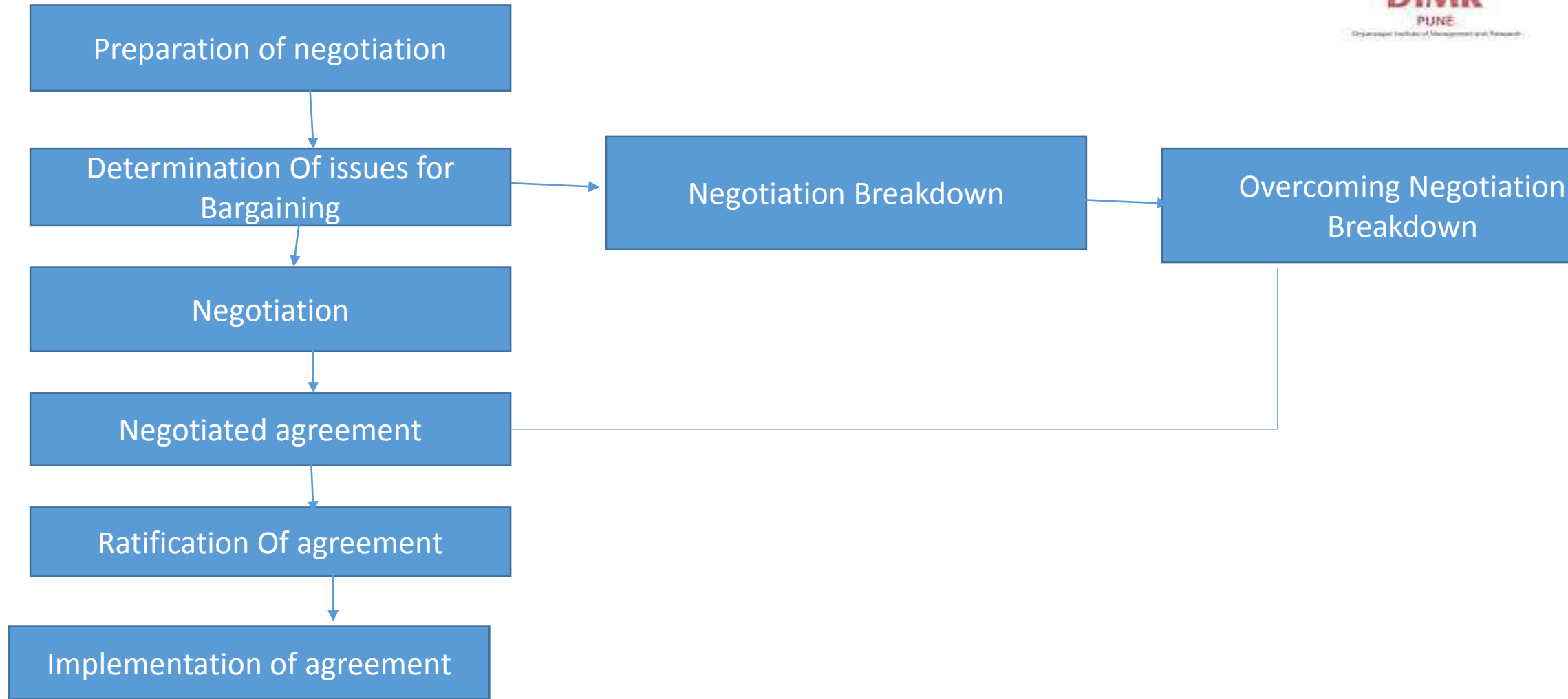
Functions

- Settle disputes and grievances
- Preserve employee rights
- Negotiate contracts, salaries and benefits
- Ensure safe working conditions and job safety

Importance

- 1) To satisfy the ego of the workers by introducing schemes of worker's participation in management.
- 2) Develop a feeling of co-operation and co-ordination among the workers and between employer and employees.
- 3) Collective bargaining is the only way to improve industrial relations and to have cordial atmosphere.
- 4) It may reduce the presence of strikes and go-slow tactics which is going to adversely affect the productivity and profitability of the enterprise.
- 5) Collective bargaining opens up the channels of communication between the top, middle and operative levels of the organization which may be difficult otherwise.

Collective Bargaining Process



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Workers Participation In Management

- Workers' participation in management is a process by which subordinate employees, either individually or collectively, become involved in one or more aspects of organizational decision making within the enterprises in which they work.

Grievance



- Meaning - It is a state of dissatisfaction over some issues related to employment.
- Dale Yoder :- “ A written complaint filed by an employee and claiming unfair treatment.”

Forms Of Grievance



- Factual
- Imaginary
- Disguised

- Causes of Grievance :-
 - Wage grievances
 - Supervision
 - Working Condition
 - Seniority and Promotion
 - Discipline
 - Collective bargaining
 - Union Management

Procedures to Handle Grievances

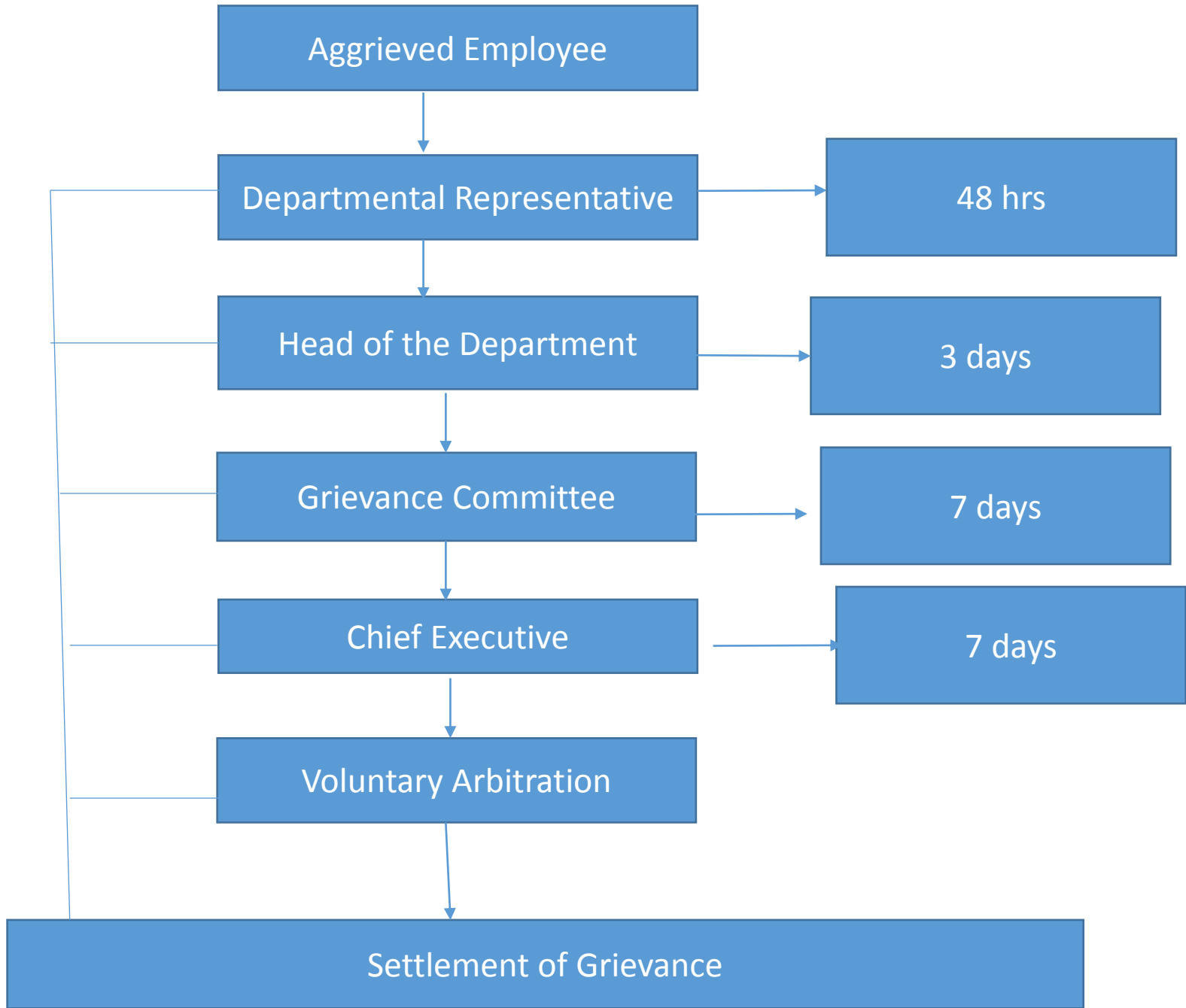
- Procedure:
- **1st Step:** The first step involves a presentation of the employee's grievance to the immediate supervisor because he is the first step of the ladder.
- **2nd Step:** If the 1st step fails to receive an answer within the stipulated period, he shall, either in person or accompanied by his departmental representative if required, present his grievance to the head of department designated by the management for the purpose of handling grievance.

- **IIIrd Step:**
 - If the decision of the departmental head is unsatisfactory
 - the aggrieved employee may request for forwarding of
 - his grievance to the Grievance Committee which shall
 - make its recommendations to the manager within seven
 - days of the employee's request.
- **IVth Step:**
 - **IV** If the decision of the management is not communicated
 - to the employee within stipulated period or if it is
 - unsatisfactory for him, he shall have right to appeal to
 - the management for revision

- **Vth Step:**
- If no agreement is possible, the union and
- the management may refer the grievance
- to voluntary arbitration within a week
- from the date of the receipt by the
- employee of the management's decision

Model Grievance Procedure

- **STEP 1:** In the first step the grievance is to be submitted to departmental representative, who is a representative of management. He has to give his answer within 48 hours.
- **STEP 2:** If the departmental representative fails to provide a solution, the aggrieved employee can take his grievance to head of the department, who has to give his decision within 3 days.
- **STEP 3:** If the aggrieved employee is not satisfied with the decision of departmental head, he can take the grievance to Grievance Committee. The Grievance Committee makes its recommendations to the manager within 7 days in the form of a report. The final decision of the management on the report of Grievance Committee must be communicated to the aggrieved employee within three days of the receipt of report. An appeal for revision of final decision can be made by the worker if he is not satisfied with it. The management must communicate its decision to the worker within 7 days.
- **STEP 4:** If the grievance still remains unsettled, the case may be referred to voluntary arbitration.



Grievance Handling Committees

- **Grievance Redressal Committee:** As per section 9C of the Industrial Disputes Act, 1947 of India (IDA), every employer employing at least 20 workmen[ii], is required to set up a Grievance Redressal Committee (GRC) for resolution of the disputes arising out of grievances of the workmen. The GRC should not consist of more than six members and must have an equal number of representations of both, the management and the workmen class.

- **Works Committee:** The labour authorities may under section 3 of the IDA, order an establishment having at least 100 workmen, to set up a Works Committee (WC). The WC is required to promote measures for securing and preserving amity and good relations between the employer and its workmen, and to that extent, comment upon matters of common interest or concern. It should also endeavour to compose any material difference of opinion in the organisation.

- A WC may be more common in cases where employees are unionized and there is collective bargaining. The constitution of the WC should be such that the number of representatives of workmen on the WC is not less than the number of representatives of the employer.
- **Committee for Employee's Health and Safety:** Certain Indian states like Maharashtra (covering employers in Mumbai and Pune), require employers employing at least 100 workers, to set up a Health, Safety and Welfare Committee (**HSW Committee**). The duty of the HSW Committee includes surveying and identifying any accident prone or hazardous objects or spots in the premises, rectifying such spots, conducting healthcare camps once a year, creating awareness about contagious diseases, epidemics or natural calamities, conducting recreational and cultural activities, and conducting social and educational awareness programs. The HSW Committee is to be constituted with equal number of employer and worker's representatives.

Unit 3 – Legislations governing Employee Relations

- The Industrial Disputes Act 1947



- Definition of Industry :-
- “Industry means any business, trade, undertaking, manufacture or calling of employers or any calling, service, employment, handicraft or industrial occupation or a vocation of workmen.”

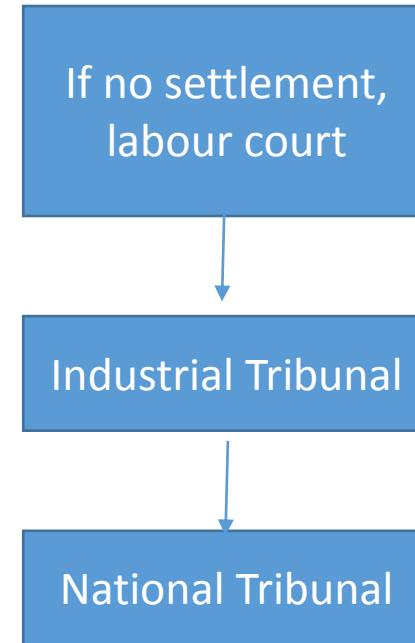
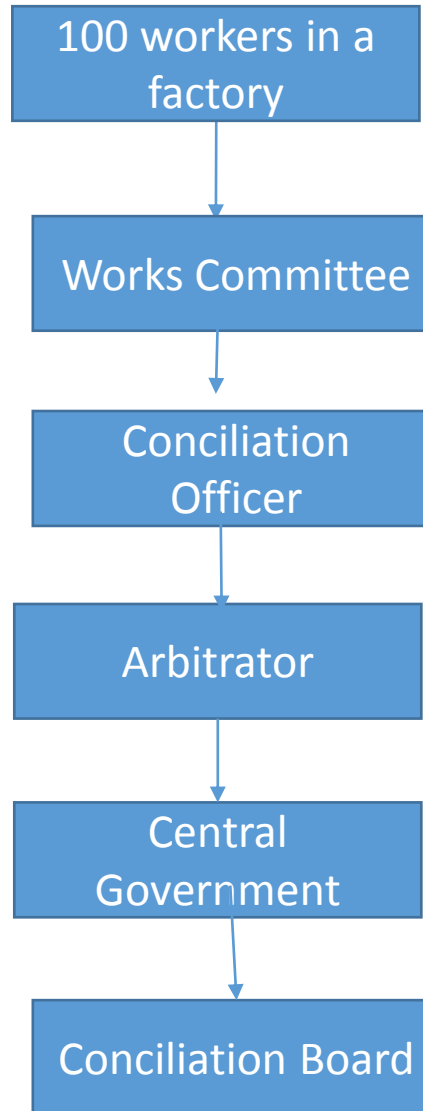
- Industrial Dispute :-
- “Industrial dispute” means any dispute or difference between employers and employees, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labor of any person.”



Authorities Under the Act

- Conciliation Officers- for holding conciliation proceedings and promoting the settlement of disputes.
- Labour Courts – for deciding individual disputes.
- Industrial Tribunals – for deciding mainly the collective disputes
- National Industrial Tribunals – for deciding disputes involving questions of national importance or affecting establishments situated in more than one state.

Procedure



Powers and duties of Authorities

- **DUTIES** To promote measures for securing and preserving amity and good relations between the employer and the workmen.
- To comment upon matters of their common interest or concern.
- **CONCILIATION OFFICERS** -When any industrial disputes exist, the conciliation officer should hold conciliation proceedings in a prescribed manner without delay to have right settlement.
- 2. Whether settlement is reached or not, the conciliation officer must submit the report within 14 days of the commencement of the conciliation proceedings or within the date fixed by the appropriate government
- 3. If the report submitted is satisfied to the appropriate Government, it may or may not refer the dispute to any authority under the Act. If the Government is not making any reference, it should record and communicate the reason to the contending parties
- 4. The duty of a conciliation officer is administrative.

- Labor Courts - DUTIES -Adjudicate upon the industrial disputes relating to any matter.
- 2. When an industrial dispute has been referred to a labour Co adjudication ,within the specified period, it should submit award to the appropriate Government
- 3.It shall be published in such manner as the appropriate Government thinks fit within a period of 30 days from the date of its receipt by the appropriate Government



• Industrial Tribunal -

1. DUTIES • It shall submit its award to the appropriate Government within a specified period if an industrial dispute is referred to an Industrial Tribunal • The award shall be in writing and shall be signed by its presiding officer • The award shall be published by the appropriate government within a period of 30 days in a manner as the appropriate government thinks fit • As it is a quasi – judicial body, it must serve notice upon the parties to the reference by name before making any award

National Industrial Tribunal - When an industrial dispute is referred to the National Tribunal for adjudication, it shall submit its award to the appropriate government • The award shall be in writing and shall be signed by the presiding officer of the National Tribunal • It shall publish the award within a period of 30 days from the date of its receipt by Central Government



Strike and Lockouts

- When a body of persons employed in any industry stop their work acting in combination (to coerce the employer to accede to some demand) they are said to be on a strike.



- When an employer temporarily refuses to continue to employ a body of persons (i.e. without affecting a termination of their service)(to coerce them to his point of view and to accept some demand) he is said to have effected a lock down.

Lay off



- When a workman is not given work on account of shortage of coal, power or raw materials or the accumulation of stocks or the breakdown of machinery or natural calamity, he is said to be laid off.
- Retrenchment – The termination of the service of a workman for any Reason whatsoever is called retrenchment.

Closure - The Act defines “Closure” as the permanent closing down of a place of employment or part thereof. Here, the employer is constrained to close the establishment permanently.

The Contract Labour (Regulation and abolition) Act 1970

- Advisory Board : -
 - 1) Central Advisory Board
 - 2) State Advisory Board
- Central Advisory Board - to advise the
- Central Government on such matters arising out of the administration of this Act as may be referred to it and to carry out other functions assigned to it under this Act.

- (2) The Central Board shall consist of—
- (a) a Chairman to be appointed by the Central Government;
- (b) the Chief Labour Commissioner (Central), ex-officio;
- (c) such number of members, not exceeding seventeen but not less than eleven

- (1) The State Government may constitute a board to be called
- the State Advisory Contract Labour
- Board (hereinafter referred to as the State Board) to advise the
- State Government on such matters
- arising out of the administration of this Act as may be referred to it and to carry out other functions
- assigned to it under this Act.
- (2) The State Board shall consist of—
- (a) a Chairman to be appointed by the State Government;
- (b) the Labour Commissioner, ex-officio, or in his absence any other officer nominated by the
- State Government in that behalf;
- (c) such number of members, not exceeding eleven but not less than nine,

Registration of establishment

- **Appointment of registering officers.-**
- The appropriate Government may, by an order notified in the Official Gazette—
- (a) appoint such persons, being Gazetted Officers of Government, as it thinks fit to be registering
- officers for the purposes of this Chapter; and
- b) define the limits, within which a registering officer shall exercise the powers conferred on him
- by or under this Act.

Licensing of Contractors

- **Appointment of licensing officers.—**
- The appropriate Government may, by an order notified in the Official Gazette,—
- (a) appoint such persons, being Gazette Officers of Government, as it thinks fit to be licensing officers for the purposes of this Chapter; and
- (b) define the limits, within which a licensing officer shall exercise the powers conferred on licensing officers by or under this Act.

- **Licensing of Contractor**
- Every contractor who has employed twenty or more workers on day of the month has to obtain a license for engaging contract labor working for any establishment.
- The authorized licensing officer will issue the license as per the provisions under section 12.

- **Welfare and Health of Contract Labor :-**
- Canteens :- contract labour numbering one hundred or more is ordinarily employed by a contractor, one or more canteens shall be provided and maintained by the contractor for the use of such contract labour.
- Rest rooms - The rest rooms or the alternative accommodation to be provided

- First aid Facilities – It should be provided and maintained by
- the contractor so as to be readily accessible during all
- working hours a first-aid box equipped with the prescribed
- contents at every place where contract labour is employed by him.
- **Other facilities.-**
- (a) a sufficient supply of wholesome drinking water for the contract labour at convenient places;
- (b) a sufficient number of latrines and urinals of the prescribed types so situated as to be
- convenient and accessible to the contract labour in the establishment; and
- (c) washing facilities.

Registers and other records to be maintained



- (1) Every principal employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed,
- the nature of work performed by the contract labour,
- the rates of wages paid to the contract labour
- The hours of work and such other particulars in such form as may be prescribed.
- Other information

Unit 4 Legislation governing Unions and Wages

Trade Union Act 1926

- Trade Union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers or between workmen and workmen or between employers and employers for imposing restrictive conditions on the conduct of any trade or business and includes any federation of two or more Trade Unions.

Formation and Registration Of Trade Unions

- At least seven members of the trade union have to make an application in the prescribed form and accompanied by the prescribed fee to the Registrar of Trade Unions for registration.
- The registrar, if he is satisfied that the trade union has complied with all the requirements of the Act, will register the trade union and issue a certificate of registration.
- The certificate of registration will be evidence that the trade union has been duly registered under the act.

Principle privileges of a registered trade union



- Major areas can be classified as :-
 - 1) In relation to members
 - 2) In relation to employers
 - 3) In relation to Government
- In relation to members:-
 - 1) To collect and administer the fund.
 - 2) To make working rules and procedures for day to day work.
 - 3) To discipline the members in their relations with the unions and their personal life.
 - 4) To collect union revenues and meet expenditure as per sanctioned budget.



- In relation to employers :-

- 1)To try all means of peaceful settlement of disputes before restoring to direct action.

- 2) To co –operate with the employer in the formation and working of :- a) works committee b) production committee 3) grievance committee

- 3) To co-operate with management in maintaining discipline in plant life.

- 4) To co-operate with management to increase productivity.



In relation to Government :-

- 1) To register trade unions. By registration a union becomes a corporate body.
 - 2) To request the government for adjudication of industrial disputes.
- 3) To suggest amendment to standing orders on expiry of six months from certification.
 - 4) To represent for recognition of union.

Types of Trade Unions

- **Craft / Skill union** : These unions represents the skilled workers Eg. Musician
- **Industrial Union** : These unions represents the different industries Eg. Fire Brigade Union
- **General Union** : These represent workers from different industries & any level of skills Eg. Indian National Trade Union Congress (INTUC)
- **White Collars Union** : They represents office workers Eg. National Union of Teachers

Impact of globalisation on trade union movement



- 1) Closing the wage gap world wide
- 2) Decrease domestic income inequality.
- 3)

Maharashtra Recognition of Trade Union and Prevention of Unfair Labour practices Act 1971



- Unfair Labour practices on the part of Employers and Employees :-
- Where any person has engaged in or is engaging in any unfair for dealing labour practice, then any union or any employee or any employer or any Investigating Officer may, within ninety days of the occurrence of such relating to labour practice, file a complaint before the Court competent to unfair labour deal with such complaint either under section 5, or as case may be, practices, under section 7, of this Act:
- Provided that, the Court may entertain a complaint entertain after the period of ninety days from the date of the alleged occurrence, if good and sufficient reasons are shown by the complainant for the late filing of the complaint.
- (2) The Court shall take a decision on every such complaint as far as possible within a period of six months from the date of receipt of the complaint.

- (3) On receipt of a complaint under sub-section (1), the Court may, if it considers
 - necessary, first cause an investigation into the said complaint to be made by the Investigating Officer, and direct that a report in the matter may be submitted by him to the Court, within the period specified in the direction.
- (4) While investigating into any such complaint, the Investigating Officer may visit the undertaking, where the practice alleged is said to have occurred, and make such enquiries as he considers necessary. He may also make efforts to promote settlement of the complaint
- (5) The Investigating Officer shall, after investigating into the complaint under sub-section (4) submit his report to the Court, within the time specified by it, setting out the full facts and circumstances of the case, and the efforts made by him in settling the complaint. The Court shall, on demand and on payment of such fee as may be prescribed by rules, supply a copy of the report to the complainant and the person complained against.

Authorities and punishments under the act



- (1) The State Government shall by notification in the Official Gazette,
 - constitute an Industrial Court.
- (2) The Industrial Court shall consist of not less than three members, one of
 - whom shall be the President.
- (3) Every member of the Industrial Court shall be a person who is not
 - connected with the complaint referred to that Court, or with any industry
 - directly affected by such complaint:
- (4) Every member of the Industrial Court shall be a person who is or has been a judge of a High Court or is eligible for being appointed a Judge of Court:

Minimum Wages Act 1948

- Minimum wage is the one which provides not merely for bare sustenance of life, but also the preservations of the efficiency of the worker.
- • The minimum wage fixing machinery convention was held at Geneva during 1928 and the resolution of that was embodied in articles 223 to 228 of the international labour code to represent fixation of minimum wages in the case of trades or parts of
- trades where such bonds are absent or wages are exceptionally low.

Objectives of the Act



- 1. To provide minimum wages for scheduled employments.
- 2. To provide for maximum daily working hours, weekly rest and overtime.
- 3. To promote the welfare of workers by fixing minimum rates of wages in certain industries where labour is not organised and sweated labour is most prevalent.
- 4. To prevent exploitation of workers by ensuring that they are paid the minimum wages, which would provide for their subsistence and preserve their efficiency.

Fixation and Revision of Minimum Wages 1948



- Shall fix minimum rates of wages for an **employment** specified in **Part I or Part II of Schedule & added by notification** in official gazette.
- May **fix rates** for a **part** of the state or for any **specific class** or classes instead of fixing minimum rate of wages for whole state.
- Shall **review and revise** at intervals **not** exceeding **5 years** the minimum rates of wages.

- Different minimum rates [sec.-3(3)]
- • It may be fixed by any one or more the following wages period,
 - By the Hour
 - By the Day
 - By the Month
 - By such other larger wage period
- • As may be prescribed and where such rates are fixed by the day or by the month the manner of calculating wages for a month or for a day, as
 - the case may be indicated.

Fixation of Minimum Wages

Recommendations of Advisory Board for different class [Unskilled, skilled, Clerk, Supervisor)



Public Recommendations in national publications (for public comments /representations from trade unions etc.)



Hearing of Representatives



Notification of Minimum wages

Advisory Boards and Committees

- Appointed by appropriate government.
- To co-ordinate the work of committees and sub committees appointed under section 5.

- Central Advisory Board :-
 - To advise the **central and state Governments** in fixation and revision of minimum rates of wages.
 - • To co-ordinate the work of the advisory boards.

Composition Of Committees

- Advisory board shall consist of:
 - **a.** Persons to be **nominated** by the **appropriate government**.
 - **b.** Representing the **employers and employees** in the scheduled employments who shall be **equal in number** and
 - **c.** **Independent persons** not exceeding **one third** of its total number of members: one of such independent persons shall be
- appointed the **chairman** by the appropriate government.

Wages in Kind



- Minimum wages shall be paid in cash.
- • The appropriate government may authorize, where there has been a custom of payment of minimum wages either wholly or partly in
- kind.
- • The appropriate government may authorize supply of essential commodities at concessional rates.

Fixing hours for a Normal working da



- For and adult worker working in factories:
 - • Number of working hours should not exceed
 - **48 hours** in a week with a **weekly holiday**.
 - • The daily hours should not exceed more than **9 hours** with **1 hour rest interval**.
 - • Provision of compensatory holiday/overtime wages if working on holiday.
 - Overtime wages [Section 14]
 - • If the person has worked for more than 48 hours in a week then, the excess hours worked will be treated as overtime.
 - • Overtime wage rate will be twice of the normal wage rate.

Overtime wages [Section 14]

- • If the person has worked for more than 48 hours in a week then, the excess hours worked will be treated as overtime.
- Overtime wage rate will be twice of the normal wage rate.
- ***Wages for a person who has worked less than normal working hours [Section 15]***
- Employer could not provide the activities of the job then, the employee is entitled to receive full salary.
- Employee has not worked due to his unwillingness then, the employee is not entitled to receive full salary.

- Records to be maintained [*Section 18*]
- The registers should contain the following
- particulars-
- I. Particulars of employed persons
- II. The work performed by them
- III. The wages paid to them
- IV. He receipts given by them

Unit V Legislations governing Working Environment

- The Factories Act 1948
- **What is a factory?**
- A premises whereon 10 or more persons are engaged if power is used,
- or 20 or more persons are engaged if power is not used, in a
- manufacturing process. [section 2(m)].
- **Objective:** • The Act has been enacted primarily with the object of protecting
- workers employed in factories against industrial and occupational
- hazards.
- • For that purpose, it seeks to impose upon the owner or the occupier
- certain obligations to protect the workers and to secure for them
- employment in conditions conducive to their health and safety.

Manufacturing Process



- **Manufacturing** process means any process for: -
 - i) Making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking
 - up, demolishing or otherwise treating or adapting any article or substance with a view to its use,
 - sale, transport, delivery or disposal of substances.
- **Worker** means a person (employed directly or through any agency including a contractor) with or without the detailed knowledge of the principal employer, whether for remuneration or not in any
- manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process.

- **“Occupier”** of a factory means the person, who has
- ultimate control over the affairs of the
- factory, Provided that-
- (i) in the case of a firm or other association of individuals, any one of the individual partners or members thereof shall be deemed to be the occupier;
- (ii) in the case of a company, any one of the directors, shall be deemed to be the occupier:
- (iii) in the case of a factory owned or controlled by the Central Government or any State
- Government, or any local authority, the person or persons appointed to manage the affairs of the
- factory by the Central Government, the State Government or the local authority, as the case may be, shall be deemed to be the occupier

Provisions Under Health

- Cleanliness (sec.11)
- • Disposal of Wastes & Effluents (sec.12)
- • Ventilations & Temperature (sec.13)
- • Dust & Fumes (sec.14)
- • Artificial Humidification (sec. 15)
- • Overcrowding (sec.16)
- • Lighting (sec.17)
- • Drinking Water (sec.18)
- • Latrines & Urinals (sec.19)
- • Spittoons (sec.20)

Provisions for Safety

- **PROVISIONS REGARDING SAFETY:**
- • Fencing of Machinery (sec.21)
- • Work on or near Machinery in motion (sec.22)
- • Employment of Young Persons on Dangerous Machines (sec. 23)
- • Striking Gear and Devices for cutting off power (sec.24)
- • Self Acting Machines (sec.25)
- Casing of New Machinery (secA.26)
- • Prohibition of Employment of Women & Children near Cotton openers (sec. 27)
- • Hoists, lifts, Lifting Machines and others (sec.28,29) •
- Revolving Machinery (sec. 30)
- • Pressure Plant (sec.31)

Provisions For Welfare

- Washing Facilities (sec.42)
- • Facilities for Storing & Drying clothing (sec.43)
- • Facilities for Sitting (sec.44)
- • First Aid facilities (sec.45)
- • Canteens (sec.46) • Shelters, Rest Rooms & Lunch Rooms (sec.47)
- • Crèches (sec.48)
- • Welfare Officers (sec.49)

Working Hrs

The rule as to the regulation of hours of work of adult workers in a factory and holidays.

Working Hours

- Sec.51-Weekly hours not more than 48 hours a week
- Sec.52-First day of the week i.e. Sunday shall be a weekly holiday
- Sec.53-Compensatory holidays
- Where a weekly holiday is denied he shall be allowed to avail the compensatory holiday within a month.

Sec.54-Daily working hours- no adult worker shall be allowed to work in a factory for more than nine hours in any day

- Sec.55-Intervals for rest-no worker shall work for more than 5 hours before he has had an interval for rest of at least 1/2 an hour.
- Inspector may increase it up to six hours.

Annual Leave with Wages



- In the factory act, 1948 every working employee who has exceeded the 240 days
- working in a factory during a calendar year has the sole right for leaves with wages
- for a number of days. The calculation of annual leave with wages is done on the basis of the following:
 - In case of an adult – one day for every twenty days of work, during the previous calendar year.
 - In case of a child- one day for every fifteen days, during the previous calendar year.
 - The leaves shall be exclusive of all the holidays occurring in between or end of the leave period.
 - If a worker has worked for the two third of the total number of days in the balance of the calendar year.
 - If a worker is being dismissed or resigns from the work or if s/he dies during his service period, the amount shall be paid to the nominee.
- While calculating the leaves the fraction of half day or more would be considered as a full day.
- If any worker/s hasn't taken any leave in the previous year calendar, then his previous leaves will be added to the current year of leaves calendar.
- The paid leaves shall be granted to the worker who is on sick leave, under the section 81, the worker should be allowed to have paid leave to cover the period of illness.

Prohibition of Employment of Young Children

No child who has not completed his 14th year allowed to work in Factory.

Non-Adult workers to Carry Tokens [Sec.68]

A child who has completed his 14th year may be allowed to work in factory if:-

- a) a certificate of fitness for such work is in custody of manager of factory.
- b) Such child or adolescent carries , a token giving a reference to such Certificate.

- **Working Hours for Young persons[Sec.71,72]**
- Working Hours limited to 4-1/2
- Not during Nights.
- Period of work limited to 2 shifts.
- Entitled to weekly Holidays.
- Female to work only between 6am to 7 pm.
- Fixation of periods of work beforehand.

Maharashtra Shops and Establishment Act (Regulation of employment and Conditions of Service)2017



Within a period of sixty days from the date of commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing ten or more workers shall submit application online in a prescribed form for registration to the Facilitator of the local area concerned, together with such fees and such self-declaration and self-certified documents as may be prescribed, containing-

- (a) the name of the employer and the manager, if any;
- (b) the postal address of the establishment;
- (c) the name, if any, of the establishment;
- (d) the actual nature of the business of the establishment.

Registration of establishments

Within a period of sixty days from the date of commencement of this Act or the date on which establishment commences its business, the employer of every establishment employing ten or more workers shall submit application online in a prescribed form for registration to the Facilitator of the local area concerned, together with such fees and such self-declaration and self-certified documents as may be prescribed, containing-

- (a) the name of the employer and the manager, if any;
- (b) the postal address of the establishment;
- (c) the name, if any, of the establishment;
- (d) the actual nature of the business of the establishment

Opening and Closing hrs. of establishment

Opening and closing hours of establishment.- Notwithstanding anything contained in this Act, the State Government may, fix, by notification in the *Official Gazette*, in the public interest, such hours for opening and closing of different classes of establishments and for different premises, shopping complex or mall or for different area or areas and for different period.

Daily and weekly hours of work in establishment and interval for rest.-

Subject to the other provisions of this Act, no adult worker shall be required or allowed to work in any establishment for more than nine hours in any day and forty-eight hours in any week. No adult worker shall be asked to work continuously for more than five hours unless he has been given a break of not less than half an hour.

Provided that, the working hours or weekly holiday may be relaxed in case of work of urgent nature with the previous permission of the Facilitator.

Spread-over in establishments.- The spread-over of a worker in establishment shall not exceed ten and half hours in any day, and in case a worker entrusted with intermittent nature of work or urgent work, the spread over shall not exceed twelve hours.

Wages for overtime.- Where a worker in any establishment is required to work beyond nine hours a day or forty-eight hours a week, he shall be entitled, in respect of the overtime work, wages at the rate of twice his ordinary rate of wages. The total number of overtime hours shall not exceed one hundred and twenty-five hours in a period of three months.

Weekly holiday for worker.- (1) (a) A department or any section of a department of the establishment may work in more than one shift at the discretion of the employer and if more than one shift is worked, the worker may be required to work in any shift at the discretion of the employer.

Every worker shall be allowed a weekly holiday with wages.

(2) Every worker shall be entitled to eight days casual leave with wages in every calendar year

which shall be credited into the account of the worker on a quarterly basis, but shall lapse if unutilized at the end of the year.

(3) Every worker who has worked for a period of two hundred and forty days or more in an establishment during a calendar year shall be allowed during the subsequent calendar year, leave

with wages for a number of days calculated at the rate of one day for every twenty days of work performed by him during the previous calendar year.

- ***Welfare Provisions***
- Health and safety of workers
- First-aid
- Drinking water
- Latrines and urinals
- Crèche facility
- Canteen

Offences and penalties

Whoever, contravenes the provisions of this Act or the rules made thereunder shall be punishable with fine which may extend to one lakh rupees and in the case of a continuing contravention, with an additional fine which may extend to two thousand rupees for every day during which such contravention continues.

Maternity Benefit Act 1961

An Act to regulate the Employment of Women in certain establishments for certain periods before and after childbirth and to provide for Maternity Benefit and certain other benefits.”

Objective

To protect the dignity of Motherhood by providing complete and healthy care to women and her child when she is unable to perform her duty.
To give the assurance that her rights will be looked after while she is at home to take care for her child



**The Maternity Benefits
Act, 1961**

What should be done by Employee?

She should give Notice in writing in the Prescribed Form that her maternity benefit may be Paid to Her or to Her Nominee.

She should notify that she will Not Work in any Establishment during the period for which she Receives Maternity Benefit.

She has to inform about her Absence from work from the Date which shall not be Earlier than 6 weeks before the date of her expected delivery.

The notice may be given during the pregnancy or as soon as possible, after the delivery.



Leave with Wages for Tubectomy Operation :

In this case the woman after producing the proof is entitled to Leave with Wages at the Rate of Maternity Benefit for a period of Two Weeks immediately following the day of her Tubectomy Operation.

- **Leave for Illness arising out of Pregnancy, Delivery, Premature Birth of Child, [Miscarriage, Medical Termination of Pregnancy or Tubectomy operation]:**

In this case after producing proof she will be entitled in Addition to the Period of Absence Allowed, to Leave with Wages at the Rate of Maternity Benefit for a Maximum period of One month.

Non-Cash Benefits

- **Nursing Breaks:**

She will be entitled in Addition to the Interval for Rest Allowed to her, be Allowed Two Breaks of prescribed duration for Nursing the child until the child attains the age of Fifteen Months.

- No Discharge or Dismiss while on Maternity Leave.
- No Deduction of Wages in case of Breaks for Nursing the Child.
- Light Work for 10 weeks (6 Weeks plus 1 Month) before delivery.

Latest Amendemnts

- As per the new Maternity Benefit (Amendment) Act, 2017 (“Amendment Act”), the Maternity leave available to the working women has been increased from 12 weeks to 26 weeks for the first two children.
- Besides, provisions relating to work from home and crèche facility have been introduced in the Amendment Act.
- Since the Maternity Benefit Act including the Amendment Act is applicable to every organization employing 10 or more people, its impact is fairly wide.

The Sexual harassment of women at workplace (Prevention, prohibition and Redressal) Act 2013

Definitions Of Sexual Harassment :-

“**Sexual harassment**” includes any one or more of the following unwelcome acts or behavior (whether directly or by implication) namely:—

- (i) Physical contact and advances; or
- (ii) A demand or request for sexual favors; or
- (iii) Making sexually colored remarks; or
- (iv) Showing pornography; or
- (v) Any other unwelcome physical, verbal or non-verbal conduct of sexual nature;

Employee



- **“Employee” means** a person employed at a workplace for any work on regular, temporary, ad hoc or daily wage basis, either directly or through an agent, including a contractor, with or, without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a co-worker, a contract worker, probationer, trainee, apprentice or called by any other such name.

Workplace



- Any department, organization, undertaking, establishment, enterprise, institution, office, branch or unit which is established, owned, controlled or wholly or substantially financed by funds provided directly or indirectly by the appropriate Government or the local authority or a Government company or a corporation or a co-operative society;

Complaint Committe

Employer with more than 10 employees
In writing shall pass an order to create
ICC at all branches and

ICC
(Minimum 4)

Presiding Officer
(Must be women)

Other Members

act on its recommendation.
At least half of the members
Should be women.

One person from NGO committed to cause
of women or familiar with issues relating to
sexual harassment on allowance
basis

Complaints Committee



(1) Every employer of a workplace shall, by an order in writing, constitute a Committee to be known as the “Internal Complaints Committee”

Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub divisional level, the Internal Committee shall be constituted at all administrative units or offices.

(2) The Internal Committees shall consist of the following members to be nominated by the employer, namely: —

(a) a Presiding Officer who shall be a woman employed at a senior level at workplace from amongst the employees

- **“Aggrieved woman” means—**

- (i) in relation to a workplace, a woman, of any age whether employed or not, who alleges to have been subjected to any act of sexual harassment by the respondent;
- (ii) in relation to dwelling place or house, a woman of any age who is employed in such a dwelling place or house

Complaint



Complaint

Need to make in writing (6 copies) along with supporting documents with the name and address of the witnesses.

within 3 months of the incident or from last instance in case of series of incidents

The Committee shall assist the aggrieved person to make the complaint in writing.

Can extend the time for filing complaint if it is satisfied with the reason for the delay

If she is unable to do so due to mental or physical incapacity then the legal heir or the person as may be prescribed may make a complaint under this section

Inquiry into complaint

In case the respondent is an employee the committee shall proceed in accordance with the service rules.

where not available or applicable shall forward the complaint to the police under 509 of the Penal Code and relevant provisions within 7 days if ***prima facie*** case exist.

Also if the complainant informs the committee that any terms or condition of the settlement has not been complied then the committee proceed to make an enquiry or forward the complaint to the police

If both are employees then opportunity to be heard shall be given equally

Duties of employer

Make such information available to the committee as it may require in accordance with the complaint lodged

Provide assistance to the aggrieved if she wishes to file the complaint under Indian Penal Code or any other law in force

Treat sexual harassment as a misconduct under service rules and initiate action for such misconduct

Monitor timely submission of report by the ICC

Cause to initiate action, under the Penal Code against the perpetrator in the workplace where the incident took place