

## UNIT – III: LABOUR LEGISLATIONS

### Introduction

The legislations formulated to protect the interest of the workers and also to provide them better working conditions/ environment.

### Classifications

#### HRM functions

Staffing	Compensations & Rewards	Employee maintenance	Employee relations
1. Child labour prohibition & Regulation act 1986 2. The employment Exchange act 1959 3. The Apprentice Act, 1961 4. The contract Labour act, 1970 5. Bonded Labour system (Abolition) Act, 1976.	1. <b>The Payment of wages act 1936</b> 2. The minimum wages act, 1948 3. <b>The payment of Bonus act, 1965</b> 4. The Equal remuneration act, 1976.	1. <b>The Factories act, 1948</b> 2. The Mines act, 1952 3. The Employees provident fund & Miscellaneous provisions act, 1959 4. The Employees state Insurance act, 1948 5. Payment of Gratuity act, 1972 6. The Workmen's compensation act, 1923. 7. The Maternity Benefit Act, 1961.	1. The Trade Unions Act, 1926 2. <b>The Industrial disputes act, 1947</b> 3. The Industrial Employment (Standing Orders Act), 1946 4. <i>The Sales promotions Employees (conditions of Services) Act, 1976.</i>

### Principles of Modern Labour Legislation

**1. Principle of Protection-** Example The Factories act, 1948, Child labour prohibition & Regulation act 1986, The Payment of wages act 1936, etc.,

**2. Principle of social justice:** Equality in social relationship, removing discrimination suffered by particular groups of labours. Certain group of labours having same sort of disabilities as compared to other groups. Eg. Indian slavery act, 1843, Equal remuneration act 1976.

**3. Principle of Regulation:** It regulates the relationship between employers and their associations. Eg. Trade union act 1926, The Industrial disputes act, 1947.

**4. Principle of Welfare:** Aims to provide certain welfare amenities to the workers and to ensure the provision of certain basic amenities to workers at their place of work. Eg. Beedi workers welfare fund act 1976.

**5. Principle of Social security:** Social insurance legislations and social assistance legislations. Eg. The Workmen's compensation act, 1923, The Maternity Benefit Act, 1961 and The Employees state Insurance act, 1948.

**6. Principle of economic development:** Improvement of physical working conditions, establishment of industrial peace.

**7. Principle of International obligations:** Accepted by ILO and UNO. Which are conventions and recommendations covered wide range of subjects – working conditions, employment of child labours, working hours, medical benefits, etc.

#### **Types of Labour laws:**

1. Protective Labour laws
2. Regulative Labour laws
3. Social security Labour laws
4. Welfare legislations.



### **OBLIGATIONS AND RIGHTS OF EMPLOYEES**

**Obligations:** Under the Factories act, 1948, No workman in the factory is entitled to:

1. Interfere willfully or misuse any appliance, convenience or other things provided in a factory for the purpose of securing the health, safety and welfare of the factory workers.
2. Do willfully and without any reasonable cause anything likely to endanger himself or others.
3. Neglect willfully to make use of any appliance or other things provided in the factory for the purpose of securing the health and safety of factory workers.
4. **Employees are expected to:**
  - \* arrive at work on time
  - \* dress suitably for the job (wear safety equipment if required);
  - \* work to the best of their ability throughout their work day;
  - \* respect their employers, colleagues and customers;
  - \* take care of employer's property;
  - \* follow the employer's 'reasonable and lawful' instructions;

- \* obey safety rules;
- \* ask for help if they need it;
- \* know what the employer expects the employee to do if the employee can't be at work for any reason;
- \* not discriminate or harass others in the workplace; and
- \* not act in a way that puts the employee – or others – at risk of injury in the workplace.

**Rights of Employees:** The workers enjoy the following rights under the Factories act, 1948.

1. They can claim minimum health and safety welfare facilities, annual leave, observance of working hours for adults, women and children.
2. They can refuse to work in contravention of provisions of the act and observe the statutory working hours, rest intervals, weekly holidays and overtime restrictions.
3. They can claim overtime payment at double the ordinary rates of wages, and also advance payment for annual leave if the period of leave is of not less than four days.
4. They can claim wages for the proportionate annual leave even before he puts in the qualifying service, if he/she is discharged or dismissed.
5. **Employees are entitled to:**
  - \* be paid the right wage for the job they do;
  - \* protection from unfair dismissal;
  - \* sick leave, annual leave, public holidays, family leave and long service leave;
  - \* have an unfair contract of employment which is not covered by an industrial award or a contract for services, amended or invalidated; and
  - \* freedom to belong to or not belong to a union.

## THE FACTORIES ACT-1948

- It came in to force on 01.04.1949
- Its object is to regulate the conditions of work in manufacturing establishments which come within the definition of the term 'factory'.

**Factory:** A factory is a premise 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.

\* Factory does not include: Mines, Railway running shed, a hotel & restaurant

### Approval, Licensing & Registration of factories:

- The state govt. is empowered for giving approval, licensing and registration
- Application for permission to be sent to – Chief inspector or the State govt.

**Occupier:** The person who has ultimate control over the affairs of the factory

**Labour welfare:** The term 'Labour Welfare' refers to the facilities provided to workers in and outside the factory premises such as canteens, rest and recreation facilities, housing and all other services that contribute to the wellbeing of workers.

## THE INSPECTION STAFF

The Factories Act empowers the State Government to appoint Inspectors, Chief Inspectors of Factories, Additional Chief Inspectors, Joint Chief Inspectors and Deputy Chief Inspectors. Every District Magistrate is an Inspector for his district. No person can act as an Inspector if he is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

**Powers of Inspectors.** Section 9 provides that subject to any rules made in this behalf, an Inspector may exercise the following powers within the local limits for which he is appointed :

- (a) enter, with such assistants, being persons in the service of the Government or any local or other public authority, as he thinks fit, and place which is used, or which he has reason to believe is used, as a factory ;
- (b) make examination of the premises, plant and machinery;
- (c) require the production of any prescribed register and any other document relating to the factory, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of the Act; and
- (d) exercise such other powers as may be prescribed for carrying out the purposes of this Act.

## CERTIFYING SURGEONS

Section 10 provides that the State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of the Act for specified local areas or for specified factories or class of factories. No person can be a certifying surgeon for a factory or industry in which he is interested directly or indirectly.-Sec. 10(3).

The State Government may by order in writing and subject to specified conditions, exempt any person or class of persons from the provisions of this sub-section in respect of any factory or class or description of factories.

**Duties.** The certifying surgeon has the following duties under the Act and the rules framed under it.

1. The examination and certification of young persons.

2. The examination of persons engaged in factories in dangerous Occupations or processes.
3. Medical supervision of factories in cases where such supervision had been prescribed owing to the dangerous nature of the work carried on or for any other reason, viz.,
  - (i) Cases of illness have occurred which it is reasonable to believe are due to the nature of the manufacturing process carried on, or other conditions of work prevailing therein;
  - (ii) by reason of any change in the manufacturing process carried on or in the substances used therein there is a likelihood of injury to the health of workers employed in that manufacturing process ;
  - (iii) Young persons are, or about to be employed in any work *which is likely to cause injury to their health*

## # Health, Safety and Welfare

### PROVISIONS REGARDING THE HEALTH OF WORKERS

Sections 11 to 20 of the Act contain certain provisions intended to ensure that the conditions under which work is carried on in factories do not affect the health of the workers injuriously. The summary of the provisions are explained below :

Summary of the provisions of the Factories Act. relating -to the health of workers are stated below.

1. **Cleanliness.** Every factory shall be kept clean and free from dirt, and the outflow of drains etc. The floors must be cleaned. Drainage shall be provided. Inside walls, partitions and ceilings must be repainted at least once in five years. When washable water paint is used they must be painted once every three years and washed at least every period of six months.-Sec. 11,' as amended in 1976.
2. **Disposal of wastes and effluents.** The waste materials produced from the manufacturing process must be effectively disposed off.-Sec. 12.
3. **Ventilation 'and Temperature.** There must be provision for adequate ventilation by the circulation of fresh air: The temperature must be kept at a comfortable level. Hot parts of machines must be 'separated and insulated.-Sec. 13.
4. **Dust and Fume.** If the manufacturing process used. gives off injurious or offensive dust and fume steps must be taken so that they are not inhaled or accumulated. The exhaust fumes of internal combustion engines must be conducted outside the factory.--Sec. 14.
5. **Artificial humidification.** The water used for this purpose must be pure. It must be. taken from some source of drinking water supply. The State Government can frame rules .regarding the process of humidification etc.-8ec. 15.
6. **Over Crowding.** There must be no overcrowding in a factory. In factories existing before the commencement of the Act there must be at least 350 c.ft. (~r 55 cubic metres) of space per worker. For factories built afterwards, there must be at least 500 c.ft. (or 75 cubic metres) of space. In calculating the space, an account is to be taken of space above 14 ft. (or 5 metres) from the floor.-Sec. 16.
7. **Lighting.** Factories must be well lighted. Effective measures must be adopted to prevent glare or formation of shadows which might cause eyestrain.-sec. 17.
8. **Drinking water.** Arrangements must be made to provide a sufficient supply of wholesome drinking water. All supply' points of such water must be marked "drinking water". No such points shall be within 20 ft. (or 7.5 metres) of any latrine, washing place etc. Factories employing more than 250 workers must cool the water during the hot weather.-Sec. 18.
9. **Latrines and Urinals.** Every factory must provide' sufficient number of latrines and urinals. There must be separate provision for male and female workers. Latrine and urinals must be kept in a clean and sanitary condition. In factories. employing more than 250 workers, they shall be of prescribed sanitary types.--sec. 19.

## PROVISIONS REGARDING THE SAFETY OF WORKERS

Sections 21 to 40A, 40B and 41 of the Act lay down rules for the purpose of securing the safety of workers. Summary of the provisions of the Factories Act regarding the safety of the workers are stated below: (Sections 21 to 41) .

**1. Fencing to machinery.** All *dangerous machinery* must be securely fenced *e.g.*, moving parts- of prime movers and flywheels connected to every prime mover. electric generators. etc.-Sec. 21.

**2. Work on or near machinery in motion.** Work on or near machinery in motion must be carried out only by specially *trained adult male workers* wearing tightly fitting clothes.-Sec. 22.

**3. Employment of young persons on dangerous machines.** No young person shall work at any *dangerous machine* unless he has been specially instructed as to the dangers and the *precautions* to be observed. has received sufficient training about the work. and is under the supervision of some person having thorough knowledge and experience of the machine.-Sec. 23.

**4. Striking gear and devices for cutting off power.** In every factory suitable devices for *cutting off power* in emergencies from running machinery shall be provided and maintained in every workroom.-Sec. 24.

**5. Self-acting machines.** *Moving parts* of a self-acting machine must not be allowed to come within 45 cms. of any fixed structure which is not part of the machine.-Sec. 25.

**6. Casing of new machinery.** In all machinery installed after the commencement of the Act. certain parts must be sunk, encased or otherwise *effectively guarded e.g.*, set screw. bolt. toothed gearing etc. -sec. 26.

**7. Women and children near cotton Openers.** Women and children must not be allowed to work near *cotton openers*, except in certain cases.-Sec. 27

**8. Hoists, lifts, chains etc.** Every *hoist and lift* must be so constructed as to be safe. There are detailed rules as to how such safety is to be secured. There are similar provisions regarding lifting machines. chains, ropes and lifting tackle .Sec. 28. 29.

**9. Revolving machinery.** Where grinding is carried on the maximum safe working speed of every revolving *machinery* connected therewith must be notified. Steps must be taken to see that the safe speed is not exceeded.-Sec. 30.

**10. Pressure plant.** Where any operation is carried on at a pressure higher than the *atmospheric pressure*, steps must be taken to ensure that the safe working pressure is not exceeded.-Sec. 31.

**11. Floors, stairs and means of access.** All floors, steps, stairs, passage and gangways shall be of *sound construction and properly* maintained. Handrails shall be provided where necessary. Safe means of access shall be provided to the place where the worker will carry on any work.-Sec. 32.

**12. Pits, sumps. openings in floors etc.** Pits. sumps. openings in floors etc. must be *securely covered* or fenced.-Sec. 33.

**13. Excessive weights.** No worker shall be made to carry a *load so heavy* as to cause him injury.-Sec. 34.

**14. Protection of eyes.** Effective screen or suitable goggles shall be provided to *protect the eyes* of the worker from fragments thrown off in course of any manufacturing process and from excessive light if any.-Sec. 35.

**15. Precautions against dangerous fumes.** No person shall be allowed to enter any chamber. tank etc. where *dangerous fumes* are likely to be present. unless it is equipped with a manhole or other means of going out. In such space no portable electric light of more than 24 volts shall be used. Only a lamp or light of flame proof construction can be used in such space. For people entering such space suitable breathing apparatus, reviving apparatus etc. shall be provided. Such places shall be cooled by ventilation before any person is allowed to enter.-Secs. 36 and 36A.

**16. Explosive or inflammable gas etc.** where a manufacturing process produces inflammable gas. dust. fume. etc. steps must be taken to enclose the machine concerned, prevent the accumulation of substances and exclude all possible sources of *ignition*. Extra precautionary measures are to be taken where such substances are worked at greater than the atmospheric. pressure.-Sec. 37.



**17. Precaution in case of fire.** *Fire escapes* shall be provided. Windows and doors shall be constructed to open outwards. The means of exit in case of the fire shall be clearly marked in red letters. Arrangements must be made to give warning in case of fire -sec. 38

**18. Specifications of defectives etc. and safety of buildings and machinery.** If any building or machine is in a *defective or dangerous condition*, the inspector of factories can ask for the holding of tests to determine how they can be made safe. He can also direct the adoption of *the* measure necessary to make them safe. In case of immediate danger, the use of the building or machine can be prohibited.-Secs. 39. 40.

**19. Maintenance of Buildings.** If the Inspector of Factories thinks that any building in a factory, or any. part of it. is in such a state of disrepair that it is likely to affect the health and welfare of the workers. he may serve on the occupier or manager or both in writing specifying the measures to be done before the specified date. Sec. 40A.

**20. Safety Officers.** The State Government may notify to the occupier to employ a number of Safety Officers in a factory (i) wherein one thousand or more workers are ordinarily employed. or (ii) wherein any manufacturing process or operation which involves the risk of bodily injury, poisoning. disease or any other hazard to health of the persons employed in the factory .-Sec. 40B.

**21. Rules.** The State Government may make *rules* providing for the use of such further devices for safety as may be necessary. Sec. 41.

## PROVISIONS REGARDING THE WELFARE OF WORKERS

Summary of the provisions of the Factories Act regarding the welfare of workers are stated below :

**1.. Washing.** In every factory adequate and suitable facilities for washing shall be provided and maintained. They shall be conveniently accessible and shall be kept clean. There must be separate provisions for male and female workers.-Sec. 42.

**2. Storing and drying.** The State Government may make rules requiring the provision of suitable facilities for *storing and drying clothing*.-Sec. 43.

**3. Sitting.** *Sitting facilities* must be provided for workers who have to work in a standing position. so that they may take rest when possible. When work can be done in a sitting position efficiently the Chief Inspector may direct the provision of sitting arrangements. Sec. 44.

**4. First aid.** Every factory must provide *first aid boxes* or cupboard. They must contain the prescribed materials and they must be in charge of persons trained in first aid treatment. Factories employing more than 500 persons must maintain an ambulance room containing the prescribed equipment and in charge of the prescribed medical and nursing staff-Sec. 45.

**5. Canteens.** Where more than 250 workers are employed. the state Government may require the opening of *canteen or canteens* for workers. Rules may be framed regarding the food served. its management etc.,.-Sec. 46.

**6. Shelters.** In every factory where more than 150 workers are employed there must be provided adequate and suitable *shelters or rest. rooms and a lunch room* (with drinking water supply) where workers may eat meals brought by them. Such rooms must be sufficiently lighted and ventilated and must be maintained in a cool and clean condition~. The standards may be fixed by the State Government. -Sec. 47,

**7. Creches.** In every factory where more than 30 women are employed, a *room shall be provided for the use of the children* (below 6 years) of such women. The room shall be adequate size. well lighted and ventilated, maintained in a clean and sanitary condition and shall be in charge of a woman trained in the care of children and infants. The standards shall be laid down by the State Government.Sec. 48.

**8. Welfare officers.** *Welfare officers* must be appointed in every factory where 500 or more workers are employed. The State Government may prescribe the duties, qualifications etc. of such officers. Sec. 49.

**9. Rules.** The State Government may *make rules* regarding the welfare of workers.-Sec. 50.

## EMPLOYMENT OF YOUNG PERSONS

**Children:** The age of children not completed 14 year shall not be allowed  
/employed in a factory

**Young person (Adolescent):** Who has completed the age of 14 years and not  
completed the age of 18 years

**Adult :** Who has completed the age of 18 years

**Certificate of fitness (CoF):**

It should be produced by young person before joining a duty or getting employment.

*Apply :* For getting CoF, the Young person by himself or guardian must apply  
for that *Validity :* The CoF valid for 12 months from the date of issue, but it can  
be renewed. *Revocation of CoF:* It can be revoked any time by the certifying  
surgeon.

*Fees :* Fees for getting CoF to be paid by the employer ( at the time of renewal)

Working hours to Young persons:

- Not more than 4 1/2 hours per day
- Weekly holiday is must
- No young persons allowed to work in two factories
- Female young person to be allowed to work only between 8am to 7pm
- Display of notice of work of young person must be there
- Register of young person workers should be maintained by the manager.

## EMPLOYMENT OF WOMEN

All provisions regarding employment of adult male worker is applicable to adult  
female worker, except the following:

1. Work on or near machinery in motion is not allowed
2. Prohibition of employment near cotton openers
3. Crèches
4. Maximum of 48 hours in a week and 9 hrs. per day
5. Working hrs. between 6am to 7pm
6. Certificate of fitness (CoF) is must
7. Restricting the employment of women in dangerous operations/ machines
8. Annual leave: One day for every 20/15 days (15 days for Female young person) and  
Maximum maternity leave 12 weeks



## CHECK LIST

**Sec.2(ii)**

### Secs. 11 to 20

**Secs. 6**

- Self-acting machines.
- Casing of new machinery.
- Prohibition of employment of women and children near cotton-openers.
- Hoists and lifts.

- Washing facilities
- Facilities for storing and drying clothing
- Facilities for sitting
- First-aid appliances – one first aid box not less than one for every 150 workers.
- Canteens when there are 250 or more workers.
- Shelters, rest rooms and lunch rooms when there are 150 or more workers.
- Creches when there are 30 or more women workers.
- Welfare office when there are 500 or more workers.

**Secs. 51, 54 to 56, 59 & 60**

**Secs. 51, 54 to 56, 59 & 60**

**Secs. 79**

OFFENCE	PENALTIES	Sec.92 to
<ul style="list-style-type: none"> <li>• For contravention of the Provisions of the Act or Rules</li> <li>• On Continuation of contravention</li> </ul>	<ul style="list-style-type: none"> <li>• Imprisonment upto 2 years or fine upto Rs.1,00,000 or both</li> <li>• Rs.1000 per day</li> </ul>	
<ul style="list-style-type: none"> <li>• On contravention of Chapter IV pertaining to safety or dangerous operations.</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than Rs.25000 in case of death.</li> <li>• Not less than Rs.5000 in case of serious injuries.</li> </ul>	
<ul style="list-style-type: none"> <li>• Subsequent contravention of some provisions</li> </ul>	<ul style="list-style-type: none"> <li>• Imprisonment upto 3 years or fine not less than Rs.10,000 which may extend to Rs.2,00,000.</li> </ul>	
<ul style="list-style-type: none"> <li>• Obstructing Inspectors</li> </ul>	<ul style="list-style-type: none"> <li>• Imprisonment upto 6 months or fine upto Rs.10,000 or both.</li> </ul>	
<ul style="list-style-type: none"> <li>• Wrongful disclosing result pertaining to results of analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• Imprisonment upto 6 months or fine upto Rs.10,000 or both.</li> </ul>	
<ul style="list-style-type: none"> <li>• For contravention of the provisions of Sec.41B, 41C and 41H pertaining to compulsory disclosure of information by occupier, specific responsibility of occupier or right of workers to work imminent danger.</li> </ul>	<ul style="list-style-type: none"> <li>• Imprisonment upto 7 years with fine upto Rs.2,00,000 and on continuation fine @ Rs.5,000 per day.</li> <li>• Imprisonment of 10 years when contravention continues for one year.</li> </ul>	