

LABOUR WELFARE AND ITS LAWS IN INDIA

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Abstract- The main aim of this study is to explain about the Labour Welfare, Kinds & Acts dealing with it. Labour Welfare is an area of Social Welfare, which covers a state of well-being, happiness, satisfaction and development of human resources. Welfare has been classified into 4 (i.e, Statutory, Voluntary, Extra mural & Intra mural). There are various acts governing the Labour welfare measures.

Keywords- welfare, Industrialization, Statutory, Voluntary, Intra & Extra Murals

I. INTRODUCTION

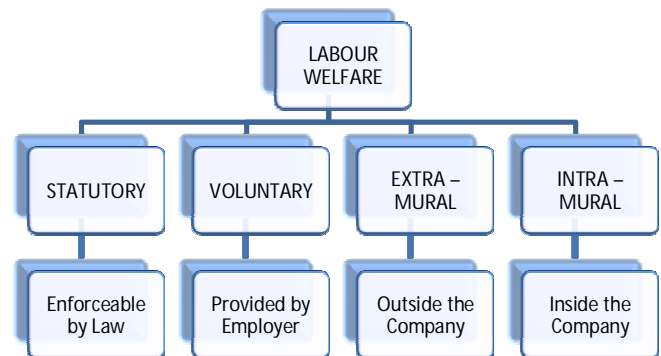
The concept of 'Labour welfare' is flexible and differs widely with times, regions, industry, country, social values and customs, the degree of industrialization, the general social economic development of people and political ideologies prevailing at particular moments. In general the term labour, worker, workman or employee are all used to refer to the wage earning human agents in various industries and organizations. The term welfare refers to an act of seeking physical, mental, moral and emotional well-being of an individual.

Definition

The **International Labour Organisation (ILO)** report refers to labour welfare as, "Such services, facilities and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and provided with amenities conducive to good health and high morale."

The **Labour Investigation Committee** was of the view to include under 'Labour Welfare: "Anything done for the intellectual, physical, moral and economic betterment of the workers, whether by employers, by government or by other agencies, over and above what is laid down by law or what is normally expected of the contractual benefits for which workers may have bargained."

Kinds or Classification of Labour Welfare:



Statutory Labour Welfare Measures: It is statutory when such activities have to be undertaken in furtherance of the legislation enacted by the government. It comprises those provisions of welfare whose observance is binding on the employers seen with a view to maintain minimum standards of health and safety etc. of the worker. The Governments enacts certain rules under various Acts or Ordinances which have to be followed by the employees.

Voluntary Labour Welfare Measures: It is voluntary when the activities are undertaken at their own accord by the employers or some philanthropic bodies or when a labour organization undertakes such activities for the welfare of their members. This includes all activities which are conducive to the welfare of the workers. These facilities are provided by the employers of their own free will. The idea is apparently philanthropic, but when observed separately, it is sound investment because they not only increase the efficiency of the workers but also reduce the chances of conflicts.

Extra-mural Activities: The labour welfare activities that are provided outside the premises of the industry are termed as extra-mural activities or measures. These cover housing accommodation, indoor and outdoor recreation facilities, amusement and sports, educational facilities for adults and children, provision of libraries and reading rooms, social insurance measures including cultural activities, holiday, homes and leave travel facility, workers cooperatives including consumer' cooperative stores, fair price shops and cooperatives, thrift and credit societies, vocational training for dependents of workers, other programmes for the welfare the

women, youth & children and transport to and from the place of work.

Intra mural activities: The labour welfare measures or activities or schemes that are provided within the premises of the industry are called intra-mural activities. These include medical facilities, compensation for accidents, provision of safety measures such as fencing and covering of machines, good lay-out of the machinery and plant, sufficient lighting, first aid appliances, fire extinguishers, activities relating to improving conditions of employment, recruitment and discipline and provision of provident fund, pension and gratuity, maternity benefits etc alongwith latrines, urinals, rest shelters, arrangements for prevention of fatigue, health service including occupational safety, administrative arrangements within a plant to look after welfare, uniforms and protective clothing and shift allowances.

Labour and Employment Laws of India

The labour enactments in India, is divided into 5 broad categories, viz. Working Conditions, Industrial Relations, Wage, Welfare and Social Securities. The enactments are all based upon Constitution of India and the resolutions taken in ILO conventions from time to time.

Indian labour law refers to laws regulating employment. There over fifty national laws and many more state-level laws. Traditionally Indian Governments at federal and state level have sought to ensure a high degree of protection for workers through enforcement of labour laws.

While conforming to the essentials of the laws of contracts, a contract of employment must adhere also to the provisions of applicable labour laws and the rules contained under the Standing Orders of the establishment.

The main central laws dealing with labor issues are given below: -

1. Minimum Wages Act 1948
2. Industrial Employment (Standing orders) Act 1946
3. Payment of Wages Act 1936
4. Workmen's Compensation Act 1923
5. Industrial Disputes Act 1947
6. Employees Provident Fund and Miscellaneous Provisions Act 1952
7. Payment of Bonus Act 1965
8. Payment of Gratuity Act 1972
9. Maternity Benefit Act 1961

Minimum Wages Act 1948

The Minimum Wages Act prescribes minimum wages for all employees in all establishments or working at home in certain employments specified in the schedule of the Act. Central and State Governments revise minimum wages specified in the schedule. The Minimum Wages Act 1948 has classified workers as unskilled, semi-skilled, skilled; and highly skilled.

Industrial Employment (Standing orders) Act 1946

The Industrial Employment Act requires employers in industrial establishments to clearly define the conditions of employment by issuing standing orders duly certified. Model standing orders issued under the Act deal with classification of workmen, holidays, shifts, payment of wages, leaves, termination etc.

Payment of Wages Act 1936

Under the Payment of Wages Act 1936 the following are the common obligations of the employer:

- Every employer is primarily responsible for payment of wages to employees. The employer should fix the wage period (which may be per day, per week or per month) but in no case it should exceed one month;
- Every employer should make timely payment of wages. If the employment of any person is being terminated, those wages should be paid within two days of the date of termination; and
- The employer should pay the wages in cash, i.e. in current coins or currency notes. However wages may also be paid either by cheque or by crediting in employee's bank account after obtaining written consent.

Workmen's Compensation Act 1923

The employer must pay compensation for an accident suffered by an employee during the course of employment and in accordance with the Act. The employer must submit a statement to the Commissioner (within 30 days of receiving the notice) giving the circumstances attending the death of a worker as result of an accident and indicating whether the employer is liable to deposit any compensation for the same. It should also submit an accident report to the Commissioner within seven days of the accident.

Industrial Disputes Act 1947

The Industrial Disputes act 1947 provides for the investigation and settlement of industrial disputes in an industrial establishment relating to lockouts, layoffs, retrenchment etc. It provides the machinery for the

reconciliation and adjudication of disputes or differences between the employees and the employers. Industrial undertaking includes an undertaking carrying any business, trade, manufacture etc. The Act lays down the conditions that shall be complied before the termination/retrenchment or layoff of a workman who has been in continuous service for not less than one year under an employer. The workman shall be given one month's notice in writing, indicating the reasons for retrenchment and the period of the notice that has expired or the workman has been paid, in lieu of such notice, wages for the period of the notice. The workman shall also be paid compensation equivalent to 15 days' average pay for each completed year of continuous service. A notice shall also be served on the appropriate government.

Employees Provident Funds and Miscellaneous Provisions Act 1952

This Act seeks to ensure the financial security of the employees in an establishment by providing for a system of compulsory savings. The Act provides for establishments of a contributory Provident Fund in which employees' contribution shall be at least equal to the contribution payable by the employer. Minimum contribution by the employees shall be 10-12% of the wages. This amount is payable to the employee after retirement and could also be withdrawn partly for certain specified purposes.

Payment of Bonus Act 1965

The payment of Bonus Act provides for the payment of bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity. The Act is applicable to establishments employing 20 or more persons. The minimum bonus, which an employer is required to pay even if he suffers losses during the accounting year is 8.33% of the salary.

Payment of Gratuity Act 1972

The Payment of Gratuity Act provides for a scheme for the payment of gratuity to all employees in all establishments employing ten or more employees to all types of workers. Gratuity is payable to an employee on his retirement/resignation at the rate of 15 days salary of the employee for each completed year of service subject to a maximum of Rs. 350,000.

Maternity Benefit Act 1961

The Maternity Benefit Act regulates the employment of the women in certain establishments for a prescribed period

before and after child birth and provides certain other benefits. The Act does not apply to any factory or other establishment to which the Employees State Insurance Act 1948 is applicable. Every women employee who has actually worked in an establishment for a period of at least 80 days during the 12 months immediately proceeding the date of her expected delivery, is entitled to receive maternity benefits under the Act. The employer is thus required to pay maternity benefits and/or medical bonus and allow maternity leave and nursing breaks.

II. CONCLUSION

Labour Welfare Measure are initiated to strengthen manpower both physically and mentally. Welfare Measures are Perquisite for every labour, without it labours are isolated in the Organisation. To improve the level of jpb satisfaction among the Labour, the organization need to get feedback from labours, about the welfare measures provided to them.

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