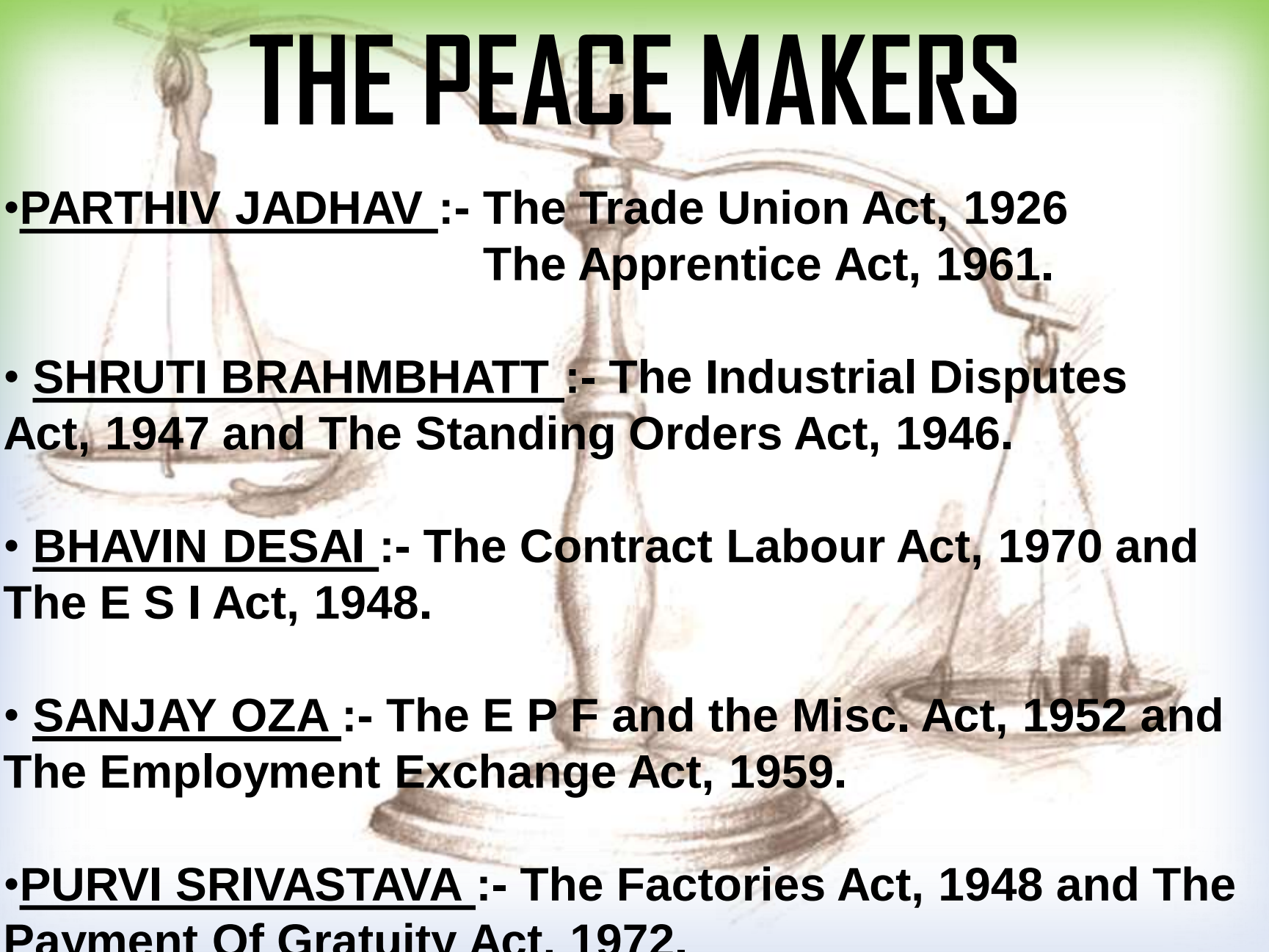


LAWS RELATED TO LABOUR WELFARE

Dr.S.Karuppaiyan
DLL, BDU



THE PEACE MAKERS

- **PARTHIV JADHAV** :- The Trade Union Act, 1926
The Apprentice Act, 1961.
- **SHRUTI BRAHMBHATT** :- The Industrial Disputes Act, 1947 and The Standing Orders Act, 1946.
- **BHAVIN DESAI** :- The Contract Labour Act, 1970 and The E S I Act, 1948.
- **SANJAY OZA** :- The E P F and the Misc. Act, 1952 and The Employment Exchange Act, 1959.
- **PURVI SRIVASTAVA** :- The Factories Act, 1948 and The Payment Of Gratuity Act, 1972.

THE APPRENTICES ACT, 1961

OBJECT

**Promotion of new manpower at skills.
improvement/refinement of old skills
through theoretical and practical training in
number of trades and occupation.**

AGENCIES/MACHINERY

- The National Council
- Central Apprenticeship Council.
- The State Council
- State Apprenticeship council
- The India Council

CONT.....

- Regional Boards
- The Board or State Councils of Technical Education.
- The Central Apprenticeship Adviser
- The State Apprenticeship33

FORMS AND RETURNS

- **Form Apprenticeship - I** - Rule 14: Personal Details Of An Apprentice
- **Form Apprenticeship - IA** - Rule 14: Record of Practical Training And Related Information
- **Form Apprenticeship 2** - Rule 14: Half Yearly Return Under Apprentices Act

CONT.....

- **Form Apprenticeship 3** - Rule 14: Half Yearly Submission of Apprentices To Appear In Trade Tests
- **Form Apprenticeship 4** - Rule 14: Half Yearly Return On Apprentices
- **Form Apprenticeship 5** - Rule 14: Form To Be Submitted on Engagement Of An Apprentice
- **Form Apprenticeship 6** - Rule 14: Record of Progress of Apprentice

PENALTIES

- Employer is punishable with imprisonment for a term which may extend up to 6 months or with fine or with both, for committing the various acts of misconduct.
- Employer or any person to pay minimum fine Rs 1000/- and maximum Rs 3000/- for contravention.

CONT.....

- Company or any officer liable for the contravention of the provision.
- Courts not to take cognizance of the offences accept only complain from the apprenticeship advisor.
- Persons protected from suits – prosecution for action in good faith

HR'S ROLE

- To send the contract of apprenticeship for registration
- To make payment to the apprentices.
- To impart practical training to apprentices.
- To regulate the hours of work of the apprentices.

CONT....

- To look after the health, safety, and welfare of apprentices
- To pay compensation for termination of apprentices
- To pay compensation for injury.
- To maintain records and submit return

THE TRADE UNION ACT, 1926

OBJECT

**To provide for registration of the trade unions
and to give registered trade Union a legal and
a corporate status and immunity to their
officers and members from civil and criminal
liabilities in respect of legitimate trade union
activities**

AGENCIES/MACHINERIES

- Labor Commissioner
- Labor Court.
- Industrial Tribunal
- National Tribunal

FORMS AND RETURNS

- FORM A - Registration of trade Union
- FORM C - Certificate Of Registration Of Trade Union.
- FORM L - Notice of Strike

PENALTIES

- For Making false entry in or any omission in general statement required for sending returns. Fine up to Rs. 500 on continuing default, additional fault, Rs. 5 for each week (not exceeding Rs. 50)
- For making false entry in the form, fine up to Rs.500.
- Supplying false information regarding trade union, fine up to Rs. 200

HR'S ROLE

- To give recognition to the registered Trade Union.
- Collective bargaining.
- Negotiations.

INDUSTRIAL DISPUTES ACT, 1947.



OBJECT

-

To prevent disputes between employers and employees so that production might not be adversely affected and the larger interest of the public might not suffer.

AGENCIES/MACHINERIES

- **Conciliation Officer** - for mediating and promoting settlement of disputes
- **Board of conciliation**- for promoting settlement of disputes.
- **Court of enquiry** - for enquiring the matters connected with disputes.

FORMS AND RETURNS.

- **Form L** - Rule 71 : Form of notice of strike.
- **Form M** - Rule 72 : Form of notice of lock-out.
- **Form P** - Rule 76 : Form of Notice of Retrenchment.
- **Form Q** - Rule 76-A : Form of Notice of closure.

PENALTIES

- Punishment varies depending upon the violation of concerned provisions. Imprisonment for months or one year and fine of rupees rupees 1000 and 5000 as the case may be.

HR's ROLE

- To maintain muster roll of laid off workman
- To pay compensation to laid off workmen.
- To comply with the formalities.
- Not to change conditions of service of the workman during pendency of the proceedings.

CONT....

- To comply with the workmen as stipulated by section 25-f and 25-g of the act while retrenching the workmen.
- To pay retrenchment compensation to the retrenched workmen by given reasons.
- To pay wages during the pendency of the proceedings in higher court against the award of the labour court – tribunal in directing his reinstatement.

THE STANDING ORDER ACT, 1946.

OBJECT

“To require employers in industrial establishment to define with sufficient precision the conditions of employment under them and to make the said conditions known to workers employed by them”.

AGENCIES/MACHINERIES

- **Certifying Officer** -to certify the drafts standing orders – amendments modifications thereof.
- **Appellate Authority** to hear appeal arising out of order of certifying officer.

FORMS AND RETURNS.

- **Form I – Rule (4)** – Submission of the draft of amendment
- **Form II – Rule (6)** – Certification of amendment
- **Form III - Rule (8)** – Duties of certifying Officer
- **Form - IV – Rule (7A)**
- **Form – IV A** – Notice of change in shift working.
- **Form – V** – Service Card.

PENALTIES

Five thousand rupees and in the case of a continuing offence with a further fine which may extend to 200 rupees for every day.

HR's ROLE

- HR has to make certain policy which provides appropriate rules and regulation to work under the establishment.
- HR has to define the roles of all the employees in consideration of the working conditions at the organization.

CONT....

- HR has to paste the certified draft of the standing orders on the notice board in a language understood by the most. It is also the duty of HR to bring any change or amendment to the notice of the certifying officer.
- HR has to maintain the record of all the drafts made under the standing order Act and shall also present it to the person responsible.

THE FACTORIES ACT, 1948



OBJECT

The Factories Act is a piece of social welfare legislation it governs the working conditions of the workman. It deals mainly with health, welfare and safety of workman, working hours of adults and annual leave with wages and employment of women and young person.

AGENCIES/MACHINERIES

- Inspectors
- Additional Inspectors and
- Chief Inspectors.

FORMS AND RETURNS

- **Form 3** (*Prescribed under Rule No. 3 (4)*) - Certificate of Stability.
- **Form 4** (*Prescribed under Rule 5*) - License to work a factory.
- **Form No. 18** (*Prescribed under Rule 123*) - Report of accident including dangerous occurrence resulting in death or bodily injury.
- **Form No. 21** (*Prescribed under Rule 127*) - Annual Return
- **Form No. 22** (*Prescribed under Rule 127*) - Half Yearly Return

PENALTIES

If in any factory there is any contravention of any of the provisions, then the occupier shall be guilty of offence and punishable with imprisonment upto two years and or a fine up to Rs. one lakh or both.

HR's ROLE

- The HR should ensure that the forms are filled up and submitted to the appropriate Regional Office.
- The HR has to maintain the registers and files on behalf of the employers.

Cont....

- The HR should assist the Chief Inspector and is expected to fully co-operate with the inspecting authorities appointed under Section 8 of the Act.
- To be updated about any amendment in the legal provisions of the Factories Act, 1948 and act accordingly.

THE PAYMENT OF GRATUITY ACT, 1972.

OBJECT

The act provides for compulsory payment of gratuity by the management to all employees in factories, plantations, mines, oil fields, ports, railway companies, other establishments employing ten or more persons in the event of superannuation, retirement, resignation.

AGENCIES/MACHINERIES

All the Assistant Labour Commissioners and Labour Officers in the Labour Department have been appointed Controlling Authority and all the Deputy Labour Commissioners have been appointed Appellate Authority under the Act.

FORMS AND RETURNS

- **FORM 'F' – Nomination** [See sub-rule (1) of rule 6]
- **FORM 'G' - Fresh Nomination** [See sub-rule (3) of rule 6]
- **FORM 'L' - Notice for payment of gratuity** [See clause (i) of sub-rule (1) of rule 8]
- **FORM 'M' - Notice rejecting claim for payment of gratuity** [See clause (ii) of sub-rule (1) of rule 8]

PENALTIES

The Act provides that whoever makes false statement for the purpose of avoiding any payment shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to ten thousand rupees or with both

HR's ROLE

- The HR should ensure that the forms are filled up and submitted to the appropriate Regional Office.
- The HR should assist the controlling authority and is expected to fully co-operate with the inspecting authorities appointed under Section 3 of the Act.
- To be updated about any amendment in the legal provisions of the Payment of Gratuity Act, 1972 and act accordingly.

THE CONTRACT LABOUR ACT, 1970

OBJECT

To regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

AGENCIES/MACHINERIES

- Central Advisory Board
- State Advisory Board

FORMS AND RETURNS

- **Form 1** Every principal employer employing 20 or more workers through contractor's has to deposit the required fees in this form in order to register the establishment.
- **Form XII** The principal employer has to maintain a register of contractors in respect of every establishment in this form.

CONT...

- **Form XXV** The principal employer has send annual return in this form in duplicate before 15th Feb following the end of the concerned year
- **Form XIII** The contractor has to maintain a register of workers for each registered establishment in this form.
- **Form XVII** Every contractor shall maintain a Register of wages in this form.

PENALTIES

- For obstructing the Inspector or failing to produce registers, etc – 3 months imprisonment or fine up to Rs500 or both (Sec 22).
- For violation of the provisions of the provisions of Act or the Rules, imprisonment of 3 months or fine up to Rs1000 (Sec 23).
- On continuing contravention, additional fine up to Rs100/day.

HR's ROLE

- The HR personnel should ensure on behalf of the Principal Employer the following.....
- The HR Department has to maintain a register of contractors in respect of every establishment in form XII.
- The HR Personnel should ensure that the Contractor.....

CONT...

- The HR personnel should assist the Inspecting authorities and is expected to fully co-operate with them
- To be updated about any amended in the legal provisions of the ESI Act and act accordingly.

THE EMPLOYEES' STATE INSURANCE ACT, 1948

OBJECT

“To provide for certain benefits to employees in case of sickness, maternity and “employment injury” and to provide for certain other matters in relation there to.

AGENCIES/MACHINERIES

- The Employees' State Insurance Corporation
- The Standing Committee
- The Medical Benefit Council

FORMS AND RETURNS

- **Form 6** - Regulation 26 : Return of Contributions -
- **Form 15** - Regulation 66 : Accident Book -
- **Form 18** - Regulation 80 : Dependants Benefit - Claim Form -
- **Form 7** - Regulation 32 : Register of Employees - Form

CONT....

PENALTIES

Under Section 85:

- 6 months imprisonment and fine Rs5000
- 1 year imprisonment and fine a

Under Section 85-A:

- 5 years imprisonment and not less to 2 years

HR's ROLE

- The HR should ensure that the following forms are filled up and submitted to the appropriate Regional Office....
- The HR has to maintain the following registers and files on behalf of the employers...
- The HR has to maintain the following registers and files on behalf of the employers..

CONT...

- The HR should prepare challans for the payment of contributions and deposit the same in the specified bank in the pre-determined period on behalf of the employer.
- The HR should assist the ESI Corporation and is expected to fully co-operate with the inspecting authorities appointed under Section 45 of the Act.
- To be updated about any amendment in the legal provisions of the ESI Act and act accordingly.