

SESSION NO.4

**NEW LABOUR CODES - 2020
AND
THEIR APPLICATIONS TO HOSPITALS**

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**BY: D. SAMUEL ABRAHAM, M.A., B.L.,
Advocate & Consultant**

NEW CODES

- CIVIL COURT
- CRIMINAL COURT
- CODE OF WAGES, 2019
- CODE ON INDUSTRIAL RELATIONS, 2020
- CODE ON OCCUPATIONAL SAFETY,
- CODE ON SOCIAL SECURITY

1. Code on Wages, 2019

Replaces:

- The payment of Wages Act, 1936**
- The Minimum Wages Act, 1948**
- The Payment of Bonus Act, 1965**
- The Equal Remuneration Act, 1976**

What is new in the code

- For Supervisor Rs.15,000/- per month excluded;
- 15% wages can be paid in kind;
- All employer including those employer who employs more than 1000 workers to pay wages before 7th of every month

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- Web based Inspection Scheme**
 - Disqualification for receiving bonus, if involved in sexual harassment Inspector named as Inspector cum Facilitator**
 - Burden of proof with employer**
 - Bar of Suits**

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- Time Limit - 3 months to claim**
 - Employee, Trade Union and Inspector to resolve**
 - Spread over period increased to 10 ½ hours to 12 hours**
 - Under certain conditions 16 hours (factories remains same)**

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- **calculating minimum wages**
 - **3 adult**
 - **2700 calories per day**
 - **66 meters of cloth per year for standard working class**
 - **10% housing rent**
 - **Food, cloth, etc 20%**



2. Code on Industrial Relations

- World of new Technology**
- 3D Printing**

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- **Digital Revolution**
 - **5G - Driverless Cars**
 - **Remote Surgery**
 - **Instantaneous communication**
 - **Artificial intelligence**
 - **Robotics**
 - **Bio-technology**
 - **Nanotechnology**

WORLD ECONOMIC FORUM

- Wealthy land owners Corporations to take over farmers, land, machines chemicals.
- Robots replaced people 1,500 robots for 10,000 person.

NEW PARADIGM

- Engagement of contract rather than permanent
- Fixed term contract
- Section 25FF change of Management or ownership
- Part-time employment
- Employment NOT in the establishment
- Departments get out sourced
- Emergence of Gold Collar and Pink Collar
- Working for Union free environment
- Two-member Tribunal

DISCIPLINARY ACTION

- Enquiry must be completed within 90 days**
- Subsistence allowance 50% 90 days 75% balance**
- Reduced from 50 % to 25% for unwilling workers**
- Arbitration provided**
- Recognition of unions with 75% of workers / employees**

3. CODE ON OCCUPATIONAL SAFETY

- **One Registration for all Establishments**
- **National occupational Safety and Health Advisory Board**
- **Est: have Safety Committee**
- **Women Employees to work in the right**
- **A single license for factory for five years**

CHANGE

	<u>Previous Acts</u>	<u>New Code</u>
1) Total Acts replaced	13	
2) Sections	566	134
3) Definitions	141	58
4) Registers	87	-
5) Abstract	6	1
6) Notices	25	1
7) Registration	6	1
8) License	3	1
9) Returns to be filed	20	1

4. CODE ON SOCIAL SECURITY

Replaces:

- The Employees Compensation Act, 1923
- The Employees State Insurance Act, 1948
- The Employees Provident Funds And Miscellaneous Provisions Act, 1952
- The Employment Exchange (Compulsory Notification) Act, 1959

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- **The Maternity Benefit Act, 1961**
 - **The Payment Of Gratuity Act, 1972**
 - **The Cine Workers Welfare Fund Act, 1981**
 - **The Building and Other Constructions Act, 1996**
 - **The Unorganised Workers Social Security Act, 2008**

CONTRACT LABOUR

- Worker hired through the contractor to be employed
- Engagement of an employee on the basis of a written agreement for a fixed period
- Wages, allowance and other benefits NOT less than the other regular employee
- Entitled for gratuity for all employees



GIG Worker

- ☐ Platform Worker
- ☐ Online Worker

Applicability

- ☐ PF - Establishment employing 20 +
- ☐ ESI - Establishment employees 10+
- ☐ Maternity- Factory / Establishments
shops who employ 10 +

Applicability

- ☐ Employee compensation - All accept
(ESI contributions)
- ☐ Gratuity - All
- ☐ Social Security - Unorganized
Workers
GIG Workers,
platform Workers.

Please Contact:

D. SAMUEL ABRAHAM, M.A., B.L.,

Advocate & Consultant

No. 23, 4th Road, Phase – I,

Guru Thoppu,

Sathuvachari,

Vellore – 632009.

Tamil Nadu.

- Cell No. 9443363975
- E-mail: dsalegal2004@gmail.com
- Website: www.lawbrain.com