



A STUDY ON LABOUR WELFARE AT WORKPLACE IN INDIA

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INTRODUCTION

Industrial labour force of India includes large numbers of illiterate workers to a sizeable pool of highly educated and skilled professionals. The activities of Labour welfare in India originated in 1837. During the years, They underwent notable changes and acquired new dimensions. It was realized that labour welfare played a very important role in increasing productivity and reducing industrial tensions. Welfare work in India is carried out by National Government, State Government, Trade Unions, Public Sector and Private Sector non-government organizations . The Indian Planning Commission has laid down legislative measures by way of social security schemes to enhance the social welfare of workers in various areas such as child labour, bonded labour, female labour and occupational safety and health for industrial workers.

The concept of labour welfare differs from time to time, region to region, industry to industry and country to country, depending upon the value system, level of education, social customs, degree of industrialization .

Government, employers and trade unions have done a lot to promote the welfare of workers' conditions. The Government of India enacted the Factories Act, 1948 which came into effect from 1st April, 1949. This Act is applicable to all organizations where power is not used and where a manufacturing processes being carried on. Organizations provide welfare facilities to motivate their employees by classifying the welfare schemes into two categories viz. statutory and non-statutory welfare schemes .It includes various provisions provided in industrial acts like Factories Act 1948, Dock Workers Act (safety, health and welfare) 1986, Mines Act 1962.

SOCIAL SECURITY SCHEMES IN INDIA

The following legislative measures for industrial workers have been adopted by way of social security schemes by the government of India:

I. Workmen's Compensation Act 1923 – The **Workmen's Compensation Act, 1923** aims at providing financial protection by means of payment of **compensation** to **workmen** and their dependants in case of accidental injury by the employers.

II. Employee's State Insurance Act, 1948- Employees State Insurance Act, 1948 protect the interest of workers in contingencies such as sickness, maternity, temporary or permanent physical disablement, death due to employment injury resulting in loss of wages or earning

capacity. The Act also ensures reasonably good medical care to workers and their immediate dependants. The major changes brought by the various amendments are as under:

Amendments with effect from	Particulars	Change by Amendment
June 14, 2016	<i>Employee exempted from contribution</i>	<ul style="list-style-type: none"> An employee whose average daily wage is upto INR 137 is exempted from contribution (earlier it was INR 100).
October 6, 2016	<i>Contribution in Rates of employer's and employee's</i>	<ul style="list-style-type: none"> Employer - 3% of the wages Employee - 1% of the wages for initial 24 months where the Act is implemented for the first time
December 22, 2016	<i>Wage limit for coverage of an employee</i>	<ul style="list-style-type: none"> Wage limit for coverage of an employee has been enhanced from INR 15,000 to 21,000
January 20, 2017	<i>Insured Mother</i>	<ul style="list-style-type: none"> Includes a commissioning mother and an adopting mother.

Analysis:

- Amendments to have a financial impact on employer's contribution as they cover more employees due to increase in the wage limit and the benefits will have to be provided to insured women as well.

III. The Employees Provident Funds and Miscellaneous Provisions Act, 1952- The EPF & MP Act, 1952 is created for the purpose of social welfare of an employee. Any factory or establishment engaging 20 or more employees, whether directly or through contractors is liable to be covered under this Act.

IV. The Payment of Gratuity Act, 1962- This Act provide schemes for the payment of gratuity to employees employed in factories, mines, oilfields, plantations, ports, railway companies, shops or other establishments .Under this Act ,gratuity is payable to an employee who rendered continuous service for not less than five years .It is payable on the termination of his employment but this condition is not applicable where the termination of the employment is due to death or disablement.

V. The Industrial Dispute Act 1947- The objective of the Industrial Disputes Act is to secure industrial peace and harmony by providing machinery and procedure for the investigation and settlement of industrial disputes . Under this Act, a retrenched worker is entitled to compensation at the rate of 15 days average earning for every completed years of service

or part thereof. When the situation is beyond the control of the employer, compensation is limited to the maximum of three months average earnings.

VI. Maternity Benefits Acts, 1961-This Act applies to women working in factories, mines and other establishments. It does not apply to those areas which are covered by the ESI schemes. The major changes brought by the amended Act, compared with the provisions of the earlier Act, are given hereunder:

Particulars	The Maternity Benefit (Amendment) Act, 2017
Duration of maternity leave	<ul style="list-style-type: none"> Increases the duration of the maternity leave from 12 to 26 weeks which can be availed prior to 8 weeks from the date of expected delivery (earlier it was 6 weeks prior). From third child onwards, maternity leave to be for 12 weeks which can be availed 6 weeks prior.

The following new provisions have added by the amendment:

Maternity leave for adoptive and commissioning mothers	<ul style="list-style-type: none"> Maternity leave of 12 weeks to: <ol style="list-style-type: none"> Adoptive mothers (adopts a child below 3 months of age); Commissioning mother . It is to be calculated from the date the child is handed over to the adoptive and commissioning mothers.
Crèche facilities	<ul style="list-style-type: none"> To be provided by an establishment with 50 or more employees within a prescribed distance. 4 visits in a day to crèche should be allowed.
Option to work from Home	<ul style="list-style-type: none"> Employer to permit a woman to work from home, if the nature of work permits her to do so and the same can be availed after the completion of her maternity leave for a duration mutually decided.
Employer to inform the woman of maternity benefits	<ul style="list-style-type: none"> Woman to be informed at the time of appointment, of the maternity benefits available, either in writing or electronically.

Analysis:

It is anticipated that as now the employer will have to pay full wages for 26 weeks. The aforesaid amendments may have an adverse impact on job opportunities for women. The amendment is silent on paternity leave. The women who work in the unorganized sectors are not covered due to their unstructured employment conditions.

- VII. Coal Mines Provident Fund Bonus Scheme Act 1948**-It applies to workers employed in the coal mines (including the National Coal Development Corporation) earning less than Rs.300 per month, The Bonus scheme applies to all those earning less than Rs.730/- per month in coal mines other than the NCDC and is paid entirely by the employers.
- VIII. The Seaman's Provident Fund Act 1966**- The Seamen's Provident Fund Act, 1966' being the Act of Parliament was enacted with the view to make provisions for establishment of Institution of Provident fund for seamen. The Act was assented on 26th March, 1966. Under this workers contribution of 8 percent with an equal contribution from the employers and are entitled to a full refund on retirement or after 15 years of membership.
- IX. The Plantation Labour Act 1951** -The benefits statutorily provided under this Act include the provision of drinking water and its conservancy, medical facilities, canteen in the ease of 150 or more workers, crèches in case of 50 or more women workers, recreational facilities, umbrellas, blankets and rain coats. Cash benefits in the case of sickness and maternity are also available to the workers as per rules prescribed by the state governments which also lay down qualifying conditions.
- X. Employees Family Pension Scheme, 1971** -The family pension seeks to provide some monetary relief to the family members of employees, who die in service, that is, before superannuation. In the event of an employee's death his family gets pension on a graded scale depending on the employee's last salary grade.
- XI. The Child Labour (Prohibition and Regulation) Amendment Act, 2016**-The Child Labour (Prohibition and Regulation) Amendment Act, 2016 has come into force on July 30, 2016. The major changes brought by the amended Act compared with the provisions of the earlier Act, are given hereunder:

Particulars	The Child Labour (Prohibition and Regulation) Amendment Act, 2016
<i>New Category of person called "Adolescent"</i>	<ul style="list-style-type: none"> • A person between 14 to 18 years of age. • Prohibition⁷ of employment in any hazardous occupations and processes as specified in the Schedule.
<i>Definition of child</i>	<ul style="list-style-type: none"> • A person who is less than 14 years of age or of age given under the Right of Children to Free and Compulsory Education Act, 2009, whichever is more.
<i>Prohibition of employment of children in any occupation and process.</i>	<ul style="list-style-type: none"> • Prohibits employment of a child in all occupations except where the child helps his family after school hours.
<i>Power of Central Govt.</i>	<ul style="list-style-type: none"> • To add or omit any hazardous occupation and process from the list as included in the amendment.

Regulation of work Conditions of Adolescent	<ul style="list-style-type: none"> Provides for regulation of work conditions viz. working hours limited to 6 hours in a day, 1 hours rest after every 3 hours of work, no overtime etc.
Penalty	<ul style="list-style-type: none"> Enhanced penalty for violation of the provisions of the amended Act: Imprisonment: 6 months to 2 years (earlier it was 3 months to 1 year) Fine: INR 20,000 to 50,000 (earlier it was INR 10,000 to 20,000)
Schedule-List of hazardous occupations and processes	<ul style="list-style-type: none"> As per the amendment: Prohibition is only on occupations related to mining and explosives/inflammable substances. (earlier the list contained 18 occupations). Hazardous processes as mentioned under the Factories Act, 1948 (earlier the list contained 65 processes).

Analysis:

- It will be a challenge as the regulation of amendment does not provide the criteria to determine if an enterprise is a family enterprise or not.
- Amendment legalises child labour in "family business" and is silent on regulation of working hours, overtime, weekly holidays etc. for such child labour, thereby, making this provision exploitable for employment of child labour.

XII. The Payment of Wages (Amendment) Act, 2017-The Payment of Wages (Amendment) Act, 2017 changes the method of payment of wages to the employees. Now the employer can pay wages to its employees .

XIII. Other initiatives by the Central Government- Further to the "Ease of Doing Business" initiative, the Government of India is following the standards set by *Doing Business Project of the World Bank* to improve the business environment in India. The Ministry of Labour & Employment has introduced online registration process for the Employees' Provident Fund Origination ("EPFO") and the Employee's State Insurance Corporation ("ESIC"), with no registration cost and manual intervention. Also, on the discretion of the employer, registration for both EPFO and ESIC can be easily done with the available common registration form available at the *e-Biz Portal* of Department of Industrial Policy and Promotion ("DIPP") since March 9, 2016. Establishments can also file online a common Electronic Cum Challan Receipt ("ECR") for both EPFO and ESIC on *Shram Suvidha Portal*.

The Ministry has also launched common registration service on the *e-biz Portal* of DIPP for 5 Central Labour Laws including Employees Provident Fund & Miscellaneous Provisions Act, 1952, Employees State Insurance Act, 1948, Building & Other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996, Contract Labour (Regulation and Abolition)

Act, 1970 and Inter-State Migrant Workmen (Regulations of Employment and Conditions of Service) Act, 1979.

Further, single online common Annual Return under 9 Central Labour Acts has been made functional on *Shram Suvidha Portal* since April 24, 2015 to confirm simplified filings of the single online return by the establishments instead of filing separate returns, under the said 9 Acts.

EMPLOYEE WELFARE MEASURES IN INDIA

The Organizations provide welfare facilities to their employees, to keep the motivation levels high. The employee welfare schemes can be classified into two categories viz. statutory and non-statutory welfare schemes that are importantly provided by an organization as compliance to the laws governing employee health and safety. In industrial acts like Factories Act 1948, Dock Workers Act (safety, health and welfare) 1986, Mines Act 1962 provided such provisions.

- **STATUTORY WELFARE MEASURES**

It includes the following provisions:

1. **Drinking Water:** Safe and hygienic drinking water should be provided at all the working places.
2. **Facilities for sitting:** In factories, Chief Inspector must direct for suitable seating arrangements where workers have to work in a standing position so that they may take rest.
3. **First aid appliances:** There must be trained incharge for the first aid treatment. Factories having more than 500 employees must maintain an ambulance so that in case of any accident initial medical facility can be availed to the needed employee.
4. **Latrines and Urinals:** A sufficient number of latrines and urinals are to be provided in the office and factory premises and are also to be maintained in a neat and clean condition.
5. **Canteen facilities:** Cafeteria or canteens must be provided by the employer where more than 250 workers are employed.
6. **Spittoons:** Spittoons are to be provided in every work places, and same are to be maintained in a hygienic condition.
7. **Lighting:** Sufficient lights are to be provided so that **workers** can work safely during the night shifts.
8. **Washing places:** Adequate and clean washing places are to be provided in the organization. There must be separate area for both men and women.
9. **Changing rooms:** Adequate changing rooms and lockers are to be provided for workers to change and keep their clothes and belongings in the factory area and office premises.
10. **Crèches:** Where more than 30 women are employed in the factory, well maintained, ventilated and hygienic room and care taker should be provided for the use of the children below 6 years .

- **NON STATUTORY SCHEMES**

Many non statutory welfare schemes include the following schemes that are differ from organization to organization and from industry to industry:

1. **Personal Health Care (Regular medical check-ups):** Companies provide the facility for extensive health check-up for their employees.
 2. **Flexi-time:** Flexible work schedules are initiated by employees and approved by management to meet business commitments while supporting employee personal life needs.
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3. **Employee Assistance Programs:** various assistant programs are arranged for the employees.
Harassment Policy: Guidelines are provided for proper action and also to protect the aggrieved employee, to protect an employee from harassments .
4. **Maternity & Adoption Leave** –Employees can avail Paternity, maternity or adoption leaves.
5. **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.
6. **Employee Referral Scheme:** To refer friends and relatives for employment in the organization, various companies implemented employee referral scheme to encourage employees.

CONCLUSION

Labour welfare is very essential for increasing the productivity of the organisations .This paper has thrown light on different aspects of labour welfare and voluntary measures which is been implemented by government in order to protect the interest of labour. Employees need constant welfare measures for their up gradation .In India, service sector is a leading sector, which generates more employment, needs welfare measures for their improvement. The welfare facilities help to motivate and retain employees. This ensures employee satisfaction result in increased efficiency.

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