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Business Law For Managers

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Module-6

Lecture 26 : Background, Concept and Importance of Legislation for Wages

BUSINESS LAW FOR MANAGERS

Introduction

Wage and hour laws are the laws that deal with the wages rates an employer can pay its employees and the hours for which an employer must compensate its employees.

The most well-known wage and hour laws are minimum wage laws, payment of wages law and payment of bonus law. We will discuss all about these in this week lectures.

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KEY POINTS

- Backgrounds
- Wages
- Classification of wages as remuneration
- Evolution of code on wages
- Various legislations on wages
- Scope of legislations on wages
- Importance of legislations on wages

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Legislations on Wages

Background

- After independence, India has become a country that regulated workday a eight hours, abolished child labour and restriction imposed on employment of women in night. It has become one of the founding member of International Labour Organization (ILO) of UNO, that has legislated equal remuneration act, abolition of forced labour act .

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Legislations on Wages

Wages

Wages mean all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment…….

-----The Payment of Wage Act 1936

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Legislations on Wages

Classification of Wage as Remunerations

- Wages as remuneration for the work and services rendered.
- Bonus, the additional benefit – pension, provident fund – given to the workers
- Gratuity- the benefits and payments made when the service period is over or at the termination of employment.

It is understood that the legislator's intent is to safeguard the interest of the workers by making provisions for wages and benefits and thus providing economic benefit.

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Legislations on Wages

Evolution of code on wages

- The Labour Codes aims to transform the old and obsolete labour laws into more accountable and transparent ones which is need of the hour.
- The preamble of the Code states that it is “an Act to amend and consolidate the laws relating to wages and bonus and matters connected therewith or incidental thereto”
- The Code makes this opportunity to compound uniformly available and is a step forward in the direction of ease of doing business.

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Legislations on Wages

Evolution of code on wages at a glance

Wages Code bill was introduced on 10th August 2017

→ Wages Code bill was referred to Parliamentary Standing Committee on 21st August 2017

→ Wages Code bill was re-introduced and passed by Lok Sabha on July 23 and 30, 2019

↓ Wage Code bill was passed by Rajya Sabha August 2, 2019

← Wage Code bill was accorded the consent of president and published in Gazette on 8th August 2019

Source: https://www.icsi.edu/media/webmodules/Handbook_on_Code_on_Wages_7122020.pdf

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Legislations on Wages

Various Legislations on wages

There are some laws which regulate wages and benefits while operating a business in India. They are as follows:

- Minimum Wages Act, 1948
- Payment of Wages Act, 1936
- The Payment of Bonus Act, 1965

Details of all these acts have been discussed in the next and onward lecture sessions.

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Legislations on Wages

Scope of legislations on wages

The scope of dealing with labour laws may be very much useful as all these have many provisions to safeguard the interest of workers of organised and unorganized sectors in India.

However, the discussion on few essential acts and their features will serve the importance of learning of these laws.

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Legislations on Wages

Importance of legislations on wages

- The law on wages acts as a tool to promote worker empowerment as well as worker protection.
- The law on wages aims to correct the imbalance of power between the worker and the employer
- Law on wages aims to prevent a race to the bottom by placing restrictions on the contracting partners' freedom to contract on whatever terms they wish, and setting minimum standards over safety and pay structure

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- Anup K. Karan & Sakthivel Selvaraj (2008): 'Trends in wages and earnings in India: Increasing wage differentials in a segmented labour market', ILO Asia-Pacific Working Paper Series.
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CONCLUSION

This is introductory lecture of this week. Attempt has been made to give an overall idea of the basic issues like-backgrounds, wages, classification of wages as remuneration, evolution of code on wages, various legislations on wages.

And scope of legislations on wages. After having a brief idea, we will go for learning in details in the next and onward lecture sessions.

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Lecture 27 : Payment of Wages

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BUSINESS LAW FOR MANAGERS

Introduction

The Act guarantees payment of wages on time and without any deductions except those permitted under the Act. It list down the responsibility for payment of wages, fixation of wage period, time and mode of payment of wages, permissible deduction as also casts upon the employer a duty to seek the approval of the Government.

Also for a machinery to hear and decide complaints regarding the deduction from wages or in delay in payment of wages. Brief on various provisions of this act may be discussed in this lecture

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KEY POINTS

- Definitions
- Responsibility for payment of wages
- Time of payment of wages
- Deductions which may be made from wages
- Inspectors

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Payment of Wages

Meaning of Wages

"Wages" means all remuneration (whether by way of salary, allowances or otherwise) expressed in terms of money or capable of being so expressed which would if the terms of employment express or implied were fulfilled by payable to a person employed in respect of his employment or of work done in such employment and includes –

(a) any remuneration payable under any award or settlement between the parties or order of a court;

(b) any remuneration to which the person employed is entitled in respect of overtime work or holidays or any leave period;

(c) any additional remuneration payable under the terms of employment (whether called a bonus or by any other name);

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Payment of Wages

Meaning of Wages

(d) any sum which by reason of the termination of employment of the person employed is payable under any law contract or instrument which provides for the payment of such sum whether with or without deductions but does not provide for the time within which the payment is to be made;

(e) any sum to which the person employed is entitled under any scheme framed under any law for the time being in force

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Payment of Wages

Responsibility for payment of wages

Every employer shall be responsible for the payment to persons employed by him of all wages required to be paid.

- **In the case of the factory, manager of that factory shall be liable to pay the wages to employees employed by him.**
- **In the case of industrial or other establishments, persons responsibility of supervision shall be liable for the payment of the wage to employees employed by him.**

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Payment of Wages

Responsibility for payment of wages

- In the case of railways, a person nominated by the railway administration for specified area shall be liable for the payment of the wage to the employees.
- In the case of contractor, a person designated by such contractor who is directly under his charge shall be liable for the payment of the wage to the employees. If he fails to pay wages to employees, person who employed the employees shall be liable for the payment of the wag

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Payment of Wages

Time of payment of wages

- In railway factory or industrial or other establishment, if there are less than 1000 employees, wages of employees should be paid before the expiry of the 7th day after the last day of the wage period. (ex:- wages should be paid on starting of present month within 7 days i.e. before 7th date if wage is paid on 1st in previous month)

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Payment of Wages

Time of payment of wages

- In other railway factory or industrial or other establishment, if there are more than 1000 employees, wages of employees should be paid before the expiry of the 10th day after the last day of the wage period. (ex:- wages should be paid on starting of present month within 10 days i.e. before 10th date if wage is paid on 1st in previous month)
- For employees of port area, mines, wharf or jetty, wages of employees should be paid before the expiry of the 7h day after the last day of the wage period.

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Payment of Wages

Deductions which are acceptable

The following are said to be the deductions and which are acceptable according to this act:

- Fines,
- Deductions for absence from duty,
- Deductions for damage to or loss of goods made by the employee due to his negligence,
- Deductions for house-accommodation supplied by the employer or by government or any housing board,

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Payment of Wages

Deductions which are acceptable

- Deductions for such amenities and services supplied by the employer as the State Government or any officer,
- Deductions for recovery of advances connected with the excess payments or advance payments of wages,
- Deductions for recovery of loans made from welfare labour fund,
- Deductions for recovery of loans granted for house-building or other purposes,
- Deductions of income-tax payable by the employed person,
- Deductions by order of a court

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Payment of Wages

Deductions which are acceptable

- Deduction for payment of provident fund,
- Deductions for payments to co-operative societies approved by the State Government,
- Deductions for payments to a scheme of insurance maintained by the Indian Post Office
- Deductions made if any payment of any premium on his life insurance policy to the Life Insurance Corporation with the acceptance of employee,
- Deduction made if any contribution made as fund to trade union with the acceptance of employee,

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Payment of Wages

Deductions which are acceptable

- Deductions, for payment of insurance premia on Fidelity Guarantee Bonds with the acceptance of employee.
- Deductions for recovery of losses sustained by a railway administration on account of acceptance by the employee of fake currency,
- Deductions for recovery of losses sustained by a railway administration on account of failure by the employee in collections of fares and charges,
- Deduction made if any contribution to the Prime Minister's National Relief Fund with the acceptance of employee,
- Deductions for contributions to any insurance scheme framed by the Central Government for the benefit of its employees with the acceptance of employee,

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Payment of Wages

Deductions which cannot be made from wages

At the time of payment of the wage to employees, employer should make deductions according to this act only. Employer should not make deductions as he like. Every amount paid by the employee to his employer is called as deductions.

The following are not called as the deduction

- **Stoppage of the increment of employee.**
- **Stoppage of the promotion of the employee.**
- **Stoppage of the incentive lack of performance by employee.**
- **Demotion of the employee**
- **Suspension of the employee**

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Payment of Wages

Inspector and his powers

The state government may appoint an inspector for purpose of this act. Every Inspector shall be deemed to be a public servant. The inspector of this act is having powers mentioned below:

- Inspector can make enquiry and examination whether the employers are properly obeying the rules mentioned under this act.
- Inspector with such assistance, if any, as he thinks fit, enter, inspect and search any premises of any railway, factory or industrial or other establishment at any reasonable time for the purpose of carrying out the objects of this Act.

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Payment of Wages

Inspector and his powers

- Inspector can supervise the payment of wages to persons employed upon any railway or in any factory or industrial or other establishment.
- Seize or take copies of such registers or documents or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer.

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- Anup K. Karan & Sakthivel Selvaraj (2008): 'Trends in wages and earnings in India: Increasing wage differentials in a segmented labour market', ILO Asia-Pacific Working Paper Series.
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CONCLUSION

This lecture session has covered the issues like – definitions, responsibility for payment of wages, time of payment of wages, deductions which may be made from wages, inspectors. It is very important part of learning about the legislations on wages which leaners can learn while they are attending the lecture session.

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Module-6

Lecture 28 : Minimum Wages

BUSINESS LAW FOR MANAGERS

Introduction

It must be noted that India's minimum wage and salary structure differs based on the following factors: state, area within the state based on development level (zone), industry, occupation, and skill-level. This offers foreign investors a range of options when choosing where to locate their set up.

The calculation of the minimum wage factors in the skill-level of the worker and the nature of their work. Broadly, workers in India are categorized as unskilled, semi-skilled, skilled, and highly skilled.

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KEY POINTS

- Meaning of wages and employees
- Fixing of minimum rate of wages
- Procedure for fixing rate of wages
- Advisory board
- Composition of committee

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Minimum Wages Act 1948

Meaning of Wages

- "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes house rent allowance

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Minimum Wages Act 1948

Meaning of Wages

- "wages" does not include—

(i) the value of—

(a) any house-accommodation, supply of light, water, medical attendance,

(b) any other amenity or any service excluded by general or special order of the appropriate Government;

(ii) any contribution paid by the employer to any Pension Fund or Provident Fund or under any scheme of social insurance;

(iii) any travelling allowance or the value of any travelling concession;

(iv) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(v) any gratuity payable on discharge;

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Minimum Wages Act 1948

Meaning of Employee

- any person who is employed for hire or reward to do any work, skilled or unskilled, manual or clerical, in a scheduled employment in respect of which minimum rates of wages have been fixed.
- an employee declared to be an employee by the appropriate Government; but does not include any member of the Armed Forces of the union

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Minimum Wages Act 1948

Fixing of minimum rate of wages

- The appropriate Government shall, fix the minimum rates of wages payable to employees employed in an employment specified under the law by notification.
- Provided that the appropriate Government may in respect of employees employed in an employment specified in law, instead of fixing minimum rates of wages, for the whole State, fix such rates for a part of the State or for any specified class or classes of such employment in the whole State .
- Provided that the appropriate government may review at such intervals as it may think fit, but not exceeding five years and rising them

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Minimum Wages Act 1948

Fixing of minimum rate of wages

The appropriate Government may fix:

(a) a minimum rate of wages for a minimum time rate;

(b) a minimum rate of wages for a minimum piece rate;

(c) a minimum rate of remuneration to apply in the case of employees employed on piece work for the purpose of securing to such employees a minimum rate of wages on a guaranteed time rate;

(d) a minimum rate (time rate or a piece rate) to apply in substitution for the minimum rate which would otherwise be applicable, in respect of overtime work done by employees as overtime rate

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Minimum Wages Act 1948

Fixing of minimum rate of wages

In fixing or revising minimum rates of wages under this section,

(a) different minimum rates of wages may be fixed for—
  (i) different scheduled employments;
  (ii) different classes of work in the same scheduled employment;
  (iii) adults, adolescents, children and apprentices;

(b) minimum rates of wages may be fixed by any one or more of the following wage-periods, namely:
  (i) by the hour,
  (ii) by the day,
  (iii) by the month, or
  (iv) by such other larger wage-period as may be prescribed

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Minimum Wages Act 1948

Minimum rate of wages

1. Any minimum rate of wages fixed or revised by the appropriate Government in respect of scheduled employments which may consist of

(i) a basic rate of wages and a special allowance at a rate to be adjusted, at such intervals and in such manner as the appropriate Government may direct, to accord as nearly as practicable with the cost of living allowance; or

(ii) a basic rate of wages with or without the cost of living allowance, and the cash value of the concessions in respect of supplies of essential commodities at concession rates, where so authorized; or

(iii) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

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Minimum Wages Act 1948

Minimum rate of wages

2. The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rates shall be computed by the competent authority at such intervals and in accordance with such directions as may be specified or given by the appropriate Government.

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Minimum Wages Act 1948

Procedure for fixing and revising minimum wages

1. In fixing minimum rates of wages in respect of any scheduled employment for the first time or in revising minimum rates of wages so fixed, the appropriate Government shall either

   (a) appoint as many committees and sub-committees as it considers necessary to hold enquiries and advise it in respect of such fixation or revision, as the case may be, or

   (b) (b) by notification in the Official Gazette, publish its proposals for the information of persons likely to be affected thereby and specify a date, not less than two months from the date of the notification, on which the proposals will be taken into consideration.

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Minimum Wages Act 1948

Procedure for fixing and revising minimum wages

2. After considering the advice of the committee or committees appointed, or as the case may be, all representations received by it before the date specified in the notification of that sub-section, the appropriate Government shall, by notification in the Official Gazette, fix, or, as the case may be, revise the minimum rates of wages in respect of each scheduled employment, and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue.

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Minimum Wages Act 1948

Advisory Board

As per provision of the act, the appropriate Government shall, by notification, appoint an advisory Board for the purpose of coordinating the work of the committees and advising in the matter of fixing and or revising minimum rates of wages.

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Minimum Wages Act 1948

Central Advisory Board

As per provision of the act, the Central Government shall, appoint a Central Advisory Board for the purpose of advising the state and central governments in the matter of fixing and or revising of minimum rates of wages and other matters under this act and for coordinating the work of the Advisory boards.

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Minimum Wages Act 1948

Composition of Committees

Each of the committees, sub-committees and the Advisory Board shall consist of persons to be nominated by the appropriate Government representing employers and employees in the scheduled employments, who shall be equal in number, and independent persons not exceeding one-third of its total number of members; one of such independent persons shall be appointed the Chairman by the appropriate Government.

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REFERENCES

- Anup K. Karan & Sakthivel Selvaraj (2008): 'Trends in wages and earnings in India: Increasing wage differentials in a segmented labour market', ILO Asia-Pacific Working Paper Series.
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CONCLUSION

This lecture session has covered the issues like meaning of wages and employees, fixing of minimum rate of wages, procedure for fixing rate of wages, advisory board and composition of committee as laid down in the minimum wages Act. It is very important part of learning about the legislations on wages which leaners can learn while they are attending the lecture session.

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Module-6

Lecture 29 : Payment of Bonus Act

BUSINESS LAW FOR MANAGERS

Background

The practice of paying bonus in India appears to have originated during 1st world war when certain textile mills granted a stipulated percentage of wages as a war bonus to their workers. The industrial disputes also, in certain cases, demand for payment of bonus was included.

In 1950, the full Bench of the labour Appellate evolved a formula for determination of Bonus. Learning all about the bonus is, therefore, very much important.

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KEY POINTS

- Background
- Objectives
- Eligibility for bonus
- Time limit for payment of bonus
- Inspector and His Power
- Duties of the Employer

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Payment of Bonus Act 1965

Background

The Standing Labour Committee (G.O.I) in its meeting held in New Delhi in March /April 1960, it was agreed that a commission be appointed to go into the question of bonus and evolve suitable norms.

The Government of India accepted the recommendation of the Commission subject to certain modifications.

The payment of Bonus Ordinance 1965, was promulgated on 29th May,1965, to replace the said ordinance of the Payment of Bonus Bill was introduced in the Parliament.

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Payment of Bonus Act 1965

Definition

- The term bonus is meant as a boon or gift over and above what is normally due as remuneration to the receiver.

- 'Bonus' is something to the good; especially extra dividend to the shareholders of the company; distribution of profits to the insurance policyholders

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Payment of Bonus Act 1965

Objectives

Objectives of the act are as follows:

- **To impose a legal responsibility upon the employer of every establishment covered by the Act to pay the bonus to employees.**
- **To designate the minimum and maximum percentage of bonus.**
- **To prescribe the formula for calculating bonus.**
- **To provide redressal mechanism.**
- **To regulate the amount of bonus to be paid to the persons employed in establishments based on its profit and productivity**

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Payment of Bonus Act 1965

Applicability of the Act

- It is specified that the Payment of Bonus Act is applicable to the whole of India.
- According to the Bonus Act, any different departments or undertakings or branches of an establishment of whether located in the same place or at different areas should be considered as parts of the similar establishment for computation of bonus under the Act.
- It is applicable to any factory or establishment which had twenty or more workers employed on any day during the year.

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Payment of Bonus Act 1965

Applicability of the Act

- The act does not apply to the non-profit making organisations.
- It is not applicable to establishments such as LIC, hospitals which are excluded under Section 32.
- It is not applicable to establishments where employees have signed an agreement with the employer.
- It is not applicable to establishments exempted by the appropriate government like sick units.

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Payment of Bonus Act 1965

Eligibility for Bonus

- Every employee receiving salary or wages up to Rs.21,000 p.m. engaged in any kind of work whether skilled, unskilled, managerial, manual, supervisory, administrative, technical or clerical work for hire or reward etc. is entitled to get bonus for every accounting year, whether the terms of employment be expressed or implied, only if he has worked for at least 30 working days in that year.
- Bonus is paid only annually and it cannot be directed to be paid on half-yearly basis.
- When an employee is not eligible for the statutory bonus but the company wants to share bonus, it can be given as ex-gratia.

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Payment of Bonus Act 1965

Eligibility for Bonus

- A temporary workman on the basis of total number of days worked by him.
- An employee of a seasonal factory is entitled to proportionate bonus and not minimum bonus, as prescribed by the Act.
- A part-time employee, as a sweeper engaged on a regular basis.
- A retrenched employee, provided he has worked for minimum qualifying period.
- A probationer is an employee and as such is entitled to bonus.
- A dismissed employee re-instated with back wages is entitled to bonus.
- A piece rated worker is entitled to bonus

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Payment of Bonus Act 1965

Minimum and Maximum Bonus

- **Minimum:**

The minimum bonus which an employer is required to pay even if he suffers losses during the accounting year or there is no allocable surplus (except in case of new establishments), is 8.33% of the salary or wages of the employee during the accounting year.

- **Maximum:**

If in any accounting year, the allocable surplus exceeds the amount of minimum bonus, the employer shall pay bonus in proportion to the salary or wages earned by the employee during that accounting year, subject to maximum of 20% of such salary or wages

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Payment of Bonus Act 1965

Right of Employees

- Right to claim bonus payable under the Act and to make an application to the Government, for the recovery of bonus due and unpaid, within one year of its becoming due.
- Right to refer any dispute to the Labour Court/Tribunal Employees, to whom the Payment of Bonus Act does not apply, cannot raise a dispute regarding bonus under the Industrial Disputes Act.
- Right to seek clarification and obtain information, on any item in the accounts of the establishment.

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Payment of Bonus Act 1965

Time limit for Payment of Bonus

All amounts payable to an employee by way of bonus under this Act shall be paid in cash by the employer, provided

(a) where there is a dispute regarding payment of bonus pending before any authority under section 22, within a month from the date on which the award becomes enforceable or the settlement comes into operation, in respect of such dispute;

(b) in any other case, within a period of eight months from the close of the accounting year

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Payment of Bonus Act 1965

Time limit for Payment of Bonus

Provided that the appropriate government or such authority as the appropriate government may specify in this behalf may, upon an application made to it by the employer and for sufficient reasons, by order, extend the said period of eight months to such further period or periods as it thinks fit; so, however, that the total period so extended shall not in any case exceed two years.

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Payment of Bonus Act 1965

Disqualification for Bonus

an employee shall be disqualified from receiving bonus under this Act, if he is dismissed from service for --

- **(a) fraud; or**
- **(b) riotous or violent behaviour while on the premises of the establishment; or**
- **(c) theft, misappropriation or sabotage of any property of the establishment.**

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Payment of Bonus Act 1965

Duties of the Employer

- To estimate and pay the annual bonus as required under the Act.
- To maintain the following registers:
  - The register should show the computation of allocating surplus in respective Form.
  - The register should be maintained with the payment of the bonus to the employees.
  - The records should be maintained before inspection and such other information should be stored.

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Payment of Bonus Act 1965

Inspector and His Powers

The act has provision that, government may, by notification in the official gazette, appoint Inspectors who can exercise the powers as follows:

- Making an employer to furnish information.
- Able to visit any establishment at any reasonable time.
- Able to order certain production documents and examine the same.
- Able to take extracts from the records
- To examine the employers, his agent or servant or any other person found in charge of the establishment.
- To execute such other powers as may be prescribed under the rules.

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Payment of Bonus Act 1965

Maintenance of books of Records

Every employer shall prepare and maintain such registers, records and other documents in such form and in such manner as prescribed in the provisions of this Act.

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- Anup K. Karan & Sakthivel Selvaraj (2008): 'Trends in wages and earnings in India: Increasing wage differentials in a segmented labour market', ILO Asia-Pacific Working Paper Series.
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CONCLUSION

This lecture session has covered the issues like – introduction, objectives ,Eligibility for bonus, time limit for payment of bonus, Inspector and his Powers, duties of the employer with an aim to give an overall idea about the Act for their lesson and application in their professional practice.

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Module-6

Lecture 30 : Equal Remuneration Act

BUSINESS LAW FOR MANAGERS

Introduction

An Act to provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

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KEY POINTS

- Backgrounds
- Important definitions
- Salient features
- No discrimination
- Advisory Committee
- Duty of the Employer

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The Equal Remuneration Act 1976

Background

The chief motive of the Equal Remuneration Act 1976 is to provide for payment of remuneration to men and women on a uniform basis. In order to avoid discrimination against women and to treat the women in a fair and just manner, this act is brought into force

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The Equal Remuneration Act 1976

Important definitions

- **Remuneration**

'Remuneration' means the basic wage or salary and any additional emoluments whatsoever payable, either in cash or in kind, to a person employed in respect of employment or work done in such employment.

- **Same work or wok of a similar nature**

Same work or Work of a similar nature means work in respect of which the skill, efforts and responsibilities required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any

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Important definitions

- **Worker**

Worker' means a worker in any establishment or employment in respect of which this Act has come into force.

- **Man and Woman**

"man" and "woman" mean the male and female human beings, respectively, of any age;

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No discrimination

On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force

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The Equal Remuneration Act 1976

Salient features

- The Act doesn't make a distinction like employment or the period of employment and applies to all workers even if engaged only for a day or few days.
- No overriding effect is given to any agreement, settlement or contract to the provisions of the Equal Remuneration Act.
- Any settlement or any agreement with the employee that is detrimental to the employee isn't allowed.
- The Ministry of Labour and The Central Advisory Committee are responsible for enforcing this Act.

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Salient features

- The equality of work is not based solely on the designation or the nature of work but also on factors like qualifications, responsibilities, reliabilities, experience, confidentiality, functional need and requirements commensurate with the position in the hierarchy are equally relevant.
- When the employer doesn't comply with the provisions of the act, he will be liable to pay fine, imprisonment, or both.

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Advisory Committee

- 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 to which women may be employed in such establishments.
- 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.
- In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment,

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Advisory Committee

- The Advisory Committee shall regulate its own procedure.
- 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,

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Duties of Inspector

- The appropriate Government may, by notification, appoint such persons as it think fit to be Inspectors for the purpose of making an investigation as to whether the provisions of this Act.
- Every Inspector shall be deemed to be a public servant.
- An Inspector may, at any place within the local limits of his jurisdiction, --
  (a) enter, at any reasonable time with such assistance as he thinks fit, any building, factory, premises or vessel:
  (b) require any employer to produce any register, mister-roll or other documents relating to the employment of workers, and examine such documents;

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Duties of Inspector

(c) take on the spot or otherwise, the evidence of any person for the purpose of ascertaining whether the provisions of this Act are being, or have been, complied with:

(d) examine the employer, his agent or servant or any other person found in charge of the establishment or any premises connected therewith or any person whom the Inspector has reasonable cause to believe to be, or to have been a worker in the establishment;

(e) make copies, or take extracts from, any register or other document maintained in relation to the establishment under this Act.

- Any person required by an Inspector to produce any register or other document or to give any information shall comply with such requisition.

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Duties of Employer

On and from the commencement of this Act, every employer shall maintain such registers and other documents in relation to the workers employed by him as may be prescribed.

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Power of appropriate government to appoint authorities

1. 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 on
   (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,
2. Every complaint or claim referred to that shall be made in such manner as may be prescribed

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The Equal Remuneration Act 1976

Power of appropriate government to appoint authorities

3. 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 .
4. Where a complaint or claim is made to the authority appointed it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary.
5. Every authority appointed under sub-section (1) shall have all the powers of a Civil Court under the Code of Civil Procedure, 1908 (5 of 1908), for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents.

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Power of appropriate government to appoint authorities

6. Any employer or worker aggrieved by any order made by an authority appointed, on a complaint or claim may, within thirty days from the date of the order, prefer an appeal to such authority as the appropriate Government may, by notification, specify in this behalf.
7. The authority referred to, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period specified, allow the appeal to be preferred within a further period of thirty days but not thereafter

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CONCLUSION

In this lecture session, discussion has been made on the backgrounds of equal remuneration act, important definitions, salient features, no discrimination, advisory committee, duty o the employer. Learning on all of these will be very good lesson to all learners

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THANK YOU !