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B.A.LL.B VI SEM

LABOUR LAW 2

EQUAL REMUNERATION ACT 1976

No discrimination to be made while recruiting men and women workers (sec. 5):-

- On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, [or in any condition of service subsequent to recruitment such as promotions, training or transfer,) make any discrimination against women except where the employment of workmen in such work is prohibited or restricted by or under any law for the time being in force: Provided that the provisions of this section shall not affect any priority or reservation for Scheduled Castes or Scheduled Tribes, ex-servicemen, retrenched employees or any other class or category of persons in the matter of recruitment of the posts in an establishment or employment. (Sec 5)

Advisory Committee (sec. 6):-

- ❖ For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committees to advise it with regard to the extent Sec. 7 The Equal Remuneration Act, 1976 3 to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf. [sec.6(1)]
- ❖ Every Advisory Committee shall consist of not less than ten persons, to be nominated by the appropriate Government, of which one-half shall be women. [sec.6(2)].

Advisory Committee (sec. 6):-

- ❖ In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment and such relevant factors as the Committee may think fit. [sec.6(3)].
- ❖ The Advisory Committee shall regulate its own procedure. [sec.6(4)].
- ❖ The appropriate Government may, after considering the advice tendered to it by the Advisory Committee and after giving to the persons concerned in the establishment or employment an opportunity to make representations, issue such directions in respect of employment of women workers, as the appropriate Government may think fit. [sec.6(5)].

Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints (sec.7):-

- ❑ The appropriate Government may, by notification, appoint such officers, not below the rank of a Labour Officer, as it thinks fit to be the authorities for the Purpose of hearing and deciding- (a) complaints with regard to the contravention of any provision of this Act; (b) claims arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature; and may, by the same or subsequent notification, define the local limits within which each such authority shall exercise its jurisdiction.
- ❑ Every complaint or claim referred to in sub-section (1) shall be made in such manner as may be described.

Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints (sec.7):-

- ❑ If any question arises as to whether two or more works are of the same nature or of a similar nature, it shall be decided by the authority appointed under sub-section (1).
- ❑ Where a complaint or claim is made to the authority appointed under sub-section (1) it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary, direct,- (i) in the case of a claim arising out of non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid; (ii) in the case of complaint, that adequate steps be taken by the employer so as to ensure that there is no contravention of any provision of this Act.