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SUBJECT NAME: LABOUR LAW

TOPIC NAME:
LABOUR LEGISLATION--
TYPES & OBJECTIVES

LABOR LEGISLATION

Labor Legislation : The term 'Labor Legislation' is used to cover all the laws which have been enacted to deal with employment and non-employment, wages, working conditions, industrial relations, social security and welfare of persons employed in industries.

Thus 'Labor Legislation' refers to all laws of the government to provide social and economic security to the workers. These acts are aimed at reduction of production losses due to industrial disputes and to ensure timely payment wages and other minimum amenities to workers.

The Need of Labor Legislation becomes important because of following reasons :

- Weak Labor Organizations :

Individual worker is economically very weak and is unable to bargain his terms with the employers. Even, Labor organizations are relatively weak and in most cases, they depend merely on the mercy employers. Now as the payment of wages, lay off, dismissal, retrenchments etc, are all governed by the legislations, economic insecurity of workers is removed to great extent.

- Occupational Insecurity :

The workers in many organizations, did not get the amount in case of accidents, deaths etc. As a result, the workers faced occupational insecurity. Now, benefits such as Occupational Act, Employees State Insurance Act, etc have been statutorily given to the employees.

- Hazardous Working Conditions:

Workers health and safety is always in danger due to harmful working condition in some factories. The Factories Act, contains a number of provisions relating to health, safety and welfare of workers.

- **Law And Order :**

Labor legislation is also necessary in order to maintain law and order situation and national security of the country. The idea of welfare state is embodied in the directive principles of the constitution and for that reason various labor laws have been enacted to protect the sections of the society.

- **Achieving Socio -economic Progress :**

Labor legislation is one of the most progressive and dynamic instruments for achieving socio – economic progress.

Objectives of Labor Legislation :

- To protect the workers from profit seeking exploiters.
- To ensure that the service conditions should be clearly spelt out by the employer to the employee.
- To improve and regulate the working conditions of workers employed in different factories and establishments.
- To make statutory provision for the regular trainings of a certain number of apprentices in different trades.

➤ To ensure that the employees are paid their wages on fixed dates and there should be no deduction made from the wages.

➤ To promote industrial relations and industrial peace between employers and employees.

➤ To preserve the health, safety and welfare of workers.

➤ To protect the interests of women and children working in the factories.

➤ To maintain the dignity of employees in their organizations.

Growth Of Labor Legislation in India :

Labor legislation in India grew with the growth of industry. In the eighteenth century India was not only a great agricultural country but a great manufacturing country too. Asian and European markets were mainly fed by the looms supplied by India. But British government in India as a matter of policy discouraged Indian manufacturers in order to encourage the rising manufacturers of England. Their policy was to make Indian people grow only raw materials. The British oppression in India continued for some time, which led to the growth of Indian nationalism. In twentieth century, the national movement took a new turn and there was a common demand for Indian goods.

A non-cooperation movement, which is known as Swadeshi movement, was started, which urged upon the people to use goods made in India and to boycott foreign goods.

The non-cooperation movement synchronized with periods of economic crisis gave impetus to industrialization. Not only that, growth of Indian private sector owes much to these popular movements. Indian economists not only advocated that the trade and commerce should be free but they laid emphasis on the free trade of local goods. An attempt was made to put forward a theory of economic development and planning suited to conditions of our country. After thirtieth century planning was accepted by the national movement as its economic ideology. Thus planned Industrialization became our main goal.

In India the plantation industry in Assam was the first to attract the legislative. A number of acts were passed from 1863 onwards to regulate the recruitments. These legislations protected more interests of the employers than safeguarding the interest of the workers. The Factories Act, was passed in 1881 and the Mines Act in 1901. But the most important act that was passed to protect the interest of the workers was the Workmen's Compensation Act, 1923.

Some of the other important social security legislations are :

3. The Employees State insurance Act, 1948
4. The employees Provident Funds Act, 1952 and
5. The Maternity Benefit Act, 1961

Types Of Labor Legislations



Protective Labor Legislation



Regulative Labor Legislation



Social Security Legislations



Welfare Legislations

1) Protective Labor Legislations :

The legislations whose primary purpose is to protect minimum labor standards and improve working conditions are protective labor legislations. Legislations laying down the minimum labor standards in the areas of work, safety, employment of children and women and also the manner of wage payment come under this category. The Indian labor laws under this category are :

- 3) The Factories Act, 1948,
- 4) The Mines Act, 1952,
- 5) The Plantation Labor Act, 1951,

- 1) The Motor Transport Workers Act, 1961,
- 3) The Shops and Establishment Act passed by various states,
- 5) The Payment of Wages Act, 1936,
- 7) The Minimum Wages Act, 1948,
- 9) The Child Labor (Prohibition and regulation) Act, 1986 and
- 11) Contract Labor (Regulation and Abolition) Act, 1970.

II) Regulative Legislations :

The legislations whose primary purpose is to regulate the relations between employers and employees and to provide for methods and manners for settling industrial disputes are Regulative Legislations. These laws also regulate the relationships between workers and trade unions, the rights and obligations of the organizations of employers and workers, as well as their mutual relationships. The laws under this category are as follows :

- 3) The Trade Unions Act, 1926,
- 4) The Industrial Disputes Act, 1947, and
- 5) The Industrial Employment (Standing Orders) Act, 1946

III) Social Security Legislations :

The Legislations which intend to provide social security benefits to the workmen during certain contingencies of life are Social Security Legislations. Though this legislations may cover other classes of citizens also, their primary goal has been to protect the workers. The laws under this category are as follows:

- 3) The Workmen's Compensation Act, 1923,
- 4) The Employees State Insurance Act, 1948,
- 5) The Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948,
- 6) The Employees Provident Funds and Miscellaneous Provisions Act, 1952
- 7) The Maternity Benefit Act, 1961, and
- 8) The Payment of Gratuity Act, 1972.

IV) Welfare Legislations:

The legislations which aim at promoting the general welfare of the workers and improve their living conditions are Welfare legislations. Such laws carry the term “Welfare” in their titles. The Laws under this category are as follows :

- 3) Mica Mines Labor Welfare Fund Act, 1946,
- 4) Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines labor Welfare Fund Act, 1976 and
- 5) Beedi Workers Welfare Fund Act, 1976.

All of these laws provide for the funds which is spent on improving the general welfare of workers including housing, medical, educational and recreational facilities.

Impact Of ILO

Labor class is indeed one of the classes most vulnerable to exploitation. Most of the labor legislations in India are pre- constitutional. The concept of fundamental rights was introduced in the constitution. The success of these labor legislations must be attribute to the ILO, as the guidelines issued by the ILO formed the principle on which these legislations were drawn. The ILO did have a great impact on the labor laws in India. Many new laws were enacted to incorporate the guidelines of the ILO.

The Setting of ILO also saw the amendment of Factories Act, 1881. All these amended and enacted legislations make provisions for the general welfare and protection of interest of the labors in India. The positive influence of ILO was seen in the form of recognition of many new kinds of rights that were not available to the labor class, but were made available post creation of ILO.

The impact of ILO on India is felt in the following fields :

- **Labor Legislation** : Until 1919, there were no important labor legislations in India. But, with the establishment of ILO and Indians uninterrupted association with this organizations, coupled with trade union pressure in the country, has greatly influenced labor legislation.

- **Technical Assistance** :The ILO has been providing technical assistance in implementing various social security measures in programs designed to explore workers education, including vocational training and in improving employment service.
- **Social Security** :The ILo assigned technical expertise to advise on the implementation of social security legislation such as Employees State Insurance Act of 1948.
- **Vocational Training** : Technical assistance in the fields of vocational training began in 1950 and has since covered various aspects of the programs. During this period, ILo assisted in formulating suitable syllabuses for different grades of workers in different trades and thereby helped to improve the standars of vocational training in India.

- 1) **Training within the Industry** : ILO experts helped in training large number of persons in India to ensure systematic introduction of the training within the program in interested mills.
- 2) **Employment Service** : The ILO provided experts to assist the authorities to improve employment service. They assisted in organizing pilot projects for collecting exhaustive data on labor market and in classification of industrial occupation on the basis of ILO's international standards classification for further research and analysis in India.

- **Productivity** : The ILo experts have been collaborating with their Indian counter parts in the study of the problems connected with productivity since 1952. The recommendations given by them led to the establishment of the national productivity center.

Impact of ILO on Labor Laws in India :

With the growth and expansion of factories and industries new avenues for employment were created, resulting in to gradual migration of labor force from rural areas to urban areas.

In the absence of any state control or organization of the workers, the employers were less concerned about the needs of the employees & their work hours. The wages were much below the subsistence (survival)level and the working conditions were unsatisfactory.

This situations led to the enactment of a number of legislations beginning from the year 1881. These include The Factories Act (1881), Workmen's Compensation Act (1923), Trade Unions Act (1926), The Payment of Wages ACT,(1936), The Maternity Benefit Act (1939) and so on.

The Factories Act 1881, is the basis of all labor and industrial laws of the country. It contained provisions for even working hours for men and women, minimum age for employment of children. After the formation of ILO in 1919, this act was amended, which made provisions for safety, health and hygiene of the workers. It also made special provision for women and juvenile workers (i.e. labor above the age of 16 but less than 18). It also prohibited child labor.

Under the Mines Act 1923, which applies to workers employed in mines, the hours of work for the persons employed on the surface are limited to ten per day and fifty four per week. The periods of work including rest interval should not be more than 12 hours in a day. For the workers working underground, the working hours per day is nine .The Act does not contain provisions for overtime. No worker is to work in a mine for more than six days a week. The Act does not provide for wages for the weekly rest day.

The Government of India set up an enquiry committee in 1926 to ascertain the loophole for irregularity of payment of wages to industrial workers. The Royal Commission on Labor considered the reports and suggestions and recommended for enactment relating to payment of wages. It aimed (a) At disbursement of actual wages to workers within the prescribed period and (b) To ensure that the employees get their full wages without any deduction. The object of the Act obviously was to provide a cheap and speedy remedy for employees to recover the wages due to them.

The Weekly holidays Act, 1942 prescribes one paid holiday a week for persons employed in any shop, restaurant or theater. The government is empowered to grant additional half-day holiday with pay in a week.

The Industrial Dispute Act, 1947 provided for establishment of industrial tribunal by the appropriate government in British India. It established a full- fledged industrial tribunal for adjudication of industrial disputes for the first time.

The Industrial Employment (Standing Orders) Act, 1946, defined the terms of employment of workmen in the form of standing orders .

The Merchant Shipping Act, 1923, provided for agreement between a seaman and the master of the ship regarding the terms of service.

Impact of ILO Conventions on Labor Laws

Conventions are international treaties and are instruments, which create legally binding obligations on the countries that ratify (accept) them. Recommendations are non-binding and set out guidelines orienting national policies and actions.

The ILO was set up in the year 1919, with an aim to improve the conditions of labors around the world. ILO through its conventions and recommendations helps nations to draw their own set of labor laws for the better treatment of the working class and the preservation of their rights. India was the founding member of ILO. The ILO instruments have provided guidelines and useful framework for the evolution of legislative and administrative measures for the protection and advancement of the interest of labor in India.

Ratification of a convention imposes legally binding obligations on the country concerned, therefore India has been very careful in ratifying conventions. India has always made it a practice to ratify conventions when it is fully satisfied that its laws and practices are in conformity with the relevant ILO convention. So far, India has ratified 39 conventions of the ILO.

There are eight core conventions of the ILO (also called fundamental / human rights conventions). They are as follows: The first four conventions have been ratified by India.

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