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**INDUSTRIAL RELATIONS LABOUR
LEGISLATIONS**

INDUSTRIAL RELATIONS AND LABOUR LEGISLATIONS

UNIT I INDUSTRIAL RELATIONS Concept, scope- objectives- Importance - Approaches to IR- Industrial relations system in India. Trade Unions Act, 1926- trade union movement in India- objective -role - functions- procedure for registration of trade unions- Rights and responsibilities- problems- Employee relations in IT sector.

UNIT II INDUSTRIAL CONFLICTS AND LABOUR WELFARE The Industrial Disputes Act, 1947-Disputes – Impact – Causes – Strikes – Prevention – Industrial Peace – Government Machinery – Conciliation – Arbitration – Adjudication. Labour welfare- statutory Voluntary- welfare funds- welfare of unorganized labour

UNIT III LABOUR LEGISLATIONS-I Origin and growth of labour legislation in India- Principles of labour legislations-Factories Act 1948- Minimum Wages Act, 1948- Payment of Wages Act, 1936- Payment of Bonus Act, 1965-

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CHAPTER 1

INDUSTRIAL RELATION

Concepts of Industrial Relations.

Industrial Relations

The Term “Industrial Relations” commonly denotes “employee – employee relations”, in both organized and unorganized sectors of the economy. Industrial Relations (also known as labour – management relations or labour relations) will be treated here as the study of employee – employer relationship and the outcome of such relationship.

Definition

According to Kapoor defined as the “Industrial Relations is a developing and dynamic concept and such no more limits itself merely to the complex relations between the unions and management but also refers to the general web of relationships normally obtaining between employees – a web much more complex than the single concept of labour capital conflict”.

Features of Industrial Relations

- Industrial Relation do not emerge in vacuum they are born of employment relationship in an industrial setting. Without the existence of the two parties, i.e., labour and management, this relationship cannot exist.
- It provides the environment for industrial relations.
- Industrial Relation are characterized by both conflict and co-operations.
- The focus of Industrial Relations in on the study of the attitudes, relationships, practices and procedure developed by the contending parties to resolve or at least minimize conflicts.

The main objectives of industrial relations system are

- To safeguard the interest of labor and management by securing the highest level of mutual understanding and good-will among all those sections in the industry which participate in the process of production.
- To avoid industrial conflict or strife and develop harmonious relations, which are an essential factor in the productivity of workers and the industrial progress of a country.
- To raise productivity to a higher level in an era of full employment by lessening the tendency to high turnover and frequency absenteeism.
- To establish and promote the growth of an industrial democracy based on labor partnership in the sharing of profits and of managerial decisions, so that ban individuals personality may grow its full stature for the benefit of the industry and of the country as well.
- To eliminate or minimize the number of strikes, lockouts and gheraos by providing reasonable wages, improved living and working conditions, said fringe benefits.

- To improve the economic conditions of workers in the existing state of industrial managements and political government.
- Socialization of industries by making the state itself a major employer
- Vesting of a proprietary interest of the workers in the industries in which they are employed.

Scope of industrial relations

- Protecting the interest of the employees
- Providing reasonable wages to employees
- Providing safe and hygienic working conditions
- Providing social security measures
- Maintaining strong Trade Unions
- Collective bargaining

Industrial peace and democracy could be developed and maintained by:

- Settlement of industrial disputes through mutual understanding and agreements
- By evolving various statutory measures
- By formation of various machineries such as works committee, boards of conciliation labour courts etc.
- Workers participation in management
- Recognizing human rights

The main aspects of Industrial Relations are:-

- Labor Relations, i.e. relations between union and management
- Employer-employees relations, i.e. relations between management and employees
- Group relations, i.e. relations between various groups of workmen
- Community or Public relations, i.e. relations between industry and society.
- Promotions and development of healthy labor-managements relations.
- Maintenance of industrial peace and avoidance of industrial strife
- Development of true industrial Democracy

Importance of industrial relation

- Uninterrupted production
- Reduction in Industrial Dispute
- High morale - Industrial relation improves the morale of employees
- Mental revolution

- Economic growth and Development
- Discourages unfair practices
- Enactment of statutory provisions

Uninterrupted Production

- To ensure continuity of production.
- continuous employment for all from manager to workers
- The resources are fully utilized, resulting in the maximum possible production. There is uninterrupted flow of income for all.

Reduction in Industrial Disputes

Good industrial relation reduces the industrial disputes. Disputes are reflections of the failure of basic human urges or motivations to secure adequate satisfaction or expression which are fully cured by good industrial relations.

High morale

Good industrial relations improve the morale of the employees. Employees work with great zeal with the feeling in mind that the interest of employer and employees is one and the same, i.e. to increase production.

Mental Revolution

The main object of industrial relation is a complete mental revolution of workers and employees. The industrial peace lies ultimately in a transformed outlook on the part of both. It is the business of leadership in the ranks of workers, employees and Government to work out a new relationship in consonance with a spirit of true democracy.

New Programmes

New programmes for workers development are introduced in an atmosphere of peace such as training facilities, labor welfare facilities etc. It increases the efficiency of workers resulting in higher and better production at lower costs.

Reduced Wastage

Good industrial relations are maintained on the basis of cooperation and recognition of each other. It will help increase production. Wastages of man, material and machines are reduced to the minimum and thus national interest is protected.

Functional Requirements Of A Successful Industrial Relations Programme

Top Management Support:

Since industrial relations is a functional staff service, it must necessarily derive its authority from the line organization. This is ensured by providing that the industrial relations director should report to a top line authority to the president, chairman or vice president of an

organization.

Sound Personnel Policies:

These constitute the business philosophy of an organization and guide it in arriving at its human relations decisions. The purpose of such policies is to decide, before any emergency arises, what shall be done about the large number of problems which crop up every day during the working of an organization. Policies can be successful only when they are followed at all the level of an enterprise, from top to bottom.

Adequate Practices should be developed by professionals:

In the field to assist in the implementation of the policies of an organization, a system of procedures is essential if intention is to be properly translated into action. The procedures and practices of an industrial relations department are the “tool of management” which enables a supervisor to keep ahead of his job that of the time-keeper, rate adjuster, grievance reporter and merit rater.

Detailed Supervisory Training:

To ensure the organizational policies and practices are properly implemented and carried into effect by the industrial relations staff, job supervisors should be trained thoroughly, so that they may convey to the employees the significance of those policies and practices. They should, moreover, be trained in leadership and in communications.

Follow-up of Results:

A constant review of an industrial relations programme is essential, so that existing practices may be properly evaluated and a check may be exercised on certain undesirable tendencies, should they manifest themselves. A follow up of turnover, absenteeism, departmental morale, employee grievances and suggestion; wage administration, etc. should be supplemented by continuous research to ensure that the policies that have been pursued are best fitted to company needs and employee satisfaction. Hints of problem areas may be found in exit interviews, in trade union demands and in management meetings, as well as in formal social sciences research.

Difference between industrial relations and human relations:

The term “Industrial Relations” is different from “Human Relations”. Industrial relations refer to the relations between the employees and the employer in an industry. Human relations refer to a personnel-management policy to be adopted in industrial organizations to develop a sense of belongingness in the workers improves their efficiency and treat them as human beings and make a partner in industry.

Industrial relations cover the matters regulated by law or by collective agreement between employees and employers. On the other hand, problems of human relations are personal in character and are related to the behavior of worker where morale and social elements predominated. Human relations approach is personnel philosophy which can be applied by the management of an undertaking. The problem of industrial relations is usually dealt with a three levels – the level of undertaking, the industry and at the national level. To sum up the term “Industrial Relations” is more wide and comprehensive and the term “Human Relations” is a part of it.

Suggestions to Improve Industrial Relation

Both management and unions should develop constructive attitudes towards each other

All basic policies and procedures relating to Industrial Relation should be clear to everybody in the organization and to the union leader. The personnel manager must make certain that line people will understand and agree with these policies.

The personnel manager should remove any distrust by convincing the union of the company’s integrity and his own sincerity and honesty. Suspicious, rumors and doubts should all be put to rest.

The personnel manager should not vie with the union to gain workers’ loyal to both the organization. Several research studies also confirm the idea of dual allegiance. There is strong evidence to discard the belief that one can owe allegiance to one group only.

Management should encourage right kind of union leadership. While it is not for the management to interfere with union activities, or choose the union leadership, its action and attitude will go a long way towards developing the right kind of union leadership. “Management gets the union it deserves” is not just an empty phrase.

1.2 Industrial relations problems in the public sector

Public Enterprise

Company whose shares are available and traded on the stock market or other over-the-counter market. Subject to more regulation than a privately owned company, a public enterprise has greater access to financing. Shareholders own a percentage of the company based on the amount of stock they own.

Wage differentials

It is an area where comparison between the public and private sectors is becoming common. The policy of settlement of wage structure, equal pay for equal work, wage differentials due to levels of responsibilities etc are all the issues that concern the labour in public enterprises.

Industrial relations

“Industrial Relations is a developing and dynamic concept and such no more limits itself merely to the complex relations between the unions and management but also refers to the general web of relationships normally obtaining between employees – a web much more complex than the single concept of labour capital conflict”.

Surplus labour

This problem is the outcome of indiscriminate recruitment on account of political pressures, reduction of activities, structural changes and improvement in technology.

Over centralization

Management decisions taken at local shop level are turned down by the higher authorities. This type of over centralization the local management lose the prestige and confidence.

Multipricing of unions

The existence of multiple union has brought the evils of inter union rivalaries.

Political and bureaucratic influence

Public enterprises are highly prone to be influenced by political and bureaucratic set up. Generally political people influenced decision making process

Growth of Trade Union

Trade Union

In the words of Indian Trade Union Act, 1926, “A trade union is any combination, whether temporary or permanent, formed primarily for the purpose of regulating the relations between workmen and employers, or between workmen and workmen, between employers and employers, or for imposing restrictive conditions on the conduct of any trade or business, and includes any federation of two or more trade unions”.

Define Trade Union.

According to Dale Yoder defined as “A trade union is a continuous association of wage – earners for the purpose of maintaining or improving the conditions of their working lives”.

The growth and development of the labour movement, and for that part of the trade unions, in India, can be divided into following periods, each of them revealing different tendencies that mark it from others.

Functions of Trade Unions

- To secure fair wages for workers.

- To safeguard the security or tenure and improve conditions of service.
- To enlarge opportunities for promotion and training.
- To improve working and living conditions.
- To provide for educational, cultural and recreational facilities.
- To cooperate and facilitate technological advancement by broadening the understanding of workers in the issues involved in their jobs.
- To promote identity of interests of the workers with their industry.
- To offer responsive cooperation in improving levels of production and productivity, discipline and high standards of quality.
- To promote individual and collective welfare.

Features

The main characteristics of the trade unionism are:

- Small size of membership,
- Lack of adequate finance,
- Non fulfillment of welfare schemes,
- Control of political parties,
- Outside interference in the activities of labor unions

Social Welfare period, from 1875 to 1918

The development of industries led to large scale production on the one hand and social evils like employment and exploitation of women and child labour and the deplorable working conditions, the government's attitude of complete indifference in respect of protection of labour from such evils, on the other

Early Trade Union period, from 1918 to 1924

The year 1918 was an important one for the Indian trade union movement. "It marked the start of a new era, an era of growth and one in which the leadership of the trade unions was to pass from the hands of the social workers into the hands of the politicians

Left-wing Trade Unionism period, from 1924 to 1934

In 1924, a violent and long-draw-out strike by unions led to the arrest, prosecution, conviction and imprisonment of many communist leaders. The AITUC emerged as the representative of the Indian working class. By 1927 it united 57 unions with a membership of

150,555. the rapid growth of the trade unionism was facilitated by the growth anti-imperialist national movement;

- The brutal violence and repressive measures let loose by the British government, particularly the Jallianwala Bagh massacre, Rowlatt Act, indiscriminate arrest and imprisonment of national leaders and Satyagrahis;
- The phenomenal profits earned by the capitalist in the face of falling real wages during the post-war period.

Trade Unions' Unity period from 1935 to 1938

In mid-thirties of the 20th century the state of divided labour movement was natural thought undesirable and soon after the first split, attempts at trade union unity began to be made through the efforts of the Roy Group on the basis of 'a platform of unity'. The initiative taken by All-India Railwaymen's Federation (a neutral body) had shown fruitful results.

This Federation in its conference at Bombay, formed a Trade Union Unity committee in 1932. The Committee adopted the following "platform of unity". "A trade union is an organ of class-struggle; its basic task is to organize the workers for advancing and defending their rights and interests. Negotiation, representations and other methods of collective bargaining must remain an integral part of the trade union activities."

Second World War period from 1939 to 1945

The Second World War, which broke out in September 1939, created new strains in the united trade union movement. These strains arose because of the different political factions in the AITUC related in different ways to the role of India as a protagonist in the war.

Post – independence period from 1947 to date.

As pointed out earlier, when attempts to restructure the AITUC failed, those believing in the aims and ideals other than those of the AITUC separated from the organization and established the Indian National Trade Union Congress (INTUC) in May, 1947

CODE OF CONDUCT.

A code of conduct is a set of rules outlining the social norms and rules and responsibilities of, or proper practices for, an individual, party or organization. Related concepts include ethical, honor, moral codes and religious laws

Objectives of Code of Conduct

- To ensure that the employers and employees recognize each other's rights and obligations.
- To avoid work stoppage.
- To facilitate the free growth of trade unions.
- To maintain discipline in industry.

Principles of code of conduct.

- Every employee in industry or unit shall have the freedom and right to join a union of his

choice. No coercion shall be exercised in this matter.

- There shall be no dual membership of unions.
- There shall be regular and democratic elections of executive bodies.
- Casteism, communalism and provincialism shall be eschewed by all unions.
- There shall be no violence, coercion, intimidation, or personal vilification in inter – union dealings.
- All Central unions shall combat the formation or continuance of company unions.

What a Code Can Help to Accomplish

- A quality code of conduct can go a long way in improving a company's success. Companies that view a code merely as a way to communicate legal rules miss much of the value that a code can provide. A well-developed code can help a company to:
 - Prevent legal and regulatory violations. This is the first objective that most companies attach to a code of conduct. When violations do occur, a code can help to detect them and mitigate their effects.
 - Foster greater employee loyalty and retention. When employees feel included and engaged in the company's culture and success, they feel more committed.
 - Encourage greater customer loyalty and retention. When customers learn about and then experience in practice a company's high standards of conduct, customers are more likely to show their appreciation.
 - Build stronger relationships with suppliers and other business partners. As with employees, the more that they understand what the company expects of them – and what they can expect from the company – the stronger the alliance.
 - Strengthen trust and respect of other stakeholders, such as local communities, regulators, NGOs, even from competitors. As codes become publicly available publications, more outside stakeholders are reviewing them and setting their expectations of the company partly based on its code. The more that a company lives up to the expectations that it has established, the greater goodwill it engenders.
 - Build a stronger reputation for integrity by helping the company to do what it says it will do.

How a Code Works

- A quality code of conduct helps a company's leadership to accomplish its strident objectives because of how the code functions. As part of an overall code of conduct program, a code works because it:
 - **Articulates leadership's expectations.** Simply establishing these expectations regarding what leadership expects is worthwhile. It provides clarity and transparency so that staff does not have to guess at leadership's expectations.
 - **Establishes leadership's commitment.** Much as been addressed regarding the importance of "tone at the top"; regarding expectations of responsible conduct, this tone rises in importance.

- **Provides staff with a roadmap and tools for their daily work.** With clarity regarding leadership's expectations that an employee can easily and regularly reference, staff can act with consistency. Further, employees can turn to the code for guidance on questions or concerns. It is especially important to help employees to make good decisions when they face ambiguous situations or other issues that the code does not directly address.
- **Provides staff with comfort and confidence.** As ethics consultant Frank Navran puts it, a code can provide staff with comfort that the company will support them when they act according to the code and confidence that the decisions they make when they are in line with the code.
- **Encourages staff to serve the company's aspirations.** A good code can encourage employees to strive to achieve the company's mission, vision and values in a constructive way.

Elements of an Effective Code

- A code of conduct publication does not work in a vacuum. Important factors for a successful code include:
 - Foundations that support a successful code program.
 - Components of a successful code program.
 - Dimensions for an effective code publication.

Foundations for a Program

- These foundations serve as important considerations for a successful code of conduct program. While not all of the foundations are mandatory – and in fact they will exist in each company in varying forms – the more firmly that they are established, the more likely that the code (and the larger ethics and compliance initiative) will lead to success.
- **Leadership commitment to the program** – Without senior leadership's commitment, any code initiative is unlikely to truly engage employees and demonstrate to them the “tone at the top” that is so critical to any business initiative – especially one focused on ‘doing the right thing.’
- **Ethics and compliance processes** – Leadership's commitment means so much more when the organization can point to procedures and processes that support a code standards and expectations. Otherwise, employees are right to wonder about how leadership expects to achieve adherence to the company's standards and address concerns.
- **Company culture** – A company culture focused around an enduring mission or vision and supported by lasting values sets the best foundation for a proper focus on long-term value and success. These core foundations help a code rise about a narrow focus only on the law to other commitments, promises and aspirations that the company seeks to achieve.
- **Understanding of risk** – A company's awareness of the ethics and compliance risks that it faces is central to a code of conduct. With the hundreds of issues that a code

could possibly address, a more targeted risk identification and assessment effort helps to focus the code's contents to those issues that are most important to the company's operations and that will provide it with a higher chance of success.

- **Coordination with policies** – A company's policies often provide the detail underlying its expectations. Policies also can provide the initial framework for a new code of conduct and serve as additional resources to support a code's standards. Where policies exist, they provide important context for a code development or revision effort.

Four Parts

Part 1: Contains the duties and responsibilities of employers, workers, and the government in maintaining discipline in industry

Part 2: Enlists the common obligations of Management and unions

Part 3 : Deals with obligations of management only

Part 4: Relates to those unions only

Part1: To maintain Discipline in Industry (Both in public and Private sector)

- Recognition of employers and workers must be defined by laws and agreements.
- Proper and willing discharge by either party of its obligation consequent on such recognition.

Part2: To Ensure Better discipline in Industry , Management and Union(s) Agree

- No Unilateral action should be taken
- Existing machinery for settlement of dispute.
- No strike or lockout without notice
- Must follow the democracy principles by mutual negotiation, conciliation and voluntary arbitration
- Must promote constructive cooperation
- In Grievance based speedy and full investigation must be followed.
- Educate the Management and workers regarding obligations

Part3: Management Agrees

- Not to increase workloads
- Not to support or encourage any unfair labor practice as interference, discrimination, victimization
- To take prompt actions as settlement of grievance Implementation of settlements, awards, decisions and orders
- To take appropriate disciplinary action against officers and members in which they are responsible for indiscipline among employees.
- Warning, reprimand, suspension will appeal through normal grievance procedure.
- Must follow the rules of Indian Labor conference held in May 1958.

Part4:Union(s) Agree

- Not to encourage any form of physical duress
- Not to Permit demonstrations
- Unless law, agreement or practice the employee must not engage in any union activity

during working hours

- Discourage unfair labour practices as damage to property, careless operation
- To take prompt action to implement awards , agreements and decisions.
- To display the rules in local languages at important places in union offices.
- Moral sections of code of conduct
- To ask the unit to explain the infringement of the code
- To give notice to the unit within specific period
- Not to give countenance to non members who did not observe the code
- A dispute must not be referred for strikes and lockouts

Industrial Disputes.

CHAPTER 2 INDUSTRIAL CONFLICTS

Industrial Disputes mean any dispute or difference between employers and employers, or between employers and workmen or between workmen and workmen, which is connected with the employment or non – employment or term of employment or with the conditions of labour of any person”.

Definition

According to the Industrial Disputes Act, 1947, Section 2(k); “Industrial Disputes mean any dispute or difference between employers and employers, or between employers and workmen or between workmen and workmen, which is connected with the employment or non – employment or term of employment or with the conditions of labour of any person”.

Impacts of industrial relations conflict for a business

Industrial relations conflict can affect the business in the following way. Handling employee misconduct is a very critical task to be performed by the senior managers. Misconduct and other offensive behaviors often lead to decreased levels of productivity as they affect the individual performance of the employees. To manage discipline among employees, every company opts for a discipline policy which describes the approach it will follow to handle misconduct.

The causes of industrial disputes can be broadly classified into two categories: economic and non-economic causes. The economic causes will include issues relating to compensation like wages, bonus, allowances, and conditions for work, working hours, leave and holidays without pay, unjust layoffs and retrenchments. The non economic factors will include victimization of workers, ill treatment by staff members, sympathetic strikes, political factors, indiscipline etc.

The Industrial Disputes Act, 1947 provides for conciliation, and can be utilised either by appointing conciliation officers (permanently or for a limited period) or by constituting a board of conciliation. This conciliation machinery can take a note of a dispute or apprehend dispute either on its own or when approached by either party.

- Reduced productivity
- Loss of profits
- Damage to public image
- Difficulty in recruiting & keeping staff
- Wasted time and energy
- Increased costs

1.Reduced productivity

Due to lack of interests, labour will not concentrate in quantity and quality of production. It leads to loss of profit.

2. Loss of profits

Even though all companies and organizations are targeting in profits, they can't proceed for that goals because of labour absence and decrease in production.

3. Damage to public Image

Company's good will and self image is very important in this competitive world. So, due to industrial disputes and strikes that image will be get down in people mind.

4. Difficulty in recruiting & keeping staff

Employee must have the value and satisfaction in their working period about the company, but if the firm's value has damaged due to industrial disputes means the company can't recruit any other employees to their company and fulfilment of goals.

5. Wastage of time and Energy

If unnecessary disputes arises inside the organization and it is continuing means it will result in major discussion and finally it leads to wastage of time and energy.

6. Increased costs

The mantra for perfect business is decrease in cots and increase in profits, but the increase in industrial disputes will have the main problem of increase in costs and decrease in production and also the profit

Major impacts:

1. Unrest and unnecessary tensions engulf the hearts and minds of all the people involved - labour and senior management.
2. There is economic loss due to conflicts because conflicts may result in strikes and lock-outs. This causes low or no production resulting in industrial loss.
3. Industrial loss may cause economic depression because many industries are interlinked. A problem in one industry may drastically affect another industry.

4. The lives of low-level labourers become worse when they are out of work. They may be the only working members of the family, and their joblessness may lead everyone in the family to poverty.

5. When industrial conflicts get out of hand, they become a threat to peace and security. Workers may resort to violence and indulge in sabotage.

Causes Of Industrial Disputes

Handling employee misconduct is a very critical task to be performed by the senior managers. Misconduct and other offensive behaviors often lead to decreased levels of productivity as they affect the individual performance of the employees. To manage discipline among employees, every company opts for a discipline policy which describes the approach it will follow to handle misconduct.

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- Wages and allowances
- Personnel and retrenchment
- Indiscipline and violence
- Bonus
- Leave and working hours

Wages and allowances

Since the cost of living index is increasing, workers generally bargain for higher wages to meet the rising cost of living index and to increase their standards of living. In 2002, 21.4% of disputes were caused by demand of higher wages and allowances. This percentage was 20.4% during 2003 and during 2004 increased up to 26.2%. In 2005, wages and allowances accounted for 21.8% of disputes.

Personnel and retrenchment

Personnel and retrenchment: The personnel and retrenchment have also been an important factor which accounted for disputes. During the year 2002, disputes caused by personnel were 14.1% while those caused by retrenchment and layoffs were 2.2% and 0.4% respectively. In 2003, a similar trend could be seen, wherein 11.2% of the disputes were caused by personnel, while 2.4% and 0.6% of disputes were caused by retrenchment and

layoffs. In year 2005, only 9.6% of the disputes were caused by personnel, and only 0.4% were caused by retrenchment.

Indiscipline and violence:

From the given table, it is evident that the number of disputes caused by indiscipline has shown an increasing trend. In 2002, 29.9% of disputes were caused because of indiscipline, which rose up to 36.9% in 2003. Similarly in 2004 and 2005, 40.4% and 41.6% of disputes were caused due to indiscipline respectively. During the year 2003, indiscipline accounted for the highest percentage (36.9%) of the total time-loss of all disputes, followed by cause-groups wage and allowance and personnel with 20.4% and 11.2% respectively. A similar trend was observed in 2004 where indiscipline accounted for 40.4% of disputes.

Bonus:

Bonus has always been an important factor in industrial disputes. 6.7% of the disputes were because of bonus in 2002 and 2003 as compared to 3.5% and 3.6% in 2004 and 2005 respectively

Leave and working hours:

Leave and working hours: Leaves and working hours have not been so important causes of industrial disputes. During 2002, 0.5% of the disputes were because of leave and hours of work while this percentage increased to 1% in 2003. During 2004, only 0.4% of the disputes were because of leaves and working hour

Consequences of Industrial Conflicts

- Unrest and unnecessary tensions engulf the hearts and minds of all the people involved - labourers and senior management.
- There is economic loss due to conflicts because conflicts may result in strikes and lock-outs. This causes low or no production resulting in industrial loss.
- Industrial losses may cause economic depression because many industries are interlinked. A problem in one industry may drastically affect another industry.
- The lives of low-level labourers become worse when they are out of work. They may be the only working members of the family, and their joblessness may lead everyone in the family to poverty.
- When industrial conflicts get out of hand, they become a threat to peace and security. Workers may resort to violence and indulge in sabotage.

Strikes

- Strike is “a temporary cessation of work by a group of employees in order to

express their grievance or to enforce a demand concerning changes in work conditions”.

- Section 2(q) of the Industrial Disputes Act, 1947, defines a strike as “a cessation of work by a body of persons employed in any industry acting in combination, or a concerted refusal under a common understanding of a number of persons who are or have been so employed to continue to work or to accept employment”.

Types of Strikes

- **Go slow** - Go slow does not amount to strike but it is a serious case of misconduct.
- **Hunger strike**-Some workers may resort to fast on or near the place of work or residence of the employer
- **Lightning or wildeat strike** -It is an unofficial strike ie., a strike not sanctioned by the union. Such strikes occur in violation of the no strike pledge in collective bargaining agreements
- **Stay in, sit down, pen down or Tool down strike**- In all such cases the workmen after taking their seats, refuse to do work by their combination
- **Sympathetic strike**-Cessation of work in the support of the demand workmen belonging to their employer. The management can take disciplinary actions for the absence of workmen.
- **Economic Strike**-In this type the members of trade union stop work to enforce their economic demands such as increase in wages, bonus and other benefits.
- **General strike**-It means a strike by members of all or most of the unions in region or an industry. It may be a strike of all or most of the unions in region or an industry.
- **Lock outs**-It is declared by the employers to put pressure on their workers.It is an act on the part of the employers to close down the place of work until the workers agree to resume work on the terms and conditions specified by the employers.
- **Lay off**-Lay off means failure, refusal or inability of an employer, shortage of power or raw materials or accumulation of the stocks or the breakdown of the machinery or for any other reason not to give employment to a workman.
- **Retrenchment**-It means the termination of the service of a workman for any reasons by the employer. It does not include the voluntary retirement of the workman.
- **Gherao**-It denotes collective action by the workers which members of the management will be imprisoned by them.
- **Picketing**-When workers are dissuaded a certain men at the factory gates it is called as picketing. It is perfectly legal . It is to draw the attention of public.
- **Boycott**-The workers may decide to boycott the company by not using its products. It affects marketability of its products.

Industrial peace

Industrial peace is not merely a negative concept signifying the absence of industrial unrest, or the reconciling of hostile forces in order to avoid ruinous strife, but it also signifies the active presence of harmonious and good industrial relations generating amity and goodwill between the partners in an industry – a condition which is both the cause and

effect of fruitful co – operation

1. Strong trade union with democratic norms
2. Employers should have progressive outlook
3. Employers should recognize the rights of the workers\
4. Both (workers and management) should faith in collective bargaining and settlement disputes.
5. Encouragement of workers participative management.
6. Two communication between both the parties
7. Govt should play an active role for promoting industrial peace.It should make law for the compulsory recognition of a representative union in each industrial unit.

Government Machinery

The various methods and machinery under the industrial disputes act can be classified as under the following heads:

(I) Conciliation

- Works committee
- Conciliation officer
- Board of conciliation

(II) Arbitration

- Court of inquiry

(III) Adjudication

- Labour court
- Industrial tribunal and
- National trinal

Conciliation:

Conciliation, is a form of mediation. Mediation is the act of making active effort to bring two conflicting parties to compromise. Mediation, however, differs from conciliation in that whereas conciliator plays only a passive and indirect role, and the scope of his functions is provided under the law, the mediator takes active part and the scope of his activities are not subject to any statutory provisions.

Conciliation is the “practice by which the services of a neutral party are used in a dispute as a means of helping the disputing parties to reduce the extent of their differences and to arrive at an amicable settlement of agreed solution.”

The Industrial Disputes Act, 1947 provides for conciliation, and can be utilised either by appointing conciliation officers (permanently or for a limited period) or by constituting a board of conciliation. This conciliation machinery can take a note of a dispute or apprehend dispute either on its own or when approached by either party.

With a view to expediting conciliation proceeding, time-limits have been prescribed—14 days in the case of conciliation officers and two months in the case of a board of conciliation, settlement arrived at in the course of conciliation is binding for such period as may be agreed upon between the parties or for a period of 6 months and with continue to be binding until revoked by either party. The Act prohibits strike and lock-out during the pendency of conciliation proceedings before a Board and for seven days after the conclusion of such proceedings.

Conciliation Officer:

The law provides for the appointment of Conciliation Officer by the Government to conciliate between the parties to the industrial dispute. The Conciliation Officer is given the powers of a civil court, whereby he is authorised to call the witness the parties on oath. It should be remembered, however, whereas civil court cannot go beyond interpreting the laws, the conciliation officer can go behind the facts and make judgment which will be binding upon the parties.

On receiving information about a dispute, the conciliation officer should give formal intimation in writing to the parties concerned of his intention to commence conciliation proceedings from a specified date. He should then start doing all such things as he thinks fit for the purpose of persuading the parties to come to fair and amicable settlement of the dispute.

Conciliation is an art where the skill, tact, imagination and even personal influence of the conciliation officer affect his success. The Industrial Disputes Act, therefore, does not prescribe any procedure to be followed by him.

The conciliation officer is required to submit his report to the appropriate government along with the copy of the settlement arrived at in relation to the dispute or in case conciliation has failed, he has to send a detailed report giving out the reasons for failure of conciliation.

The report in either case must be submitted within 14 days of the commencement of conciliation proceedings or earlier. But the time for submission of the report may be extended by an agreement in writing of all the parties to the dispute subject to the approval of the conciliation officer.

If an agreement is reached (called the memorandum of settlement), it remains binding for such period as is agreed upon by the parties, and if no such period is agreed upon, for a period of six months from the date on which the memorandum of settlement is signed by the parties to the dispute, and continues to be binding on the parties after the expiry of the period aforesaid, until the expiry of two months from the date on which a notice in writing of an intention to terminate the settlement is given by one of the party or parties to the settlement.

Board of Conciliation:

In case Conciliation Officer fails to resolve the differences between the parties, the government has the discretion to appoint a Board of Conciliation. The Board is tripartite and ad hoc body. It consists of a chairman and two or four other members.

The chairman is to be an independent person and other members are nominated in equal number by the parties to the dispute. Conciliation proceedings before a Board are similar to those that take place before the Conciliation Officer. The Government has yet another option of referring the dispute to the Court of Inquiry instead of the Board of Conciliation.

The machinery of the Board is set in motion when a dispute is referred to it. In other words, the Board does not hold the conciliation proceedings of its own accord. On the dispute being referred to the Board, it is the duty of the Board to do all things as it thinks fit for the purpose of inducing the parties to come to a fair and amicable settlement. The Board must submit its report to the government within two months of the date on which the dispute was referred to it. This period can be further extended by the government by two months.

2. Court of Inquiry:

In case of the failure of the conciliation proceedings to settle a dispute, the government can appoint a Court of Inquiry to enquire into any matter connected with or relevant to industrial dispute. The court is expected to submit its report within six months. The court of enquiry may consist of one or more persons to be decided by the appropriate government.

The court of enquiry is required to submit its report within a period of six months from the commencement of enquiry. This report is subsequently published by the government within 30 days of its receipt. Unlike during the period of conciliation, workers' right to strike, employers' right to lockout, and employers' right to dismiss workmen, etc. remain unaffected during the proceedings in a court to enquiry.

A court of enquiry is different from a Board of Conciliation. The former aims at inquiring into and revealing the causes of an industrial dispute. On the other hand, the latter's basic objective is to promote the settlement of an industrial dispute. Thus, a court of enquiry is primarily fact-finding machinery.

Arbitration

On failure of conciliation proceedings, the conciliation officer may persuade the parties to refer the dispute to a voluntary arbitrator. Voluntary arbitration refers to getting the disputes settled through an independent person chosen by the parties involved mutually and voluntarily.

In other words, arbitration offers an opportunity for a solution of the dispute through an arbitrator jointly appointed by the parties to the dispute. The process of arbitration saves time and money of both the parties which is usually wasted in case of adjudication.

Voluntary arbitration became popular as a method of settling differences between workers and management with the advocacy of Mahatma Gandhi, who had applied it very successfully in the Textile industry of Ahmedabad. However, voluntary arbitration was lent legal identity only in 1956 when Industrial Disputes Act, 1947 was amended to include a provision relating to it.

The provision for voluntary arbitration was made because of the lengthy legal proceedings and formalities and resulting delays involved in adjudication. It may, however, be noted that arbitrator is not vested with any judicial powers.

He derives his powers to settle the dispute from the agreement that parties have made between themselves regarding the reference of dispute to the arbitrator. The arbitrator should submit his award to the government. The government will then publish it within 30 days of such submission. The award would become enforceable on the expiry of 30 days of its publication.

Voluntary arbitration is one of the democratic ways for settling industrial disputes. It is the best method for resolving industrial conflicts and is a close supplement to collective bargaining. It not only provides a voluntary method of settling industrial disputes, but is also a quicker way of settling them.

It is based on the notion of self-government in industrial relations. Furthermore, it helps to curtail the protracted proceedings attendant on adjudication, connotes a healthy attitude and a developed outlook; assists in strengthening the trade union movement and contributes for building up sound and cordial industrial relations.

Adjudication

The ultimate remedy for the settlement of an industrial dispute is its reference to adjudication by labour court or tribunals when conciliation machinery fails to bring about a settlement. Adjudication consists of settling disputes through intervention by the third party appointed by the government. The law provides the adjudication to be conducted by the Labour Court, Industrial Tribunal or National Tribunal.

A dispute can be referred to adjudication if both the employer and the recognised union agree to do so. A dispute can also be referred to adjudication by the Government even if there is no consent of the parties in which case it is called 'compulsory adjudication'. As mentioned above, the dispute can be referred to three types of tribunals depending on the nature and facts of dispute in questions.

These include:

(a) Labour courts,

(b) Industrial tribunals, and

(c) National tribunals.

The procedure, powers, and provisions regarding commencement of award and period of operation of award of these three bodies are similar. The first two bodies can be set up either by State or Central Government but the national tribunal can be constituted by the Central Government only, when it thinks that the adjudication of a dispute is of national importance. These three bodies are into hierarchical in nature. It is the Government's prerogative to refer a dispute to any of these bodies depending on the nature of dispute.

(a) Labour Court:

A labour court consists of one person only, who is normally a sitting or an ex-judge of a High Court. It may be constituted by the appropriate Government for adjudication of disputes which are mentioned in the second schedule of the Act.

The issues referred to a labour court may include:

(i) The propriety or legality of an order passed by an employer under the Standing Orders.

(ii) The application and interpretation of Standing Orders.

(iii) Discharge and dismissal of workmen and grant of relief to them.

(iv) Withdrawal of any statutory concession or privilege.

(v) Illegality or otherwise of any strike or lockout.

(vi) All matters not specified in the third schedule of Industrial Disputes Act, 1947. (It deals with the jurisdiction of Industrial Tribunals).

(b) Industrial Tribunal:

Like a labour court, an industrial tribunal is also a one-man body. The matters which fall within the jurisdiction of industrial tribunals are as mentioned in the second schedule or the third schedule of the Act. Obviously, industrial tribunals have wider jurisdiction than the labour courts.

Moreover an industrial tribunal, in addition to the presiding officer, can have two assessors to advise him in the proceedings; the appropriate Government is empowered to appoint the assessors.

The Industrial Tribunal may be referred the following issues:

1. Wages including the period and mode of payment.
2. Compensatory and other allowances.
3. Hours of work and rest intervals.

4. Leave with wages and holidays.
5. Bonus, profit sharing, provident fund and gratuity.
6. Shift working otherwise than in accordance with the standing orders.
7. Rule of discipline.
8. Rationalisation.
9. Retrenchment.
10. Any other matter that may be prescribed.

(c) National Tribunal:

The Central Government may constitute a national tribunal for adjudication of disputes as mentioned in the second and third schedules of the Act or any other matter not mentioned therein provided in its opinion the industrial dispute involves “questions of national importance” or “the industrial dispute is of such a nature that undertakings established in more than one state are likely to be affected by such a dispute”.

The Central Government may appoint two assessors to assist the national tribunal. The award of the tribunal is to be submitted to the Central Government which has the power to modify or reject it if it considers it necessary in public interest.

It should be noted that every award of a Labour Court, Industrial Tribunal or National Tribunal must be published by the appropriate Government within 30 days from the date of its receipt. Unless declared otherwise by the appropriate government, every award shall come into force on the expiry of 30 days from the date of its publication and shall remain in operation for a period of one year thereafter

CHAPTER 3

LABOUR WELFARE

Concept of labour welfare

Labour welfare is an important dimension of industrial relation, labour welfare includes overall welfare facilities designed to take care of well being of employee's and in order to increase their living standard. It can also be provided by government, non government agencies and trade unions.

The concept of labour welfare is flexible and elastic and differs widely with time, region, industry, social values and customs, degree of industrialization, the general socio – economic development of the people and the political ideologies prevailing at a particular time. It is also molded according to the age – group, sex, socio – cultural background, marital and economic status and educational level of the workers in various industries.

Labour Welfare- Definition

According to the Committee on Labour Welfare, welfare services should mean: “Such services, facilities, and amenities as adequate canteens, rest and recreation facilities, sanitary and medical facilities, arrangements for travel to and from place of work, and for the accommodation of workers employed at a distance from their homes; and such other services, amenities and facilities, including social security measures, as contribute to the conditions under which workers are employed.”

- The employers need welfare activities to discharge their social responsibility, raise the employees morale use the work force more effectively and to reduce function with workers and to avoid Welfare facilities besides removing dissatisfaction help to develop loyalty in workers towards the organization.
- Welfare may help minimize social evils, such as alcoholism, gambling, prostitution

and drug addiction.

- To create harmonious industrial relationship.

History Of Labour Welfare

- In India the labour welfare started sometime during the 1st world war (1914-1918). Till then wellbeing of workers in factories was hardly thought by anybody.
- Industrial Labour Organization has played a very significant role for labour welfare.
- Formed by Indian central government and state governments for welfare of labour in Industries
- Cntd...
- Government has laid down minimum standards for employment and working conditions in organizations.
- trade unions and various social organizations also function as agencies for implementation of labour welfare measures.

Objectives of Labour Welfare.

- To increase the standard of living of the. Working class The labourer is more prone to exploitation from the capitalists if there is no standardized way of looking after their welfare.
- To make the management feel the employees are satisfied about the work and working conditions.
- To reduce the labour problems in the orgnisaton: There are various problems affecting the workers, problems like absenteeism, turnover ratio, indebtedness, alcoholism, etc., which make the labourer further weak both physically and psychologically. Labour Welfare looks forward to helping the labourer to overcome these problems.
- To recognize human values Every person has his own personality and needs to be recognized and developed. It is in the hands of the management to shape them and help them grow. The management employs various methods to recognize each one's worth as an individual and as an asset to the organization.
- Labour Welfare helps to foster a sense of responsibiJjty in the industry: A person works both in a group and as an individual. If the person is given responsibility he will act better or else he will be only a slave to the direction of the superiors and will not show any initiative to prove his worth,
- Labour Welfare improves industrial relations and reduces industrial disputes: Industrial dispute in any industry is a sign of unsatisfied employees. Labour Welfare measures act as a preventive tool to most of these disputes.
- To retain the employees There should be fixed policies: This calls in to prepare the policies, to conduct different training programmes, to have various motivational schemes, to create interest in the job. The employees who feel secure in an organisation, backed by fixed welfare policies have less chance of looking for a job elsewhere.

- To show up their positive mind in the work: Positive mind refers to the development of one's attitudes. This is to change the negative attitude into positive.
- To influence over other employees: This means Labour Welfare helps to change one's personality - presentation skills, communication skills, inter-personal relationships, etc. This is best achieved when their morale is kept high by the different welfare schemes.
- To increase the bargaining power of the employees: Bargaining means to systematically extract something from the opponent. The better bargaining power, the better influence on the opponent. Labour welfare measures like formation of works committee, worker's participation, Trade Union, etc., will surely help them to have better bargaining power.

Scope of Labor welfare.

Working Environment

Favourable working environment enhances efficiency of workers and includes proper illumination, safety, temperature, ventilation, sanitation, cleanliness and canteen facilities.

Workplace sanitation and cleanliness is very important for making workplace favourable to workers. Following points should be considered to make workplace favourable to workers.

- Proper ventilation, lighting, temperature, cleanliness, seating arrangements etc.
- Proper safety measures for workers should be there.
- Sufficient urinals, lavatories and bathing facilities should be provided and cleaned regularly.
- Proper gardening and cleanliness of open spaces.
- Pure drinking water should be provided.
- Canteen services.

Health facilities

- Health center should be provided within factory.
- Ambulance service should be provided within factory in case of any emergency.
- Free medical checkup of workers and health and diet counselling of workers.
- Availability of Doctor inside the factory for emergency.
- Women and child welfare work.
- Recreation facilities inside the organization
- Education and library services

Nature Of Welfare

- Schemes of labour welfare shall be updated time to time according to needs of workers.
- Labour welfare provides facilities in addition to regular wages and other economic benefits.
- Employers, government, NGOs etc. introduce labour welfare measures.

- Labour welfare provides facilities which improves workers work-life balance.

Need of Labour welfare

- The employers need welfare activities to discharge their social responsibility, raise the employees morale use the work force more effectively and to reduce function with workers and to avoid Welfare facilities besides removing dissatisfaction help to develop loyalty in workers towards the organization.
- Welfare may help minimize social evils, such as alcoholism, gambling, prostitution and drug addiction.
- To create harmonious industrial relationship.

Approaches to labour welfare

- Approaches to labour welfare gives a clear idea about the attitudes, beliefs and traditions applied by the labour welfare agencies.
- Many organisations are becoming aware of the welfare facilities being provided to its employees.
- employers are establishing welfare standards voluntarily, willingly an enthusiastically.
- Welfare benefits not only extended to self but the society also.
- Many approaches have been designed in this perspective.

I) The Policing Theory

- This theory is basically meant for making the employees and the workers availed with the basic facilities needed. E.g- latrines, drinking water, enough rest and lunch intervals, etc.
- In this approach the government has introduced the practices to control the exploitation of workers by their management/ employer. E.g- heavy work load and less payments, very small time intervals, no freedom of speech, etc.
- In case of non completion of the above, the management is liable to get a severe punishment.

II) The religion Theory

- This theory believes in two key approaches:-
- The Investment. & The Atonement (punishment)
- The Investment theory explains the welfare benefits provided to the workers is the current Investment made for future progress.
- “Man is a religious animal”
- “Raw fruit today, flourish to tomorrow.”
- The atonement approach says,
- If the employees/workers are not getting availed with the benefits, it is a part of there sins in the past.. They need to be atone for that purpose.

III) Philanthropic approach

- This is a benevolent approach which has a keen interest in “giving strategy”.
- Provisions for good conditions of work, day-care facilities for children, canteens,

washing facilities. (In regards to the employees)

- And rehabilitation of disabled people, working boys/girls hostel facilities, donations to NGO's,
- Rewards to the educational institutions, etc.
- This theory is only encouraged for the well being of internal and external environment.

IV) Paternalistic Approach

- In this theory, the owner, occupier or the employer, holds the funds of the Industry in a trust.
- This trust consist of board or trust members, and any amount to be spent in favor of the employees and the society is first being taken in discussion.
- It creates a good moral for the internal and external enviroinment.
- Also known as the trusteeship theory of labour welfare.

V) The Placating theory

- This theory mainly responds to the peaceful measures applicable for the workers and employees.
- Application of this theory is basically meant for the organized and committable/enthusiastic.
- This theory enables the employees to be pleased and oblige with the provided welfare benefits.

VI) Public Relations Theory

- This theory basically focuses on the attraction or goodwill for the industry.
- In this theory the welfare benefits are directly related to the impression of the Industry.
- Impression with the point of view of internal and external envoinment.
- E.g- the In -house employees and the visitors too.

VII) Functional Theory

- This theory believes the high productivity/ outcome of employees, by providing them the welfare benefits.
- Approach expects the results in the employees/workers efficiency and effectiveness on work.
- This concepts is commonly used in nature.
- Also known as the efficiency theory of labour welfare.

VIII) Social theory

- This theory believes in well being of the society with the employees.
- Various provisions related to the society are to be established with this theory.
- Therefore this theory results in enhancing the condition / state of the society .

Voluntary welfare activities.

Personal Health Care (Regular medical check-ups): Some of the companies provide the facility for extensive health check-up

Flexi-time: The main objective of the flexitime policy is to provide opportunity to employees to work with flexible working schedules. Flexible work schedules are initiated by employees

and approved by management to meet business commitments while supporting employee personal life needs

Employee Assistance Programs: Various assistant programs are arranged like external counseling service so that employees or members of their immediate family can get counseling on various matters.

Harassment Policy: To protect an employee from harassments of any kind, guidelines are provided for proper action and also for protecting the aggrieved employee.

Maternity & Adoption Leave – Employees can avail maternity or adoption leaves. Paternity leave policies have also been introduced by various companies.

Medi-claim Insurance Scheme: This insurance scheme provides adequate insurance coverage of employees for expenses related to hospitalization due to illness, disease or injury or pregnancy.

Employee Referral Scheme: In several companies employee referral scheme is implemented to encourage employees to refer friends and relatives for employment in the organization.

Various statutory welfare activities

Statutory welfare measures mainly include welfare facilities provided within the precincts of an industrial establishment. They form part of the employers' statutory obligations. All welfare states provide welfare to the labour by securing and protecting social order to ensure social, economic and political justice.

PROVISIONS REGARDING THE WELFARE OF WORKERS

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.

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

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.

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.

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.

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

Creches. In every factory where more than 30 women a 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.

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.

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

NON STATUTORY SCHEMES

Many non statutory welfare schemes may include the following schemes:

Personal Health Care (Regular medical check-ups)

Some of the companies provide the facility for extensive health check-up

Flexi-time

The main objective of the flexitime policy is to provide opportunity to employees to work with flexible working schedules. Flexible work schedules are initiated by employees and approved by management to meet business commitments while supporting employee personal life needs

Employee Assistance Programs

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This insurance scheme provides adequate insurance coverage of employees for expenses related to hospitalization due to illness, disease or injury or pregnancy.

Employee Referral Scheme

In several companies employee referral scheme is implemented to encourage employees to refer friends and relatives for employment in the organization.

5 Different Categories of Labour Welfare

Some of the major categories of labour welfare are: (1) Intra-mural Facilities (2) Extra-mural Facilities (3) Statutory Facilities (4) Mutual Facilities and (5) Voluntary.

It is very difficult to classify the welfare activities into certain broad categories.

(1) Intra-mural Facilities:

The facilities provided inside the factory are known as intra-mural facilities. These facilities include activities relating to minimisation of industrial fatigue, provision of safety measures like fencing and covering of machines, good layout of the plant and machinery, sufficient lighting conditions, provision of first aid appliances etc.

Provisions of such facilities are also obligatory in all industrial establishments all over the world.

(2) Extra-mural Facilities:

Facilities offered to the workers outside the factory are known as extra-mural facilities. They include better housing accommodations, indoor and outdoor recreation sports, educational facilities etc. The provision of these facilities is voluntary. Earlier, due attention was not given to the provision of extra-mural facilities to the workers but now it is realised that these facilities are very important for the general welfare and upliftment of the workers.

(3) Statutory Facilities:

Under this category, welfare facilities are provided according to the labour legislations passed by the Government. The nature and coverage of these facilities vary from country to country. Again these facilities may be either intra-mural facilities or extra-mural facilities. These

facilities must be provided by all the employers and cannot be ignored. Any contravention of the statutory provisions shall render the employer punishable under the Act concerned.

The National Commission of Labour has divided all the statutory measures under two distinct heads:

1. Facilities which have to be provided irrespective of the size of the establishment e.g., drinking water.
2. Facilities which are to be provided subject to the employment of a specified number of persons, e.g., creches.

(4) Mutual Facilities:

These facilities are usually outside the scope of the statutory facilities. These activities are voluntarily undertaken by the workers themselves for their own interest. As such the employer has no say in it.

(5) Voluntary:

The facilities which are voluntarily provided by the employers come under this category. Hence these are not statutory. No doubt, the activities under this category ultimately lead to increase in the efficiency of workers.

Labour welfare funds

Labour welfare funds are created as a measure of social security provided to the working class. Social security is one of the working class. Social security is one of the three categories of labour welfare activities classified by the study group appointed by the Government of India to examine the labour welfare activities

The Government constitutes Labour Welfare Fund, as per section 3, to which the following are credited to –

- a) All Unpaid Accumulations due to workers
- b) All fines realised from the workers
- c) Deduction made under the proviso to Sub-section(2) of section 9 of the Payment of Wages Act,1936 and the proviso to Sub-section (2) of section 36 of the Tamil Nadu Shops and Establishments Act, 1947.
- d) Contribution from Employees, Employers and Government,
- e) Any interest by way of penalty, paid under Section 14 of the Tamil Nadu Labour Welfare Fund Act, 1972.
- f) Any Voluntary Donation.
- g) Any amount raised by the Board from other sources to augment the resources of the Board.

h) Any fund transferred under Sub-section 5 of Section 17 of the Tamil Nadu Labour Welfare Fund Act, 1972.

i) Any sum borrowed under Section 18 of Tamil Nadu Labour Welfare Fund Act, 1972 j) Any unclaimed amount credited to the Government in accordance with the rules made under the Payment of Wages Act, 1936 and Minimum Wages Act, 1948

. k) Grants or Advances made by the Government.

Education and training programme.

Employee's Education:

In the word of William Flayed, "Worker Education" is an attempt on the part of organized labour to educate its own members under an educational system in which the workers prescribe the courses of instructions, select the teachers and in a considerable measure, furnish the finance."

Features of employees education

i. The scope of workers' education is much wider than that of trade union education but is narrower than that of adult education.

ii. The workers' education is designed to create trade union consciousness among workers, besides making them good citizens and training them to understand their status, rights and responsibilities.

iii. In workers' education, the workers themselves prescribe the curriculum and select the teachers who have full sympathy with the working class.

iv. The institutions providing workers' education are owned, financed and managed by the workers.

v. It is aimed at increasing the bargaining power of trade unions and making the working class more sensible and cooperative.

vi. It differs from vocational and professional education, for its main aim is to train a worker for his group advancement and increasing individual creativity, whereas vocational and professional education aims at individual development.

vii. The approach in workers' education is psychological and philosophical.

viii. It includes general education, vocational education, technical education, social education and training in trade unionism.

The Director General of Employment and Training (DGET) has designed a number of training procedures are

The Board has developed a need based, three tier training programme for education officers, workers and teachers. In first state education officer are trained. The period of training is four months. Then they give training for different regional centres.

Second stage is to get selected workers trained as worker teachers at the regional and sub - regional centres by the educational officers. The duration of training programme is three months.

Workers Education Scheme

Aims and Objectives

- It is important for Industrial peace and Harmony, healthy Management- labour relations.
- Develop Effective trade unions through better trained officials and more enlightened members.
- Enhance the leadership skills which enables the worker in his development.
- Increase the total labour mass literacy.
- Better understanding of the problem, with effective solutions
- To fulfill the Organisations requirements through proper responsibility handling.
- The pre-condition of workers education literacy.
- Important consideration at the present stage of developing country.
- To understand the workers privileges, rights and obligations.
- Time-to-time training programs to upgrade the workers knowledge.
- Minimize the Industrial Accidents and other mishaps on the shop floor.
- National Commission on Labour, has said that the labour's/ workers education should have the following key areas to be studied:-
- This should employee independent, intelligent and innovative.
- He should be responsible, alert, and self-disciplined.
- Also Guided the National trade union centers to arrange for the quality programs with the Collaboration with some of the universities and Institutions.

Craftsmens Training Programme.

- To promote the efficiency of craftsmen
- To conduct various types of test for selection of craftsmen trainees
- The duration of the course is one to two years
- National trade certificate is issued for successful candidates

Craft Instructors Training.

Education- ITI or diploma is required

Advanced Vocational Training System.

To give training to advanced skill workers & technicians.

Foremans Training.

For the training of foreman an institute was set up

Training is provided to the existing and potential shop foremen and supervisors in theoretical and managerial skills and workers from industry in advanced technical skills

Apprenticeship Training Scheme.

- Apprenticeship act,1961
- Employers are required to engage apprentices

Part Time Training for Industrial Workers.

To conduct part time evening classes are organized to improve the standards of working

Vocational Training Programme for Women.

It includes instructor training, basic training and advanced training in selected trades particularly suitable for women

UNIT 4

INDUSTRIAL SAFETY

Causes of Accidents

Accident:

According to Worker's Compensation Act, 1923, "An occurrence mishap or untoward event which is not expected or designed for and arising out of and in the course of employment of an industrial worker."

Industrial Injury:

According to Factories Act, 1948, "A Personal Injury to an employee which has been caused by an accident or an occupational disease and which arises out of or in the course of employment and which could entitle such employee to compensation under Workers Compensation Act, 1923."

7 Most Common Causes of Workplace Accidents

Shortcuts

Humans are notoriously lazy, so taking shortcuts is a rather common practice in all walks of life, not necessarily work alone. However, when workers take shortcuts at work, especially when they are working around dangerous machinery or lethal chemicals, they are only exposing themselves to a potential catastrophe. Simply put, shortcuts that are taken on the job are not actually shortcuts. They are simply increasing your risk of injury, or worse, death.

Overconfidence

Confidence is always a great thing to have, but there is also such a thing as too much confidence. When workers walk into work everyday with the attitude that, "It will never happen to me", they are setting an attitude that leads to incorrect procedures, methods, and tools while working. Be confident, but remember that you are not invincible.

Poor, or Lack Of Housekeeping

Whenever someone walks through your workplace, they can get a pretty good idea of your attitude towards workplace safety by just looking at how well you've kept up your area. Housekeeping is one of the most accurate indicators of the company's attitude towards production, quality, and worker safety. A poorly kept up area leads to hazards and threats everywhere. Not only does good housekeeping lead to heightened safety, but it also sets a good standard for everyone else in the workplace to follow.

Starting a Task Before Getting All Necessary Information

The quickest way to get a job done is to do it right the first time. To do it right the first time, you need to make sure that you have any and all pertinent information relating to the task you will be performing. Workers who begin a job with just half the information, or half the instructions, are essentially doing the job while blind. Remember this; it's not stupid to ask questions, it is stupid not to.

Neglecting Safety Procedures

This is probably the worst thing that any employee at any level in the organization can do. Deliberately neglecting set safety procedures in the workplace doesn't just endanger yourself, but it endangers the workers around you as well as the company as a whole. Casually following safety procedures doesn't work either. You are paid to follow workplace safety procedures, not your own.

Mental Distractions

Everyone has a life outside of the workplace, and sometimes life can take dips and turns that affect your emotions and your mood negatively. However, as harsh as it sounds, workers cannot let mental distractions from their personal lives affect their performance at work. Not only will they become less aware of their surroundings and less safe, but they will also become less productive, costing the company time and money.

Types of Industrial Accidents

Industrial accidents can occur in many different industries. From mining to construction, each industry has its unique challenges and hazards.

Even with strict state and federal regulations, workplace safety can often depend on individual employers and how seriously they take safety in the workplace.

Construction Accidents

Construction sites are one of the most dangerous places to work. Despite strict regulations, workers are often seriously injured.

Chemical Plant Accidents

Industrial plants often house combustible chemicals that are either the byproducts of manufacturing, or the basis for creating new chemicals. Regardless, exposure to chemicals is a real and everyday danger that plant workers face. [Click here to read more about plant accidents.](#)

Industrial Plant Accidents

Industrial plants such as fertilizer plants have been in the news of late for huge explosions that have resulted in numerous fatalities. Safeguarding every aspect of these plants is an expensive proposition, and oftentimes employers cut corners at the expense of employee safety.

Mining Accidents

Mines are notoriously dangerous places to work. Not only are miners more to collapses and the injuries that can result, but they are also subjected to dust, chemicals, and other hazardous materials.

Preventing Industrial Accidents

The organization should have strong voluntary machinery for the prevention of accidents and should follow strictly the guidelines issued by the Government. The machinery for prevention of accident and can be studied under heads (a) voluntary machinery and (b) regulatory machinery.

New techniques in accident prevention

Ergonomics

Functional anatomy

Physiology

Engineering

Psychology

Damage control

Industrial hygiene Department

Industrial health programme

General safety Rules

5 Best Practices to Prevent Workplace Accidents

Shortcuts & Shortcomings

It's natural to want to get the job finished on schedule -- or even ahead of time -- but with a "get it done quick" attitude, accidents happen. Don't take shortcuts -- stick to the instructions and work with diligence and awareness of your surroundings. Also, if there are shortcomings in the instructions, don't begin the work until they are clarified and all your questions are answered! You must always be comfortable and familiar with the procedure before commencing any work.

Safety in Transit

According to OSHA, workplace-driving accidents cost employers an average of \$60 billion a year. Make sure that all company vehicles are inspected each month and necessary repairs are made as soon as possible. Before driving a company vehicle, check break lights, turn signals, tire pressure and amount of gas in the tank.

For The Employer

OSHA's "**Work-Related Roadway Crashes: Prevention Strategies for Employers**" is an excellent resource, filled with driving strategies, policies and programs to implement in your workplace.

1. Weather the Weather

Both inside and outdoor work may expose you to extreme conditions. Whether very hot or very cold, both ends of the temperature spectrum can impact your health.

- a. **Cold:** Dress in layers and make sure you properly cover your head, feet, hands and face -- these parts of your body are most prone to frostbite. Always keep a change of clothes at work in case your clothes get wet.

For The Employer

If your workers are exposed to cold conditions, install on-site heating devices.

- b. **Heat:** Wear loose-fitting clothes, take frequent breaks in a cool rest area and get plenty of fluids. If you have preexisting medical conditions, consult your doctor before working in extreme

- c. heat.

For The Employer

If your workers are exposed to extreme heat, make sure there is adequate ventilation and airflow -- open windows and utilize fans.

Make PPE a VIP

Personal Protective Equipment is crucial to prevent injury, so make sure you wear it... and wear it properly! This includes:

- a. Goggles and face protection to protect from flying particles, chemicals or caustic liquids.
- b. Gloves to prevent cuts, scrapes, punctures, burns, chemical absorption or temperature extremes.
- c. Hard hats to safeguard against falling objects.
- d. Safety shoes for work areas where heavy objects could be dropped and injure the feet.
- e. Ear muffs or ear plugs to protect against hearing damage in noisy workplaces.
- f.

For The Employer

Providing the safety equipment isn't enough -- you must make sure that your workers know how to use it properly. Provide adequate PPE training.

Shipshape Safety: -- Many workers don't realize the negative consequences of poor housekeeping. If an unkempt workplace becomes the norm -- paper, debris, clutter and spills are accepted as "familiar" -- then more serious health and safety hazards are overlooked and injuries become more probable. Housekeeping goes beyond personal cleanliness -- it also includes keeping work areas orderly, taking care of any slip-and-trip hazards as soon as they arise and removing waste and fire hazards regularly. Assess your work environment with a critical eye and pay attention to the layout of the workplace, aisle marking, adequacy of storage and maintenance. Report dangers or deficiencies right away!

For The Employer

OSHA's **Good Housekeeping in Industry** not only explains the significance and benefits of good housekeeping, but also provides a good housekeeping checklist and elements of a good housekeeping campaign.

Safety provisions

The statutory safety provisions as applicable to factories in India are found in sections 21 through 40 of the Factories Act, 1948. A detailed version of each of these sections are listed below. The number mentioned in the right hand extreme refers to the actual number of section as found in the Act.

- Section 21. Fencing of machinery
- Section 22. Work on or near machinery in motion
- Section 23. Employment of young persons on dangerous machines
- Section 25. Casing of new machinery
- Section 27. Hoists and lifts
- Section 28. Lifting machines, chains, ropes and lifting tackles
- Section 29. Revolving machinery
- Section 30. Pressure plant
- Section 31. Floors, stairs and means of access
- Section 32. Pits, sumps, openings in floors, etc.
- Section 33. Excessive weights
- Section 34. Protection of eyes
- Section 35. Precautions against dangerous fumes, gases, etc.
- Section 36 a. Precautions regarding the use of portable electric light
- Section 37. Explosive or inflammable dust, gas, etc
- Section 38. Precautions in case of fire
- Section 39. Power to require specifications of defective parts or tests of stability
- Section 40. Safety of buildings and machinery
- Section 40 a. Maintenance of buildings
- Section 40 b. Safety officers
- Section 41. Powers to make rule to supplement

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 of 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 danger(ous machine' unless he has been specially instructed as to the dangers and the precautions to be observed. has received sufficient training about th~ 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.~. 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 cot/On 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 exceed~cL-.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.-8ec. 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.

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.

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

Industrial health and hygiene

Meaning

The Joint I.L.O AND W.H.O committee on organizational health held in 1950 defined organizational health as

- The promotion and maintenance of physical, mental and social well-being of workers in all occupations.
- Preventing among workers of ill health caused by the working conditions.
- Protection of workers in their employment from risk factors adverse to health.
- Placing and maintenance of worker in an occupational environment adapted to his physical and psychological equipment.

Importance of Industrial Health

- As the large member of workers spend a great deal of their time in an organization, their environment is not usually conducive to a health life.
- Malnutrition, insanity and psychological conditions and the stress and strain under which they work is very injurious to their health.
- The symptoms of bad health are a high rate of absenteeism and turnover and indiscipline, poor performance and low productivity.
- Industrial health programmes are very useful for reduction in the rate of labour turnover, absenteeism, accidents, lower performance and occupational diseases.

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.-Sec. 15.

6. **OverCrowding.** 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.

Industrial Hygiene:

Protecting the labour working in all the occupations from diseases

1.Maintaining the highest standard of their physical, mental and social welfare

2.Protecting the workers from diseases and accidents caused by their working conditions and

its ill effects on their health

3. Making adjustments between the work and the nature of individual

Principles of Industrial Hygiene:

- Environmental health hazards in the work place can be measured quantitatively
- Continuous surveillance
- Occupational exposure limits be adhered to
- The health effects of hazards in the workplace usually show a dose-response relationship

Occupational hazards

An industrial worker can be exposed in the following types of hazards, depending upon his occupation

Chemical Hazards:

The common chemical substances, such as carbon monoxide, carbon dioxide, nitrogen dioxide, sulphur dioxide, hydrocarbons, sulphuric acid, tannic acid acetic acid, fumeric acid, ozone, limes and alkalis cause injury to the employee when they are absorbed through skin and inhaling or ingesting. Workers may suffer from respiratory diseases, skin diseases, allergy, heart disease, cancer and neurological disorders. These diseases may be temporary or chronic in nature. Often a disease may be difficult to diagnose because either its symptoms may appear after a long dormant period or may not be apparent at all. These diseases often shorten employee s life expectancy.

Biological Hazards

These hazards are manifested by diseases caused by bacteria, fungi, viruses, insects, dietary deficiencies, excessive drinking, allergies, brain fever, imbalances, tetanus, stresses and strains. All these tell upon employee's health.

Environmental Hazards

Environmental hazards may include noise pollution, vibration and shocks, illumination, radiation, heat, ventilation, air and water pollution. These hazards cause redness of eyes, genetic disorders, cancer, sterility, hearing loss, nerve injury etc., to workers.

Psychological Hazards

Industrial/job stress caused by various stressors such as task and role demands, ganisational

leadership, lack of group cohesion, intergroup and interpersonal conflicts, life and career changes, etc., lead to emotional disturbances.

Occupational Diseases

Occupational Diseases are the results of physical conditions and the presence of industrial poisonous and non-poisonous dust in the atmosphere. Raw material, products, by products, and waste products may enter the body to endanger the health of the workers.

- Silicosis
- Bagassosis
- Byssionosis
- Manganese poisoning
- Mercury poisoning
- Lead poisoning
- Phosphorous poisoning
- Anthrax
- Caisson disease

Protection against health hazards

- By substituting less toxic substances for the hazardous chemical by providing protecting clothing & safety education.
- In radiation industries insists their employees wear badges.
- By controlling noise in factories by segregating noisy equipment.
- To take necessary actions for optimum temperature, controlling dust, clothing and shields

Recommendations of the national commission on labour

- Protecting the workers against any health hazards which may arise out of their work .
- Contributing towards the workers, physical and mental adjustment in particular by the adoption of workers to the job for which they are suited.
- Contributing to the e
- Establishment and maintenance of the highest possible degree of physical and mental well being of the workers.

Psychological problems.

- Depression - This section describes the various types of depression, including major depression, dysthymic disorder, non-specific depression, adjustment disorder with depression and bi-polar depression.
- Anxiety Disorders - Different anxiety problems are reviewed including panic disorder, post traumatic stress, social anxiety, agoraphobia, generalized anxiety, obsessive compulsive disorder and specific phobias.
- Schizophrenia - Schizophrenia is a chronic, severe, and disabling brain disease. Here, you will find information about the causes and treatment of schizophrenia, including information about new medications being developed to combat this illness.

- Childhood Disorders - Childhood psychological problems related to behavioral control problems, including ADHD, conduct disturbance, and oppositional behavior are discussed. Separation anxiety, a common problem in young children, is also reviewed in this section.
- Impulse Control Disorders - Psychological problems involving loss of control are described in this section. Anger control problems are usually diagnosed as intermittent explosive disorder by psychologists, and there is a separate discussion of Domestic Violence problems. These problems are described in this section: Pathological gambling, Intermittent Explosive Disorder, Domestic Violence, Kleptomania, Pyromania, Pathological Gambling, and Trichotillomania.
- Personality Disorders - General characteristics of all personality disorders will be summarized, with more detailed information about obsessive compulsive, narcissistic and borderline personality disorders.
- Adjustment Disorders - The general characteristics of adjustment disorders are explained, as well as presenting information about life stressors that lead to adjustment problems, such as marital conflict and job stress.
- Family Problems - Sometimes family conflicts occur because one or more family members has a psychological disorder, such as those described above. However, family conflicts also arise because of communication problems, parenting issues, school problems and sibling conflict. These issues are described in this section.

Counseling.

Objectives of Counselling:

- Provide empathic atmosphere of genuine concern about his difficulties, tensions, worries, problems, etc., so that he can freely discuss and share his views with counselling.
- Increase his personal & interpersonal effectiveness by assisting him in analyzing his interpersonal competence.
- Gain an insight into the dynamics of his behavior by providing necessary feedback.
- There should not be any display of difference in status between the two.
- Prepare alternate action plans for improving his performance and behavior.

Advantages of Counselling (or) Importance of Counselling:

- Counselling is an effective way to help someone with their personal problems.
- It enables people to think for themselves and take right decisions.
- It is in tune with the changing attitudes towards authority.
- Counselling reduces absenteeism and labour turnover.

- Ability to learn from mistakes and experience.
- He should be a good listener and show genuine interest in solving the problem of the worker.

Statutory Provisions

The statutory safety provisions as applicable to factories in India are found in sections 21 through 40 of the Factories Act, 1948. A detailed version of each of these sections are listed below. The number mentioned in the right hand extreme refers to the actual number of section as found in the Act.

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- Section 35. Precautions against dangerous fumes, gases, etc.
- Section 36 a. Precautions regarding the use of portable electric light
- Section 37. Explosive or inflammable dust, gas, etc
- Section 38. Precautions in case of fire
- Section 39. Power to require specifications of defective parts or tests of stability
- Section 40. Safety of buildings and machinery
- Section 40 a. Maintenance of buildings
- Section 40 b. Safety officers
- Section 41. Powers to make rule to supplement

UNIT 5

WELFARE OF SPECIAL CATEGORIES OF LABOUR

Child labour

Children have to be taken care and must be protected from being exploited by the society. Children of any age, whether, male or female should be not only protected but also safeguarded and developed to grow in a healthy atmosphere.

Laws pertaining to the prohibition of Child Labour

1. Children (Pledging of Labour] Act (1933)
2. Employment of Children Act (1938)
3. The Bombay Shop and Establishments Act (1948)

4. Child Labour (Prohibition and Regulation Act) 1986
5. The Indian Factories Act (1948)
6. Plantations Labour Act (1951)
7. The Mines Act (1952)
8. Merchant Shipping Act (1958)
9. The Apprentice Act (1961)
10. The Motor Transport Workers Act (1961)
11. The Atomic Energy Act (1962)
12. Bidi and Cigar Workers (Condition of Employment) Act (1966)
13. State Shops and Establishments Act

Some of the Statutory Provisions on Child Labour

The child shall enjoy special protection and shall be given opportunities and facilities, by law and other means, to enable him to develop, physically, mentally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity. In the enactment of laws for this purpose, the best interest of the child shall be the Paramount Consideration **main provisions of child labour act, 1986.**

The Act came into force from 23rd December 1986. Its main objectives are to prohibit the employment of children in certain categories of industries and to regulate the conditions of work of children in certain industries. It was amended in 1988.

(1) Scope

The Act is applicable to all establishments such as workshop, farm, residential hotels, restaurants, eating houses, theatre or other places of public amusement where child labour is largely employed. The Act extends to the whole of India.

“Child” means a person who had not completed fourteen years of age.

Main Provisions of the Act

(1) Prohibition of employment of children in certain occupations and processes:

(2) No child can be employed, or permitted to work in any of the occupations set forth in Part A of the Schedule or in any workshop wherein any of the processes set forth in Part B of the schedule is carried on.

(3) Hours and period of work:

- No child shall be allowed to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class establishment;
- The daily hours of work shall be so fixed that no child shall be allowed to work for more than three hours without prior interval of an hour;
- The hours of work shall be so arranged that inclusive of rest interval, time spread and the time spent in waiting for the work shall not exceed six hours a day;
- No child shall be allowed to work between 7. P.M and 8 P.M

(3) Weekly Holiday

Every child employed in any establishment shall be given one weekly holiday of 24 hours.

(4) Healthy and Safety

(i) The appropriate government by notification in the Official Gazette, can make rules for health and safety of children employed or permitted to work in any establishment or class of establishment.

(ii) Without any prejudice to the generality of the foregoing provisions, the rules for health and safety may be provided for all or any of the following matters namely;

- Cleanliness in the place of work and its freedom from nuisance
- Disposal of wastes and effluents
- Ventilation and temperature
- Dust and fumes
- Lighting
- Drinking water
- Artificial humidification
- Latrine and urinal
- Spittoons
- Fencing of machines
- Work at or near machinery in motion
- Employment of children on dangerous machines
- Instructions training and supervision in relation to employment of children on dangerous machines
- Device for cutting off power
- Self-acting machines
- Casing of new machinery

- Floor, stairs and means of access
- Pits, sumps, opening in floors etc.
- Excessive weights
- Protection eyes
- Explosive or inflammable dist gas etc
- Precaution in case of fire; maintenance of buildings; and safety of buildings and machinery.

Female Labour

Participation of women in economic activity is common in all countries. But in developing countries, the incomes of women labour by and large are low. Moreover, if women have to work, she needs more protection than man in her working environment in developing countries and in traditional occupations.

RESTRICTIONS ON THE EMPLOYMENT OF WOMEN

(a) Maximum daily work is 9 hours: No exemption from the provisions of Section 54 (which lays down that the maximum daily hours of work shall be nine hours) can be granted in respect of any women.

(b) prohibition of night work: No women shall be required or allowed to work in any factory except between the hours of 6 a.m. and 7 p.m. The State Government may by notification in the official Gazette vary the limits for any factory or group or class or description of factories. But such variation must not authorise the employment of women between the hours 10 p.m. and 5 a.m.

(c) after a weekly holiday or any other holiday.

Change of s

Exception: There is an exceptional case. The State Government may make rules providing for the exemption from the afore-aid restrictions (wholly or partially or conditionally) of women working in fish-curing or fish-canning factories. In factories, mentioned above, the employment of women beyond the hours specified is necessary to prevent damage to or deterioration in any raw material. But such rules shall remain in force for not more than three years at a time.

Other restrictions: There are other restrictions on the employment of women workers :

1. Work on or near machinery in motion. No woman or young person shall be allowed to clean, lubricate or adjust any part of the machinery while the prime mover or transmission

machinery is in motion or to work between moving parts, or between fixed and moving parts of any machinery which is in motion.-Sec. 22(2).

2. Cotton openers. No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton opener is at work. If the feed-end of a cotton opener is in a room separated from the delivery-end by a partition extending to the roof or to such height as the Inspector may in a particular case specify in writing, women and children may be employed on the side of the partition where the feed-end is situated.-Sec. 27

3. Excessive weights. The State Government may make rules prescribing the maximum weights which may be lifted, carried, or moved by adult men, adult women, adolescents and children employed in factories or in any class or description of factories or in carrying on any specified process.-Sec. 34.

4. Creches. In every factory wherein more than thirty women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.-Sec. 48.

5. Dangerous operations. The State Government is empowered to make special rules for the purpose of controlling and regulating factories which carry on operations exposing women, young persons and other workers to a serious risk of bodily injury, poisoning or disease.-Sec. 87 (b).

Contract Labour

- The contract labour is labour which is not carried on the payroll and is not directly paid. It is usually divided into two categories.
- Those employed on job contracts; and Those employed on labour contracts
- The large establishments offer job contracts for such operations as the loading and unloading of the metals by the mining industry or the construction of roads or buildings by Public Works Department.

The Contract Labour Act, 1970.

Scope and Coverage

The Act came into force from 10th February 1971. It extends to the whole of India and applies to every establishment in which twenty or more workmen are or were, employed on any day during the preceding twelve months as contract labour, and to every contractor

The Act does not apply to establishments where work is of a casual (irregular or occasional or intermittent (interrupted or non-continues) nature. The work performed in an establishment is not considered to be of an intermittent nature:

- (i) If it is performed for more than one hundred and twenty days in the preceding twelve months;
- (ii) It is not of seasonal character if it is performed for more than sixty days in a year.

THE MAIN PROVISIONS OF THE ACT

(1) Setting Up of Advisory Boards

The Act requires that the Central and State Advisory Boards are to be set up by the Central and State Governments, respectively to advise them on such matters arising out of the administration of the Act as may be referred to them, and carry out any other functions assigned to them under the Act. Besides, the government nominees, the Boards have members representing industry, contractors, workers, and any other interest government may consider should be represented on the Boards. The number of nominees of the workers is to be equal to that of industry and contractors, both on the State and the Central Boards (section 3,4)

(2) Registration of Establishment

Every principal employer who wishes to employ contract labour has to get the establishment is accepted for registration. the registration officer issues a registration certificate if the establishment is accepted for registration. This certificate can be cancelled if it has been obtained by misrepresentation or suppression of any material fact, or if the registration has become useless or ineffective or requires to be revoked.

The contract labour cannot be employed so long as the registration certificate has not been issued or after it is revoked. The employer has to pay a registration fee of twenty rupees to five hundred rupees depending on the number of workers to be employed (Section 6, 7, 8, 9)

(3) Prohibition of employment of Contract Labour

Both the Central and State Governments can prohibit the employment of contract labour in any process, operation or other work in any establishment after consulting their Advisory Boards, and consider the conditions of work and benefits provided for contract labour in the establishment. The employment of contract labour may not be permitted for any process, operation and other work if it is:

- (a) incidental to or necessary for the industry, trade, business, manufacture or occupation that is carried on in the establishment;
- (b) of perennial or perpetual nature or of a sufficient duration

(c) done ordinarily through regular workmen in that establishment or an similar thereto:

(d) capable of employing considerable number of wholetime workmen.

(4) Licensing of Contractors

Every contractor has to obtain a licensing for employing contract labour from the licensing officer appointed by the government for this purpose. In this application for a licensing he has to mention the location of his establishment, the nature of the operation or the work for which contract labour is to be employed, and such other particulars as may be required by the licensing officer. He is charged a licence fee, which may vary from fivec rupees to one hundred and twenty five rupees, depending on the number of workers to be employed

(5) Welfare and Health of Contract Labour

- A contractors are required to provide and maintain:
- A Sufficient supply of wholesome drinking water at convenient places;
- A sufficient number of latrines and urinals of the prescribed type conveniently situated and accessible.

Washing facilities;

A first –aid box equipped with prescribed contents at every place where contract labour is employed; One or more canteens if the work is to continue for more than 6 months and 100 or more workers are employed. The number of canteens, the standard of their construction, furniture and equipment, and the type of food to be supplied will be as prescribed under the rules framed by the government

(6) Responsibility for payment of Wages

- The contractor is also to be responsible for making regular and timely payment of wages to his workers. The payment is to be made in the presence of the authorized representative of the principal employer. If the contractor does not make payment, the principal employer will do the same and recover the amount so paid from the contractor (Section 16 to 21)
- Get his establishment registered with the registering officer appointed by the government (Section 7);
- Obtain a license from the licensing officer for employing contract labour and comply with the terms and conditions of the grant of the license (Section 12);
- Not to employ contract labour without obtaining a registration certificate and license, or after the registration certificate and license are revoked or suspended (Section 9, 12, 1);
- Provide welfare and health facilities as required under the Act and its rules (Section 16, 19);

- Pay wages to workers before the expiry of the wages period (Section 21);
- Co-operate with the inspectors in the inspection of premises, documents and records and examining any person to determine if the provisions of the Act and the rules framed there under are being complied with (Section 28);
- Maintain the registers and records with such particulars of contract labour, as nature of work performed, rates of wages and other information specified in Rules 74 and 78 of the Act (Section 29);
- Exhibit in the premises of the establishment where contract labour is employed a notice showing hours of work, rates of wages, wage periods, dates of payment of wages, nature of duties and other particulars as mentioned in Rule 81 of the Act (Section 29 (2)); and
- Send a half-yearly return to the licensing officer and yearly return to the registration officer, and to supply such information and statistics as may be required by the government from time to time.

(9) Rights of Contract Labour

- Claim such working conditions, facilities and other benefits as are provided for under the Act and the rules framed there under (Section 16 to 22); and
- They can be represented by their representatives on the Central and State Advisory Boards (Section 4)

Organized Labour and Unorganized Labour

Nature of difference	Organized Labour	Unorganized Labour
Place of work	Constant at Regular place	Inconstant of Irregular Place
Membership	Can join in a union	Can join in any union
Recognition	They are recognized as a Labour	No negotiation to them as a labour
Retirement	Are limit for retirement	No age limit
Age	Complete the age 18 years	No age limit

Benefit as per Act	They can get all benefit	No benefit for them
Security of job	Fully secured	No security

Construction Labour

Construction industry employs around three million workers and the nature of work is considered hazardous. Large number of unskilled and semiskilled labour both male and female is employed on various form of building operation and road constructions.

Agriculture labour & Differently abled Labour

A handicapped person is one who is having some shortcoming or infirmity which detracts a person from being a normal human being.

Handicapped may be divided into different categories viz.

- *Physically handicapped,
- *Mentally handicapped,
- *Socially handicapped, and
- *Aged persons.

Disablement Benefit

A person who sustains disablement for not less than 3 days, in entitled to periodic payment (at the rate of 40% more than the standard benefit rate which of ` .14 or more depending upon his wages).

A person who sustains permanent disablement whether total or partial is entitled to periodical payment at such percentage of benefit payable in the cage of disablement as of proportionate to the percentage of loss of earning capacity.

Various schemes for differently abled persons.

- Assistance to Disabled Persons for Purchase / Fitting of Aids and Appliances (ADIP Scheme)- External website that opens in a new window
- Deendayal Disabled Rehabilitation Scheme to promote Voluntary Action for Persons with Disabilities- External website that opens in a new window
- Scheme of National Awards for Empowerment of Persons with Disabilities- External website that opens in a new window

- Scheme of National Scholarships for Persons with Disabilities- External website that opens in a new window
- Scheme of Integrated Education for the Disabled Children Scheme for providing Employment to Persons with Disabilities in the Private Sector - Incentives to the Employers- External website that opens in a new window
- Conveyance Allowance- External website that opens in a new window
- Income Tax Concessions- External website that opens in a new window
- Reservation of Jobs & Other Facilities For Disabled Persons- External website that opens in a new window
- Financial Assistance to Person with Disabilities- External website that opens in a new window
- Equal Insurance Benefits- External website that opens in a new window

KPO &BPO Labour

Communication and information technology industry is an important enabler in enhancing productivity. The structure and functions of IT industries are largely different than the conventional organizations which demand a different rule of the game to manage effectively.

KPO and BPO in Detail

	BPO	KPO
Definition	BPO provides services like customer care, technical support through voice processes, tele-marketing, sales, etc.	KPO provides in-depth knowledge, expertise and analysis on complex areas like Legal Services, Business and Market Research, etc.
Stands for	Business Processing Outsourcing	Knowledge Processing Outsourcing
Requires	Good communication skills and basic computer knowledge	Specialized knowledge
Services	Low end services	High end services
Process	Pre-defined process	Requires application and understanding of business
Employees	Not so qualified employees	Skill and expertise of knowledge employees
Expertise in	Low end services	High end services

Social assistance Meaning of Social Assistance

Social Assistance schemes are funded from the consolidated fund of the state rather than from individual contributions, with statutory scales of benefit adjusted according to a person's means.

Definition

According to I.L.O define as, "A service or scheme which provides benefits to persons of small means as right in amounts sufficient to meet minimum standards of need and financed from taxation".

- 1995: The NSAP is launched with the aim of providing social assistance to destitutes 'defined as any person who has little or no regular means of subsistence from his/her own source of income or through financial support from family members or other sources'. The NSAP includes three components:
 - National Old Age Pension Scheme (NOAPS);
 - National Family Benefit Scheme (NFBS);
 - National Maternity Benefit Scheme (NMBS)
- 2000: Annapurna Yojana is introduced to provide eligible beneficiaries, who were not covered under NOAPS, 10 kg of free rice.
- 2001: NMBS is transferred to the Department of Family Welfare.
- 2006: Monthly pension amount for NOAPS raised from Rs. 75 to Rs. 200
- 2007: The NSAP is extended to cover all individuals living below the poverty line. The NOAPS is renamed Indira Gandhi National Old Age Pension Scheme (IGNOAPS).
- 2009: The NSAP is expanded to include the Indira Gandhi National Widow Pension Scheme (IGNWPS) - for widows aged 40–64 years - and the Indira Gandhi National Disability Pension Scheme (IGNDPS) - for persons with multiple or severe disabilities aged 18–64 years living below the poverty line.
- 2011: Age limit for IGNOAPS is lowered from 65 to 60 years under IGNOAPS and monthly pension amount for those 80 years and above is raised from Rs. 200 to Rs. 500.
- Age limits for IGNWPS and IGNDPS are changed to 40-59 and 18-59, respectively.
- Age limit changed to 40–79 years and 18–79 years, respectively.
 - 2013: Report of the Task Force on Comprehensive Social Assistance Programme submitted to the Government of India. Recommends raising monthly pension and expanding coverage.

2012: Month

Social security and its implications

Meaning of Social Security:

Social Security means the security provided by the society to the needy citizens on the principles of human dignity and social justice. Social Security Programmes are now sincreasingly being accepted as useful and necessary instrumented for the protection and stability of the labour force.

Definition:

According to Friedlander define as, "The programme of protection provided by society against the contingencies of modern life, sickness, unemployment, old age dependency,

industrial accidents and invalidism against which the individual cannot be exploited to protect himself and his family by his own ability for foresight”.

Important social security measures were introduced by the Government

- Workers Compensation Act, 1923
- Employees State Insurance Act, 1948
- Maternity Benefits Act – By State and Central Government
- Coal Mines Provident Fund and Bonus Act, 1948
- Employees Provident Fund Act, 1952
- Family Pension Schemes, 1971
- Payment of Gratuity Act, 1952
- Deposit Linked Insurance Scheme
- Social Security Certificate Scheme, 1982

Social Insurance

Definition:

“Giving in return for contribution, benefits upon subsistence level as if right and without means tests so that an individual may build freely upon it. Thus social insurance implies that it is compulsory and that men stand together with their fellows”.

The Principle Elements of Social Insurance

- Participation is compulsory with few exceptions.
- Contributions are accumulated in special funds out of which benefits are paid.
- Surplus funds, not needed to pay current benefits are invested to earn further income.
- A person’s right to benefit is secured by his contribution record without any list of need or means.

