

WEBINAR ON PERSPECTIVE ON LABOUR CODES



KEY POINTS



- With the four new Labour Codes, 2020 has been a year of reforms.
- The Four codes on Wages, Industrial Relations, Occupational Safety, Health, and Working Conditions, and the Social Security Code, aims to simplify, rationalize, and amalgamate 29 existing central labour enactments for ease of doing business.
- The enactments had more than 1200 provisions which have been reduced to around 480 sections due to the advent of the codes
- The Codes are expected to be a big game changer in the history of Labour Laws in India.



ACTS REPEALED UNDER WAGE CODE, 2019

1



The Equal Remuneration Act, 1976(
"ERA")

2



The Minimum Wages Act,
1948(**"MWA"**).

3



The Payment of Wages Act,
1936(**"PWA"**).

4



The Payment of Bonus Act,
1965(**"PBA"**)





1

The Trade Unions Act, 1926

2

The Industrial Employment(Standing Orders) Act, 1946

3

The Industrial Disputes Act, 1947

ACTS REPEALED UNDER THE INDUSTRIAL
RELATIONS CODE, 2020

ACTS REPEALED UNDER THE OSHWC CODE, 2020

13 Central Labour Enactments have been subsumed into
OSHC, 2020

1



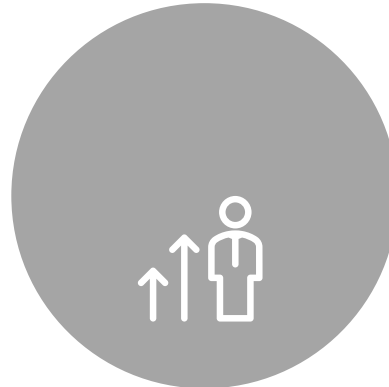
The Factories Act, 1948

2



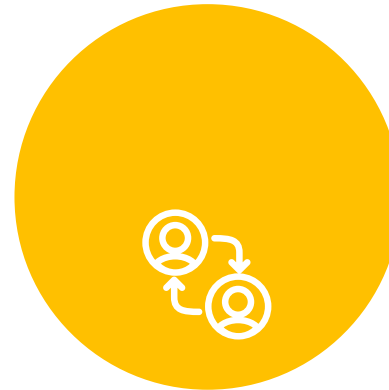
The Mines Act, 1952

3



The Dock Workers(Safety, Health and Welfare) Act, 1986

4



The Building and Other Construction Workers(Regulation of Employment and Conditions of Service) Act, 1996

5



The Motor Transport Workers Act, 1961



ACTS REPEALED UNDER THE OSHWC CODE, 2020

13 Central Labour Enactments have been subsumed into
OSHWC, 2020

6



The Plantation Labour
Act, 1951

7



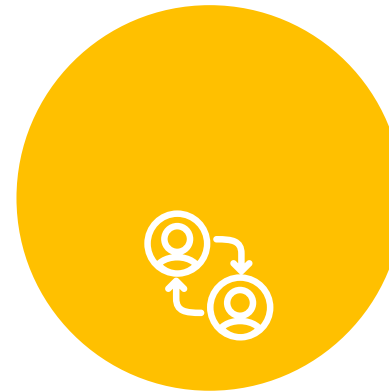
The Contract Labour(
Regulation and
Abolition) Act, 1970

8



The Interstate Migrant
Workmen(Regulation
and Employment and
Conditions of Service)
Act, 1979

9



The Working Journalist
and other News Paper
Employees (Conditions
of Service and
Miscellaneous
Provision) Act, 1955

10



The Working Journalist
(Fixation of Rates of
Wages) Act, 1958; (x)
The Motor Transport
Workers Act, 1961



ACTS REPEALED UNDER THE OSHWC CODE, 2020

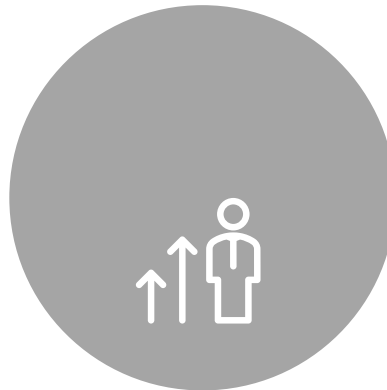
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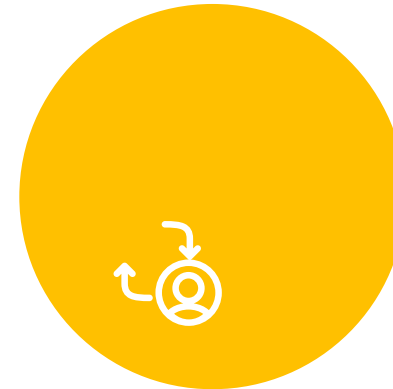
The Sales Promotion
Employees (Conditions
of Service) Act, 1976;

12



The Beedi and Cigar
Workers (Conditions of
Employment) Act, 1966

13

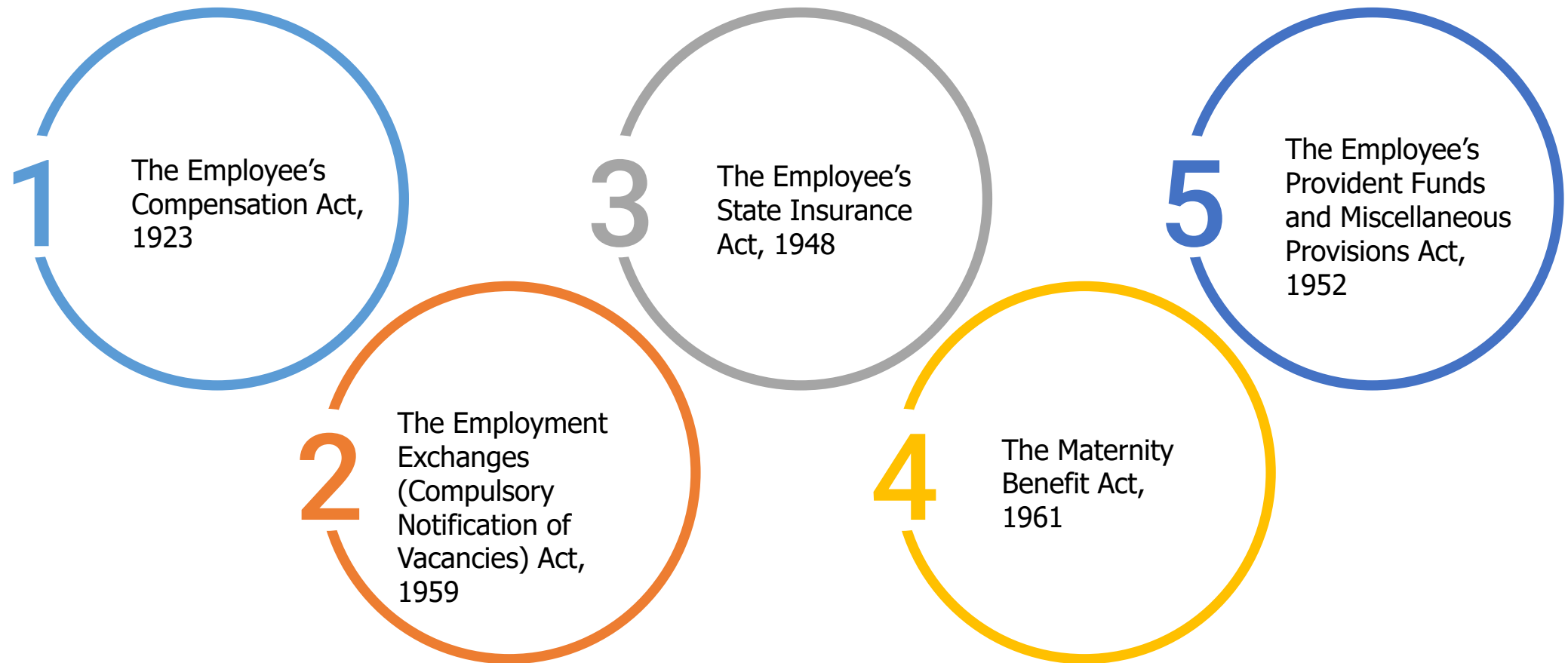


The Cine Workers and
Cinema Theatre
Workers Act, 1981.



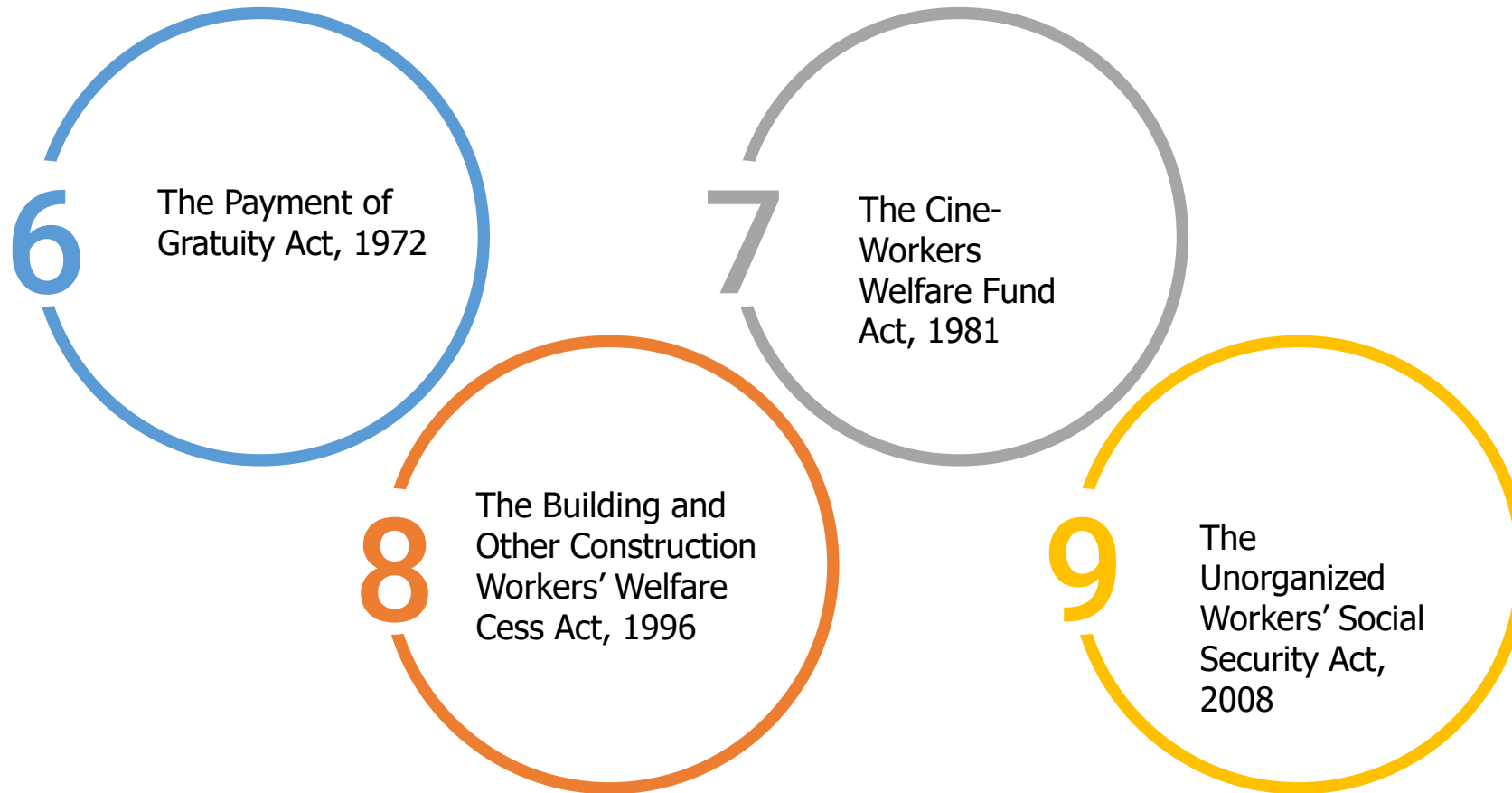
ACTS REPEALED UNDER THE SOCIAL SECURITY CODE, 2020

9 Central Labour Enactments have been subsumed into Social Security Code, 2020



ACTS REPEALED UNDER THE SOCIAL SECURITY CODE, 2020

9 Central Labour Enactments have been subsumed into Social Security Code, 2020



WHAT IS COMMON ACROSS ALL CODES?

1



Definition of Wages

2



Social Security fund for unorganized workers

3



Concept of Compounding of offenses

4



Stringent penalties



THE WAGE CODE, 2019



Code on Wages, 2019



- Applicable to all establishments unlike the Scheduled Employments
- Overtime rate: Twice normal rate of wages
- Fixation of Floor wage based on Geographical area by Central Government
- Where the contractor makes default in payment to its employees the responsibility now shifts to the Proprietor where the employee is employed
- Revision or review of wages will be held at an interval of not more than 5 years
- Time Limit for Payment of Wages is streamlined



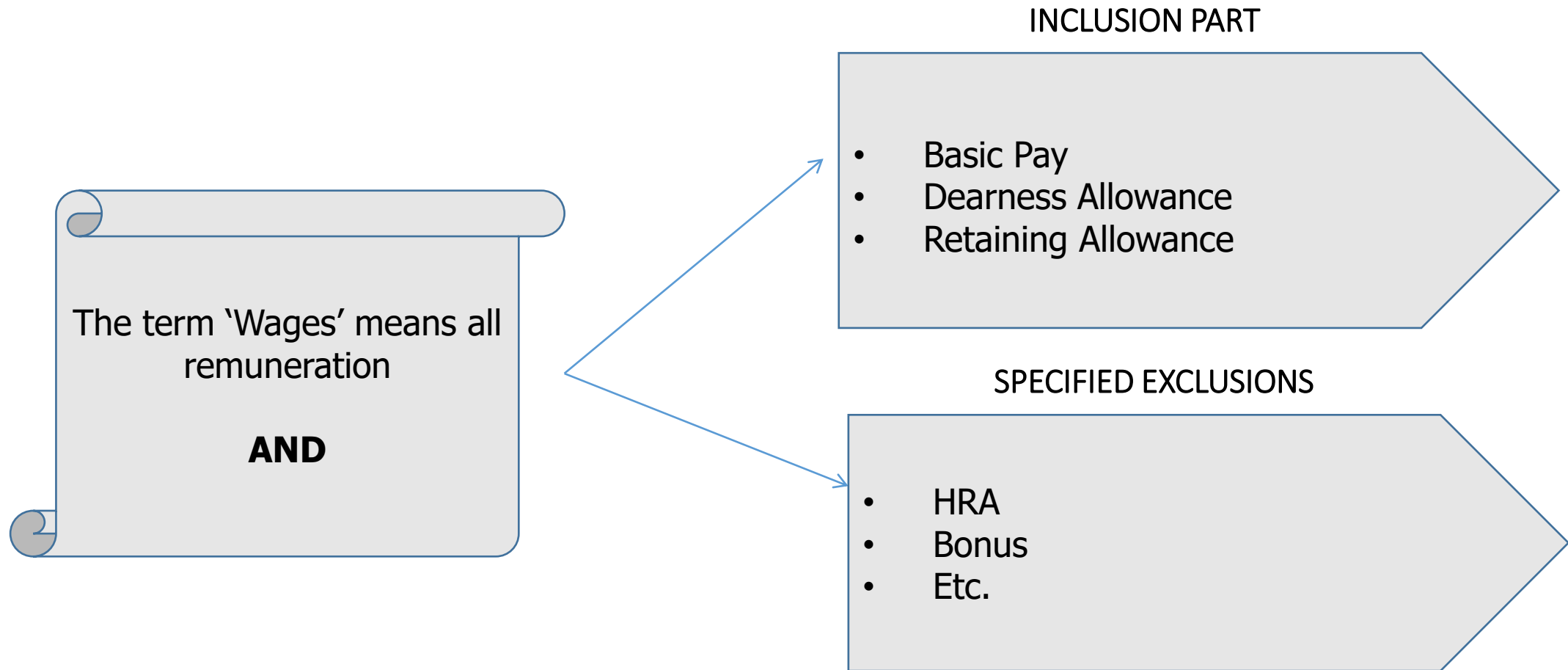
Code on Wages, 2019



- Representatives of Employer and also that of Employees will also form part of Central or State Advisory Boards
- The role of Inspector has been redefined as the role of Inspector-cum-Facilitator who would also guide and advice the employer and employee relating to the compliances of the Code (*"Inspector Raj to Sewak"*)
- Exemption from maintenance of records and registers to the Agriculture and domestic employer in case he employs not more than 5 persons



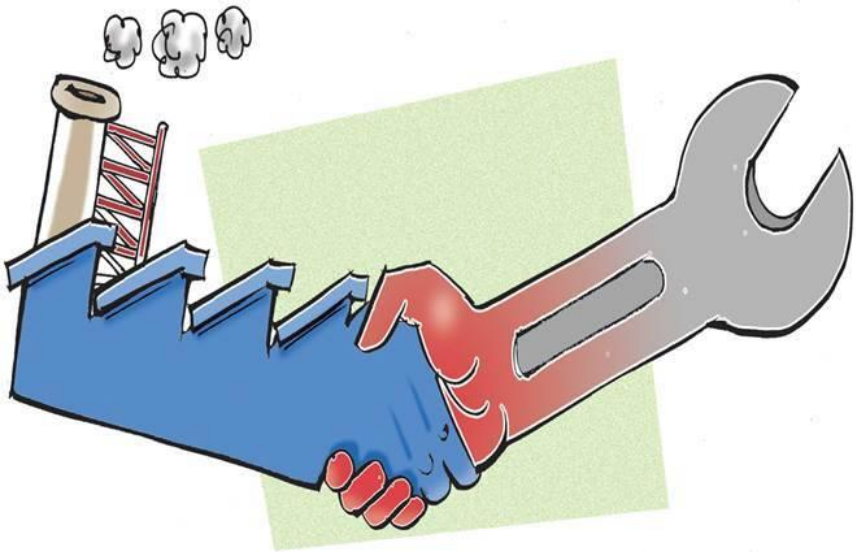
Code on Wages, 2019



THE INDUSTRIAL RELATIONS CODE, 2020



Industrial Relations Code, 2020



- Retains the definition of 'worker' but excludes apprentices. Also changes the wage ceiling of supervisory workers from Rs 10,000 per month to Rs 18,000 per month.
- Definition of "Industry" has been widened, which includes any systematic activity for the production, supply or distribution of goods and services. The definition excludes: sovereign functions of the government, domestic services, charitable services, and other notified activities.
- Definition of 'strike' is being amended to include 'mass casual leave' (50% or more workers on leave on a given day) also within its ambit.
- Fixed term employment concept is introduced



Industrial Relations Code, 2020



- Requirement of a notice period of 14 days has been incorporated for strikes and lockouts in any establishment (earlier to public utility service).
- Non-Seasonal Industrial Establishments-Factories, mines or plantations in which 100 or more workers are employed are required to take permission of the central or state government before laying off or retrenching workers. However, under the Code, the limit is up to 300 or more workers.
- New Concept of “**Worker re-skilling fund**” has been introduced
- The disputes of the registered trade unions have also been included within the jurisdiction of Industrial Tribunal





THE OSHWC CODE, 2020



OSHWC Code, 2020



- Code contains amalgamated provisions relating to occupation, safety, health, and working conditions of workers
- One Registration of an Establishment instead of multiple registrations. Currently there are 6 Labour Acts out of 13 which provide for separate registration.
- The Code is applicable to all establishments employing 10 or more workers, except mine and dock where it is applicable on even 1 worker
- The offices of Central and State Government have been kept out of the ambit of the Code. However covers contract labour employed in such establishments



OSHWC Code, 2020



- Definition of Cine worker has been modified to include all audio-visual workers and definition of working journalist has also been modified to include journalists working in electronic media also.
- Interstate migrant worker has been modified to include those migrant workers who have been employed directly by the employer besides the migrant workers employed through a contractor
- Extension of benefits to Interstate Migrant Workmen in destination state.
- Definition of factory amended



OSHWC Code, 2020

- Women Employee permitted to work beyond 7:00 PM and before 6:00 AM with prior consent.
- Fixation of Daily working hours to 8 hours per day.
- Extension of benefits to Interstate Migrant Workmen in destination state.
- Various provisions of 'contractor 'and 'contract labor' which includes **work specific license** and **experience certificate** to contract labour
- Constitution of Safety Committee consisting equal representatives of employers and employees
- Constitution of National Occupational Safety and Health Advisory Boards as a replacement for multiple committees





THE CODE ON SOCIAL SECURITY, 2020



MAJOR HIGHLIGHTS OF THE CODE

Social Security to unorganized sector, home-based workers, gig workers and platform workers

1. Gig Worker : Example: Freelancers
2. Home Based Worker : Person working simply on assignment basis and producing G/S in his home/other place of his choice(not being the employer's workplace)
3. Platform worker: Example: Ola, Uber Drivers, People associated wit Urbanclap, Housejoy etc.
4. Unorganized worker: Home based worker, self employed worker or a wage worker in the unorganized sector

Under the Code, the CG has been empowered to extend benefits under various schemes to above categories of workers.



SOCIAL SECURITY CODE, 2020

SALIENT PROVISIONS

01

The CG shall formulate suitable welfare schemes for unorganized/gig/platform workers on matters relating to:-

- Life and disability cover
- Health and maternity benefits
- Old age protection
- Education, crèche etc.

02

The SG shall formulate suitable welfare schemes for unorganized/gig/platform workers on matters relating to:-

- Provident fund
- Employment injury benefit
- Housing
- Educational schemes for children
- Old age homes etc.

03

Applicability of EPF

Not limited to Scheduled Employment. Statute applicable to all establishments as long as notified thresholds(20 or more employees) are met. Voluntary coverage permissible.

04

Constitution of Various Boards

- A Central Board of Trustees
- An Employees State Insurance Corporation
- National and state-level Social Security Boards,
- State-level Building Workers' Welfare Boards

05

Schemes for gig workers, platform workers, and unorganized workers may be financed through a combination of contributions from the employer, employee, and the appropriate government.

06

Registration of on-demand workers

Aadhar based registration based on self declaration by every unorganized worker, gig worker or platform worker.

THANK YOU

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