CHAPTER -2

LABOUR WELFARE SCHEMES

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CHAPTER- II
LABOUR WELFARE SCHEMES

2.1. INTRODUCTION:

Labour welfare schemes are important indicators of working class in the economic and social communities. It has been improving the labour conditions that are health condition. It has been providing a better life to the workers. The term welfare suggests and improves the health condition, happiness, organizational growth and development of human resources. It is necessary for desirable components of welfare such as health, food, clothing, housing, medical assistance, insurance, education, recreation, job security and so on.

Labour has been playing important role in the industrial production of the country. That industrial growth depends on a labour force. This labour force connected to the important of the labour welfare schemes. Labour welfare schemes are very necessary for the company to increase the efficiency, production and to earn higher profit. In narrow sense it is possible only when they are fully satisfied with employees and the working condition of the industry. In the widest sense the working class constitutes a substantial part of the national population, in terms of their economic power and the object of economic and social progress as well. Labour welfare scheme is one of the major aspects is creating best life to employees and also give a proper environment to employees. The term 'welfare' is thus very flexible as well as comprehensive concept in labour welfare schemes. The significance of this welfare is varies from country to country. In respect of welfare facilities in India would seem to be that there is growing awareness of their beneficial effect. It depends on the well-being of workers as a whole, leading to improved industrial relation and greater the productivity. But that is not uniformly provided, and where these are provided there is variation from region to region, industry to industry and unit to unit. There is various welfare facilities such as medical facilities, community and social education centers including rooms and libraries, games and sports, excursion ,tour and holiday

homes, entertainment and other form of recreations, home industries those are improve the standard of living and to improve the social conditions of labour.

Labour welfare schemes are very important measures of social security of the workers. Welfare schemes are to make the better, comfortable and happy life of industrial workers in the country. Labour welfare schemes are important for improvement of the conditions of the working class and labour welfare has tremendous potentialities for fostering good industrial relations.

2.2. CONCEPT OF LABOURE WELFAR SCHEMES:

Organizations provide welfare facilities to their employees to keep their motivation levels high. The employee welfare schemes can be classified into two categories viz. statutory and non-statutory welfare schemes that are compulsory to provide by an organization as complaisance to the laws of governing to the laws governing employee health and safety. These include provisions provided in industrial acts like factories act 1948, Dock workers act. (Safety, health and welfare)

2.3. DEFINITIN OF LABOUR WELFARE:

The labour welfare, formed in 1969 to review the labour welfare scheme described it as social security measures that contribute to improve the conditions under which workers are employed in India.

i) In a resolution in 1947, The ILO -

Labour welfare as "such services, facilities and amenities as a adequate canteens, rest and recreation facilities, arrangement for travel to and from work and for the accommodation of workers employed at a distance from their houses and such other services amenities and facilities as contribute to improve the conditions under which workers are employed.

ii) Industrial Labour Organization –

"Labour welfare may be understood and including such services facilities and amenities which may be established in vicinity of undertaking to perform their work in healthy and congenial environment and to avail of facilities which improve their health and bring high morale."

iii) According to Arthur James Todd –

"Labour welfare means anything done for the comfort and improvement intellectual and social of the employee over and above the wages paid which is not a necessity of the industry."

2.4 OBJECTIVES OF LABOUR WELFARE SCHEMES:

1) Labour welfare provides social comfort to employees.
2) To make employees lives good and worth living.
3) To ensure well-being of employees and families.
4) To provide healthy and proper working conditions.
5) To boost productivity and efficiency at the workplace.
6) To ensures that the working conditions for employees are of higher standard.
7) It provides intellectual improvement of employees.
8) To develop sense of responsibility and belongingness among employees.
9) To reduce absenteeism and labour turnover.
10) To build stable work force.

2.5 EVALUATION OF LABOUR WELFARE

Worker's welfare is started in the early years of the industrial revolution especially in the Western countries. At present growth of labour welfare is to a great extent due to the growth of industrialization and uses the modern technique. Considerable a moving force was given to the movement by the two World Wars, as part of industry's efforts to maximize production. It can be said that modern welfare is the outcome of the movement for better and more efficient management in industry including the human angle.

The all-round acceptance that the concept of labour welfare has is mainly due to;

1) The Need to Provide a Better Life for the Workers:

It was maintain the goodwill of the large and rather freshly recruited war-time labour force and to gear them to increased production.

2) The Industrial Expansion:

In the advanced countries of the world and participate the process of mass production and mass-selling lead to the working classes as a source of power. These steps promote labour welfare were a direct recognition of the new situation.

3) The Influence of the Researches:

It influence of the researches into scientific management and industrial psychology. Which are presented abundant evidences on the importance of worker as a human being and a total personality?

4) It has been a Matter of Public and Government Concern:

In economically less developed countries, over the amelioration of the working and living conditions of the workers. It measures were being taken in many countries as an aspect of national policy.

2.6. CLASSIFICATION OF WELFARE WORK:

Welfare work may be classified in various ways. Firstly, it may be classified into the following three categories:

1) Statutory Welfare Work:

Some welfare work may be classified provisions of welfare work whose observance is binding on the employers under law. In this view maintain a minimum standard of health and safety, etc., of the workers. The Government of a country enacts certain rules under various acts of ordinances. It has to be beside the employers in respect of their worker. Such rules may be relate to essential working conditions, e.g. hours of work, sanitation etc

2) Voluntary Welfare Work:

It includes all those activities useful to the welfare of the workers which are undertaken by the employers themselves of their own free will.

3) Mutual Welfare Work:

Important of mutual welfare work is to a corporate enterprise of the workers with a view to improve their lot. Activities of the trade unions which are conducive to the welfare of their members are included under this category.

Welfare work may be classified into two categories:

1) Welfare work inside the factory.

2) Welfare work outside the factory.

1) Intra-Mural Welfare Work:

It provided various facilities to the workers inside the factory e.g. provision of drinking water, cleanliness and sanitation, canteens crèches, medical facilities, first aid appliances, etc.

2) Extra-Mural Welfare Work:

It provided various facilities and amenities to the workers outside the factory e.g. provision of educational and recreational facilities, amusements, games and sports housing and medical facilities etc.

2.7 SOME SPECIAL ASPECTS OF LABOUR WELFARE:

1. Canteen:

The canteen is essential part of an industrial establishment. It has been providing undeniable benefits from the point of view of health, efficiency and well-being. The objects of an industrial canteen are to introduce an element of nutritional balance into the otherwise deficient and unbalanced relating to usual food of the workers. It has to provide cheap and clean food and an opportunity to relax in comfort near the place of work, to save time and trouble to workers on account of causing exhaustion journeys to and from work after long hours in the factory and to enable them to surmount the difficulties experienced in obtaining meals. In European and American countries canteens are becoming very large and are looked upon the nutrition and diets. Factories Act 1973 to needs the employers to provide mess room accommodation. Recent efficient and suitable canteen where hot meals can be purchased may be ordered by the Factories Inspector. It to be provided in specified manner. In India, Canteens, tea stalls, air condition rooms, etc. have been an ex-gratia affair and they hardly conform to any standards. They are little more than private contractor's tea stalls supplying hot tea and sweets. They are not supplied foodstuffs in cheap and good quality. While maximum of profit is the only principle of the tea contractor who is there by virtue of being the highest one who bids for the contract. As a result either high price charged from the workers for the articles supplied. The factories Act of 1948 empower State Governments to issue rules for the provision of canteens in factories employing 250 or more workers.

The government of India under the Factories Act has been empowering the State Governments to make rules and regulation requiring the

reservation of a comfortable room. Those for the use of children under the age of six years belonging to women workers in factories employing fifty or more such workers. It describing the standard of such rules and the nature of supervision to be very exercised about the children.

2) Crèches:

Significantly is very great and the position can be improved if the law regarding crèches is made universal and is strictly enforced.

3) Entertainment:

Significantly entertainment is a means to give relief to the monotony and drudgery of working long hours in the factory. It introduces an element of joy, free and relief as well as to impart instructions and education. The most of industrial workers works in an atmosphere of dust, pollution, noise and lives in terrible and insanitary dwellings which are generally no better than the dungeons for many workers fall prey to vice. Any measures to raise the standard of workers. It can occupy to leave unhurt time in a healthy atmosphere. The provision of entertainments such as cinema shows, radio sets, sports, games, etc. must effectively fulfill this object that is to reducing the evils of drink and gambling and other malpractices for workers.

Entertainment considered voluntary activity. But, they have to realize that ordinary provisions such as sports, excursions etc. cost really little while the psychological and moral gain both to themselves and to the workers is very large. The effect of this on efficiency must be far greater than the small cost. Other facilities may be described such facilities are medical facilities, educational facilities, provision of provident funds, pensions, cooperative societies etc.

2.8. NECESSITY AND IMPORTANCE OF WELFARE WORK IN INDIA:

The Labour welfare activities of the employers in a particular manner and of the state in general are not only useful to an improvement the conditions of the working class of workers. But it is the best kind of investment to employers. Which are promoting industrial efficiency and productivity? Besides, labour welfare has tremendous potentialities for fostering the good industrial relations. More significantly it was great in a country of India.

The significance of welfare work in India is greater than in the West Country. Indian workers have been regarding industrial employment as a necessary evil. They have been keen to escape from it as early as possible. tTo build up a stable and efficient labour force, it is essential to bring about an improvement in the conditions of workers life and work.

Beneficial Effects of Welfare Activities:

1) Welfare Measures Influence the Sentiment of the Workers:

There are welfare activities such as sport, educational, entertainment. And to developed friendly relation between two groups of industry.

2) Social Advantages of Welfare Activities:

It considers the provision of canteens where cheap, clean and balanced food, which must be improve the physique; educational facilities must be increased economic productivity and mental efficiency of the workers.

3) The Provision of Various Welfare Measures:

It will make the workers feel and realize that they also have some take in the undertaking facilities. The development of such a feeling that is help to minimize further enhance of a conflict between labour and capital in the industry.

4) Adequate Provision of Welfare Facilities:

It can reduce, if not eliminate altogether, the prevalence of high rates of absenteeism and labour turnover in Indian industry.

5) Welfare Measures the Poor Standard of Living of the Worker:

In India, welfare measures provide some of the needs like good housing, nutritional food, education etc. Those workers cannot be able to afford otherwise. In India, welfare work will undoubtedly raise the standard of living and efficiency of the workers. Inefficiency is not inherent amongst the Indian workers. As a matter of fact, very little has been done to improve the efficiency of the workers in this country. The interest of the employees to recognize and to measures the value of standard of living. The gains accruing from them and to realize that the amount spent by them on these activities. It will be a valuable investment which will ultimately increase their profits. The state, the workers' organizations as well as other social agencies should also take full cognizance of their responsibilities in their matter.

For achieving the maximum results, welfare activities have to be undertaken in the right spirit i.e., mainly with a view to making the lives of the workers happier and healthier.

Welfare works promoting healthy relationship between employers and employees. It develops suspicion and hostility. The employers in India, therefore, must develop the right spirit which welfare facilities are to be provided to workers. Lastly, welfare activities will fail to achieve their end if the workers are not adequately paid.

It considers the importance of workers welfare. The government of India set up the committee on labour welfare in 1966.It has been review the functioning of welfare schemes in industrial establishment's mines and plantations. Those make recommendations about the impartments needed in their functioning. The committee was also required to examine the working of statutory welfare funds. It is created for certain minerals, examine possibilities for introducing welfare schemes for agricultural labour and consider related to their matter.

2.9. WELFARE ACTIVITIES OF THE STATE GOVERNMENTS:

The state government's activities in the workers welfare have been a more direct nature. Erstwhile Bombay and Uttar Pradesh were pioneers in this field of welfare activities. Still it is a broader based programme of welfare. Which are compared to other states? There are model welfare centers in most of the states and the facilities provided in these centers consist usually of medical aid, reading room and other recreational and cultural facilities and women's and children welfare. State government should be gives the vocational training to men and women. A brief review of the welfare activities of the State Governments is given below.

Maharashtra:

In Maharashtra the directorate of labour welfare was entrusted with the work of the government in this welfare activity. The directorates were classified into four different categories according to their activities. 'A' type centers being located in Government buildings with gymnasia, wrestling pits, shower baths, and open space for games and sports and children playgrounds 'B' type centers being organized on a smaller scale than the 'A' type centers, 'C' type centers being housed in hired buildings with provision for indoor

games and 'D' type centers providing open grounds for outdoor recreational activities. The activities at these centers include.

i) Entertainment:

It considers visual aids such as, cinema exhibitions with pictures, posters and charts, drama and music, etc.

ii) Activities for Health Improvement and Physical Education:

By means of outdoor games and sports, gymnasium activities and children playgrounds

iii) Health Education:

In the form of instructions in accident prevention, first aid, hygienic, etc. health advice and medical aid, medical inspection, production and publication of health literature, organization of scouting clubs and restaurants and

iv) Educational Activities:

It including reading rooms and libraries, facilities for adult education, special instruction in labour legislation and labour movements employment aids by training in alternative occupations both mechanical and handicraft and technical training for adults and children etc.

In July 1953, the Government transferred all their welfare activities to the Bombay Labour welfare board constituted under labour welfare act, 1953.

Under Sec. 2 (m) of the factories Act, 1948; tramways, motor or omnibus services; and all the establishments including societies and charitable trusts. Which carry on business or trade and which employ 50 or more persons? The state government is empowered to enforce the provisions of this act in different areas from different dates. The main object of this act is to constitute a fund for financing such activities for the promotion of labour welfare in the State. The fund consists, among others, of all fines realized from employees and any voluntary donations. It utilized by the labour and their dependents; such as community and social education centers, community necessities, holiday homes, entertainment and other forms of recreation, home industries and other subsidiary occupations for women and unemployed persons, activities of social nature, cost of administering the Act, and such other objects as state government would improve the standard of living and ameliorate the social conditions of workers. The Bombay labour welfare fund

act, 1953 it has been amended to extending its applicability throughout the state of Maharashtra.

Uttar Pradesh:

In Uttar Pradesh, government has to be taken a lead in the field of labour welfare. In the year 1937-38 when the first popular government sanctioned a sum of Rs. 10,000 for labour welfare works. At present there is a scattered all over the State. According to the activities of the centers, has been classified in to four different categories. Each 'A' class labour welfare center is provided with allopathic dispensary, women's and children's section, sewing class, etc. indoor and outdoor games, wrestling pits, playgrounds, reading-room and library and entertainments like radio, harmonium, dholak and table etc. Each 'B' class labour welfare centers has all the facilities provided in 'A' class except that it has a Homeopathic dispensary instead on an allopathic one. The 'C' class centers are more or less like workers clubs with facilities of indoor and outdoor games, reading room and entertainment such as dholak, table, harmonium and radio sets etc.

The U. P. Labour welfare fund Act, 1965 and rules framed therein need to all accumulations of unpaid wages, bonus and gratuity lying with the employers unutilized. Finally, it realized from the workers to be pooled together for constituting a fund for promoting labour welfare activities. The fund is to be managed by a Board consisting of a chairman and the representatives of employers and workmen. It mention the U. P. Sugar and Power Alcohol industries labour welfare and development fund. Which has been established for provide amenities for workers in sugar factories. There are three heads of fund: Housing, General welfare and development.

2.10 WELFARE ACTIVITIES BY EMPLOYERS:

Welfare activities by employers realized that employers have played a significant role in providing welfare facilities in their work places over. Under this laws and regulations works done by public authorities. In the pioneers of welfare work in India have been individual employers like the Buckingham and Carnatic Mills, Madras, the Delhi Cloth and general mills, Delhi and the British India Corporation, Kanpur. Much progress has been made by employers in the provision of welfare facilities. In Early, most of the workers regarded welfare work as a non-economic investment and a barren liability.

But there has been a gradual extension of scope and extent of welfare measures partly through statutory provisions and partly through the employers' realization. The welfare is an important aspect of human relations and as much beneficial to the interest of industrial workers. The policy of welfare provides recreational and educational facilities in a large unit. While those facilities which prescribed by law and regulation.

There are most of the facilities for workers welfare provided by employers, such as, dispensaries, canteens and crèches are in the implementation of statutory provisions.

In medical facilities many employers have instituted a well-planned medical care programme, even though sickness insurance has been introduced for industrial workers under the Employees State Insurance Act. Most of the employers provided several welfare measures like reading rooms, libraries and other recreational programmes on their own initiative.

The State Government has been allocated certain funds by the Tea Board to provide various welfare facilities for the workers. The Coffee and Rubber Boards also agreed to allocate similar funds for carrying out welfare activities for the workers in their own estates.

2.1 DUTIES AND FUCTIONS OF WELFARE OFFICERS:

The success of welfare schemes in our country depends on the duties and functions of welfare officers. They are administered and introduced to the workers as on the nature and quality of the facilities offered. It play significant role in this respect. It is of the greased importance and it is becoming more. The State government has been given power to prescribe the duties, qualifications and conditions of service of these welfare officers. A qualified and selected welfare officer should be a good administrator and should be able to deal completely with various problems of a technical character.

In rule 7 of the Model factories Rules framed by the Central Government gives the following duties and responsibilities for labour welfare officers;

1) To Establish Contacts and Hold Consultation:

To established contacts and hold consultations with the factory management and workers of the industry.

2) To Bring the Notice of the Factory Management:

Officer to bring the notice of the factory management the grievances of workers, individual as well as collective, with a view to securing their expeditious redress and to act as a negotiating officer with trade unions.

3) To Study and Understand the Point of View of Labour:

In order to help the factory management understand the labour. To formulate the labour policies to the workers in language they can understand.

4) To Watch Industrial Relations:

To watch industrial relations with that he should have influence in the event of a dispute arising between the factory management and workers .It will be able to bring about a settlement by persuasive efforts

5) Joint Consultation:

To deal with wage and employment matters by joint consultation with factory management and workers are going on illegal strikes and over managements declaring illegal lockouts. It helps in preventing anti-social activities.

6) To Maintain a Neutral Attitude:

Welfare officer has to maintain a neutral attitude during legal strikes and it help in bringing about a peaceful settlement.

7) To Ensure Fulfillment:

To ensure fulfillment on the part of in brings about a peaceful settlement. To ensure fulfillment on the part of the factory management of obligations, statutory or otherwise, concerning the application of provisions of the factories act 1948 and the rule made there under and to establish lies is on with the factory inspector and the medical services concerning medical examinations of employees, health records, supervision of hazardous jobs, sick visiting and convalescence, accident prevention and supervision of safety committee, systematic plant inspection, safety education, investigation of accidents, maternity benefits and workers' compensation.

8) To Promote Relations:

Officer promotes the relations between the factory management and workers. Which will ensure productive affiance as well as amelioration in the working conditions. It helps workers to adjust and adapt themselves to their working environments.

8) To Encourage:

Officer encourage the formation of works and joint production committees, co-operative societies and safety first and welfare committees and to supervise their work

9) To Secure Provision of Amentias:

To secure provision of amentias such as canteen shelters for rest, crèches, adequate latrine facilities, drinking water, sickness and benevolent scheme, payments, pension and superannuation funds, gratuity payments, pension and granting of loans and legal advice to workers.

10) To Help the Factory Management:

To help the factory management in regulating the grant of leave with wages and other leave privileges. It guide to the workers in the matter of submission of application for grant of leave for regulating authorized absence

11) To Secure Welfare Provisions:

To secure welfare provisions, such as housing facilities, foodstuffs, social and recreational facilities, sanitation, advice in individual personnel problems and education of children.

12) To Advise the Factory Management:

To advise the factory management on question relating to training of new starters, apprentices, supervision and control of notice board and information bulletins to further education of workers. It have been encourage their attendance at Technical institutes.

13) To Suggest Measures:

To suggest measures which will serve to raise the standards of living of workers and in general promote their well-being.

U. P. FACTORIES WELFARE OFFICERS RULES, 1955:

1) To Promote Harmonious Relations:

To promotes harmonious relationship between workers and the management.

2) To Get the Grievances and Complaints of Workers:

To get the grievances and complaints of workers with regard to their working conditions redressed as expeditiously as possible.

3) To Bring the Breaches of Labour Laws and Orders:

To bring the breaches of labour laws and orders and statutory obligation concerning the health, safety and welfare of the workers to the notice of the manager or occupier and to take suitable steps for the provision of amenities, such as canteens shelters, crashes, adequate latrine facilities, drinking water etc.

4) To Study the Tempers of the Workers:

Workers should have friendly contact with manager and to bring the cases of discontent likely to result in dispute or strained relations, to the notice of the management, to maintaining harmonious relationship between workers and the management.

5) To Encourage the Formation of Committees:

To encourage the formation of Joint Production Committees, works committees, co-operative and safety first committees, and or welfare committees and to assist the management in the proper maintenance of discipline and in the promotion of all measure designed to improve the lot of workers.

6) To Organize and Supervise Labour Welfare Work:

Welfare officer organize and supervise labour welfare work and to see that statutory requirements with regard to working conditions are enforced.

7) To Advise the Management:

To advise the management in matters requiring special knowledge of labour conditions and labour welfare and to take suitable steps to improve the standard living conditions of workers.

8) To Maintain Neutral Attitude:

Welfare officer has to maintain the neutral attitude of legal strikes or lockouts.

9) To Exercise a Restraining:

Officer exercise a restraining influences over workers in going on illegal strikes and over management in declaring illegal lockout. It help in preventing sabotage and other illegal activities.

11) To Detect and Check Bribery:

In corruptions bring such cases to the notice of the management of the factory.

12) To Make Representation:

To make representation to the authorities concerned in regard to conditions of roads, bridges, etc

As such the personnel policies must encourage self-development at both the labour and the managerial levels. From this standpoint the role to be played by labour welfare officers becomes all the more significant.

In this chapter clearly explain by the impact of the labour welfare on labourers it is part of social security i.e. factory act, workmen compensation act, minimum wage act, employees state insurance act, employees provident fund act, industrial dispute these are the main welfare schemes which are to protect and to secure the social security of the labour and their dependents.

2.12 LABOUR WELFARE SCHEMESIN INDIA:

2.12.1 THE FACTORIES ACT, 1948:

This act was introduced in 1948. It was only in 1881 when the state regulation of the working condition in factories in India came in to existence. This act aims at securing a fair deal for the workers.

Objective of the Act:

Its main objective is to regulate the conditions of work in manufacturing establishments. It has been to ensure adequate health, safety welfare measures, hours of work, leave with wages and weekly off-days for workmen employed therein.

Scope and Coverage:

The act applies to all factories:

(i) Whereon ten or more workers are working or were working on any day of the preceding twelve months and in any part of which a manufacturing processing to carried on with the aid of power.

(ii) Whereon twenty or more workers are working or were working on any day of the preceding twelve months. It is part of which a manufacturing processing to carried on without the aid of power, but it does not include a mine subject to the operation of Mine Act, 1952 or a mobile, unit belonging to the armed forces of the union, a railway running shed or a hotel restaurant or eating place.

I) Health:

Under the health provisions this act following facilities are to be provided by employer.

1. Cleanliness:

Section 11 of the Act to shows that every factory shall be kept clean and free from effluvia arising from any drain, privy on this act. This act was accumulations of dirt and refuse shall be removed daily by sweeping or by other effective method from the floors and benches of the workrooms, staircases and passages and disposed of in a suitable manner.

2. Ventilation and Temperature

In section 13 of the Act having stipulates that effective and suitable provision made by every factory for securing and maintaining to every work rooms:

- Adequate ventilation by the circulation of fresh air conditioner rooms.
- In Such a temperature he will secure and protect to workers in their reasonable conditions, comfort and prevent injury to health.

3. Artificial Humidification:

In section 15 maintains that in all factories in which the Humidity of the air is artificially increased. The State Government states standard level of humidification, make a rules for regulate and used for artificially increasing the humidity of the air, state that the test for determining the humidity, etc

4. Lighting:

According to this section 17 of the Act sufficient and suitable lighting shall be provided and maintained in to the factory where workers are working. It may be artificial, natural.

5. Drinking Water:

In this section 18 of the Act state that each and every factory drinking water shall be provided and maintained at suitable place. If in a factory 250 or more workers are ordinarily employed, then factories provision shall be made for cooling drinking water during hot weather by effective means.

II) Welfare:

Under factories act, welfare following facilities is to be provided.

1. First Aid Appliances:

In section 45 in every factory first-aid boxes shall be provided and maintained. These shall be provided during all working hours.

2. Canteens:

In section 46 contains the provisions indicates that canteen facilities in any factory where 250 or more workers are ordinary employed; a canteen should be maintained by who is in the possession for the use of workers.

3. Shelters and Rest Rooms:

In section 47 provides that in every factory wherein more than 150 workers are ordinarily employed. In adequate and suitable shelters, rest-rooms and lunch rooms with provisions for drinking water where workers can eat meals brought by them. It should be provided and maintained.

4. Safety:

The Act provides and follows certain safety norms such as fencing and covering of dangerous parts of machines tools, cleaning and lubricating dangerous machines, periodical examinations of appliances such as hoists, goggles, safety hats and gloves and prevention of fire and risks.

5. Holidays and Leave with Wages:

The factories act provides that the maximum number of hours for an adult worker is 48. The first day of the week shall be weekly holiday. Compensatory holidays will be allowed. If there is weekly holidays are lost. Daily working hours should not be more than nine. The worker shall be allowed interval after every six hours of continuous work. The period of spread over shall not exceed 10 7_2 hours a day. The leave with wages is allowed to those workers who have worked for at least 240 days in a preceding calendar year. Earned leave is allowed at the rate of one day for every 20 days of work. Earned leave that can be accumulated and carried forward to the next calendar year is not to be more than 30 days.

Administration of the Act:

The State Governments power to permit exemptions, appoint inspectors, registering and licensing factories, collecting license fee and framing rules for giving effect to achieve the purpose of the Act.

2.12.2 THE INDUSTRIAL DISPUTE ACT, 1947:

History:

This act was introduced by the government of India in the legislative assembly on the 28th October, 1946. After the select committee report on 3rd February, 1947, with some amendments, it was passed in March, 1947 and became the law from 1st April, 1947 repealing the trade dispute act 1929.

Main Provisions of the Act

The main provisions of this act are given below:

- Constitution of works committee.
- Machinery for settlement of industrial disputes comprising of conciliation, arbitration and adjudications.
- Strikes and lock-outs and
- Lay-off and retrenchment.

Section 2 of the act provides definitions of several concepts.

In this section provides that the Central Government is the appropriate Government in any industry carried on by or under the authority of the central government or by a Railway Company.

Works Committee:

In section 3 of the Act indicates that in case of any industrial establishment in which one hundred or more workmen are employed or have been employed or any day in the proceeding twelve months, the appropriate Government may by general or special order require the employer to constitute in a state's manner a works committee consist of in equal representatives of employers and employees. It shall be the duty of the works committee to promote measures for securing and preserving friendship and good relations between the employer and the workmen and lastly to comment upon matters of their common interest and Endeavour to compare any material difference of opinion in respect of such matters.

Conciliation Officer:

According to the Section 4, the conciliation officer can be appointed by the nomination of an appropriate Government to mediate in and promote the settlement of industrial disputes. It may be appointed specified industries in a specified area for limited period.

Arbitration:

This Act also provides the machinery to settle the disputes of the company. Disputes which are to arrest can be referred to voluntary arbitration if the employer and workmen agree for such reference. Any time before a dispute is referred to the labour court, tribunal or a national tribunal by a written agreement between the parties the dispute can be referred to the arbitration. The employers and the workmen who are not party to the arbitration are given an opportunity to present their case before the arbitrator. The employers and the workmen who are not party to the arbitrator has to hear points of view of both the parties and then pass an award, which is submitted to the Government. Award of an arbitrator is binding on all the parties concerned.

Court of Inquiry:

In Section 6 of the Act relates to the court of inquiry. It can be constituted if "Occasion arises" during an industrial dispute to enquire into the matter related to such dispute of the company. It has not to enquire into the industrial dispute itself. It may consist of one or two persons with a chairman whose name has been notified in the official Gazette.

Labour Courts:

According to this Section 7 of the Act, the appropriate Government may appoint one or more labour courts for adjudication of industrial dispute relating to any matter specified in the second schedule including the propriety of any order passed by an employer under the standing order, the application and interpretation of standing order, discharge of workmen, withdrawal of any customary concession, illegality or otherwise of a strike or lock-outs and all matters.

Industrial Tribunals:

In Section 7-A of the Act reveal that to the appointment of the Industrial Tribunals. The appropriate Government is empowered to constitute Industrial Tribunals to adjudicate upon any industrial dispute relating to any matter, whether specified in the, second schedule or the third schedule. It has to consist of only one person whose qualifications include the former two qualifications as laid down for the person appointed in the labour courts. Explicitly the Tribunals have unlimited powers if they act within the scope of their authority and any important matter can be submitted to them for adjudication including questions regarding wages, bonus, provident fund, gratuity and dismissal, etc.

National Tribunals:

According to Section 7-B of the Act, National Tribunals indicates that the Central Government only for the adjudication of industrial dispute which in its opinion relates issues of national importance.

Strikes and lock- out:

Section 23 related to the strikes and lock-outs in both public utility as well as non-public utility.

Lay-off and Retrenchment:

Lay-off means the failure, refusal or inability of an employer on account of shortage of coal, power or raw materials or the accumulations of the breakdown of the machinery or natural calamity or for any other connected reason to give employment to a workmen whose name is borne on the muster rolls of his industrial establishment and who has not been retrenched.

Right of Workmen Laid-off:

Section 25-C explain that whenever a workman whose name is borne on the muster rolls of an industrial establishment and who has completed not less than one year of continuous service under an employer is laid-off, whether continuously or intermittently, It shall be paid by the employer for all days during which one is so laid-off, except for such weekly holidays as may intervene, compensation which shall be equal to 50 per cent of the total of the basic wages and dearness allowances that would have been payable to them, had he not been so laid-off. The compensation payable to a workman during

any period of 12 months shall not be for more than 45 days, if there is an agreement to that effect between the workman and the employer

Lay-off Compensation when not Payable

No compensation is payable to workman under the following circumstances:

- Where a workman refuses to accept any suitable alternative employment offered to him by the employer. Such alternative employment may be in the same establishment or in any other establishment belonging to the same employer, or in the same town or village or at a place situated within a radius of 5 miles from the establishment to which he belongs, which is of the same nature (i.e. does not call for any special skill) and which carries same wages;
- where a workman, who had been laid-off, does not present himself for work at least once a day at the appointed time during normal business hours; and
- where the laying-off is due to a strike or slowing down of production by the workman, in another part of the establishment

Machinery for Implementation:

In Haryana, the Labour Commissioner is entrusted with the administration and implementation of the Industrial Disputes Act.

2.12.3) THE MINIMUM WAGES ACT, 1948:

History:

Minimum wage act empowers the appropriate government to fix a revise minimum rate of wages payable to employees engaged in scheduled employments for work done in accordance contract of services, express.

Objective of the Act:

The main purpose of this Act is to stop exploitation of workers by the employer and to ensure minimum wages in a specified employment.

Scope and Coverage:

This Act extends to the whole of India. It empowers the Central and State Governments to fix minimum rates of wages for different employment in to this act. Basically it included thirteen employments, but State Government can add more number of employments to this list.

Main Provision of the Act:

Minimum rates of wages as fixed by Government without any deduction exclude authorized ones. Main provision of the Act, the minimum rates of wages are required to be revised within a period of five years.

In fixing of the minimum wages, the appropriate Government shall either:

- Appoint as many committees and sub-committees as it considers need to hold enquiries and advise it in respect of such fixation, as the case may be; or
- By notice of the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration

The employer should be observed that all directions to look at the mode of payments, overtime rates, etc. as ordered by the appropriate Government.

The appropriate Government may fix:

- Minimum rates of wages for time of work,
- A minimum rate of wages for piece of work,
- A minimum rate of remunerations to apply in the case of employees employed on piece work. The purpose of securing and maintain to such employee a minimum rate of wages on a time, work basis referred to as "a guaranteed time rate," and
- A minimum rate to apply in substitution for the minimum rate which would otherwise be applicable in respect of overtime works by the employees.

  This wages rate may be fixed by any one or more of the following wage period, i.e. given below:

- by the hour,
- by the day,
- by the month, and
- By such other longer wage period as may be ordered.

2.12.4) THE PAYMENT OF WAGES ACT, 1936:

History:

The payment of wages act is based upon the same principles as the original but it has been revised thought in the light of the criticism received when the original bill was circulated. Ultimately after completing a circuitous journey, the payment of wage act was passed I 1936 which came in to the force on 28th March, 1937

Objective of the Act:

The main objective of this Act is to ensure that the wages payable to employees are to pay out by the employer within the order time limit and that no deduction other than those authorized by law are made by the employer. It state that the enforcement machinery and lays down the penalties for act of contravening of the provisions.

Scope and Coverage:

This Act applies to the whole of India and to persons employed in industry, to the employee of contractor working for a railway administration. The State Governments power to extend the application of the whole or part of the Act to any class of persons employed in any industrial establishment. It issuing three months' notice of their intention. Then it gives the notification in the official gazette.

MAIN PROVISIONS OF THE ACT:

In this act brief explanation of the main provisions is as under:

Definitions:

Factory means a factory as defined in clause (m) of Section 2 of the Factories Act, 1948 .It includes any place to which the provisions of that Act have been applied under sub-section (1) of Section 85 thereof; (section 2b). Wages mean all remuneration expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, by payable to person employed in respect of his employment or of work done in such employment, includes:

- Any remuneration payable under any award between the parties of a court;

- Any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;
- Any additional remuneration payable under the terms of employment;
- Any sum which by reason of termination of employment of the person employed is payable under any law, contract which provides for the payment of such sum, whether with or without deduction but does not provide for the time within while the payment is to be made;
- Any sum to which the person employed is entitled under any scheme framed under any law for the time being in force; but does not include any bonus, the value of any house accommodation, any contribution paid by the employer to any pension, any travelling allowance, any gratuity payable as the termination of employment.

Responsibility for Payment of Wages:

According to the Section 3, every employer should be responsible for the payment to person employed by them of all wages required to be paid under this Act.

Time of Payment of Wages:

In Section 5(1) of the Act provides that wages of every person employed in any railway, factory or industrial establishment employing less than 1000 persons should be paid before the expiry of 7th day and on 10th day to the employee of the concern employing more than 1000 persons. This date is counted from the last day of the wage period in respect wages are payable. The violation of this provision is punishable with a fine which may to stretch out up to Rs. 500.

Deductions which may be made from Wages:

In Section 7(2) of the Act states that deductions from the wages of employed person should be made only in accordance with the provisions of the Act. The authorized deductions under the Act are:

- Fines deduction for absence from duty; damage or loss; amenities and services supplied by the employer; recovery of advances or adjustments of over payment of wages; income tax; Housing accommodation; provident fund; deduction under order of a court; deductions for cooperative societies; and insurance scheme.

Fines can be deducted only in accordance with the provisions of this Act for the commissions which are specified in a list approved at the place of work. There is no fine can be imposed on child labour. Further, the maximum fine cannot exceed 3'/8 per cent of wages during a wage period. It concerned employee must be offered an opportunity to defend himself against payment of fine

Maintenance of Records and Registers:

According to Section 13-A, every employer should be maintain such records and registers giving such particulars of persons employed by him, the work performed by them, the wages paid to them. the deductions made from their wages, the receipt given by them and such other particulars and in such form as may be stated. Every register should be kept for three years after the date of last entry made therein.

Machinery for Implementation:

There is no special machinery for implementation has been provided under this Act. The officers of State Labour Development are looking after this work in addition to the enforcement of other Labour Laws. The factory inspectors are to give in trust to enforce the Act in the State manner.

2.12.5) THE EMPLOYEES' PROVIDENT FUNDS ACT, 1952:

History:

The Provided Fund Act of 1925 dealt with provided funds relating to only government, Railway, and local bodies and certain other provident fund. The employees provided fund ordinance, 1951 was promulgated by the government by the president of India under the constitution in November 1951. The ordinance was replaced by act of 1952 by which woolen textiles. It has been included under textiles and the central government. It has been authorized to prescribe conditions under which a member might be permitted to pay life insurance premium from the fund. A scheme of the act was framed by the central government in September 1951.In section 6-A of the provident fund act, 1952 the central government has made employees family pension schemes in 1971.It may be further observed that in exercise of powers conferred by section 6-c of the employees provident fund. Misc. Provision Act 1952, the central government has made employees deposit linked insurance schemes in 1976.

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Objective of the Act:

The chief objective of this act has been to provide a substantial measure of financial security and timely monetary assistance to the industrial workers and to their families or their dependents through the institution of compulsory provident funds.

Scope and Coverage:

This Act was stretch out the whole of India, excepting the State of Jammu and Kashmir.

Obligation of the Employers:

The statutory obligations of the employers as given under the Act are:

- Contributing to the fund at the state rate;
- Collecting and paying worker's contribution;
- Maintaining a contribution card for each employee in which monthly contribution made by him and
- Paying administrative charges at the rate of 0.37 per cent of the pay bill. In inspection charges at the rate of 0.09 percent of the wage bill.

Machinery for Implementation:

The administration of the Employee's Provident Funds Act is vested in the hands of a Tripartite Board of Trustees, a body corporate, comprising of a Government nominated chairman, nominees of the Central and State Governments and employees' and employers' organization. The Central Provident Fund Commissioner acts as the Chief Executive Officer of the organization besides working as Secretary to the Central Board of Trustees. He was constitutes a link between the Board of Trustees, beneficiaries of the fund and the employers' and employees' organization, on the one hand, and the Central Government, on the other. He was assisted by Regional Committees which advise the Central Board of Trustees on matters related to the administration of the Scheme in their region.

Exemptions under the Act:

Provisions exist in the act for the grant of exemption from the operation of the Employees' Provident Funds Act to an establishment Provident Fund rules are not less favorable than those available in the statutory scheme.

Advances:

There are various types of advances are permissible to the members of the Fund subject to certain conditions as contained in the relevant provisions of the scheme. The admissible advances are as under:

- financing of life insurance policies;
- purchase of dwelling site and construction of dwelling units;
- purchase of share of consumers' cooperative credit societies and housing societies;
- unemployment relief during temporary closure of an establishment;
- serious illness of the contributor or any member of his family;
- retrenchment;
- daughter's marriage; and
- Education of children.

Claims and Refunds:

This Act provides that a member can withdraw the full amount standing at his credit in the fund in case of following events:

- retirement from service (Superannuation);
- retirement on grounds of permanent and total incapacitation of work caused by physical or mental infirmity;
- migration to a foreign country permanently;
- termination of service in the course of mass retrenchment (involving 3 or more persons)
- transfer of a member in the event of closer of a covered factory in which he is employed or otherwise; to another establishment not covered by the Act; and
- Retrenchment under the Industrial Disputes Act, 1947.

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2.12.6) THE EMPLOYEES STATE INSURANCE ACT, 1948:

ESI act was established in year 1948. It was the important social security legislations in India. Firstly it was perennial factories using power and employing 20 or more persons.

Objective of the Act:

The Employees' State Insurance Act, 1948, is to provide for certain benefits to employees. Such a cash benefits in case of sickness, maternity and employment injury etc. There was such a cash benefits in the form of pension to the dependents of a worker. who dies of employment injury and medical benefit to workers and their families.

Scope and Coverage:

This Act are covered all non-seasonal factories operating with power employing 10 persons or more and non-power using factories providing employment to 20 or more workers but excluding mines and railways running sheds. At present the provisions of the Act have been extended in accordance with Section 1(5) of the Act to the following new classes of establishment by some of the State Governments. Shops, hotels, restaurants, cinemas, theatres, motor transport and newspaper establishments employing 20 or more persons. This act was covers all manual, clerical and supervisory employees and workers engaged by or through contractors. In drawing remuneration it should not exceeding Rs. 6,500a month.

Benefits Under The act:

There were six types of benefits and these are to be divided in to two parts such benefits are given below:

I) Cash benefits:

This act was provides periodical cash benefits in the event of sickness, maternity, disablement, death, employment injury etc.

a) Sickness benefits:

It consists of periodical payments in case of his sickness certified by a duly appointed medical practitioner or by any person processing such qualifications experience as the corporation ma, by regulations, specific in this behalf, is sickness and hereinafter it is referred to as such the standard benefit rate is roughly equivalent to 54% of the average daily wages of an insured

person. The maximum duration of sickness of benefit is 91 days in any two consecutive benefit periods.

b) Maternity benefits:

The importance of this branch of social security has been internationally recognized just after the inception of international organization (I.L.O).ILO adopted a convention in 1919 concerning the employment of women before and after child birth. In this convention is often cited as Maternity protection convention is as follows:

i)Maternity Benefit Schemes:

This cover all the women employed in industrial and commercial undertakings irrespective of their maternity and status and child birth. It should enable the mother to maternity whether the child legitimate. A women employee should have a right to a maternity leave of 12 weeks which should include compulsory leave of six weeks following her confinement. She would have a right to leave her work if she produces a medical certificate stating that her confinement will probably take place within six weeks.

ii) Medical Benefits:

When a woman is entailed to maternity benefit she should also be entitled to medical benefit. Comprise of free attendance of a doctor or a certified midwife. The maternity and medical benefit should be provided out of public funds or by means of a system of insurance that is the responsibility of providing the benefits should not be left to rest with the employer.

iii) Working Hours:

If a woman is nursing her child she should be allowed to half an hour recess twice a day during her working hours. She feeding the child and these intervals should be regarded as period of work.

vi) Security of Women Employment:

There should be security of women employment during pregnancy, confinement, illness arising out of pregnancy.

The justification for maternity benefit is twofold:

a) To protect the health of mother and her child.
b) To alleviate part of the financial hardship caused by the birth of a child.

c) Disablement Benefit:

This benefit is payable to an insured person suffering from disablement as a result of employment injury provided. It is duly certified by a competent authority. This benefit is payable for the entire period of the certified injury for which the insured person does not work. However, the benefit is not admissible if the incapacity does not exceed a period of three days excluding the day of accident. The second schedule of this act was specifies the injuries which are deemed to result in the permanent total or permanent partial disablement.

d) Dependent Benefits:

In dependent benefits Periodical pensions are payable to the dependents of an insured person who dies as a result of an employment injury. The dependents of the deceased insured person divide among themselves the full rate of benefit payable to an insured person.

The percentage of the share of the full rate has been decided in this act. The dependents eligible for the dependent benefits are mentioned in this Act. It includes wife, legitimate or adopted sons or daughters and in the absence of these, the parents or grandparents and other relatives. This benefit is divisible amongst the dependents in the following proportions:

- Wife gets for life or until remarriage, a sum equivalent to 3/5th of the full rate.
- All legitimate or adopted sons and daughters, an amount equal to 2/5th of full rate until they attain 18 years of age or in case of daughters until their marriage, whichever is earlier.
- In case of dependents other than the one mentioned in the schedule, the share of full rate will be decided by Corporation/Workmen Compensation Commissioner.

e) Funeral Benefit:

This benefit is the cash payment. It made by defray the expenditure on the funeral of the deceased insured person. There is amount is paid to the eldest surviving member of the family. This amount is payable within the three months of making the claim. As such no qualifying conditions have been

laid down for disbursement of funeral benefit; in this contest expenditure as the last rites is eligible to receive benefit.

NON-CASH BENEFITS:

The ESI Act provides non-cash benefit in the form of medical treatment to the employees and their dependents.

a) Medical Benefit:

All insured persons and their dependents are entitled to free and complete medical care. This benefit is payable in the form of medical treatment and attendance on insured person and their dependents.Included consultation, dispensing, diagnostic and investigational consultation, hospitalization and domiciliary visits etc. Employees are physically handicapped are entitled to free artificial limbs. During indoor medical treatment, food is also supplied free of cost. Medical attendance at varying scale is provided to the families in different areas.

The Corporation may enter into an agreement with State Government to look at the nature and scale of medical treatment. It has to be provided to the insured persons and their families and for the sharing of the cost of the benefit.

2.12.7) THE WORKMEN'S COMPENSATION ACT, 1923:

History:

The workmen's compensation act was introduced in 1923in India. It was first raised in India in 1884.The need for proper legislation was emphasized by factory and mining inspectors. This act was payable in case fatal accident. Scheme of this act it should be given to workman who sustain personal injury by accidents in the course of their employment. And this low provided for payments of compensation for injuries suffered due to accidents in the course of their employment of workers without proof of negligible of employment.

Objective of the Act:

The main purpose of the Workmen's Compensation Act is to provide compensation to workmen or their families in the case of death and permanent or temporary disabilities.

Scope and Coverage:

The workmen's compensation act provides for cheaper and quicker disposal of disputes relating to compensation through the special tribunal under civil law. This law is applicable to workmen employed in factories, mines, docks, railways, ships, construction or maintenance of buildings, etc.It cannot applicable in those areas which are covered by under Employees' State Insurance Act, 1948.

In term 'Workmen' covered only those employees who were working in factories. Whose wages did not exceed Rs. 1,000 per month? By amendment of 1984, this ceiling of wages has been done away with and any employee who is employed in any capacity (stipulated in Schedule II) is covered by definition, irrespective of the wages or salary he or she is drawing.

MAIN PROVISIONS OF THE ACT:

Under the Workmen's Compensation Act, the following benefits have been provided to the workmen.

1. Disablement Benefit:

Compensation is payable in case o injury caused by the accident arising out of and in the course of employment. Amount of compensation depends upon nature of injury multiplied by the relevant factor.

2. Dependent Benefit:

Compensation is payable to the dependents of persons who dies as a result of an employment injury. In the case of death is 40 per cent of monthly wages multiplied by the relevant factor.

Administration of the Act:

This act is administered by State Governments which are required to appoint Commissioners for Workmen's Compensation. The functions of this Commissioner include:

- Settlement of disputed claims, and
- Disposal of cases of injuries involving death.

The act made provisions for the framing of the rules by the State and Central Government and also their publication.

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