



CLASS: MBA 4TH SEM

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LABOUR LAWS

(Notes as per Punjabi University, Patiala Syllabus)

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The Equal Remuneration Act, 1976



Introduction:

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.

Meaning:

Equal Remuneration Act, 1976 is an act to provide **equal remuneration** to **men** and **women** and to prevent **gender discrimination against women** in matters related to employment.

- The act extends to the **whole of India**.
- It came into force on 8th March 1976.

Some provision under the Act:

1) **Section 2(g)** of the act defines **remuneration**. It includes **basic wage** or **salary** and additional emoluments.

2) **Same work or work of a similar nature (Section 2(h))** refers to the work that requires same skill, effort, and responsibility under similar working conditions by a man or a woman.

3) **Section 4** states that it is the duty of the employer to **pay equal remuneration to men and women workers** for the same work or work of a similar nature. As per this section

- **No employer shall pay less remuneration** or reduce the rate of remuneration of the workers of opposite gender performing the same work or work of similar nature.
- **Before the commencement of this act**, if the rates of remuneration for men and women workers for the same work or work of similar nature are different only on the grounds of gender, **then the highest of such rates** shall be the rate of remuneration

4) **Section 5** states that there shall be **no discrimination while recruiting men and women workers**.

5) The appropriate government shall constitute one or more **Advisory Committees (Section 6)** to increase employment opportunities for women.

- The total membership **shall not be less than ten persons**, to be nominated by the appropriate government of which **one-half shall be women**.
- The advisory committee shall take the nature of work, working hours, the suitability of women for employment, provision for part-time employment and other relevant factors into consideration while tendering its advice.

6) Officers not below the rank of a **Labour Officer** shall be appointed by the appropriate government to:

- **Hear and decide the complaints** regarding the contravention of any provision of this act.
- Decide the **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.

7) If any **employer or worker** is aggrieved by any order, he/ she may appeal to such **authority** specified by the appropriate government within **thirty days** from the date of the order.

8) **Inspectors** shall be appointed by the appropriate government to investigate whether the provisions of this act are being followed by the employers or not. Every inspector shall within the local limits of his jurisdiction:

- Shall **enter any building, factory, premises** or vessel with assistance.
- Shall **examine documents** relating to the muster-roll or other documents relating to the employment of workers.
- Shall **take evidence of any person** to ascertain whether the provisions of this act are being complied or not.
- Shall **examine the employer**, his agent or any other person found in **charge of the establishment**.
- Shall **make copies of any register** or document related to the establishment under this act.
- Shall **require any person** to produce any register or document or any information.

9) After the commencement of this act, if an employer fails to follow the following shall be punishable with a **maximum imprisonment of one month** or with a **maximum fine of ten thousand rupees or with both**:

- Fails to **maintain any register** or other **document** in relation to workers.
- Fails to **produce any register**, muster-roll or other document relating to the workers.
- **Refuses to give any evidence** or any information.
- Prevents his agent, servant or any other person in charge of the establishment or any worker, from giving evidence.

10) After the commencement of this act, if any employer does the following shall be punishable with fine which **shall not be less than ten thousand rupees** but may extend to **twenty thousand rupees** or with imprisonment for a term which **shall be not less than three months** but may extend to **one year** or with both for the **first offence** and with imprisonment which may extend to **two years** for the **second and subsequent offences**:

Offence	Penalty
Employer omits/fails to -maintain the register -produce the register	Maximum: Rs 10,000 OR Maximum Imprisonment: 1 month

and other relevant documents -give evidence -give any information	OR Both
Employer makes -any recruitment in contravention of the provisions of this act -any payment of remuneration at an unequal rate for the same work or work of similar nature -any discrimination between a man and a woman -an omission to carry out the directions made by the appropriate government.	Minimum: Rs 10,000 Maximum: Rs 20,000 OR Minimum Imprisonment:3 months Maximum Imprisonment:1 year OR Both Note: The maximum period of 1 year shall be replaced by 2 years for the 2nd,3rd and 4th offence.
Failure to produce the register or any other document or to give any information to the Inspector	Maximum: Rs 500

- Pays at **unequal rates to men and women workers**, for the same work or work of a similar nature.
- Makes any **discrimination between men and women workers** in contravention of the provisions of this Act.
- **Fails to follow any direction** made by the appropriate government.

11) If any person is required to **produce any register or any other document to an inspector** omits or refuses to produce or to give any information, then he shall be punishable with a maximum **fine of five hundred rupees**.

Claims and Complaints

The Central Government shall appoint officers above the rank of a Labour officer for hearing and deciding complaints regarding contravention of any provision and non-payment of wages at an equal rate. The officer's powers shall also include solving the ambiguity whether two works are of the same nature or of similar nature.

The complaint shall be made in a prescribed manner and the officer shall have the powers of a Civil Court.

The authority appointed shall give the employer an opportunity of being heard and may pass orders as below:

- In case of contravention of any provision-Adequate steps to be taken by the employer to ensure there is no contravention.
- In case of non-payment of wages at an equal rate- Direct the employer to pay the difference between wages payable and wages paid

The employer/worker can file an appeal to such authority as may be prescribed by the appropriate government within 30 days from the date of the order and such authority shall either confirm/modify/reverse the order appealed.

*The time period of 30 days can be extended to 60 days if the authority is satisfied that the appellant was prevented from filing the same.

The order passed thereof shall be the final one and cannot be further subject to any appeal.

References:

<https://byjusexamprep.com/ugc-net-study-notes-on-equal-remuneration-act-1976-i>

https://labour.gov.in/sites/default/files/equal_remuneration_act_1976_0.pdf