

VIVEKANANDA COLLEGE
THAKURPUKUR
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NAAC ACCREDITED 'A' GRADE



Topic: Employment Act
Course Title: GE4
Paper: Woman & Law
Unit: I
Semester: iv
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Name of the Department: Women's Studies

Factories Act, Trade Union Act 1948.

1. **Definitions:** “Factory” is defined in section 2(m) of the Act. It means any premises including the precincts thereof- a) Whereon 10 or more workers are working, or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on; or b) Whereon 20 or more workers are working, or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on. But does not include a mine subject to the operation of the Mines Act, 1952 or a mobile unit belonging to the Armed forces of the Union, a railway running shed or a hotel, restaurant or eating place.

2. **Objectives:** The main objective of Factories Act, 1948 is to ensure adequate safety measures and to promote the health and safety and welfare of the workers employed in factories. The act also makes provisions regarding employment of women and young persons (including children & adolescents), annual leave with wages etc. The Act extended to whole of India including Jammu & Kashmir and covers all manufacturing processes and establishments falling within the definitions of “factory” as defined u/s 2(m) of the act. Unless otherwise provided it is also applicable to factories belonging to Central/State Government (section 116)

3. **Provisions Regarding Health:** 1) Cleanliness 2) Disposal of Wastes & Effluents 3) Ventilations & Temperature 4) Dust & Fumes 5) Lighting 6) Drinking Water

4. Provisions Regarding Safety: 1) Fencing of Machinery 2) Prohibition of Employment of Women & Children near Cotton openers 3) Protection of Eyes precautions against Dangerous Fumes, Gases & others 4) Safety of Buildings and machines 5) Safety officers

5. Provisions Regarding Welfare of Workers: 1) Facilities for Sitting 2) First Aid facilities 3) Canteens, Shelters, Rest Rooms & Lunch Rooms 4) Welfare Officers

6. Hazardous Processes Provisions regarding Hazardous Process were instructed in the Act under a new chapter by the Factories (Amendment) Act, 1987. 1) Constitution of Site Appraisal Committee 2) Compulsory Disclosure of Information 3) Special Responsibility of the occupier in relation to Hazardous processes: 4) Providing for medical examination of every worker at intervals

7. Working Hours of Adults: •Weekly Hours: < 48 hours •Weekly Holidays: at least 1 holiday in a week, substitute holidays •Compensatory Holidays • Daily Hours: < 9 hours •Restriction on employment of women & children: Work between 6 a.m. to 7 p.m. only • Strictly restriction for women for employment between 10 p.m. to 5 a.m.

8. Bonus – History: The practice of paying bonus in India appears to have originated during First World War when certain textile mills granted 10% of wages as war bonus to their workers in 1917. • In certain cases of industrial disputes demand for payment of bonus was also included. In 1950, the Full Bench of the Labour Appellate evolved a formula for determination of bonus. • An Act to provide for the payment of bonus to persons employed

in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith.

9. Bonus - Applicability : (a) Every factory (as def. in Factories Act), & (b) Every other establishment in which 20 or more persons (less than 20 but 10 or more if appropriate Govt. notifies) are employed on any day subject to certain exemptions. (b) Bonus to be paid within eight months from the expiry of the accounting year.

10. Bonus – Eligibility: Every employee shall be entitled to be paid by his employer in an accounting year, bonus, in accordance with the provisions of this Act, provided he has worked in the establishment for not less than thirty working days in that year. Disqualification for bonus an employee shall be disqualified from receiving bonus under this Act: - (a) fraud; or (b) riotous or violent behavior while on the premises of the establishment; or (c) theft, misappropriation or sabotage of any property of the establishment

Payment of minimum & Maximum bonus • A minimum bonus which shall be 8.33 per cent of the salary or wage earned by the employee during the accounting year. • Where in respect of any accounting year referred to in section 10, the allocable surplus exceeds the amount of maximum bonus payable to the employees. be bound to pay to every employee in respect of that accounting; year bonus which shall be an amount in proportion to the salary or wage earned by the employee during the accounting year subject to a maximum of 20 per cent, of such salary or wage.

RIGHTS 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.

OFFENCES AND PENALTIES • For contravention of the provisions of the Act or rules the penalty is imprisonment up to 6 months, or fine up to Rs.1000, or both. • For failure to comply with the directions or requisitions made the penalty is imprisonment up to 6 months, or fine up to Rs.1000, or both. • In case of offences by companies, firms, body corporate or association of individuals, its director, partner or a principal officer responsible for the conduct of its business, shall be deemed to be guilty of that offence, unless the person concerned proves that the offence was committed without his knowledge or that he exercised all due diligence

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