# Unit 1- Industrial Relation Law

**Introduction**

The term ‘Labour Legislation’ is used to cover all the laws which have been enacted to deal with” employment and non-employment” wages, working conditions, industrial relations, social security and welfare of persons employed in industries.

Labour law also known as employment law is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations. The prevailing social and economic conditions have been largely influential in shaping the Indian labour legislation, which regulate various aspects of work such as the number of hours of work, wages, social security and facilities provided.

Industrial Laws help to put an end to unfair labour practices and provides for the rights, privileges, obligations and responsibilities of the workforce. Industrial legislation helps both workers and management to know exactly about their rights, duties and obligations and also the liabilities.

## Need for Labour Legislation in India

The basic principle of industrial legislation is to ensure social justice to the workers. The object of legislation is the equitable distribution of profits and benefits accruing from industry between industrialist and workers and affording protection to the workers against harmful effects to their health safety and morality. Labour Legislation in India is important because labour organisations are relatively weak and in most of the cases they depend merrily on the mercy of the employers. Individual workers are economically weak and unable to bargain. In many organisations workers may feel occupational insecurity. They may not be given compensation in case of accidents, death etc. Labour legislation is also necessary from the viewpoint of law and order situation and national security of the country State plays a vital role in the continuing production, it helps in the economic development of the country. In a developing country like India labour legislation becomes especially important because of the following reasons:

* Necessary for the health, safety, and welfare of workers;
* Necessary to protect workers against oppressive terms as individual
* Worker is economically weak and has little bargaining power;
* To encourage and facilitate the workers in the organization;
* To deal with industrial disputes;
* To enforce social insurance and labour welfare schemes

## Types of labour legislation:

Labour legislation can be classified into the following categories

**Protective labour legislation:**  Under this category falls the legislation whose primary purpose is to protect minimum labour standards and to improve the working conditions. Laws laying down the minimum labour standards in the areas of hours of work, safety employment of children and women and so on. Example; Factories act 1947, The mines act 1952, The Plantation Labour act 1951.

**Regulative legislation:** Under this category falls the legislation whose main objective is to regulate the relations between the employer and employees and to provide methods and manner of setting Industrial disputes. Such laws also regulate the relationship between the workers and the trade unions, the right and obligation of the organisation of employers and workers, as well as the mutual relationship. Examples of such laws are the Trade union act 1926, Industrial Dispute act 1947, and Industrial Employment act 1946.

**Social security legislation**: The third category of labour legislation covers those laws which intend to provide the workmen social security benefits during the certain contingencies of life. In India important laws falling under this category are ESIC act 1948, Maternity Benefit act 1948, Payment of Gratuity act 1972, Employees Provident Fund and Miscellaneous Provisions act 1952, The Unorganised workers social security act 2008.

**Wage legislation:** Legislation falling under this category aims at laying down methods and manner of the wage payment and promoting general welfare of the worker and improve the living conditions. Example: Minimum wage act 1948, Payment of Gradually act 1972, Payment of Bonus act 1965 Payment of wages act 1936.

# Objectives:

The objectives of Industrial laws are:

(1) To safeguard the workers against exploitation.

(2) To maintain good relationship between employees and employers.

(3) To provide and improve the welfare, amenities of workers.

(4) To settle industrial disputes.

(5) To preserve and maintain the health, safety and welfare of workers.

Principles of Labour Legislation:

(1) Social Justice

(2) Social Equity

(3) National Economy

(4) International Uniformity

**Social Justice:** The essence of democracy is ensuring social justice to all sections of the community. This demands the protection of those who cannot protect themselves. In modern industrial set-up, workers, left to themselves, are unable to protect their interest Therefore, the State has to intervene to help them by protecting their rights, granting them freedom of association, and by providing for adjudication or arbitration in the case of industrial conflict.

**Social Equity:** Legislation based on this principle provides for achievement of definite standards. Standards in terms of living, position in society etc. of the working population. These standards for the working class can be achieved by bringing about changes in the Law of our country. Power to change the Law is exercised by the government. Existing laws may be amended to meet the changed standards.

**National Economy:** Measures have to be provided through legislation to ensure normal growth of industry for the benefit of the nation as a whole, satisfy the physical and intellectual needs of the citizens, to ensure the growth of industrial efficiency such as to adjust the wage system with a view to increase the productivity and prosperity of the workers. While framing labour law the general economic situation of the country has to be kept in mind so that object may not be defeated.

**International Uniformity:** International uniformity is another principle on which labour laws are based. The important role played by international organizations in this connection is praiseworthy eg: ILO. Since its inception, the main objective of ILO is securing minimum standards (for the working population – worldwide) on a uniform basis with respect to all labour matters. For this, conventions are passed at the conferences of ILO. As a member of the ILO, adopting these conventions would require appropriate legislation to be brought about. The influence of International labour conventions given by International Labour Organizatoin, has been significant in shaping the course of labour legislation in India.