

# Implementation of The Equal Remuneration Act, 1976

NLI Research Studies Series  
No. 142/2020

Dr. Shashi Bala



**V.V. Giri National Labour Institute**



# Implementation of The Equal Remuneration Act, 1976

NLI Research Studies Series No. 142/2020



*Dr. Shashi Bala*



**V.V. Giri National Labour Institute**  
(Ministry of Labour & Employment, Govt. of India)

ISBN: 978-93-82902-72-0

Copyright © V.V. Giri National Labour Institute, Noida

No. of Copies : 300

Year of Publication : 2020

This document can be downloaded from the Institute's website at [www.vvgnli.gov.in](http://www.vvgnli.gov.in)

Opinions expressed in the study are solely of the author and do not necessarily reflect the views of the Institute.

Printed and Published by V.V. Giri National Labour Institute, Sector-24, Noida-201301, U.P.

Printed at: Chandu Press, D-97, Shakarpur, Delhi-110092

# Content

Details		Page No
<b>Foreword</b>		vii
<b>Preface</b>		viii
<b>Acknowledgment</b>		ix
<b>Executive Summary</b>		x
<b>CHAPTER - 1 Introduction</b>		1-4
1.1	Overview	1
1.2	Literature Review	1
1.3	Objectives of the Research Study	3
1.4	Methodology	3
1.4.1	Selection of the Industries and Area	3
1.5	Data Sources	4
1.6	Data Analysis	4
1.7	Limitations of the study	4
<b>CHAPTER-2 International and National Outlook on Equal pay for Equal Work</b>		<b>5-25</b>
2.1	Historical Background	5
2.2	Meaning of equal pay for equal work	6
2.3	Nature and Scope of The Equal Pay for equal work	6
2.4	International outlook	8
2.4.1	Gender pay gap	8
2.4.2	Types of pay discrimination	9
2.4.3	ILO and Countries	9
2.5	Legal perspective	16
2.5.1	Garland Vs British rail engineering ltd.	16
2.5.2	Pickstone Vs Frceman’s PLC	16
2.6	National outlook	17
2.6.1	The Constitution of India and Women Workers	17
2.7	Principle of Equal pay for Equal work	22
2.8	Legislation in India	23
2.8.1	The Equal Remuneration Act, 1976	23
2.8.2	Wage Code, 2019	24
2.9	Causes of pay discrimination	25
2.10	Initiative to be taken by the policy makers	25
<b>CHAPTER - 3 Equal Remuneration in SAARC &amp; BRICS NATIONS</b>		<b>26-29</b>
3.1	Introduction	26
3.2	Gender wage GAP	27

3.3	Discrimination at the Time of Recruitment and Promotion	27
3.4	Sustainable development goal.	28
<b>CHAPTER – 4 Data Analysis: Employee’s Perspective</b>		<b>30-47</b>
<b>CHAPTER – 5 Data Analysis: Employer’s Perspective</b>		<b>48-51</b>
<b>CHAPTER – 6 Data Analysis: Trade Unions and Labour Administrator’s Perspective</b>		<b>52-56</b>
<b>CHAPTER - 7 Model for Implementation of ‘The Equal Remuneration Act, 1976’</b>		<b>57-58</b>
<b>CHAPTER – 8 Case Studies</b>		<b>59-60</b>
<b>CHAPTER – 9 Conclusion and Policy Recommendation</b>		<b>61-62</b>
<b>References</b>		63-64
<b>Annexures-</b>		65-136
1 (i)	Research Study on Implementation of The Equal Remuneration Act, 1976, Questionnaire For Female Employee “समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन” महिला कर्मचारियों के लिए प्रश्नावली	65-68
1 (ii)	Research Study on Implementation of The Equal Remuneration Act, 1976, Questionnaire For Male Employee “समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन” पुरुष कर्मचारियों के लिए प्रश्नावली	69-72
1 (iii)	Research Study on Implementation of The Equal Remuneration Act, 1976, Questionnaire For Employer “समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन” नियोक्ताओं के लिए प्रश्नावली	73-76
1 (iv)	Research Study on Implementation of The Equal Remuneration Act, 1976, Questionnaire For NGO’s/Trade Unions/Advocates “समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन” एनजीओ/ट्रेड यूनियन/अडवोकेट के लिए प्रश्नावली	77-78
1 (v)	Research Study on Implementation of The Equal Remuneration Act, 1976, Questionnaire For Labour Administrators समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन” श्रम अधिकारी के लिए प्रश्नावली	79-80
2(i)	The Equal Remuneration Act, 1976	81-85
2(ii)	The Equal Remuneration Rules, 1976	86-88
2(ii)	The Central Advisory Committee on The Equal Remuneration Rules, 1991	89
3	The Code on Wages, 2019	90-103
4	The Preliminary Draft Rules under Section 67 of the Code on Wages, 2019-reg.	104-122
5	Glimpses of the report	123-124

## List of Tables

Table No.	Details	Page No.
1.1	Monster Salary Index on gender (2016)	2
1.2	Sample size: Employer, Employees, Labour Administrators & Stakeholders	3
2.1	Key points of The Equal Remuneration Act, 1976	24
3.1	BRICS Nations comparison in the term of gender gap economic participation and wage equality	26
3.2	SAARC Nations comparison in the term of gender gap economic participation and wage equality	26

3.3	Ratification of the ILO Convention (100) Equal Remuneration Convention by SAARC Nations	28
3.4	Ratification of the ILO Convention: no 111(The Discrimination (Employment and Occupation) Convention 1958) by BRICS Nations	28
4.1	Age wise distribution of the respondents in selected Industries	30
4.2	Sex wise distribution of the Employees at the different level in the industries (Actual)	31
4.3	Sex and industry wise distribution of the Employees at different level in the industries (Actual)	31
4.4	Sector wise distribution of the respondents in selected Industries	33
4.5	The Equal Remuneration Act, 1976 (ERA) Awareness	33
4.6	Information about The Equal Remuneration Act, 1976 provided by employer	34
4.7	Income and Skill levels	35
4.8	Equal wages for equal nature of work	36
4.9	Educational Qualification	37
4.10 (a)	Availing similar wages as opponent sex counterpart	38
4.10 (b)	Complaint regarding the discrimination for different wages for similar work	39
4.11	Grievance redressal system for the employees at organisational level	40
4.12	Compensation for overtime	40
4.13	Promotions Opportunities in the organization	41
4.14	Equal Increment for work of Equal Nature	42
4.15	Training Opportunities in the organization	43
4.16	Trade Union Intervention's	43
4.17	Annual Bonus	44
4.18	Attitude of the Employer towards The Equal Remuneration Act, 197	45
4.19	Availed Maternity Leave	46
4.20 (a)	Crèche facility	46
4.20 (b)	Request for providing crèche facilities	47
5.1	Age distributions of the Employer	48
5.2	Sex wise distribution of the employers in the different industries (Actual)	48
5.3	Nature of human resources	49
5.4	Awareness about ERA Among Employers	50
5.5	Implementation of all the components of ERA in the organisation	50
5.6	Maintained register in the organisation according to the ERA	50
5.7	Equal Pay policies inserted in the recruitment process	50
5.8	Wages Gap	51
5.9	Grievance Redressal System	51
5.10	Job Evaluation Scheme	51

5.11	Maternity leave provisions as per The Maternity Benefit (Amendment) Act, 2017	51
6.1	Organisations working on the matter pertaining to ERA	52
6.2	NGO's working on the matters relating to women workers	52
6.3	ERA awareness	52
6.4	Initiative taken be NGO's	52
6.5	Number of the Labour Administrators	53
6.6	Currently working with laws relating to women workers	53
6.7	Average annual number of inspections in the previous five years	54
6.8	Average annual number of prosecutions in the previous five years	54
6.9	Average percentage of Convictions under the prosecution cases	54
6.10	Fine imposed by magistrates for violation of provisions under ERA	54
6.11	Steps taken by Labour Officials for creating awareness regarding implementation of ERA	55
6.12	Women employee terminated for demanding equal remuneration	55
6.13	Implement action of the provisions as per The Equal Remuneration Act	55
6.14	Employers attitude towards implementation of The Equal Remuneration Act	56
6.15	Vulnerable area and industries which require immediate intervention and enforcement of ERA	56

## List of Graphs

Graph No.	Details	Page No.
4.2	Sex wise distribution of the employees at the different level in the industries	31
4.3	Sex and industry wise distribution of the employees at different level in the industries	32
5.2	Sex wise distribution of the employers in the different industries	49

## Foreword

Gender discrimination is omnipresent in the labour market across Globe, and the discrimination is more vulnerable among worker working in those sectors where implementation of labour laws is constrained. Variation in women's workforce participation have influenced the remuneration and returns due to the poor bargaining capacity which results in the wage disparities among men and women.

The labour force participation rate of women in wage employment has been substantially low and concentrated mainly in the lower paid jobs. Equal pay for equal work is a dynamic concept of democratic societies when men and women face no discrimination in their working conditions. This concept of equality and social economic justice has been recognized in our constitution under Article 39.

The Equal Employment Opportunity Commission (EEOC) was created by title VII of the Civil Rights of 1964 and became operational from July 2, 1965. The purpose of the Commission is to end discrimination based on race, colour, religion (age and sex or national origin in hiring, promotion, wages, testing, training, apprenticeship and all the condition of employment). As the International Labour Organisation (ILO) celebrated its 100<sup>th</sup> anniversary in 2019, it is time to reflect on the many life changing event which are linked to ten decade of ILO history.

India is signatory to Equal Remuneration Convention (100) during 1951. It is the time to reflect on how far we have reached in the fair implementation of The Equal Remuneration Act, 1976.

Recently, Wage Code has been passed by the Parliament in 2019, the Code has replaced the labour regulations viz. The Payment of Wages Act 1936, The Minimum Wages Act, 1948. The Payment of Bonus Act, 1965 and The Equal Remuneration Act, 1976. It understands the key aspects that the Code will impact. It will incorporate all the sexes in respect to equal wages for equal work. Accordingly, significant efforts have been put by the Government of India to develop laws and policies that encourage women in workforce and attain equal wages for equal work. It is the hope and endeavor that these changes will have a positive impact on female lives.

I congratulate Dr. Shashi Bala, Fellow and her team for their significant efforts.



**Dr. H. Srinivas**  
Director General

V. V. Giri National Labour Institute, Noida

## Preface

The International Labour Organisation (ILO) has played a significant role in promoting International labour standards. India is a founding member of ILO and is signatory to the following International Convention's on promoting gender equity:

- (a) UN Convention on Elimination of Discrimination against Women (CEDAW)
- (b) Equal Remuneration Convention (C-100); and
- (c) Discrimination (Employment and Occupation) Convention, 1958 (C-111). These three Conventions prohibit discrimination against women in all respects including employment.

Despite having legislation on the equal pay for equal work implementers still find it difficult to implement this citing various reason, "Most common being women are liability to the labour market". There is a dire need to come out of this stereotype mind set. Recently Flight Lieutenant Bhawana Kanth became the first woman pilot of the Indian Air Force to qualify to undertake combat missions on a fighter jet. Earlier women were not provided opportunity in any of the forces of India. It was possible because level playing field was provided to women. Equal opportunity base is essential for providing equal remuneration.

Present research study focuses on the grass-root realities in the industries in terms of the equal remuneration provisions. India rectified the Convention no (100) of ILO during 1951 and enacted The Equal Remuneration Act, 1976. As per the Act provisions, any discrimination, between men and women, in all matters relating to employment, from the stage of recruitment to superannuation, is considered as an offence. The Act was specific on three main terms: Recruitment, Remuneration and Promotion. These three terms are interrelated with each other. We need to provide level playing field to women via providing equal opportunity at the time of recruitment and also in the related matters during her career progression stages. For this access to quality education and training must be the priority.

The Equal Remuneration Act also owes its origin to the Article 39 (d) which was incorporated as one of the 'Directive Principles of State Policy' in the Constitution of India, which reads as under:-

*"39. Certain Principles of policy to be followed by the State. – The State shall, in particular, direct its policy, towards securing – (d) that there is equal pay for equal work for both men and women.*

The present study is an attempt to introspect this important legislation. Though the Code of wages has been published in the Gazette of India., still we are hopeful that the present research will be beneficial for all the stakeholders in their endeavor to reduce existing gender pay gaps.

I congratulate Dr. Shashi Bala, Fellow and her team for endeavor in these directions.

**H. Srinivas**  
Director General  
V. V. Giri National Labour Institute, Noida

## Acknowledgement's

Women are the integral part of the world of work both in terms of the Quality and Quantity. The parity of women's employment is very important and this depends upon several factors. The foremost being equal access to quality education and fair opportunities in the paid labour market. This requires empowerment of women as well as the creation of awareness amongst all the stakeholders about their legal right and duties. We need to learn and adopt the concept of rising Generation Equal.

Our endeavor with this report is to highlight the pay gap in employment from Gender perspective in Delhi and NCR regions. We would like to express our deep gratitude for generous support to Dr. H. Srinivas, Director General, V.V. Giri National Labour Institute, Noida for providing us the opportunity to initiate this study and to the VVGnLI team for their support to conduct and complete this important study. We would also like to express our sincere gratitude to Shri Rajan Verma, Chief Labour Commissioner (Central), Smt. Shakuntala Patnaik, Deputy Chief Labour Commissioner (Central) for their valuable suggestions and meaningful contributions towards connecting us with labour officials in Delhi and NCR Region. I would like to acknowledge and express my gratitude to Ms. Nimra Khan (Research Associate), Mr. Rajiv Hasija (Guest Faculty) and Shri G. P. Bhatia (CLS, (Retd.), Guest Faculty VVGnLI) for their support in Proofreading this report.

A special thanks to the entire project team Ms. Tanu Bhardwaj (Research Associate), Mr. Rishabh Bajpai and Ms. Manju Singh (Computer Operator) for their concrete continuous tireless efforts in shaping this report.

Finally, to my pillars of support, my family, who has always illuminated me, especially when I extend my work beyond office hours. Their personal cooperation's are precious treasure to me.

**Dr. Shashi Bala**  
Fellow

V. V. Giri National Labour Institute, Noida

## Executive Summary

Equal pay for equal work is a dynamic concept of democratic societies where men and women face no discrimination in term of their working conditions. This concept of equality and socio-economic justice has been recognized in our Constitution and also in other laws. The Constitutional recognition and protection of equality are the basis of all the women welfare legislation's. This concept of equality has been incorporated in chapter-III of the Indian Constitution in the form of Fundamental Rights. The economic equality has been obtained to all by equal pay for equal work and equal adequate means of livelihood.

The Equal Employment Opportunity Commission (EEOC) was created by title VII of the civil rights of 1964 and become operational from July 2, 1965. The purpose of the Commission is to end discrimination based on race, colour, religion, age, sex, or national origin in hiring, promotion, wages, testing, training, apprenticeship and all the conditions of employment and to promote voluntary action programs by the employers. Union and community organization have to put equal employment opportunity into actual operation. As the International Labour Organisation (ILO) celebrated its 100<sup>th</sup> anniversary during 2019, it is time to reflect on the many life-changing events which are linked to the ten decades of ILO history. India is a founding member of the ILO. India has signed the Equal Remuneration Convention (100) during 1951. Now it is the time to reflect on how far we have reached in the fair implementation of the act.

The objective of the study was to know the implication of The Equal Remuneration Act, 1976 on wages for equal nature of work. It is very essential to study the implementation of this important legislation to reduce gender discrimination in term of pay gap. This study was envisaged as a rapid assessment to understand key trends that may better aid the implementation of the law.

### A. Field Area

Delhi and NCR region were covered for a rapid situational analyse through the dissemination of a questionnaire by hand, email to the relevant Labour Commissioner, Assistant Labour Commissioner and Additional Labour Commissioner through the Ministry of Labour and Employment, Government of India. The research teams were deputed in each region to conducted semi-structured interviews with identified industries employers and employees (Males and females). For stakeholders' direct interview were conducted. Nine industries were selected for the study namely Agriculture, Construction, Electronic Manufacturing, Beauty (Health and Wellness), Hotel, Education, Transport, Media, and Retail Industry as per the suggestions in the workshop held on 27 March 2019.

### B. Respondents'

From the selected industries, responses were sought from employers, employees (males and females), the representatives of the office of the Labour Commissioners and representatives from NGOs, lawyers and Trade Union, termed as stakeholders.

112 employers, 981 male employees, 819 female employees, 43 Labour Administrators and 12 NGOs/ Lawyers/Trade Unions from the industries participated in the rapid assessment, which was conducted through structured and semi-structured interviews during June- August 2019. This amounted to a total respondent's size of 1955 respondents.

### C. Major Findings

- At all the levels in the beauty, agriculture, construction and transport industry maximum percentage of the respondents were working in the unorganised sector. While in the hotel, media, electronic manufacturing, education and retail industry maximum percentage of the respondents were working in the organized sector. In the education industry it was found that more males were working in organised sector compare to the females.
- Except education in all the industries maximum percentage of the respondents were not aware about The Equal Remuneration Act, 1976.

- At all the levels maximum percentage of the respondents reported that they were receiving same wages as their counterpart. In the construction and transport industry few females reported that they were not getting same wages as compared to males' counterpart for the similar nature of work.
- Among all the industries in the construction and transport industry, female respondents were facing discrimination in term of wages, but they have not filed any complaint to against their employer due to the fear of job loss.
- In all the industries, at the entry level most of the respondents were not getting promotion opportunities. Among all the industries media was the only industry where 30% of females and 30% of males were getting promotion in their organization. It also shows that males were getting more opportunities compared to the females. At the middle level in the retail industry most of the respondents were getting promotion opportunities. At the top level in the retail industry maximum percentage of the respondents stated that they are getting promotion opportunities.
- At the entry level in the media and education industry majority of the skilled workers were earning wages between INR 20,000-30,000. They were earning highest wages among all the industries. At the middle level, in the education and electronic manufacturing industry most of the male respondents were earning INR 20,000-30,000 (skilled worker) while females worker despite being skilled were earning wages between INR 10,000-20,000.
- At the entry level, majority of the females and males were drawing wages below INR 10,000 in most of the industry, very less respondents were earning wages above INR 30,000.
- At all the levels, only in the beauty and retail industry maximum percentage of the respondents were getting opportunities for trainings.
- At all the levels and in all the industries it was found out that maximum percentage of the organization did not have Trade Unions.
- Though maximum percentage of the employers stated that they were implementing The Equal Remuneration Act, 1976 but many women respondents inform that they were not provided level playing field.
- Maximum percentage of the respondents were maintaining register according to the ERA. But this has limitation in capturing information pertaining to training, promotion and transfer opportunity.
- Maximum percentage of the Labour Administrators have not provided any response on the number of inspections they have done in previous five years.
- Majority of the Labour Administrators have not given any order for prosecution in the previous five years. Only 5.6% cases got conviction in prosecution cases during this period.

#### **D. Suggestions**

##### **1. Employee's level**

- Majority of the respondents from all the industries surveyed were eagerly requesting for implementation of The Minimum Wages Act.
- Majority of the respondents reported that (especially in construction industry) the contractor did not provide wages on time and also discriminate between men and women wage. Therefore, monitoring mechanism for the contractor's must be setup.
- In the hotel Industry, majority of the respondents suggested that the labour department should speed up intervention in the matter pertaining to job timing, overtime and safe transport for its employees.
- Strong need is felt to spread awareness regarding the provisions of the Act. Regular training of Human Resources department and employers at the time of starting the business venture must be made mandatory.
- In the electronic manufacturing and construction industry, there is a strong necessity for regular skill development training for avoiding unforeseen accidents.

## **2. Employer's level**

- Access to the quality education is the most important asset and investment in the human resource of any nation. Quantity and quality of the Government school needs to be enhanced.
- Skill development and training programs among all the industries must be organised at regular interval.
- Policy makers need to develop comprehensive strategy to extend the motivating financial support to the small scale employers, women entrepreneurs, MSME, employers and venders etc.
- Strict action with trickledown effect must be taken against the discrimination made between males and females employees at the time of recruitment, wages, training, promotion opportunities etc.

## **3. NGO's and Trade Unions level**

- ❖ Policy makes should generate awareness regarding equal pay for equal work though NGO's and Trade Unions working in this area.
- ❖ It has been noted that time taken in filing the case and action taken by the grievance machinery is very much time consuming with in the industry itself. Online grievance mechanism must be developed for fast tracking the redressal mechanism.

## **4. Labour Administrators level**

- ❖ The labour inspector's may provide copy of the act to the employer at the time of the survey itself and conduct sensitization training from time to time. Some online mechanism may be developed to conduct inspections on regular basis.
- ❖ Online grievance mechanism must be developed for fast tracking the redressal mechanism.

## **E. Policy Recommendations**

- Labour Bureau should publish data pertaining to ERA every year. Inspection report should also be available online. Online mechanism may be developed to conduct auditing of the inspections.
- Policy maker need to amend the current questionnaire for the inspections in order to capture meaningful implementation of ERA as old version of questionnaire could only capture the remuneration part but according to Section 5 of The Equal Remuneration Act, "no employer shall, while making recruitment for the same work or work of a similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer, make any discrimination against women". This must be part of the questionnaire register for capturing comprehensive information.
- Policy makers may consider recruiting minimum percentage of the women in all the Industries (both public and Private). During survey it was found that in the transport industry only 8.0% of females were working as compared to the male employees. These things must be mandatory components of the tender invitations at the time of advertisement itself.
- Auditing the implementation of ERA must be made mandatory in all the organisations.
- Equal opportunities for Training and promotion during employment for the women employees need to be integrated in the policies pertaining to gender equality.
- Considering the fact that India is signatory to ILO Convention (100) during 1951, trained Labour Inspector should be appointed for evaluation of the implementation flow in ERA, if any. The labour inspector's may provide copy of the act to the employer at the time of the survey itself and conduct sensitization training from time to time. Some online mechanism may be developed to conduct inspections on regular basis.

## Chapter 1

### Introduction

#### 1.1. Overview

Women represent almost half of the population, despite this they are yet to be mainstreamed in the paid in the world of work, mainly because of the existing discrimination and the biasness in the mindset. Wages and incomes in India have been increasing over time.

But, the gender inequalities have not been bridged homogeneously due to diversity in social norms and upbringing. Gender discrimination is omnipresent in the Indian labour market, and the discrimination is more serious among workers working in those Industries where implementation of labour laws is constrained. Variations in women's workforce participation have influenced the remuneration and returns due to poor bargaining capacity resulting in the wage disparities among men and women. The labour force participation rate of women in the wage employment has been substantially low and concentrated mainly in the lower strata, even within the informal Industry, significant pay discrimination is seen as compared to men both in rural and urban India (GOI 2010). An investigation of the trends in the economy shows the persistence of the structure of inequalities in the domain of occupational concentration, where women continue to be concentrated at lower end jobs, thereby receiving lower wages. The discrimination and biasness against women observed in social domains gets reflected in the economic spaces not only through direct, legitimate paths but also through their silence in perceptions and mindsets among the agents of the labour markets that reconfigure to retain elements of gender imbalances.

#### 1.2 Literature Review

Practically all OECD and European Community countries had passed equal pay and equal opportunity laws by the mid-1980s, although the United States executed its antidiscrimination legislation before most other countries (Simona 1985; OECD 1988, pp. 167-68). Of the Eastern European countries, only Russia and Hungary were recorded by the ILO (1994) as having antidiscrimination laws as of 1994; the other Eastern European nations—Bulgaria, the Czech Republic, Poland, and Slovenia—were not included in the ILO listing.

Though, Brainerd (2000) stated that, under socialism, in Eastern Europe and the Soviet Union,

there were Government guarantees of equal pay for equal work, and women's labour force participation was encouraged. One country with perhaps the strongest intervention against sex discrimination is Australia, the only one to have implemented a national policy of Comparable worth through its labor courts (Killingsworth 1990; Gregory and Daly 1991) Comparable worth pay policies remain rare in the U. S. private Industries, although they have been adopted by a number of state and local Governments (Blau, Ferber, and Winkler 2002).

Part IV of the Indian Constitution, the Directive Principles of State Policy, lays out the goals towards which the state must work. One of these is contained in Clause (d) of Article 39, namely, "equal pay for equal work for men and women." Over the years, it has become a principle of law used by the courts in India for purposes almost entirely unimagined by the framers of the Constitution. In 1976, The Equal Remuneration Act was passed with the aim of providing equal remuneration to men and women workers and to prevent discrimination on the basis of gender in all matters relating to employment and employment opportunities. This legislation not only provides women with a right to demand equal pay, but any inequality with respect to recruitment processes, job training, promotions, and transfers within the organization can also be challenged under this Act. The judgment of the Supreme Court in *State of Punjab Vs Jagjit Singh* (2016): SCC online, SC, 1200, which applies the principle of "equal pay for equal work" in the context of temporary employees of the Punjab Government, is one such instance.

The labour force participation rate of women in wage employment has been considerably low and concentrated mainly in the lower strata, even within the informal Industries, with significant pay discrimination as compared to men both in rural and urban India. Women workers are discriminated more, even in terms of wage, if they are from economically backward castes or religious minority groups. Different aspects of wage discrimination in the labour market have been studied by a number of scholars by applying different methodologies and with data from different parts of the developing world (Oaxaca 1973; Cotton 1988; Oaxaca and Ransom 1994; Glick and Sahn 1997; Mishra and Kumar 2005; Madheswaran and Attewell 2007). There has, however, been a dearth of in-depth study on gender wage discrimination in India. Madheswaran and Attewell (2007) found that

occupational discrimination was more pronounced than wage discrimination among workers in scheduled tribe (ST) and scheduled caste (SC) social groups. Das et al (2009), by using micro-level information from National Sample Survey (NSS) household surveys, observed that there had been no improvement in the status of women in the Indian labour market almost at all age groups during the 1990s.

Furthermore, average wage rates per day in both rural and urban locations were found heavily biased towards female workers in almost all the states. Das (2012), in a study with unit data from NSS 61st round examined wage inequality by decomposing Gini inequality index by sex of workers in the shape of “within” and “between” components.

In human capital theory, accumulation of human capital through education and training enhances workers’ skill, productive capacities and their life-cycle earnings. The relationship between wage and experience, education, etc., is well documented in the literature which may further lead to career interruptions and accumulations in lower paid jobs (Mincer 1958, 1974; Becker 1964). Based on the logic of human capital theory, it is often argued that the gender wage-gap persists because of differences in the level of education, technical skill and work experience between men and women workers. But in countries where educational gaps have narrowed the wage gaps fails to explain human capital differences (World Bank, 2012). This has been explained by (Machin and Puhani, 2003) that men and women tend to specialize in different fields of education. The differences in access to and choice of educational specialization results in occupational segregation and undervaluation of women works due to over-representation of women in particular occupation, this can be seen particularly in care work which is perceived as a natural female attribute rather than a skill to be cultivated and acquired (Peetz, 2015). Decline in occupational segregation are also linked to reducing gender pay gap (UN, 2016). On the other hand there are studies at macroeconomic level which shows that narrowing gender pay gaps are not strongly correlated to economic growth (Nopo, Daza and Ramos, 2011; Hertz et al., 2008; Blau and Kahn 2003; Dar and Tzannatos, 1999). Institutional environment, cultural norms and policies in place across countries also plays important role. Gender gap is lowest among countries (8%) where collective bargaining rates are least (80%) and widest in countries where collective bargaining is weak (Rubery and Grimshaw, 2011).

Policies pertaining to collective bargaining and minimum wages, tend to provide environments conducive to promoting gender equality (Schafer

and Gottschall, 2015; Ugarte, Grimshaw and Rubery, 2015). Since the presence of unions tends to be weaker in those Industries which are over-represented by women (Peetz, 2015; ILO, 2008b) and women tend to be over-representative in low paid jobs (Lee and Sobeck, 2012; ILO, 2010a) therefore, providing minimum wages is considered as an effective policy tool to reduce gender wage gaps at the bottom of wage distribution by the policymakers.

According to the 2012 “Gender Pay Gap in Formal Industries” report by the Wage Indicator Foundation and the Indian Institute of Management, Ahmadabad, the pay gap increases with women’s age, work experience, educational qualifications and rise in occupational hierarchy. This is a poor message indeed for girls who are now enrolling for education at higher rates.

According to the Monster Salary Index on gender (2016), (**Monster Salary Index**, a joint initiative of Monster India & Pay check in with IIM-A as research partner, is based on the salary of millions of profiles across different industries verticals, functions and roles) the median gross hourly salary for men is Rs. 345.8 whereas Rs. 259.8 is for women. The gender pay gap on average is 25% in 2016. This figure varies across industries, however, in the manufacturing Industry, the gender pay gap is 29.9% whereas in the IT Industry it is about 38.2% as per the 2016 data (given in table 1.1).

**Table 1.1: Monster Salary Index on gender (2016)**

Industry	Average Gender Pay Gap
Manufacturing	29.9%
IT	38.2%
Construction and Technical Consultancy	18.1%
Financial Services, Banking and Insurance	21.5%
Education and Research	14.7%*
Healthcare, Caring Services and Social Work	22.6%
Transport, Logistics, and Communications	7.7%
Legal and Market Consultancy and Business Activities	27.5%

\* The only industry where gender pay gap decreased to -3.4% from 2015- 2016, however, the average from 2014-2016 remains at 14.7%. Source: Monster Salary Index (MSI)

According to NSSO 68<sup>th</sup> Round data, among female workers in the urban areas, ‘other services’ (Sections K to U) Industry registered the highest proportion of workers (40 percent), followed by ‘manufacturing’ (29 percent), ‘trade, hotel and restaurant’ (13 percent) and ‘agriculture’ (11 percent). The wage gap must be addressed on multiple fronts. These ranges from the

broad—greater formalization of the workforce to create better job opportunities for women and streamlining labour laws that, by their current rigidity, do more to hurt women than to help them—to the specific, such as local urban bodies facilitating the work done by Non-Governmental organizations providing mobile crèches to construction workers. [Mandating parental leave rather than maternal leave will help, allowing women to reintegrate into the workforce after childbearing while making it possible for men to take on the responsibility of parenthood as well]. Changing societal attitudes, however, will be a long, hard haul. This research work highlights the issues pertaining to gender wage discrimination and implications of related labour laws specifically The Equal Remuneration Act (ERA) in different selected Industries of economy to enhance the integration of women in the world of work, within this context the present study was undertaken.

### 1.3 Objectives of the Research Study

- 1) To review International initiatives in promoting equal wages.
- 2) To measure the implementation of ERA in selected Industries for capturing the gender wage gap.
- 3) To correlate the promotion/career progress avenues of employees/workers in relation to the role of cultural norms, general, technical education.
- 4) To explore the linkages between individual and collective bargaining and wage gap.
- 5) To identify the challenges in the implementation of ERA Convention 100 for Promoting Gender Equity as per SDG 5.
- 6) To develop model for reducing on gender pay gap.
- 7) To organised brainstorming a workshop on The Equal Remuneration Act, 1976: Identifying the Affirmative Initiative & Challenges in the Implementation of the Act.

## 1.4 Methodology

### 1.4.1 Selection of the Industries and Area

Considering the fact that the Government Industries possesses equal wages for equal work, the present study primarily focused on private Industries in 9 selected industries (as mentioned in 2<sup>nd</sup> objective). Multistage area sampling followed by purposive random sampling method was used in the study. According to Ministry of Urban Development of GOI (2016), NCR is a hub of economic activities and contributes 6.7% of GDP of India and it is developing as one of the largest metropolitan regions of the world. Workforce Participation Rate

(WPR) in NCR for 2011 is 34.15%. Considering the significance of NCR in the development of economy, the study was conducted in Delhi & NCR regions. Organized and unorganized Sectors were selected for the study as rural and urban bifurcation was not possible as discussed in the workshop.

The Brainstorming workshop was conducted to identify the industries for conducting the detail survey.

Among the selected industries multistage sampling was conducted in order to capture the representative sample. We intend to have the representative sample from the bottom, middle and top level across the different age groups of the employees via purposive sampling. Survey, interview, FGD (depending on the situation) was conducted among the selected industries.

Following Industries were surveyed.

1. Agriculture Industry
2. Construction Industry
3. Electronic Manufacturing Industry
4. Beauty Industry (Health and Wellness)
5. Hotel Industry
6. Education Industry
7. Transport Industry
8. Media Industry
9. Retail Industry

### 1.2 Sample Size: Employer, Employees, Labour Administrator & Stakeholders

S. No.	Details	Male	Female	Total
1	Employer	103	9	112
2	Employees	981	819	1800

S. No.	Details	Total
1	Labour Administrator	43
2	Stakeholders (NGO's, Trade Unions, Advocate, Academicians)	11
	Total	55

### Details of Employers

S. No..	Industries	Male	Female
1	Construction Industry	13	0
2	Media Industry	5	1
3	Retail Industry	1	2
4	Education Industry	13	1
5	Agriculture Industry	11	0
6	Electronic Industry	7	2
7	Transport Industry	20	0
8	Beauty Industry	26	1
9	Hotel Industry	7	2
	<b>Total</b>	<b>103</b>	<b>9</b>

### 1.3 Sample size

#### Details of Employees

S. no	Industries	Top Level		Middle level		Entry level		Total=Top + Middle + Entry	
		Female	Male	Female	Male	Female	Male	Female	Male
1	Beauty Industry	18	16	34	34	48	50	100	100
2	Agriculture Industry	22	49	36	27	42	24	100	100
3	Hotel Industry	4	4	10	17	86	79	100	100
4	Construction Industry	11	35	61	32	28	33	100	100
5	Media Industry	9	19	20	22	71	59	100	100
6	Education Industry	11	22	27	33	62	45	100	100
7	Electronic Manufacturing Industry	2	6	14	22	84	72	100	100
8	Retail Industry	2	0	4	10	94	90	100	100
9	Transport Industry	0	23	3	52	16	106	19	181
	<b>Total</b>	<b>79</b>	<b>174</b>	<b>209</b>	<b>249</b>	<b>531</b>	<b>558</b>	<b>819</b>	<b>981</b>

\*Due to less Number of female employees in the transport industry more men were surveyed compare to female.

**1.5 Data Sources** -The study used both the qualitative and quantitative methods by consulting primary and secondary data sources respectively.

#### a) Primary Data

The primary data was collected using different techniques such as field surveys, focused group discussions, interviews by using standard-structured and unstructured questionnaires to elicit necessary information related to the proposed study. The questionnaire was based on all aspects of socio-economic background of the respondents, their family constraints, demographic details, education, income generation activities, benefits provided by Government etc.

#### b) Secondary Data

Besides primary data, the secondary data was collected from the Corporation Commissioner's Office, Various Offices / Organizations of Ministry of Labour and Employment, Labour Bureau, Directorate General of Employment and Training, National University of Educational Planning and Administration, HRD Department, about the Government sponsored schemes for promoting

women participation in labour market. The study also used Annual Reports and research conducted by World Bank, IMF, UNDP and Books, Articles and Websites on related issues.

#### 1.6 Data Analysis

The research team used a combination of statistical techniques and tools to quantify and analyze the data in a systematic manner and to draw the meaningful interpretation from it. The data was collected through detail field surveys {Questionnaire enclosed at Annexure 1 (i), 1 (ii), 1 (iii), 1 (iv) & 1 (v)}. It was analyzed using research software like Statistical Package for Social Science (SPSS), Microsoft office (word & excel).

#### 1.7 Limitations of the Study

Entry to the Industry for gathering the information penning to ERA was very much restricted. There were very few females in the transport industry. There were hindrances in the collection of data from the top level executives. Reluctance from the employees and the employers was also faced at the time of collection of the wage related data.

## Chapter 2

# International and National Outlook on Equal Pay for Equal Work

### 1.1 Historical Background

Discrimination in any form of individuals or groups of individuals should not exist in a civilized society i.e. a society, which believes in human rights and the dignity of the individuals. The first International Treaty i.e. the Charter of the United Nations Organization expressed in its preamble a faith in "the dignity and worth of the human person" as well as "in the equal right of men and women". It declared its firm determination to eliminate all forms of discrimination in order "to promote social progress and better standards of life". However, more affirmation and declarations do not bring about a change. It requires a firm determination to break the citadel of male dominance, change customs and traditions rooted in the belief of women being inferior. The term "equal pay for equal work" has its own historical significance. Historically speaking, equal pay for work of equal value has been a slogan of women's movement. Equal pay laws, therefore, usually deal with sex-based discrimination in the pay scales of men and women doing the same work or equal work in the same organization. For example, The Equal Remuneration Act, 1976 **{full text enclosed at Annexure 2 (i), 2 (ii) & 2 (iii)}** provides for the payment of equal remuneration to men and women workers and is meant to prevent discrimination on the ground of sex against women in matter of employment. The Equal Pay Act, 1970 and the Equal Pay (Amendment) Regulations, 1983 in United Kingdom are for a similar purpose. The same doctrine has also sought to protect disadvantaged groups against similar discrimination. Our laws are similar to those of U.K. doctrine or even wider to prevent discriminatory pay scales within an organization, which owned by or is an instrumentality of the state. Provided, that the different pay scales that exist in one organization, are applied to employees doing work of equal value, and there is no national explanation for the difference. The post-independence era has witnessed remarkable development in providing protection to working class by enacting labour legislation. The foremost and the most revolutionary document in this regard is the Constitution of India. The Preamble of our Constitution strikes at the root of the problem when it speaks of "Security to all citizens of the India, equality of status and of opportunity as well as justice, social, economic and political."

This objective is further amplified and is given a real meaning by laying down certain specific

provisions in the Constitution to bring about real equality between sexes. Apart from ensuring "Equality before Law" and "Equal Protection of Laws" in widest sense, the Constitution of India contains several provisions regarding equal treatment of men and women workers in the field of economic activity. Equal pay for equal work is one such directive principle, enshrined in Article 39(d) of the Constitution, which provides that the State shall direct its policy towards securing that there is equal pay for equal work for both men and women.

The 'Equal Pay for Equal Work' principle is reflected in various International instruments. The International Labour Organization recognizes it as one of its objectives. Further, it is also embodied in International Labour Organization Equal Remuneration Convention, 1951 (No. 100) which requires each member to ensure the application of the principle of equal remuneration for men and women worker for the work of equal value. However, The Article 1(b) of the Convention specifically provides that the term "Equal Remuneration for men and women workers for work of equal value" refer to rates of remuneration established without discrimination based on sex. Therefore, Convention is not concerned with differences in remuneration between the workers of the same sex. The principle is also enshrined in the Constitution of India as a directive principle of State policy under Article 39(d). The framers of the Indian Constitution were well aware about the inequalities regarding pay parity. The legislative provisions of The Minimum Wages Act, 1948 does not permits differentiation in minimum rates of wages on the ground of sex. However, in almost all of the industries, such as Construction, agriculture and transport industry etc., there is discrimination of wages is witnessed.

Many ingredients shape the wage structure in an organization. Historically, many have been shaped by negotiated settlements with employees' unions or through industrial adjudication. It may have revised or reshaped with the help of expert committees. The economic capability of the employers also plays a crucial part in it, so does its capacity to expend business or to earn more profits. If the employing organization functions in a competitive area, and if it is economically strong than it may, offer higher wages than its competitors doing similar work to attract talent.

There is a need to fight against discrimination regarding equal pay, employment opportunities

for promotions, for occupying higher positions and for leadership of trade union movement. Then only women provide proper leadership to society as it was visualized by Mahatma Gandhi. In our country an ordinance namely, the Equal Remuneration Ordinance was promulgated in 1975 to give effect to the Constitution provisions and the International Labour Organisation Convention no. 100 of 1951 in the International Women Year. The Ordinance was replaced by The Equal Remuneration Act, 1976 seeking to provide for payment of equal remuneration to men and women workers for payment on discrimination on the ground of sex. The first country to establish the principle by Constitutional provisions was Mexico, in 1917. Since that time, comparable provisions have been adopted by number of countries, including Albania (1946), Brazil (1946), Bulgaria (1947), Burma (1948), Cuba (1940), Czechoslovakia (1948), Ecuador (1946) France (1946), Guatemala (1945), Italy (1947), Panama (1946), Rumania (1948), U.S.S.R. (1936), Venezuela (1947) and Yugoslavia (1946). The Constitutions of the States of Hesse and Wurttemberg - Baden in Germany include equal pay provisions (1946).

## 2.2 Meaning of Equal pay for equal work

Wages is the remuneration paid for the service of labour in the process of production. The payments made by the employers for the efforts put in by the workers in the production. Wages and salaries constitute the payment of work agreed upon between employees and their employers. It also constitutes a mean of livelihood for workers. The term 'equal pay for equal work for both men and women' mean equal pay for equal work for everyone without any kind of discrimination on the ground of sex. Black Dictionary of law, fifth edition defined the word equal means alike, uniform, on the same plane or level with respect to efficiency, worth, value, amount or rights. Equal pay means principle of non-discrimination in compensation for work. It means, the wages should be based on the kind and quality of work done and not according to the age, race, sex, religion, political association, ethnic origin or any other individual or group characteristic unrelated to ability, performance and qualification. Equal pay principle whereby, given a specific occupation, the rate of pay should be the same for both sexes out being the same, Equal mean identical in amount, degree, adequate and uniform etc. Equal pay means having the same quantity, measure or value as another, adequate in extent, amount or degree.

Thus, the word "equal" as used in law implies not identity but duality and the use of one thing as the

nearer of another. Equality means the condition of possessing substantially the same rights, privilege and immunities and being liable to substantially same duties. Equality guaranteed under equal protection clause is equality under the same conditions and among persons similarly situated, classification must not be arbitrary and must be based upon some difference in classes having substantial relation to legitimate objects to be accomplished. The Equal Pay Act, 1963 of U.S.A. defines equal pay as same pay for all persons who do the same work without regard to sex, age etc.

## 2.3 Nature and Scope of The Equal Pay for equal work

Equal pay for equal work is one of the directive principle enshrined in part IV of the Constitution. Article 39(d) of the Constitution provides that "The State shall, in particular, direct its policy towards securing that there is equal pay for equal work both men and women. But Article 37 provides that the provision contain in part IV of the Constitution shall not be enforceable by any court, but the principle there in laid down are nevertheless fundamental in governess of the country and it shall be the duty of State to apply these principles in making laws. Thus it is basically clear that the doctrine of equal pay for equal work". When Governmental decision or policy as to fixation of pay scales of Government employees is based on no classification or irrational classification and it violation of Article 14 and 16 of the Indian Constitution. Then Court is empowered to enforce the doctrine of equal pay for equal work. Our Constitution does not directly state the principle but while interpreting the Article 14 and 16 which are conjectural doctrine, guarantee Fundamental Right to Equality before the Law and Equality of the opportunity in the matter of public employment respectively. And Article 32 provides the remedy for the enforcement of Fundamental Rights.

The principle of equal pay for equal work denotes that where all things are equal, that is, where all relevant consideration are the same, person holding identical posts may not be treated differently in the matter of their wages/salary merely because they belongs form different gender, race, caste and colour etc. If any Officer is on same rank and also performs same duties, he or she should be treated equally without any gender discrimination.

With the faster pace of development, advancement of modern technology and spread of education among women, which paves the way for the emancipation of women there has always been demand for equal pay for equal for men and women worker as women don't considered themselves inferior to men. The

I.L.O. has adopted a Convention on this subject which has been ratified by India. Equal Remuneration Convention, 1951 was adopted by the General conference of International Labour Organization on June 25, 1951. In order to give practical shape to the contents of the Convention, it was included in our Constitutional essence. The Equal Remuneration Act, 1976 defines "remuneration" in Section 2 (g) as follows: "the basic wages 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, if the terms of the contract of employment, express or implied, were fulfilled." A typical remuneration package in the organized Sector (for a time rate payment system) consists of a basic wage, dearness allowance (to compensate for inflation), other allowances, and the house rent allowance. The dearness and the house rent allowances can be different in the offices of the same company due to the different cost of living in different cities.

The Equal Remuneration Act, 1976 under Section (4), which make provision for equal remuneration are follows: "No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favorable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature. No employer shall, for the purpose of complying with the provisions of sub-Section (1), reduce the rate of remuneration of any worker. "Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where there are only two rates), or, as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers". There is no obligation for employers to recognize the existing three (or any other) digit classification of occupations as set out by the ILO or the Government. Employers are free to classify occupations as they wish, thus rendering it difficult to compare essentially similar jobs. Thus, even if the work of a man and a woman are of a similar nature, job differentiation can be made artificially. For example, a cashier is paid more than an accountant, even if the job content is similar in both cases. The cashier is paid more because he handles cash, and his job is classified as more sophisticated.

The Equal Remuneration Act, 1976 covers all industries, public or private, organized and unorganized, and all employees doing permanent, temporary and casual work. The law covers central, state and local authorities, hospitals and dispensaries, banks and financial services, educational institutions, mines, provident funds and other state insurance corporations, the Food Corporation of India and other warehouses, all industries under National Industrial Classifications (NIC) groups 1, 2 and 3; power, water and gas generation, trade, transport (water, land and air), construction, real estate and sanitation, religious community and medical and personal services. The Act does not cover self-employed workers like unpaid women workers in farming, households and in the unorganized Industries in large numbers.

The principle of equality is applicable within an establishment. The law permits wage differences to exist across establishments. The wage differentials can be high across establishments because of differences in productivity, and the capacity to pay may differ widely. Since wages in general are low in India, very often there are *de facto* equal wages due to the general Payment of Minimum Wages. Thus, The Minimum Wage Act, 1948 is of overriding importance in respect to equal remuneration in India. The Act states that the basic wage or day-shift payment should be the same for the same or similar work.

Thus men can earn more by working in night shifts since women, by law, are not permitted to be employed in night shift in establishments other than luxury hotels, airlines, hospitals and a few other specific places. In comparison of Permanent workers, the temporary workers are entitled to fewer allowances for the same jobs, even in Government jobs. The Act does not apply in cases affecting the terms and conditions of a woman's employment in compliance with the requirements of any law giving special treatment to any women, or to any special treatment accorded to women in connection with the birth or expected birth of a child, or the terms and conditions relating to retirement, marriage or death or to any provision made in connection with retirement, marriage or death. There are two main reasons for the restriction in the scope and coverage of the law. The first is that legal requirements are different for different Industries and sizes of establishments. For example, The Factories Act, 1948 requires that only establishments, which employs ten or more workers and use electric power or employers twenty or more without electric power, needs to file full returns about the status of their workers for the authorities. Similar differentiations also apply

to shops and commercial establishments. The regulations therefore does not apply to the smaller establishments. While they are expected to comply with the law, they seldom do. The other reason for the restricted application of the law arises in connection with the legal machinery, which makes provision for few means of overseeing compliance with the Act. Moreover, workers, their unions, and other public support groups do not bring the matter to the fore, since the need for jobs by the workers exceeds the need to practice gender justice within it. The nature of the labour market, high rates of illiteracy and widespread poverty prevent such matters from being dealt with by the law. The awareness among the people is very low. The concept of equal pay for equal work is not clear in the act also.

## 2.4 International Perspective

Equal pay for men and women for same nature of job is one of the significant human rights set out in the universal declaration of human rights , which the General Assembly of United Nations adopted on 10 December 1948 (with not a single country voted against it) as a common standard of achievement for all people and nations. It specifies that everyone without discrimination has a right to equal pay for equal work. Further in the 1963 U.S. legislation mandating equal pay for equal work, in a measure to end gender-based disparity. The National War Labor Board first advocated equal pay for equal work in 1942, and an equal pay act was proposed in 1945. On June 10, 1963, President Kennedy signed The Equal Pay Act into law. It was enacted as an amendment to the Fair Labour Standards Act of 1938, which regulates matters regarding minimum wages, overtime and child labour.

Among the reasons given to justify unequal pay: working women had a higher turnover rate because of family obligations; some state laws prohibited women from working at night, and other laws limits the actual number of hours women could work and the number of weight women could lift. The laws reflected the historical bias in the system of compensation in the USA during that period; in the 1950s two-thirds of families had a bread winning husband and a stay-at-home wife. A woman's income was not considered vital to the survival of the house hold. The EPA requires, that men and women who work in jobs that are substantively equal in terms of skill, effort, responsibility, and working conditions shall receive the same pay. The original bill that was proposed required equal pay for comparable work. However, this

stipulation was changed before the passage of the bill to "equal work." The EPA permits differences in wages based on seniority, merit, quality, or quantity of production, or other differentials not based on gender. In EPA cases, plaintiffs have the burden of proof to show that women were paid less than men and that the work involved was "substantively equal."

From 1963 until the passage of the Educational amendments in 1972, those employed in executive, administrative, or professional capacities were excluded from the protection of the EPA because of its incorporation with The Fair Labor Standards Act, which included those exemptions. As a result of The Reorganization Act of 1977, the enforcement of the EPA shifted to The Equal Employment Opportunity Commission in 1979, where it remains.

The Equal Pay Act, 1970 is an Act of the Parliament of the United Kingdom that prohibits any less favorable treatment between men and women in terms of payment and conditions of employment. It was based on The Equal Pay Act, 1963 of the United States.

For an employee to claim under this Act they must prove one of the following:

- That the work done by the claimant is the same, or broadly the same, as the other employee.
- That the work done by the claimant is of equal value (in terms of effort, skill, decision, and similar demands) to that of the other employee.
- That the work done by the claimant is rated (by a job evaluation study) the same as that of the other employee.

Once the employee has established that they are employed on 'equal work' with their comparator then they are entitled to 'equal pay' unless the employer proves that the difference in pay is genuinely due to a material factor which is not the difference in gender. Thus, it is clear that all countries have legislation relating to granting of equal remuneration to both the genders and close the gap between wages for similar work. However, in spite of all these laws women workers especially in unorganized Sectors are given fewer wages compared to their counterparts.

### 2.4.1. Gender pay gap

According to Cambridge dictionary the difference between the amount of money paid to men and women, (often) for doing the same work is called as gender pay gap. A global view point Gender

inequality has a direct impact on decent work and human development. Whether in the form of unequal labour force participation rates, differences in pay or unequal opportunities for women, it is a burden on society and a barrier to social justice. Equality of opportunity and treatment is addressed in the ILO Equal Remuneration Convention, 1951 (No. 100), and discrimination with regard to employment and occupation in the Discrimination (Employment and Occupation) Convention, 1958 (No. 111). These Conventions are two of the eight fundamental ILO Conventions which provide a legal framework for countries to work towards their own legislation. Globally, the gender wage gap has narrowed significantly in the last two decades. This gap can be estimated on a monthly or an hourly basis, and the latter removes the effect on the pay gap of the fact that women are engaged more often in part-time work than men. This gender wage gap is also referred to as the raw or unadjusted wage gap; because it is a simple measure which does not take into account the differences between men and women in their skills, endowments and labour market characteristics that directly affect the level of pay.

#### 2.4.2. Types of Pay Discrimination

The first type occurs when a different pay is given for the same job, for example to a female and male policeman with the same qualifications, seniority and responsibilities. This form of discrimination contravenes the principle of equal pay for equal work and is relatively easy to prove and remedy. It would appear that today this type of discrimination goes hand-in-hand at the time of recruitment into particular male occupations. It is important that the means be devised to prevent its further development.

The second type of discrimination occurs when jobs, different in content but of equal value, receive a different pay; for example when a policeman (of male job) earns more than a nurse (of female job). This form of discrimination, which conflicts with the principle of equal pay for work of equal value embedded in ILO Convention No. 100, accounts for the largest share of the residual wage gap. This type of discrimination is more difficult to prove and its elimination is more difficult to achieve. It is based on a historic feature of labour markets, namely occupational segregation by sex. Even today women are concentrated in a limited number of jobs in which they account for as much as 80 or 90% of the workforce (e.g. secretaries, receptionists, sales staff, cashiers, nursery or primary school teachers, etc.) On the other hand, also men are heavily concentrated in particular jobs, although the range

of jobs is broader, ranging from senior executives to information scientists, truck drivers and mechanics. There is a close match between female or male prevalence and their pay levels. Generally speaking, both in the labour market and in organizations, the most poorly paid occupations are those where women predominate, while the better paid are those where men prevail.

#### 2.4.3. ILO and Countries

One of the most important elements of ILO Convention No. 100 is its insistence that the right to equal pay for equal work should not be confined to equal pay for the same or similar work, but should extend to work of equal value. CEDAW has a similar provision in Article 11(d), which requires States Parties to take all appropriate measures to ensure 'the right to equal remuneration, including benefits, and equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work.' Eliminating unequal pay for the same work is only the first step in the process. Where there is extensive job segregation, the problem is not that women are paid less for the same work, but that they are concentrated in undervalued feminized work.

The concept of work of equal value insists that the comparison should not be limited to the content of the work, but that job requirements, such as the level of skill, effort and responsibility, and working conditions are compared. At the same time, care needs to be taken to ensure that the ways in which value is set do not replicate the assumptions that have always made male work appear more valuable. For example, in jurisdictions such as the UK, heavy manual work has always been valued higher than work requiring manual dexterity, such as sewing. It is therefore essential that legislation should include means of assessing job values which are independent of the employer and existing arrangements, and should require the participation of women workers affected. There should also be the possibility of challenging job evaluation schemes on the basis that they are discriminatory on grounds of sex. There are two major Conventions which are focusing on equal pay for equal work and everybody should get equal opportunity in the employment.

Although there is wide gender pay gap across all countries in consideration, many countries have not expressed equal pay legislation. There are 173 countries which have ratified the ILO Convention number 100 Equal Remuneration Conventions 1951, only 14 countries among the whole world which have not ratified the Convention. But still all over

the world women are facing wage discrimination. We have studied the few countries which have ratified the ILO Conventions and their status on equal wage for equal work.

**Afghanistan** Government has ratified both the Convention in 1963 (Convention 100 & Convention 111) but still is not able to achieve the target. One of the famous Actress Patricia Arquette said that on global average, women workers are earning 23% less than their male counterpart doing same jobs. She also reported that her personal reason that inspired her to participate in UN. She talks about the condition of women in Afghanistan, which is still one of the most difficult places in the world to be women, although the country has taken steps to advance women rights. There is no specific law for the women at workplace.

In **Korea**, it was found in Article 8 of the Act on Equal Employment and Support for Work-Family Reconciliation (The Equal Employment Act).

**Brazil** Government has ratified Convention no 100 in 1957 and in 1999 promulgated the legislation prohibits, inter alia, a person's sex from being used as a determining factor for purposes of remuneration. Notably, the remedy for breach of this provision consists of an administrative fine of ten times the highest wage paid by the employer, as well as a ban precluding the employer from obtaining loans or financing from official financial institutions.

Although equal pay for work of equal value is generally confined to a comparison between men and women, occasionally, other grounds are included in the protection. The Brazilian Constitution, for example prohibits differences related to wages, the performance of duties and hiring criteria by reason of sex, age, colour or marital status.

In **Kenya**, The Employment Act places a duty on the Minister of Labour and employers to promote equality of opportunity and eliminate discrimination in employment. Employers are prohibited from discrimination on the grounds of sex. An employer is obligated to pay its employees equal remuneration for work of equal value.

The **UK** has had equal pay legislation on the statute books during 1970, in the form of The Equal Pay Act 1970 (Equal Pay). This legislation, however, only came into force in 1975. Provisions for equal remuneration for work of equal value for men and women are now listed in The Equality Act 2010. Under these provisions, a woman have a right to equal pay for like work, work rated as equivalent or work of equal value with a man employed by

the same employer at the same or equivalent establishment unless the employer can justify the inequality on grounds which do not directly or indirectly involve sex.

In the **Canadian province of Ontario**, The Employment Standards Act, 2000 gives equal pay for equal work of men and women. Under The Pay Equity Act, private or public employers are required to establish and maintain compensation practices that provides for pay equity Employers in the public Sector or employers in the private Sector with 100 employees are more that existed on January 1 1988 are bound by the Part II of the Act. Specifically they are required to have pay equity plans. By Article 12 this provides employees with information, method and reasoning on how pay equity was done in the establishment.

**(i) Does the provision cover the same work or work of equal value? If so, how is equal value defined?**

The extent to which the jurisdictions under consideration incorporate equal value principles varies greatly. In some jurisdictions, provision is made for equal pay, but it is generally confined to equal pay for the same work, rather than for work of equal value, thus potentially violating ILO Convention 100.

This is true for Nepal, where the interim Constitution prohibits discrimination in regard with remuneration and social security between men and women for the same work. The 1993 Labour Rules were even more limited, providing for equal remuneration only between male and female workers 'engaged in work of the same nature' in the same establishment.

Some jurisdictions now include the right to equal pay for work of equal value. However, in some cases, this is simply regarded as a synonym for like work. Thus the Filipino Labour Code defines work of equal value to mean 'activities, jobs, tasks, duties or services—which are identical or substantially identical.' Bangladesh and Kenya do have provisions providing for equal pay for work of equal value. However, in Kenya at least, equal pay provisions only cover 'employees', so that they have no impact on the informal Sectors.

Yet, as the CEDAW committee pointed out, women are concentrated in the informal Sector, with no social security or other benefits. Even if the right to equal pay for work of equal value is provided, provisions frequently fail to require an objective assessment of value, an issue which the CEDAW committee repeatedly flags. Other countries still

have no provision for work of equal value. One of those is Jamaica, where for several years; the ILO Committee has been asking the Government to revise Section 2 of The Employment (Equal Pay for Equal Work) Act 1975 which refers only to equal pay for “similar” or “substantially similar” work, rather than work of a different nature but equal value. In South Africa, there is no express provision for equal pay for work of equal value, on the grounds that the prohibition on sex discrimination in employment covers remuneration. A proposed amendment to The Employment Equity Act expressly providing for equal pay for work of equal value is pending before Parliament. However, as in many jurisdictions, it is limited to a comparison only with other employees of the same employer. (For further discussion about the definition of ‘employer’ see the discussion below the on scope of comparison.)

In some jurisdictions, the statute might refer to equal pay for work of equal value. The application of the principles of equal value then depends on judicial interpretation. An interesting example is that of Korea. Thus the Korean legislation reflects the principle of equal work for equal value, and this has been further elaborated by the courts.

Article 8 of The Equal Employment Act States: ‘(1) An employer shall provide equal pay for work of equal value in the same business. (2) The criteria for work of equal value shall be skills, efforts, responsibility and working conditions, etc., required to perform the work. And in setting the criteria, an employer shall listen to opinions of the members representing the workers at the Labour-Management Council as prescribed in Article 25.’ There is very little literature in English on the application of the Korean principles. However, Sung Wook Lee points out that there has only been one major Court decision, in 2003, which clarified the meaning of work of equal value in this context. The decision is not available in English, but Lee provides a very helpful analysis, showing that the Court made it clear that even if the work is not identical, the value should be determined according to various factors, including skills, effort, responsibilities, working conditions required to undertake the task, education, previous experience in relevant fields, seniority of employees etc. Each of these factors was further explicated by the Court, in order to help identify uniform standards to determine equal value.

Thus, according to the Court: Skills includes degrees from higher educational institutions as well as techniques acquired through previous experience. ‘Efforts’ refer to such factors as the

intensity of the work, and the physical and mental effort required to accomplishing tasks under time constraints. ‘Responsibilities’ refer to the scope of the job, its complexity and the extent to which the employer is dependent on the employee. Finally, ‘working conditions’ mean such issues as noise, exposure to physical or chemical threats, and segregation of work and the temperature of the work place. The defendant company was engaged in the manufacture of tiles. It employed 16 male employees and 10 female employees. The manufacture process consists of 8 parts; forming, glazing, firing, sorting, packing, manufacturing and blending of glaze, ink manufacturing, and printing screen for colouring. Female employees were usually engaged in sorting processes and printing screens for colouring which required less physical effort than other processes where male employees usually work. All the employees were hired as one category, production line, and paid on a daily basis. The Supreme Court found that all employees, regardless of sex or work, were engaged in a single continuous manufacturing line. Therefore, according to the Court, although the line consisted of 8 parts, in terms of ‘working conditions,’ there were no substantial differences between the parts.

The Court also found that as all employees were daily-paid and employed in fixed-term, there was no difference as regards to ‘responsibility.’ Furthermore, the Court found that in terms of ‘skill’ and ‘effort’, it could be recognized that there are some differences in the nature of the work or machine operations, and that male employees have usually engaged in more physically burdened work.

Nevertheless, as the work of the male employees in this company did not require more intensive labour than production workers in general, and had not required any special skills or experience operating machines, there were no differences in ‘skill’ or ‘effort’ between male and female employees.

The Court concluded that male employees and female employees in the case had engaged in similar or substantially identical work, and that male employees could not be paid more than female employees simply because the job of the male employees required greater physical effort unless there were other just reasons. Having gone through this careful process, however, the Court held that the “equal value of work” meant identical or substantially equal work in the same establishment.

Even if the job was slightly different, when the nature of the job is comparable based on objective

job evaluation, the equal value of work should be recognized under the principle of equal pay for equal value of work. Whether the task includes the equal value of work will be determined by various factors, including skills, efforts, responsibilities, working conditions that are required to undertake the tasks; education; previous experiences in the relevant fields; seniority of employees. Those factors should be all taken into consideration in determining the meaning of “equal value of work”. Although this is a helpful elaboration of the principles, Lee has two criticisms of the Court’s approach. Firstly, she rightly points out that the Court gave too much attention to factors usually associated with male-dominated jobs, overlooking factors in female-dominated fields which should attract equal value. These include psychological aspects, stress levels caused by relationships with clients, customers or patients, frequency of interruptions of work through phone calls and interactions with other employees. She also stresses that multi-tasking skills should be considered in determining ‘intellectual’ effort. Secondly, she argues, the Court paid too little attention to whether the tasks identified are actually an essential part of the job or merely incidental. For example, the job description might include heavy lifting, but in practice, the employee might spend very little time on that aspect of the job. Despite the statute and this Court decision, the CEACR in its observations on Korea in 2008 and in 2011 notes that the Ministry of Labour’s Equal Treatment Regulation (No. 422) provides that work of equal value refers to jobs which are equal or almost equal by nature or which, although slightly different, are considered to have equal value. It called on the Korean Government to amend Regulation No. 422 to bring it into full conformity with the requirement in the Convention that it should be possible to compare work of an entirely different nature which is nevertheless of equal value. The restrictive language used by the Court has also been criticised by the CEACR, which points out that “the Supreme Court in its ruling of 14 March 2003 (2003DO2883) accepted the restrictive understanding of the concept of work of equal value in Regulation No. 422.” However, as Lee emphasises, case doctrines are very fact-specific. Moreover, the Regulations have only internal effects among the state agencies, and have no binding effects to individuals or private organizations. The CEACR also refers to research conducted by the Ministry of Labour which emphasized the importance of the principle of equal remuneration for work of equal value and the use of job evaluation. A Workplace Self-Check Manual for Equal Pay for Work of Equal Value was being distributed to employers to use on a voluntary

basis. The research also found, however, that in order to avoid the application of the principles of equal value employers responded by creating job categories to which only men or women are assigned, resulting in gender discrimination in terms of recruitment. The research and its follow up are not, however, available in English.

As in Korea, the right to equal pay for work of equal value was introduced in **Kenya** in 2007, but it is not clear that the principle is applied in practice. Section 5(4) of The Kenyan Employment Act, 2007 states: ‘An employer shall pay their employees equal remuneration for work of equal value.’ Notably, this is not limited to equal pay for men and women.

There is also a broad definition of “remuneration” set out in which encompasses “the total value of all payments in money or in kind” arising out of the worker’s employment. The Kenyan Government confirmed to the ILO CEACR in 2011 that the provision of accommodation or an accommodation allowances and of food come within the definition of remuneration for this purpose too.

There is very little literature on the application of the concept of equal value in Kenya, but it appears that it is underdeveloped. In 2006, the pay policy for the public service submitted to the CEACR provided that “personnel in similar job positions with similar responsibilities will be remunerated in a similar manner” and that this would be ensured through criteria such as the content of the job (as determined by a job evaluation) and the skills, competencies and responsibilities associated with the position.

However, the emphasis was on ‘similar’ jobs, and the policy did not refer to the need to ensure equal remuneration for men and women for work of equal value. By 2008, little progress was detected. In response to a request by the CEACR for an indication of the job evaluation methods used in the private or public Industries, the Kenyan Government indicated that there was no common job evaluation method being used in either the public or the private Industries. A similar pattern emerges in relation to minimum wages. Even where minimum wages do not openly differentiate between men and women, it is important that the wage-setting machinery takes into account the possibility that jobs traditionally done by women might be undervalued or overlooked, in comparison with skills traditionally associated with men. It is for this reason that the CEACR was not satisfied with the Kenyan Government’s submission that minimum wages were applied to all employees without distinction based on age,

gender, race or colour. In its 2011 Request, the Kenyan Government was asked to go further and examine the tasks involved on the basis of objective criteria, such as skills, effort, responsibility and working conditions to prevent the perpetuation of the undervaluation of women's work. There have been no judicial decisions on the principle of equal remuneration for work of equal value. The Indian definition of the 'same work or work of a similar nature' nevertheless falls short of the ILO requirements to give equal pay for work of equal value.

The statute defines "same work or work of a similar nature" as 'work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment'.

The ILO CEACR has consistently held the view that this definition is too restrictive, in that the concept of equal value should go beyond 'similar work' and encompasses work of an entirely different nature but which is nevertheless of equal value. The Committee is also concerned that India had not fulfilled its obligations under Article 3 of the Convention to take measures to promote the objective evaluation of jobs on the basis of the work to be performed. It noted that in India, women's remuneration was determined on the basis of classifications which did not reflect the real nature of the work involved. This is borne out by Sankaran who pointed out that occupations performed by women are often classified as unskilled under The Minimum Wages Act, 1948. 'For instance, in agriculture, weeding and transplanting (performed exclusively by women in most parts of India) are so classified [as unskilled], though skill and experience is required for both activities, while other activities performed generally by men are treated as skilled work for which higher wages are paid.

In the UK, legislation on equal pay dates back to The Equal Pay Act, 1970. However, The Equal Pay Act 1970 only provided for equal pay for the same or broadly similar work. Only if an employer had instituted a job evaluation scheme could equal pay for work of equal value be claimed. This, however, was in breach of EEC (now EU) law which required the principle of equal value to be applied even if the employer had not instituted a job evaluations scheme. The Equal Pay Act was therefore amended in 1981 to include the right to equal pay for work of equal value. This was consolidated in the current

legislation, The Equality Act 2010, which provides that a woman has the right to equal pay for like work, work rated as equivalent or work of equal value with a comparable man and vice versa. The statute goes on to provide that A's work is of equal value to B's work if it is neither like B's work nor rated as equivalent to B's work, but nevertheless equal to B's work in terms of the demands made on A by reference to factors such as effort, skill and decision-making.

The legislation takes into account the possibility that an employer initiated job evaluation scheme might itself be based on discriminatory assumptions about the value of women's work. It thus provides that 'A's work is rated as equivalent to B's work if a job evaluation study gives an equal value to A's job and B's job in terms of the demands made on a worker, or would give an equal value to A's job and B's job in those terms were the evaluation not made on a sex-specific system. A system is sex-specific if, for the purposes of one or more of the demands made on a worker; it sets values for men different from those it sets for women.

The concept of equal value has been applied both by courts and in the collective arena. Thus in the early case of *Hayward Vs Cammell Laird* in 1988, a cook successfully claimed that her job was of equal value with a joiner and a carpenter in a shipyard. In a case in 2012, female care workers, cooks, school midday assistants, teaching assistants, passenger assistants, and school crossings patrol workers and school technicians claimed that their jobs were of equal value to male manual workers employed in the parks and countryside, cemeteries and crematoria, street cleaning, street lighting and highways.

Court cases have, however, proved a cumbersome means to pursue equal value. Individual claims leading to individual remedies, resulting from a protracted and expensive litigation process, are unlikely to bring about widespread change. It is only where equal value has been driven through the collective process that it has stood any real chance of success. Not only can women and union representatives participate in the process of valuation to ensure that stereotypes are not replicated. In addition, the job-grading structure as a whole can be evaluated. A particularly impressive collective bargaining achievement involved local authority manual workers, where a new rank order of jobs of about a million workers was completed in 1987, reflecting equal value principles. The new system of evaluation was carefully constructed to remove the inherent bias towards men in existing job evaluation systems. For example, 'skill' was

extended from formal training and qualifications, to include informal training and acquired experience. Similarly, under the heading 'working conditions', credit was given not just for the type of dirty work undertaken by male employees, but also the kind of unpleasant conditions that care workers, such as home helps, might have to work in. The result was a radical restructuring of the grading structure.

This was followed by a 1997 'Single Status Agreement', which included provision for an important new job evaluation scheme embracing manual workers as well as administrative, professional, technical and clerical workers. These schemes were to be implemented locally under procedures involving representative panels of unions and employers. Equally significant is the 'Agenda for Change Agreement', negotiated between the National Health Service (NHS) Employers and Trade Unions in 2004.

This included a comprehensive job evaluation scheme as a result of which the greatest pay increases were experienced by the lowest paid workers – cleaners, domestics, health-care support workers and linen room and laundry assistants – who are predominantly female. However, while these addressed basic pay, it has been much more difficult to deal with bonuses. The growth in payment systems linked to assessments of individual performance is one of the biggest areas of change in pay over the past few years. Yet, since performance related pay tends to exclude Industries where women predominate, men are the primary beneficiaries, as we have seen above, both in relation to the private or the public Sectors. This has been particularly evident in local Government, where gains through equal value initiatives were quickly undermined. Bonuses and productivity payments were deliberately excluded from both the local authority agreements. Indeed the 1997 Single Status Agreement, which provided expressly that existing local bonus schemes were not affected by the agreement. Yet in many situations, bonuses no longer represent genuine productivity rewards but have simply become an accepted part of pay. This difficulty was exacerbated by lack of proper funding for equal value.

The result was that by the end of 2007, only 42% of local authorities had implemented new pay and grading systems. Faced with a funding squeeze, local authority employers have threatened job cuts and pay reductions as the price for equal value settlements. The absence of proper funding makes it inevitable that equal pay claims will be represented as a cost to male workers and service

users, leading to acute dilemmas for trade unions representing both constituencies. The Equal Pay did originally include a limited provision dealing with collective agreements. Under Section 3, a collective agreement which contained explicit references to gender could be referred by a union to the Central Arbitration Committee (CAC) for amendment.

Given the wide prevalence of women-only grades, this provision was a decisive factor in the initial narrowing of the pay gap, with women's hourly pay rising from 64% of that of men's in 1971 to 74% in 1977. However, as soon as express women-only grades disappeared, the CAC could no longer intervene. In addition, the remedy entailed raising all women's pay to no more than that of the lowest male grade.

This was a clumsy one, ill-suited to fine-tuning complex collective agreements. For a short period, the CAC interpreted its brief more broadly to look at the collective agreement as a whole. Where differentials were disproportionately large relative to the difference in value, the CAC changed the pay rates so that they were commensurate to the proportionate value of the job. However, in a judicial review case brought by an employer in 1979, the CAC was held to have acted outside its jurisdiction.

Section 3 was therefore of little use and was repealed in 1986. Nevertheless, the way in which the CAC was able to make use of it between 1977 and 1986 constitutes a valuable model for possible reform of the current structure. EU law requires member states to ensure that 'provisions appearing in collective agreements, wage scales, wage agreements or individual contracts of employment which are contrary to the principle of equal pay shall be, or may be, declared null and void or may be amended'. Amending the rule or agreement itself is potentially a very effective remedy. Thus in *Kowalska*, ECJ, having found that a collective agreement was in breach of Article 157, held that the agreement itself should be amended.

**Ontario** has two separate pieces of legislation. The Pay Equity Act aims to ensure that women and men receive equal pay for jobs that may be very different but are of equal value.

The Employment Standards Act 2000, on the other hand, aims to ensure that men and women receive equal pay for performing substantially the same job. Nevertheless, even under the Employment Standards Act, the definition of substantially the same job is relatively wide. According to s.42 of the Act, 'No employer shall pay an employee

of one sex at a rate of pay less than the rate paid to an employee of the other sex when, (a) they perform substantially the same kind of work in the same establishment; (b) their performance requires substantially the same skill, effort and responsibility; and (c) their work is performed under similar working conditions. 'Equal work' under the statute means work that is substantially the same, requiring the same skill, effort and responsibility and performed under similar working conditions in the same establishment. The jobs do not need to be identical in every respect, nor do they have to be interchangeable. However, the work needs to be similar enough that it could reasonably be considered to be interchangeable. According to the Ontario Guide to The Employment Standards Act, 'skill' refers to the degree or amount of knowledge, physical or motor capability needed by the worker performing the job. 'Effort' is the physical or mental exertion needed to perform a job" and 'responsibility' is measured by the number and nature of a worker's job obligations, the degree of accountability and the degree of authority exercised by a worker in the performance of the job. Determining whether 'working conditions' are similar requires an examination of such things as exposure to the elements, health and safety hazards, workplace environment, hours or work and any other terms or conditions of employment. Notably, the legislation prevents a levelling down of wages in order to comply with equal pay.

The Pay Equity Act is more wide-ranging, arguably providing a model of legislation in this area. Either private or public employers are required to establish and maintain compensation practices that provide for pay equity. Under Section 5.1(1) pay equity is achieved in an establishment when every female job class in the establishment has been compared to a job class or job classes under the job-to-job method of comparison or the proportional value method of comparison and any adjustment to the job rate of each female job class that is indicated by the comparison has been made.'

In its interpretation guide to the Act, the Ontario Pay Equity Commission explains the process thus: In order to achieve pay equity the employer must:

- (i) Determine job classes, including the gender and job rate of job classes
- (ii) Determine the value of job classes based on factors list in Section 6 of the Act: skill, effort, responsibility and working conditions
- (iii) Conduct comparisons for all female job classes using job-to-job, proportional value or proxy method (limited to the public Sectors).

- (iv) Adjust the wages of underpaid female job classes so that they are paid at least as much as an equal or comparable male job class or classes.

There are two primary methods for achieving pay equity: (i) job-to-job comparison and (ii) proportional value.

The *job-to-job method* ensures that the job rate for a female job class is at least equal to the job rate for a male job class in the same establishment where the work performed in the two job classes is of equal or comparable value. In determining the value of work, the criterion to be applied is skill, effort and responsibility required and the working conditions in which the work is performed.

A job class is defined as "those positions in an establishment that have similar duties and responsibility, require similar qualifications are filled by similar recruiting procedures and have the same compensation schedule, salary grade or range of salary rates." A job class is female when 60% or more of the employees in that group are females or if the historical incumbency of the job class, the gender stereotypes of fields of work are females. Job rate means the highest rate of compensation for a job class.

The Act establishes a sequence for selecting the appropriate male comparator job class. First, a male job class of equal or comparable value should be identified. If more than one male comparator is found, the one with the lowest job rate should be chosen. If there is no comparable male job class, the employer must look at other male job classes in the establishment that has a lower value but is higher paid than the female job class.

If there is no male comparator group under the job-to-job method, the employer can use the *proportional value* method of comparison. Under this method the employer selects a representative group of male job classes, establishes a relationship between job values and job rates, calculates pay equity adjustments and increases wages for underpaid female job classes all comparisons carried out under the proportional value method must be gender neutral.

The Ontario Equal Pay Commission identifies three methods for comparing jobs using the proportional value framework

- (i) Wage Line Approach-the employer develops a job rate line by plotting the male job class on a graph with the job rate on the y axis and the job value on the x axis. A best fit job rate line is drawn. The female job classes are plotted. Employers are required to increase the wages

of all female job classes that fall below the job rate line.

- (ii) Proportional female job classes – pay equity adjustments are given to unmatched female job classes in proportion to adjustments of female job classes that had comparators under job to job (modified groups of job approach).
- (iii) Pay-per-points – the job value to pay relationship for the male job class is expressed as a ratio that is applied to the female job class. However, where there is more than one male job class, the pay-per-points method is less effective than the wage line method.

There is no violation of the Act where differences in wages are the result of a formal seniority system, a merit compensation plan based on formal performance ratings, employees training or development assignments that do not discriminate on the basis of gender when a position has been down-graded based on gender neutral evaluation process or when shortage of skills results in a temporary inflation of wages.

**(ii) Does the legislation include a provision for direct and indirect discrimination?**

As well as providing expressly for equal work of equal value, it is helpful to have an express provision addressing pay practices which are indirectly discriminatory, thus making it possible to challenge pay practices which have a disparate impact on women even in the context of job segregation. Direct discrimination permits the use of a 'hypothetical comparator.' Indirect discrimination makes it possible to challenge pay schemes which do not explicitly treat women differently, but have a disproportionate impact on women. These principles also make it possible to challenge pay practices which are discriminatory on grounds other than sex. Several of the jurisdictions examined have indirect discrimination provisions, although in many contexts, this does not appear to have been applied to unequal pay. Thus indirect discrimination was introduced into The Korean Equal Employment Act in 1999 after it became clear that reducing direct discrimination would not be sufficient to address entrenched patterns.

Thus The **Korean** Equal Employment Act defines discrimination as meaning that 'an employer applies different hiring and working conditions to workers, or takes any other disadvantageous measures against them without any justifiable reasons on account of sex, marriage, status within family, pregnancy, or child-birth, etc. (including cases where even if an employer applies the

same hiring or working conditions, the number of men or women who can meet the conditions is considerably less than that of the opposite sex, thus causing a disadvantageous result to the opposite sex, and the said conditions cannot be proved justifiable). However, according to Lee, the Korean courts have not fully embraced or applied the principle.

The **Kenyan** Employment Act 2007 prohibits both direct and indirect discrimination on grounds of race, colour, sex, language, religion, political or other opinion, nationality, ethnic or social origin, disability, pregnancy, mental status and HIV status. No definition is provided for direct or indirect discrimination.

In **UK**, in context of sex, there has traditionally been a strict demarcation between contractual issues, dealt with as a question of equal pay for work of equal value rather than direct and indirect discrimination, and non-contractual issues, dealt with as a matter of direct and indirect discrimination.

## 2.5. Legal perspective

### 2.5.1. Garland Vs British Rail Engineering Ltd. (1982) 2 All ER 402

**Issue:** Whether discretionary travel facilities were provided by the employer which continued for male employees after retirement come within the definition of "pay" under Article 119 (now Article 141)?

**Facts:** Mrs. Garland was employed by British rail engineering. All employees, their spouses and dependent children were entitled to concessionary travel rates during the employee's employment. After retirement former employees, male and female, retained their entitlement to some form of concession continued to apply to spouses and dependent children. However, were not entitled to travel concessions. Mrs. Garland challenged this as discriminatory.

**Held:** pay for purposes of Article 119, comprises any consideration, whether in cash or kind, whether immediate or future that a worker receives, albeit indirectly in respect of his employment from his employer. In the circumstances of this case, discretionary travel concessions were held to amount to pay.

### 2.5.2 Pickstone Vs Freemans PLC: HL 30 JUNE 1988

**Issue:** Whether the applicant could make a claim based on equal value in a situation where there was already a man engaged on like work or work rated as equivalent to that of the applicant.

**Facts:** Mrs. Pickstone a warehouse operative at Freemans plc, claimed equal pay for work of equal value with a male colleague who was a checker warehouse operative. There were other male warehouse operative and female checker warehouse operative the company argued that, as there were men doing the same job as Mrs. Pickstone, she could not therefore bring an equal value comparing with a different man.

**Held (House of Lord)** In this case, the house of lord made clear that it depends on the applicant to choose her comparator, holding that the equal present a women employed on like work equal pay act does not present a women employed on like work or work rated as equivalent with one man from claiming that she is employed on work of equal value to that of another man.

## 2.6. National outlook

Malala Yousafzai, the youngest Nobel laureate, famously said: *"I rise up my voice – not so I can shout, but so that those without a voice can be heard. We cannot succeed when half of us are held back."* UN Women states that gender inequality is a major cause and effect of hunger and poverty, and 60% of chronically hungry people are women and girls. Well, amidst such a grim scenario, the issue of empowering women is a much talked about issue in the new millennium. Countries around the world have resorted to a plethora of interventions, be it socio-economic, political, legal, educational or emotional. The focus is to help women in overcoming vulnerabilities, shaping the destiny of their life, and taking part in the country's productive activities, and contributing to their growth story. The social justice is very essential for the systematic growth and development of each and every citizen of our country. It is a dynamic plan to diminish the sufferings of the poor, weak and deprived persons of the society and so elevate them to the level of equality to live a life with dignity of person. The major objective of social justice is to attain significant level of social, economic and political equality, which is the legitimate expectation and constitutional goal. Social justice and equality are complementary to each other so that both should maintain their vitality. Rule of law, therefore, is an effective instrument of social justice to bring about equality the principle of "equal pay for equal work" is not expressly declared by our Constitution to be a fundamental right, but it certainly is a Constitutional goal.

India, home to 17.7% of the world's population, deserves special attention to gauge the existing realities. According to the World Bank report women generate just 17% of India's GDP. Census

2011 has put the female workforce participation rate as low as 25.5%, as against 53.26% for males, with a slightly better rate of participation of 30% in the rural Sector the main desire has been for social security since the origin of mankind. All human beings want minimum requirement of food, shelter and clothing. There have been historical revolutions in China, Russia and other countries to have economic security and emancipation from exploiters yoke. In human society, there cannot be mathematic equality nor is it physically and humanly possible. There has been endeavor to reduce it to the minimum gap and effort will continue till the survival of the human beings. Socio-economic structure of India is such that some people live affluently and majority of them lead a life below poverty line. Compulsions of unequal distribution of land in the villages and village society, which is unable to provide employment to its inhabitants, make them to rush to the cities for work. Education is increasing fast, pressure on the land is much Man on account of dire necessity to eke out livelihood accepts, whatever is given to him. They accepted minimum low wages than minimum or even lesser than fair wages. Strange situation is experienced and seen daily that on account of its having been situated in a disadvantageous position accept lesser wage but his counter parts doing the same work in the same organisation of same quality gets more. There is an inequality in such like situation or nature. The Constitution of India, in its attempt to build an egalitarian and secular ideology engrafted into it principles of equality, liberty and justice proclaimed in the Declaration of Human Rights. The preamble of the Indian Constitution sets out the main objectives, which the framers of the Constitution intended to achieve. It seek to secure to all its citizens including women justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status, and opportunity, and promote among the people of India fraternity assuring dignity of individual for all its citizens including women.

### 2.6.1. The Constitution of India and Women Workers

The philosophy of the Constitution is enshrined in the fundamental rights and directive principles of state policy. Among the fundamental rights, Article 14 guarantees "Equality before Law and Equal Protection of Laws within the territory of India". Article 15 prohibits discrimination on grounds, *inter alia* of sex. Article 15(3) empowers the state to make, any special provision in favour of women. Article 16 guarantees equality of opportunity in matters of public employment. While Article 16(1) ensure equality of opportunity for all citizens

including women in matter relating to employment or appointment to any office under the state, Article 16 (2) prohibits discrimination in respect of any employment or office under the state on the ground, *inter alia*, of sex. The general statements laid down in the preamble have amplified and elaborated in the Constitution.

The state has been directed "to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of national life. Article 39 of the Constitution relating to the directive principles is more specific and comprehensive in nature. This Article specifically requires the state to strive for securing equal pay for equal work of both men and women. {Article 39(d)}.

### (i) Article 39(d) of the Constitution

The directive principle under Article 39(d) of the Constitution proclaim "equal pay for equal work" for both men and women means equal pay for equal work for everyone and as between the sexes. Directive Principles have to be read into the fundamental rights as a matter of interpretation. Article 14 enjoins the state not to deny to any person equality before the law or the equal protection of laws and Article 16 declares that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state. Article 39 deals with certain principles of policies to be followed by the state. It has been laid down that "equal pay should be given to men and women doing equal work". This Article, which apparently envisages equality of pay for men and women, has been applied to enforce equality of pay generally.

In *Randhir Singh Vs Union of India* AIR 1982 ISCC 618, the Supreme Court held that the principle of "equal pay for equal work" though not a fundamental right is certainly a Constitutional goal and, therefore, capable of enforcement through Constitutional remedies under Article 32 of the Constitution. The doctrine of equal pay for equal work is equally applicable to persons employed on daily wage basis.

They are entitled to the same wages as other permanent employees in the department employed to do the work" though not a fundamental right is certainly a Constitutional goal and, therefore, capable of enforcement through Constitutional remedies under Article 32 of the Constitution. The doctrine of equal pay for equal work is equally applicable to persons employed on daily wage basis. They are entitled to the same wages as other

permanent employees in the department employed to do the identical work.

In *Jeet Singh Vs Municipal Corporation of Delhi* AIR 1986 SCC 560 case where Supreme Court invalidating the differences of pay scales of drivers in Delhi Police Force and Delhi Administration and Central Government, the court has relied on Article 39(d) Thus, workers under different establishments and managements cannot automatically claim parity of payment. Similarly, pay scales may differ on the basis of educational qualifications equally, differences in housing facilities under different employers may not be unjustified and the court may not issue *mandamus* to allot houses to low income employees in an establishment because such facility is available in another establishment or that the state is a social welfare state.

The doctrine of "equal pay for equal work" cannot be put in a strait jacket. This right, although find place in Article 39, is an accompaniment of equality clause enshrined in Articles 14 & 16 of the Constitution. Reasonable classification, based on intelligible criteria having nexus with the object sought to be achieved is permissible. Accordingly, it has been held in *State of U. P. Vs J. P. Chaurasia* AIR 1989 SC 19, by the Supreme Court that different scale of pay in the same cadre of person doing similar work can be fixed if there is a difference in the nature of identical work. Work done and difference as regards reliability and responsibility.

In *State of A. P. Vs V. G. Sreenivasa Rao* AIR (1989) 2 SCC 290, the Supreme Court has held that giving higher pay to a junior in the same cadre is not illegal and violative of Article 14, 16 and 39(d) if there is rational basis for it. In *State of Haryana Vs Rajpal Sharma* AIR 1997 SC 449, it has been held that the teachers employed in privately managed aided schools in State of Haryana are entitled to same salary and dearness allowances as is paid to teachers employed in Government school.

In *Federation of A. I. Custom and Central Excise Stenographers (Recog.) Vs Union of India* AIR 1291, 1988 SCR (3) 998, the Supreme Court has emphasized that equal pay must depend on the "nature of the work done" and not "mere volume of work" as "there may be qualitative difference as regard reliability and responsibility." "Functions may be the same but the responsibilities make a different". The Court has further observed:

"The same amount of physical work may entail different quality of work, some more sensitive; some requiring more tact, some less, it varies from nature and culture of employment. The problem

about equal pay can't always be translated into a mathematical formula".

In *Markendeya Vs State of Andhra Pradesh* AIR 1989 SC1368, 1989, difference in pay scale, between graduate supervisors holding degree in Engineering and non-graduate supervisors being diploma and license holders was upheld. It was held that on the basis of difference in educational qualifications such difference in pay scales was justified and would not offend Article 14 and 16. The Court pointed out that where two classes of employees perform identical or similar duties and carry out the same functions with the same measure of responsibility having the same academic qualifications, they would be entitled to equal pay. "Principle of equal pay for equal work is applicable among equals. It can't be applied to unequal." Thus, daily rated workers can't be equated with regular employees of the State in the matter of wages. There are differences of qualifications, age, and manner of selection between the two categories of employees besides, the principle of gender equality in the matter specifically embodied in the Article 39(d), the 'Supreme Court has extracted the general principle of equal pay for equal work by reading Article 14, 16 of the Constitution of India.

The Supreme Court has emphasized in *Randhir Singh*, referring to Article 39(d), that the principle of "equal pay for equal work" is not an abstract doctrine but one of substance. Though, the principle is not expressly declared by the Constitution to be a fundamental rights yet it may be deduced by construing Article 14 and 16 in the light of Article 39(d). The word 'socialist' in the preamble must at least mean "equal pay for equal work".

The Supreme Court has observed in *Grih Kalyan Kendra Vs Union of India* AIR 1991 SC 1173, 1176 that "Equal pay for equal work is not expressly declared by the Constitution as a fundamental rights but in view of the directive principle of state policy as contain in Article 39(d) of the Constitution "equal pay for equal work" has assume the status of Fundamental Rights in service jurisprudence having regard to the Constitution mandate of equality in Article 14 and 16 of the Constitution."

In *Government of Andhra Pradesh and another Vs Hari Hara Prasad P. and others* AIR 2003 ILLJ (SC) 213 where there were different rules relating to pay scales and conditions of service governing to sets of employees i.e. (employees of High Court of Judicature, Andhra Pradesh, Hyderabad, employees of various subordinate courts and assistants, typist, steno-typist of the Andhra Pradesh Secretariat Service), the Supreme Court observed that the doctrine of "equal pay for

equal work" is an equitable principle but it is not ordinarily permissible for the court either to go into the nature of the duties of employees while exercising write jurisdiction under Article. 226 of the Constitution of India or on the basis to direct grant parity of pay between two sets of employees who were governed by different rules as regards their pay scales and conditions of service. Before applying the principle of equal pay for equal work, determination of nature of work, qualifications responsibilities etc. are necessary.

In *Orissa University of Agriculture and Technology Vs Manoj K. Mohauly* AIR 2003 I11J.SC 968 the Supreme Court observed that the principle of "equal pay for equal work" is not always easy to apply. Nature of work, qualifications, responsibilities etc. need to be compared. The necessary averments and material must be placed before the court for considering the application of the said principle.

In *Government of West Bengal Vs Tarun K. Roy* AIR (2004) 1 SCC 347(2004) I11J (SC) 421, the very fact that from the very beginning two different pay scales were being maintained is itself suggestive of the fact that the duties and functions are also different. In fact, it is not disputed that of the two posts, the post of Sub-Assistant Engineer is a higher post. Question of violation of Article 14 of the Constitution of India on the part of the State would arise only if the persons are similarly placed. Equality clause contained in Article 14, in other word, will have no application where the persons are not similarly situated on when there is a valid classification based on a reasonable differentia.

The doctrine of "equal pay for equal work", therefore, is not attracted in the instance case. Employees performing the similar job but having different educational qualification can, thus, be treated differently.

In *State of Haryana and others Vs Charanjit Singh and others* AIR 2006 SC 161. The respondents were daily wagers who were appointed as ledger clerks, ledger keepers, pump operators, Mali-cum-Chowkidar, filters, patrolmen, surveyors etc. All of them claimed the minimum wages payable under the pay scale of regular class IV employees from the date of the appointments.

The question whether or not these persons were entitled to the minimum of the pay scale of regular class IV employees. Supreme Court having considered the authorities and submission are of the view that the authorities in the case of *Jasmer Singh* AIR 197 SC 1788, *Tilak Raj* AIR SCW 3322, *Orissa University of Agriculture and Technology* AIR 2003 SCW 2513 and *Tarun K. Roy*, lay down the

correct law. Undoubtedly, the doctrine of "equal pay for equal work" is not an abstract doctrine and is capable of being enforced in a court of law. But equal pay must be for equal work of equal value. The principle of "equal pay for equal work" has no mechanical application in every case.

Article 14 permits reasonable classification based on qualities or characteristics of persons recruited and grouped together, as against those who were left out. Of course, the qualities or characteristics must have a reasonable relation to the object sought to be achieved. In service matters, merit or experience can be a proper basis for classification for the purposes of pay in order to promote efficiency in administration

In *Rajbir Singh Vs D.D.* AIR 2007 Lab.I.C.1747 the petitioner workman was in employment with the respondent's management as a daily wagger since 20th March, 1981 and was working as a Beldar. He was paid wages for the same from 20th March, 1981 to 5th January, 1983. With effect from 6th January, 1983, the petitioner was made a work charged Beldar and thereafter w.e.f. 19<sup>th</sup> March, 1991 he was assign duties of an LDC with the respondent's management.

On the above basis, the petitioner claimed that he be paid wages in the pay scale of Rs. 950-1500 which is applicable for LDC/Typist which is class-C post, instead of Rs. 750-940 which is the prescribed pay scale for class-D employees. The Court has held that petitioner has not gone through the process of recruitment and can't lay claim to the principle of "equal pay for equal work" merely because as a work charged *Beldar* he was assigned duties of an LDC by the respondent's management. Court further observed that the recruitment to regular posts ought not to be made by passing the constitutional scheme of recruitment. There are already rules of recruitment existing for the recruitment to the post of LDC/UDC and therefore the petitioner can't be regularized to the said post in violation of the Constitution scheme.

(ii) Article 14 of the Constitution of India

Article 14 to 18 constitutes the right to equality. In other Constitutions, generally the right to equality is expressed as in Article as such; this right was considered generally a negative right of an individual not to be discriminated in access to public office or places or in public matter generally. It did not take account of existing inequalities arising even from the public policies and exercise of public power. The makers of India's Constitution were not satisfied with that kind of undertaking of the right to equality. They knew of the wider spread social

and economic inequalities in the country sanctioned for thousands of years by public policies and exercise of public power supported by religion and other social norms and practices. Such inequalities could not be removed, minimized or taken care of by a provision like Article 14 alone. But even if they could be so taken care of, it would have been a very slow process. Therefore, they expressly abolished and prohibited some of the existing inequalities not only in public but even in private affairs and expressly authorized the state to take necessary steps to minimize and remove them. Articles 15 to 18 clearly express such intention of the Constitution makers. Even Article 14 cannot be divorced from these later articles and must draw its contents from them though of course it is much wider and general in its scope and application. It may be worthwhile to note that Article 7 of the Universal Declaration of Human Rights, 1948, declares that all are equal before the law and are entitled without any discrimination to the equal protection of laws.

By and large the same concept of equality inheres in Article 14 of the Indian Constitution. It may be noted that the right to equality has been declared by Supreme Court as basic feature of the Constitution. The Constitution is wedded to the concept of equality. The preamble to the Constitution emphasizes upon the principle of equality as basic to the Constitution. This means that even a constitutional amendment offending the right to equality will be declared invalid neither Parliament nor any state legislature can transgress the principle of equality. This principle has been reiterated by the Supreme Court in *M.G Badappanavar Vs State of Karnataka* Aair 2000 sc 498: (2000) 1 scc 168 case in the following words:

"Equality is a basic feature of the Constitution of India and any treatment of equals unequally or unequal as equal will be violation of basis structure of the Constitution of India. "So, the concept of equality gives the idea of oneness, unity and integrity of the nation. Equality is natural instinct. Therefore, it is always claimed by unequal against the antithesis of inequality.

K.K. Mathews says, "The claim of equality is in fact protest against undesired and unjustified inequalities." In propagating principle of distributive justice, Sharma pointed out "the man should be treated in the same way when there is sufficient reason not to treat them differently."

#### **Equality before the Law under Article 14**

Article 14 provides that the State shall not deny to any person equality before the law or equal protection of laws. This clarion phrase "Equality

before Law” finds a place in almost all written Constitutions that guarantees fundamental rights. The first expression equality before the law is of English origin and second expression has been taken from the American Constitution. Both these expressions aim to establish what is called equality of status in the preamble of the Constitution. Though both the expressions may seem to be identical, they do not convey the same meaning. While ‘Equality before the Law’ is a somewhat negative concept implying the absence of any special privilege in favour of individuals and the equal subject of all classes to the ordinary law. Dr. Jennings put it “Equality before the law means that among equals the law should be equal and should be equally administered, that like should be treated alike.”

So, the concept of equality does not mean absolute equality among human which is not possible to achieve. It is a concept implying absence of any special privilege by reason of birth, creed or the like in favour of any individual and also the equal subject of all individuals and classes to the ordinary law of the land. The guarantee of equality before the law is an aspect of what Dicey calls the rule of Law in England. It means that no man is above the law and that every person, whatever be his rank or condition, is subject to the jurisdiction of ordinary courts. According to Dicey “every official from the Prime Minister down to constable or a collector of taxes, is under the same responsibilities for every act done without legal justification as any other citizen”. Rule of law requires that no person shall be subjected to harsh, uncivilized or discriminatory treatment even when the subject is the securing of the paramount exigencies of law and order. The concept of “Equality before Law” enumerated in the Article 14 is hinge on the principle of common law and equity and the main object of Article is to secure or ensure that all persons are treated on the equal footing by the state and there should be no discrimination in favour of one as against other.

### **Equal Protection of Law**

The guarantee of the equal protection of laws given in Article 14 is semblance to one embodied in the Fourteenth Amendment to the American Constitution. The American Supreme Court has from time to time held it as a pledge of equal laws and as providing for subjection to equal laws applying alike to all in any like situation or circumstances. It intended to afford legal equality to the black as against the white, it is said to mean equality amongst equals. It implies that there should be no discrimination between one person, and another. It is not good in law, if it

arbitrarily selects one individual or one class of individuals, one persons or group of persons, one corporation. Thus, Article 14 uses two expressions to make the concept of equal treatment a binding principle of state action. The nature and extent of the guarantee has been understood to be the same under both the expressions. Patanjali Sastri, C.J. observed that the second expression was a corollary of the first. Moreover, the expression ‘equal protection of the laws’ is now being read as a positive obligation on the state to ensure equal protection of laws by bringing in necessary social and economic changes so that everyone may enjoy equal protection of laws and nobody is denied such protection.

If the state leaves the existing inequalities untouched by its laws, it fails in its duty of providing equal protection of its laws to all people. In a number of cases the Supreme Court has observed that the equal protection of laws guaranteed by Article 14 does not mean that all laws must be general in character. It does not mean that the same laws should apply to all persons. It does not mean that every law must have universal application for, all person are not, by nature, attainment or circumstances in the same position. The very needs of different classes of persons often require separate treatment. From the very nature of society, there should be different laws in different places and the legislature controls the policy and enacts laws in the best interest of the safety and security of the state. In fact, identical treatment in unequal circumstances would amount to inequality. So, a reasonable classification is not only permitted but is necessary if society is to progress. Thus, what Article 14 forbid is class legislation but it does not prohibit reasonable classification. The classification however, must not be “arbitrary, artificial or evasive” but must be based on some real and substantial distinction bearing a just and reasonable relation to the object sought to be achieved by the legislation.

Article 14 applied where equals are treated differently without any reasonable basis. But where equals and unequal are treated differently, Article 14 does not apply. Class legislation is that which makes an improper discrimination by conferring particular privileges upon a class of persons arbitrarily selected from a large number of persons. All of whom stand in the same relation to the privilege granted that between whom and the persons not so favored no reasonable distinction or substantial differences can be found justifying the inclusion of one and the exclusion of the other from such privilege.

### Test of Reasonable Classification

What Article 14 prohibits is class legislation but it does not forbid reasonable classification of persons, objects and transaction by the legislature for achieving specific ends. The classification should however, rest upon some real or substantial distinction bearing a reasonable and just relating to the thing in respect of which the classification is made.

There could certainly be a law applying to one person or one group of persons and such classification can't be held to be unreasonable or unconstitutional. In this case the management of the Sholapur Shipping and weaving company close down the mill after serving notice to the worker and the Governor General of India promulgated an ordinance which purported to make special provisions for the proper management and administration of the company. The ordinance provided the Central Government to appoint Directors to take over the management and administration of the company and the shareholders would be precluded from appointing or nominated any person to be the Director of the Company so long as the management of the statutory directors continues. The ordinance was replaced by an act incorporating similar and identical provisions and the matter was taken to the Supreme Court by the shareholders of the company on the ground that the Act denied the company, and its shareholders the equality before the law as such the enactment was violative of Article 14 of the Constitution. The Supreme Court held that the Act is not violative of Article 14 of the Constitution even though the Act is made applicable in respect of one company and its shareholders.

The court observed that the legislature has wide field of choice in classifying the subject of its law and a corporation or a group of a person's can be taken to be a class by itself for the purpose of legislation In *State of Bombay vs. F.N. Balsarthe* AIR 1951 SC 318 Supreme Court observed that the classification to be reasonable must fulfil the following two conditions.

- The classification must be founded on an intelligence differentia which distinguished the persons or things that are grouped together from other left out of the group and
- The differentia must have a rational relation to the object sought to be achieved by the Act.

### (iii) Article 16 of the Constitution

Clause (1) and (2) of Article 16 of the Constitution guarantee equality of opportunity to all its citizens

in the matter of appointment to any office or of any other employment under the state. No citizen can be discriminated against or be ineligible for any employment or office under the State on the grounds only of religion, race, caste, sex, decent, place of birth or residence. According to Article 16(I) "There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state." Article 16 guaranteed against discrimination is limited to 'employment' and 'appointment' under the state. It embodies the particular -application of general rule of equality laid down in Article 14 with special reference for appointment and employment under the state. As Article 16 guarantees equality of opportunity in matter of appointment in state services. It does not however, prevent the state from prescribing the necessary qualifications and selective tests for recruitment for Government services. The qualifications prescribed May besides mental excellence, include physical fitness, sense of discipline, and moral integrity loyalty to the state. Where the appointment requires technical knowledge, technical qualification may be prescribed.

In *C.B, Muthamma Vs Union of India*, AIR 1979 SC 1868 case a provision in service rules requiring a female employee to obtain the permission of the Government in writing before her marriage is solemnized and denying her the right to be promoted on the ground that the candidate was married women. It was held to be discriminatory against women and hence unconstitutional.

### 2.7. Principle of Equal pay for Equal work

The principle of equal pay for equal work is contained in clause (d) of Article 39 of the Indian Constitution which envisages that the state shall, in particular, direct its policy towards securing that there is equal pay for equal work for both men and women. This principle implies that where all things are equal, that is, where all relevant considerations are the same, persons holding identical posts may not be treated differently in the matter of their pay merely because they belong to different departments. Of course, if Officers of the same rank perform dissimilar functions and the powers, duties, and responsibilities of the posts held by them vary, such Officers may not be heard to complain of dissimilar pay merely because the posts are of the same rank and the nomenclature is the same.

In *Randhir Singh Vs Union of India* AIR 1982 ISCC 618 the supreme court held the principle of equal pay for equal work though not a fundamental right

is certainly a constitutional goal and therefore capable of enforcing through constitutional remedies under Article 32 of the Constitution. The doctrine of equal pay for equal work is applicable to persons employed on a daily wage are entitled to the same wages as other permanent employees in the department employed to do the identical work.

Equal pay for equal work finds its place in the directive principles of state policy and it is an accompaniment of equality cause enshrined in Article 14 and 16 of the Constitution of India. Nevertheless, the abstract doctrine of equal pay for equal work cannot be read in Article 14. Reasonable classification based on intelligible criteria, having a nexus to the object sought to be achieved, is permissible. Accordingly, it has been held in the State of A.P. and others Vs V. G. Srinivasan Rao and others, (1989) 2 SC 290 that "Equal pay for equal work" does not mean that all the members of the cadre must receive the same pay packet, irrespective of their seniority, source of recruitment, educational qualifications and various other incidents of service. It was further held that ordinary grant of higher pay to a junior would ex-facie be arbitrary, but the equality doctrine cannot be invoked where there is the justifiable ground of doing so. For example when persons recruited from different sources are given pay protection, when a person is promoted from a lower cadre or a transferee from another cadre is given pay protection, when a senior is stopped at efficiency bar, when advance increments are given for experience, passing a test, acquiring higher qualification or an incentive for efficiency are some of the eventualities when a junior is drawn higher pay than his senior without violating the mandate of equal pay for equal work.

## 2.8 Legislation in India

### 2.8.1 The Equal Remuneration Act, 1976

With a view to give effect to the goal of equal pay for equal work set out in clause (d) of Article 39 of the Constitution the President of India promulgated on 26th September, 1975, the Equal Remuneration Ordinance, 1975 so that the above Directive Principle could be implemented in the year which was being celebrated as the International Women's year.

The ordinance was later converted into an Act No. 25 of 1976. The Equal Remuneration Act, 1976 provides for the equal remuneration to men and women workers and for prevention of discrimination, on the ground of sex, against women in the matter of employment and for matters connected therewith or incidental thereto.

**Section 2 (h)** of this Act states that 'same work or work of a similar nature' means work in respect of which their skill, effort, and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort, and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment.

**According to Section 4** of this Act, no employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of similar nature. No employer shall for the purpose of complying with the provisions of this Section reduce the rate of remuneration of any worker. Where, in an establishment or employment, the rates of remuneration payable before the commencement of this act for men and women workers for the same work or work of similar nature are different only on the ground of sex then the higher (in case there are more than two rates), or as the case may be, the highest (in cases where there are more than two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers. confidential stenographer after her termination of her services filed a petition under **sub-Section(1) of Section 7** of The Equal Remuneration Act, 1976 complaining that during the period of her service she was paid remuneration at lesser rates than those of male stenographers who were also performing same or similar work.

It was held that in order to get relief under Section 4 of the Act the employee should establish that the remuneration paid by the employer, whether payable in cash or kind, is being paid at rate less favorable than those at which remuneration is paid by him to the employees of the opposite sex in such establishment for performing same work or work of a similar nature.

**According to Section 5** of The Equal Remuneration Act, on and from the commencement of this act, no employer shall, while making recruitment for the same work or work of the same work of similar nature, or in any condition of service subsequent or recruitment such as promotions, training or transfer make any discrimination except where the employment of women in such work is prohibited or restricted by or under any law for the

time being in force. For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more Advisory Committee to advise it with regard to the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf.

#### According to Section 6 Advisory committee:

- 1) For the purpose of providing increasing employment opportunities for women, the appropriate Government shall constitute one or more advisory committee to advise it with regard to the extent to which may be employment in such establishment or employment as the central govt. may, be notification, specify in this behalf.
- 2) Every advisory committee shall consist of not less than 10 person nominated by appropriate govt. of which one half shall be women.
- 3) In tendering in advance, the advisory committee shall have regard to the number of women employed in the concerned establishment of employment. The nature of work, hours of work, suitability of women for employment as the case may be need for providing increasing employment opportunities for women included part time employment and such committee may this fit.
- 4) The advisory committee shall regular its own procedure.

- 5) The appropriate govt. may after considering the advice tendered to it by the advisory committee and after giving to the person concerned in the establishment an opportunity to make representation issue such direction in respect of employment of women worker, as the appropriate Government may think fit.

**According to Section 8**, it is the duty of the employers to maintain registers and other documents in relation to the workers employed by him as may be prescribed.

**According to Section 10**, if after the commencement of this act, any employer omits or fails to maintain any register or another document in relation to workers employed by him or omits or refuses to give any information, he shall be punishable with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both if, after the commencement of this Act, any employer, makes any recruitment in contravention of the provisions of this Act or makes any payment of remuneration at unequal rates to men and women workers, for the same work or work of similar nature he shall be punishable with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment which shall not be less than three months but which may extend to one year or with both for the first offense.

**Table 2.1: Key points of The Equal Remuneration Act, 1976**

<i>Offences</i>	<i>Penalty</i>
<b>Employer omits :</b> <ul style="list-style-type: none"> <li>▪ <i>Fails to maintain register.</i></li> <li>▪ <i>Produce the register and other relevant documents.</i></li> <li>▪ <i>Give evidence.</i></li> <li>▪ <i>Give any information.</i></li> </ul>	<i>Maximum fine Rs 10,000</i> OR <i>Maximum Imprisonment: 1 month</i> OR <i>Both</i>
<b>Employer Makes:</b> <ul style="list-style-type: none"> <li>▪ <i>Any recruitment in contravention of provision of The Equal Remuneration Act, 1976.</i></li> <li>▪ <i>Any payment of remuneration of unequal rates for same work or work of similar nature.</i></li> <li>▪ <i>Any discrimination between men and women</i></li> <li>▪ <i>An omission to carry out directions made by the appropriate Government.</i></li> </ul>	<i>Minimum fine : Rs 10,000</i> <i>Maximum fine : Rs, 20,000</i> OR <i>Minimum Imprisonment : 3 Months</i> <i>Maximum Imprisonment : 1 year</i> OR <i>Both</i> <i>(Note : Maximum period of 1 year shall be replaced by 2 years for the 2<sup>nd</sup>, 3<sup>rd</sup> &amp; 4<sup>th</sup> offence)</i>
<b>Failure to produce the register or any other documents or to give any information to the Labour Inspector.</b>	<i>Maximum Fine : Rs 500</i>

#### 2.8.2 Wage Code

Only two Section relating to The Equal Remuneration in the new Code on Wages. No

specific term equal remuneration is used. It is made universally applicable to all the genders and all employments. No employments as these existed earlier (**whole text enclosed at Annexure-3**).

Sec 3. (1) There shall be no discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of similar nature done by any employee.

(2) No employer shall,-

- (i) For the purpose of complying with the provisions of sub-Section (1), reduce the rate of wages of any employee; and
- (ii) Make any discrimination on the ground of sex while recruiting any employee for the same work or work of similar nature and in the conditions of employment, except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.

Sec 4. Where there is any dispute as to whether a work is of same or similar nature for the purposes of Section 3, the dispute shall be decided by such authority as may be notified by the appropriate Government.

### 2.9. Causes of pay discrimination:

- Prejudices and stereotypes
- Traditional job evaluation methods
- Remuneration systems
- Bargaining power
- Lack of awareness about the laws

Prejudices have a dual effect on the perception of female dominated jobs: -

On one hand they regard women's earnings as supplemental and not central to the family income. Although this is certainly no longer true, the effects of these prejudices are still apparent in present pay systems. On the other hand, the requirements specific to particular female dominated jobs such as patience, keen interpersonal skills and attention to detail, are deemed to be intrinsic to women's nature. This helps explain why certain female occupations involving looking after people, and particularly children, are typically poorly paid.

Stereotypes associated with female jobs tend to consider the latter to be undemanding in terms of physical effort, undertaken in a pleasant indoor environment, free of discomforts such as extreme temperatures or noise, and involving limited responsibility.

The combination of these characteristics partially explains why low wages are paid for typically female jobs. The influence of prejudices and stereotypes on job evaluation methods serves to reinforce and

maintain gender pay disparities. These methods, which were designed during the 1930s, constitute an important tool that permit establishing a hierarchy of jobs that, at that time, were originally male-dominated. The content of these methods, and the criteria on which they are based, reflect the requirements of male jobs. These methods have not been revisited in the light of women's massive entry into the labour market, and, thus, do not take into account the specific requirements of female jobs. As a consequence, traditional job evaluation methods overlook or undervalue important aspects of female jobs, thereby contributing to the perpetuation of the discriminatory pay gap.

Despite the fact that technological advancements, as well as economic and legal changes, have prompted either the development of new job evaluation methods or the revision of the existing methods, it would nonetheless appear that the requirements of female jobs continue to be only partially taken into account in many cases. There was traditional job evaluation methods such like muscular work can only can be done by the male workers, female worker cannot do the manufacturing work, female workers cannot do the nights jobs etc. The whole remuneration system does not have the gender equality. Women worker does not have the bargaining power because there were not any trade union's which can help them to raise their voice against the discrimination. The most important reason for the discrimination is that there is no awareness about the equal remuneration should get without any discrimination on the basis of gender.

### 2.10. Initiative to be taken by the policy maker

If legislation has to deliver equity goals, there is need for developing a mechanism to capture the effective methods for narrowing the occupational gender gap via:

- Capturing sex disaggregated data capturing skill, qualification, responsibilities and the condition of work.
- Developing a tool methodology for comparing skill, responsibility effort and work condition in women and men's occupation.
- Imposing an affirmative duty on all employers to ensure that their wage system is equitable.
- Building on existing legislative framework and institutional arrangement.
- More robust methods of sparing awareness about The Equal Remuneration Act.

## Chapter 3

# Equal Remuneration in SAARC & BRICS NATIONS

### 3.1 Introduction

This chapter evaluates the gender wage gap situation among the SAARC & BRICS nations. Attempt is made to evaluate the ranking of these nations according to World Economic Forum: Gender gap report 2015 & 2018 with the ratification year of the ILO Convention 100 (Equal Remuneration Convention, 1951) and 111 {Discrimination (Employment and Occupation) Convention, 1958} by all the nations. It was identified that India was the first nation among BRICS country to be signatory to the Equal Remuneration Convention 100 in 1958, but still it score's 72 rank in wage equality for similar work and also signatory to ILO Convention 111 (The Discrimination Employment and Occupation in the 1960 and still get 142 rank in Economic Participation and opportunity among all BRICS and SAARC countries.

South Asian Association for Regional Cooperation (SAARC) was established on 8<sup>th</sup> December 1958. It

was formed to solve the problem of South Asian Countries. The major objective is to make SAARC nations as free trade zone and eliminate the poverty from the region. Similarly BRICS nation major objective is to achieve regional development. The BRICs group also act as bridge between developed and developing nations but this could happen when all the developed and developing nations provides equal opportunity to the male and female in labour market. The Bank's Women, Business and law 2019 report, measured gender discrimination in 187 countries including India. Among them only six countries in the world provides women and men equal legal rights they are Belgium, Denmark, France, Latvia, Luxembourg and Sweden. Government of India has recognized women's participation in development and the improvement of women's status in the developing and developed nations as a key issue since its foundation .This study looked into on the Equal Remuneration for the female workforce along with equal opportunity at the time of recruitment status.

**Table 3.1: BRICS Nations comparison in the term of gender gap economic participation and wage equality**

S. No	BRICS Countries	Gender Gap (Ranking)		Economic Participation and opportunity (Ranking)		Wage Equality for Similar work (Survey) (Ranking)	
		2015	2018	2015	2018	2015	2018
1	Brazil	85	95	89	92	133	132
2	Russia	75	75	42	31	53	52
3	India	108	108	139	142	129	72
4	China	91	103	81	86	66	74
5	South Africa	17	19	72	91	73	117

Source 2015 : <http://www3.weforum.org/docs/GGGR2015/cover.pdf> 2018:

[http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf)

According to the report of world economic forum India score same rank in 2015 & 2018 in gender gap but in the economic participation and opportunity

India is lagging behind. In the wage equality for similar work India is doing well but still there is a need of improvement.

**Table 3.2: SAARC Nations comparison in the term of gender gap economic participation and wage equality**

S. No	Countries	Gender Gap (Ranking)		Economic Participation and opportunity (Ranking)		Wage Equality for Similar work (Survey) (Ranking)	
		2015	2018	2015	2018	2015	2018
1	Afghanistan	-	-	-	-	-	-
2	Bangladesh	64	48	130	133	126	105
3	Bhutan	118	122	90	104	13	13
4	India	108	108	139	142	129	72
5	Maldives	113	113	117	101	-	-
6	Nepal	110	105	121	110	105	96
7	Pakistan	144	148	143	146	88	106
8	Sri Lanka	84	100	120	125	29	68

Source 2015 : <http://www3.weforum.org/docs/GGGR2015/cover.pdf> 2018:

[http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf)

### 3.2 Gender wage GAP

On the 8th march International women's day 2018, Brazilian Government announces that women worker will on average earn 23% less than men, even though women's education level is higher. In the formal Sector, the only area that the labour ministry tracks, the difference in pay fell from 17% in 2007 to 15% in 2016. The world economic forum ranks Brazil at 119 in a list of countries for wage equality for similar work, based on yearly survey among executive. The gap is especially noticeable for worker with higher level of education. The labour ministry data shows that 60% of employees with a university degree are women, but their employees paid them 36% less than men with the same education level.

According to World Bank report 2018, although the women participation in the workforce is higher than in many developed nations, but Russia also has gender pay gap, with women paid average 30% less than men. According to Elena Vitchak, Vice President and head of human relations at Sistema, the Russian Investment Group the reason behind for gender pay gap is that, the women often agree to lower pay because they are keen to secure or keep the jobs.

the World Economic Forum's, or WEF's, Global Gender Gap Index 2018, which surveyed 144 countries, ranked India at 108, far below the global average and behind neighbors Bangladesh and China.

"The gender wage gap is a result of many factors such as attitudes towards women, occupational segregation, motherhood, education levels, care burden, access to transport, among others," says Xavier Estupinan, ILO Wage Specialist.

Data shows that for older women with more work experience, the gap is higher. Global employment major Monster's Salary Index 2017 for India revealed that for employees with experience of less than two years, the median gap in wages between men and women was 7.8%, but rose to 15.3 per cent among those with six to 10 years' experience, and 25 per cent for those with 11 or more years of employment. The ILO study 2018, using the National Sample Survey Organisation data, reaches the same conclusion - the wage gap gets wider as men and women age.

In 2018 the average monthly salary of Chinese women was 6,497 Yuan, which was 78.3% of that of men an increase of 8.7% points over the previous year. According to a report on china's gender gap at workplace, shows that the industries, engraining

and manufacturing industry including mining smelting and chemical have a bigger gender pay gap even the science and technology industries also facing the same problem.

The gender pay gap currently is at 20%, according to global wage report 2018/2019. The report, which covers 70 countries and about 80% of wages employees worldwide, showed that the women, on average, earn 20% less than men based on monthly earning. According to report South Africa has a mean gender gap of 28.6% among the 70 countries. Sierra Leone has the highest gender pay gap for monthly earning at 46.6% followed by the Gambia at 44.3% and Pakistan at 42.9%. According to the survey of country gender profile (kingdom of Bhutan) in the year 2015 labour force participations was 63.1 among them 55.9 % were women and 71.2% men. The unemployment status of women was 3.1%. The main constraints for women in work force are the responsibilities of women of household chores and childcare which can cause gender disparity in overall employment to increase as per World Economic Forum's, or WEF's, Global Gender Gap Index, 2015 Bhutan ranks 90 and in the 2018 ranks 122 out of 149 counties. In the report they have not mention the wage equality for similar work data.

### 3.3 Discrimination at the time of Recruitment and Promotion:

Discrimination in salary happens not just at top management but starts right at the recruitment stage. Ultimately compensation is finalized on the basis of how much the candidate is able to negotiate. Every recruiter's aim is to reduce the cost of their organisation.

Many women are poor negotiators, while some have priorities other than the salary. Those results are consistent with studies that show even when controlling for factors such as experience, education, sector and hour of work, women and men are paid differently.

An in-depth examination of gender wage gap by an economist found that discrimination plays a key role at the time of recruitment and promotion that's why women not only earn less than men, but have difficulties at the time of recruitment. In Brazil 78% of men hold paid jobs, compared with only 56% of women, based on ILO estimates but staying at home is often not the women's choice.

Another survey of ILO shows that majority of women in Brazil wants to do formal jobs. Eliminating the gap in the rates of employment between men and women would add 382 billion raise (about USD 117

billion) to the country’s economy 3.3% of GDP the ILO says. Along with other members of G20, Brazil Government has committed to reduce gender inequality at workplace by 25% by 2050 and as part of sustainable development goals set by the United Nations to achieve equal pay by 2030.

One of the china’s major online recruitment platform reported that in china the gender wage gap among the newly employed is smallest, with a gap roughly 10% for those with less than 3 years’ experience and the wage gap widens with seniority. After working 5 years it is more difficult for women to get promoted in the workplace.

According to Country Partnership Strategy: Bhutan, 2014–2018 higher unemployment rates for women—including women graduates—are of concern. Unemployment rates have been higher among women than men during 2009. The discrepancy is marked in urban areas, where the female unemployment rate has been more than double the male rate during 2009. Labour force survey data from 2012 shows that unemployment rates are higher for women than men at the all levels of education. They are highest for women with tertiary education—i.e., with some undergraduate study, a bachelor’s or master’s degree, or some form of certificate or diploma—and this is also where women fall the farthest behind men with similar education in employment rates.

**Table 3.3: Ratification of the ILO Convention (100) Equal Remuneration Convention by SAARC Nations**

BRICS NATIONS		SAARC NATIONS	
<b>Brazil</b>	25 April, 1957	Afghanistan	22 August, 1969
<b>Russia</b>	30 April, 1956	Bangladesh	28 January, 1998
<b>India</b>	25 September, 1958	Bhutan	
<b>China</b>	2 November, 1990	India	25 September, 1958
<b>South Africa</b>	30 March, 2000	Maldives	4 January, 2013
		Nepal	10 June, 1976
		Pakistan	11 October, 2001
		Sri Lanka	1 April, 1993

Source: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312245](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312245)

According to World Economic Forum survey (2018) India is on the 108<sup>th</sup> rank in gender gap yet India has signed the Convention since 25<sup>th</sup> September 1958. Among the SAARC nation also India is the first country who has signed the Convention in 1958 and still scores 108<sup>th</sup> rank. Among the BRICS

nations India was the 3<sup>rd</sup> country who has signed the Convention.

**Table 3.4: Ratification of the ILO Convention: no 111[The Discrimination (Employment and Occupation) Convention 1958] by BRICS Nations**

BRICS NATIONS		SAARC NATIONS	
<b>Brazil</b>	26 November, 1965	Afghanistan	01 October, 1969
<b>Russia</b>	04 May, 1961	Bangladesh	22 January, 1972
<b>India</b>	03 June, 1960	Bhutan	
<b>China</b>	12 January, 2006	India	03 June, 1960
<b>South Africa</b>	05 March, 1997	Maldives	4 January, 2013
		Nepal	19 September, 1974
		Pakistan	24 January, 1961
		Sri Lanka	27 November, 1998

Source: [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312256](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0::NO:11300:P11300_INSTRUMENT_ID:312256)

According to World Economic Forum survey India is on the highest rank among the all BRICS Nations, although India has signed the ILO Convention the Discrimination (Employment and occupation ) 111 since 3 June 1960. In the SAARC nation also India was the 1<sup>st</sup> Country who signed the Convention no 111 in 1960 still India is on the second top most country rank , who has not provide equal opportunity and economic participation to the women.

### 3.4 Sustainable development goal

Sustainable development goal 5 aims to achieve gender equality by ending all forms of discrimination, violence, harmful practices. It also focus on valuing he unpaid work of women such as domestic help, take care of children etc. The SDG 5 emphases for full and effective implementation of Equal pay for equal work principle. The women should get equal opportunity, promotion and also the equal remuneration for same nature of jobs.

The SDG 5 targets related to our study are:

- 5.1 Ends all form of discrimination for all women and girls everywhere.
- 5.5 Ensure women’s full and effective participation and equal opportunities for leadership. At all the levels of decision –making in political, economic and public life.

According to voluntary national review report on implementation of sustainable development goals, United Nations high level optical forum, 2017 women labour force participation rate in India was 23.7% during 2015-16. According to

SDG India, Index Baseline report 2018. Total 898 females are born for every 1000 males. Among them 32% of women participate in the labour force of India. There is not a single state in India which has achieved the target of equal labour force participation. North Eastern state is performing well compare to the other region of India. Nagaland has the highest performance with women's labour force participation rate being 76% of the men. Mizoram is at 2<sup>nd</sup> rank with 73%. Average wages and salaries of female is 70% of males for regular wage and salaried employees in age group 15-59. Only in U.T Dadar & Nagar Haveli, the female wage rate is higher than the male and in Andaman Nicobar Island the female wage rate is equal to male. In both the report it can be seen that the women labour force participation is increased by approximately 9% which is very good but what are the categories which cover the labour force participation. Most of the women labour force participation is from the agriculture and construction Industry; they usually work as daily wage workers. In the year 2017 Government have taken so many good initiatives which is mention in the Voluntary national review report like;

(1) Mahila E Haat, The Ministry of Women and child development launched "Mahila E Haat, a bilingual postal service on 7<sup>th</sup> March 2016, this is a unique direct online marketing platforms leveraging the products and services which are made/manufacturing/undertaken by keeping in mind that technology is a critical component for business efficiency and to make

it available to majority of Indian entrepreneurs /SHG/ NGO's.

- (2) Stand-up India : This scheme is for financing SC/ST and or women entrepreneurs .The basic objective of the scheme is to facilitate bank loans between Rs 10 lakh and 1 crore at least one SC or ST borrower per bank branch for setting up a Greenfield enterprise. This enterprise could be manufacturing, services or the trading Industry. In case of non-individual enterprise at least 51% of the shareholding and controlling stake should held by either as SC/ST or women entrepreneurs.
- (3) Pradhan Mantri Mahila Shakti Kendra (MSK) for 2017-18 up to 2019-20 to empower rural women through community participation and to create an environment in which realize their full potential.
- (4) Women Transforming India is an online contest launched by NITI Ayog in partnership with UN, They are going to published inspiring stories of women in their respective field. The best stories are awarded.

The major issues highlighted in this chapter are:

- Gender Wage gap exists among all these nations.
- Women's are not getting equal opportunity both at the time of recruitment and also during promotion.
- ILO celebrated its 100<sup>th</sup> century last year; still all the ratified countries to ILO Conventions are unable to eliminate the discrimination among men and women.

## Chapter 4

### Data Analysis: Male and Female Employee's Perspective

The present chapter provides information pertaining to the employers and employees on Pay Gap and related issues in the Employment. Data was collected through field survey in the nine Industries. 981 Male employees and 819 Female employees shared the information on this subject. Data was collected from both organised and unorganised sector. An organised sector represents the Industries which is registered with Government. While unorganised

sector represent the unregistered industries. For the purpose of detailed research three levels of employments were considered. Entry level represents employees having 0 to 5 years of working tenure; middle-level employees represent employees with 6 to 10 years of working tenure and top-level represent employee's tenure above 10 years. We kept this base considering the fact that majority of these industries were set 15 years ago.

**Table 4.1: Age wise distribution of the respondents in selected Industries (In %)**

S. No	Industries	Age groups	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	20-30	8.6	5.7	19.4	26.9	39.8	42.9
		31-40	37.1	34.3	29.9	23.9	9.2	8.2
		41-50	8.6	5.7	0.0	0.0	0.0	0.0
		51-60	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	20-30	0.0	0.0	14.3	9.5	19.7	16.7
		31-40	2.8	22.5	23.8	14.3	33.3	15.2
		41-50	16.9	32.4	12.7	19.0	9.1	3.0
		51-60	11.3	14.1	6.3	0.0	1.5	1.5
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	20-30	0.0	0.0	14.8	14.8	34.5	25.5
		31-40	37.5	12.5	18.5	44.4	17.6	22.4
		41-50	12.5	25.0	3.7	0.0	0.0	0.0
		51-60	0.0	12.5	0.0	3.7	0.0	0.0
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	20-30	0.0	4.3	7.5	5.4	14.8	34.4
		31-40	10.9	39.1	53.8	26.9	31.1	16.4
		41-50	13.0	26.1	4.3	2.2	0.0	3.3
		51-60	0.0	6.5	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	20-30	10.7	10.7	19.0	4.8	37.7	27.7
		31-40	21.4	35.7	28.6	45.2	16.9	16.2
		41-50	0.0	17.9	0.0	2.4	0.0	1.5
		51-60	0.0	3.6	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	20-30	6.1	0.0	13.3	11.7	36.4	12.1
		31-40	21.2	48.5	28.3	35.0	18.7	28.0
		41-50	3.0	18.2	3.3	8.3	2.8	1.9
		51-60	3.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	20-30	0.0	0.0	8.3	2.8	33.3	17.3
		31-40	25.0	25.0	30.6	55.6	19.9	28.2
		41-50	0.0	50.0	0.0	2.8	0.6	0.6
		51-60	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	20-30	0.0	33.3	7.7	38.5	40.2	34.8
		31-40	33.3	0.0	23.1	30.8	10.9	13.6
		41-50	33.3	0.0	0.0	0.0	0.0	0.5
		51-60	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	20-30	4.2	4.2	0.0	29.1	2.5	49.6
		31-40	0.0	50.0	5.5	54.5	8.3	31.4
		41-50	0.0	41.7	0.0	10.9	1.7	6.6
		51-60	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

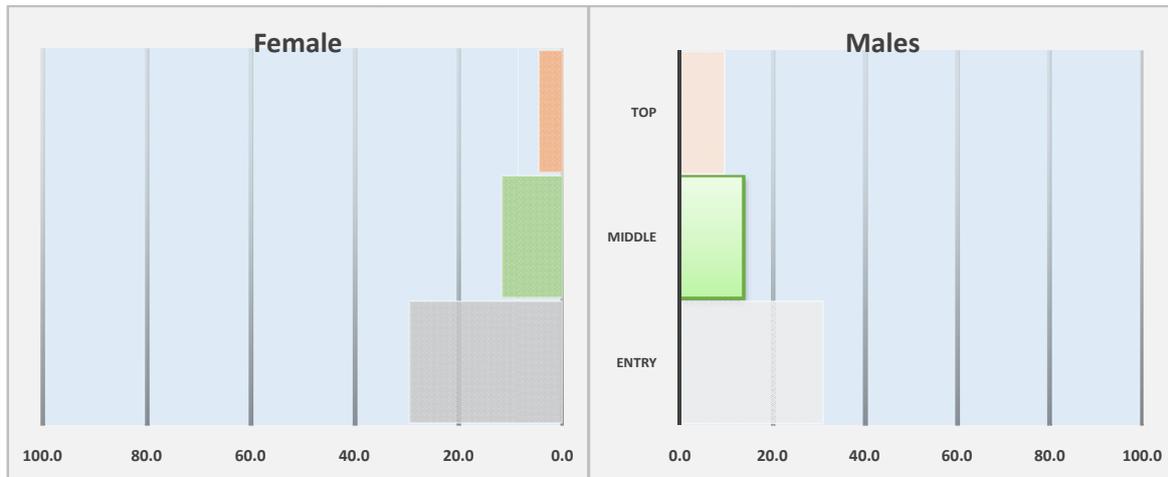
Table 4.1 describes the details pertaining to the age group of the respondents in the selected nine industries surveyed. Due case was taken to make representative sample of male and female workers in all the industries surveyed. But due to the less percentage of female respondents in the transport industry only 4.2% of females were surveyed in this industry. Except this industry, the percentage of respondents were 100 males and 100 females respondents in each industries surveyed. Above table also depicts data collected from all the three levels. At the entry level maximum percentage of the respondents were between the 20-30 years age

group, at the middle level maximum percentage of the respondents were between the age group of 31-40 years. At the top level maximum percentage of the respondents were between the 31-40 years age group.

S. No.	Industries	Female	Male
1	Top Level	4.5	9.7
2	Middle level	11.6	13.8
3	Entry level	29.4	31.0

Source: Field Survey

**Graph 4.2: Sex wise distributions of the Employees at different level in the industries.**



Source: Table 4.2

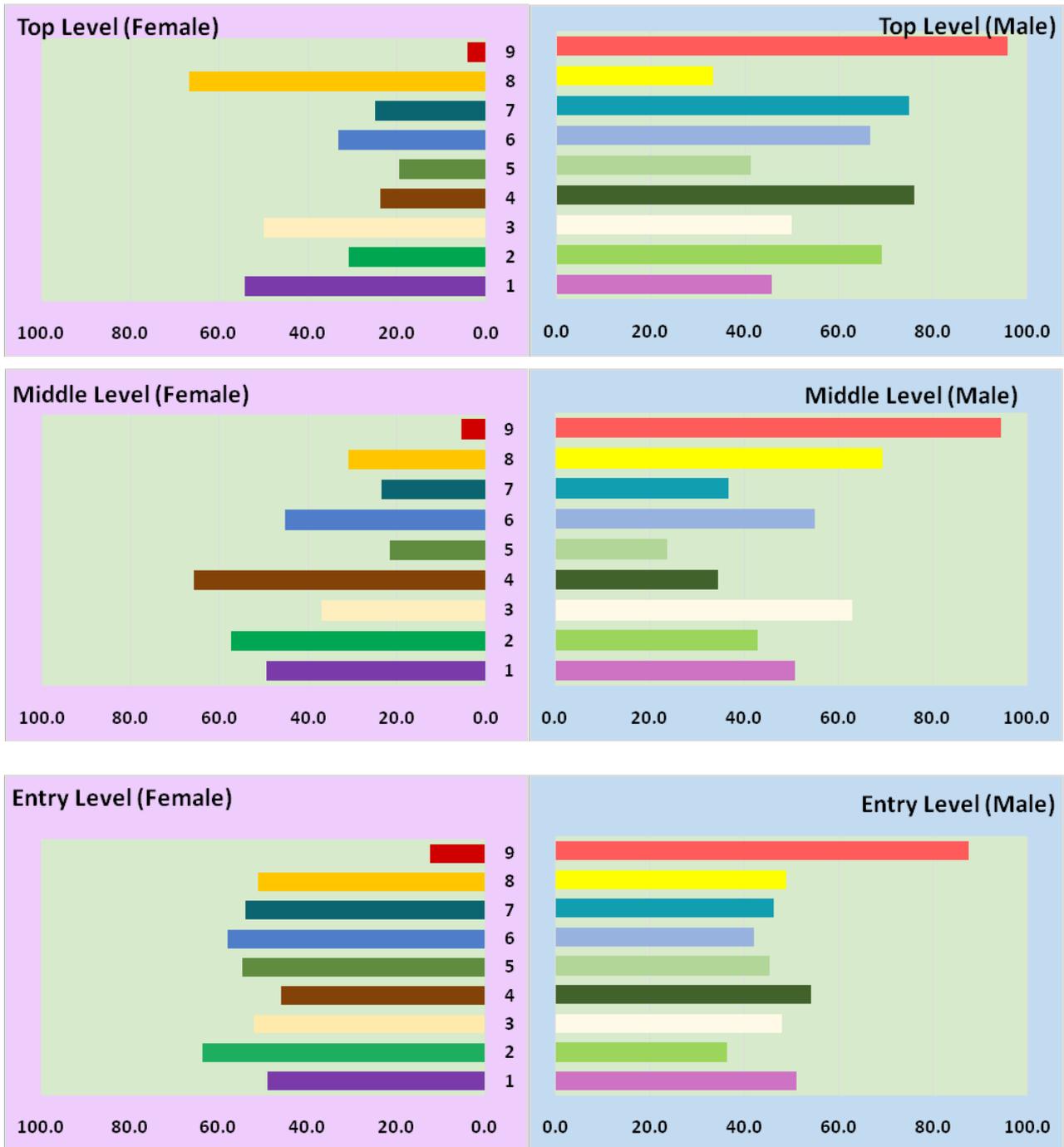
Table 4.2 and graph 4.2 illustrate sex wise distribution of the employees at different level in the industries surveyed. It is clearly visible from above graph that majority of the employees are working at the entry level, followed by middle and top level. The pyramid shape describes that at the entry level, percentage of the male and female employees are almost same. This distribution

becomes unequal as the employees progresses in these industries. Less percentage of the women are working at the middle level and lesser percentage of women were found to be working at the top level. This trend is against the provision of the equal opportunities in terms of the promotion in the conditions of the employment among these nine industries.

S. No.	Industries	Top Level	Middle level	Entry level	Top Level	Middle level	Entry level
		Female	Male	Female	Male	Female	Male
1	Beauty Industry	54.3	49.3	49.0	45.7	50.7	51.0
2	Agriculture Industry	31.0	57.1	63.6	69.0	42.9	36.4
3	Hotel Industry	50.0	37.0	52.1	50.0	63.0	47.9
4	Construction Industry	23.9	65.6	45.9	76.1	34.4	54.1
5	Media Industry	19.6	21.5	54.6	41.3	23.7	45.4
6	Education Industry	33.3	45.0	57.9	66.7	55.0	42.1
7	Electronic Manufacturing Industry	25.0	23.3	53.8	75.0	36.7	46.2
8	Retail Industry	66.7	30.8	51.1	33.3	69.2	48.9
9	Transport Industry	4.2	5.5	12.4	95.8	94.5	87.6

Source: Field Survey

Graph 4.3: Sex and industry wise distribution of the Employees at different level in the industries



- 1. Beauty Industry  2. Agriculture Industry
- 5. Media Industry  6. Education Industry
- 8. Retail Industry  9. Transport Industry
- 3. Hotel Industry  4. Construction Industry
- 7. Electronic Manufacturing Industry

Source: Table 4.3

Table 4.3 and graph 4.3 provide sex and industries wise distribution at different levels among the industries surveyed. It was seen that at the entry level most of the industries have more women employees compared to the male employees. Transport, beauty and construction industry were the only industry where percentage of the males were more compare to the females.

At the middle level it was seen that more male employees were working compare to the female employees in most of the industries. In the agriculture and construction industry percentage of the female employees were more compare to the male employees. At the top level, it was clearly visible that most of the industries have more male employees compare

to the female employees. Only in the beauty and retail industry more women employees were engaged.

The above trend needs to be addressed both in term of creating vacancies and opportunities for promotion which also includes equal training opportunities in these areas.

**Table 4.4: Sector wise distribution of the respondents in selected Industries (In %)**

S. No.	Industries	Sector	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Organized	8.6	0.0	6.0	3.0	6.1	5.1
		Un-organized	45.7	45.7	43.3	47.8	42.9	45.9
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Organized	1.4	1.4	1.6	0.0	0.0	1.5
		Un-organized	29.6	67.6	55.6	42.9	63.6	34.8
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Organized	50.0	50.0	25.9	40.7	33.9	38.2
		Un-organized	0.0	0.0	11.1	22.2	18.2	9.7
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Organized	4.3	19.6	3.2	1.1	4.9	0.0
		Un-organized	19.6	56.5	62.4	33.3	41.0	54.1
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Organized	7.1	67.9	31.0	52.4	39.2	44.6
		Un-organized	25.0	0.0	16.7	0.0	15.4	0.8
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Organized	33.3	54.5	33.3	43.3	28.0	33.6
		Un-organized	0.0	12.1	11.7	11.7	29.9	8.4
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Organized	0.0	25.0	22.2	47.2	42.9	37.8
		Un-organized	25.0	50.0	16.7	13.9	10.9	8.3
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Organized	66.7	33.3	23.1	61.5	38.0	39.1
		Un-organized	0.0	0.0	7.7	7.7	13.0	9.8
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Organized	4.2	29.2	1.8	50.9	5.8	67.8
		Un-organized	0.0	66.7	3.6	43.6	6.6	19.8
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.4 shows sector wise distribution of the respondents. It was found that at the Entry level in the beauty, agriculture, construction and transport industry maximum percentage of the respondents were working in the unorganised sector. At Entry level in the hotel, media, electronic manufacturing and retail industry maximum percentage of the respondents were working in the organised sector. In the education industry 30% of females were working in the unorganised sector and 28% of females working in the organised sector, 33.6% of male respondents were working in the organised sector and only 8.4% of male respondents were

working in the unorganised sector at the entry level. It shows that males were getting more opportunity in the organised sector compare to the females.

At the middle level also maximum percentage of the respondents in the beauty, agriculture, construction industry was working in the unorganised sector. In the hotel, media, education, electronic and retail industry maximum percentage of the respondents were working in the organised sector. At the top level also, the situation was similar as at the entry and the middle level. Majority of the respondents in hotel, education and retail industry were working in the organised sector.

**Table 4.5: Equal Remuneration Act, 1976 (ERA) Awareness (In %)**

S. No.	Industries	ERA * Awareness	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	14.3	14.3	14.9	14.9	11.2	12.2
		No	40.0	31.4	34.3	35.8	37.8	38.8
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	2.8	2.8	3.2	9.5	15.2	7.6
		No	28.2	66.2	54.0	33.3	48.5	28.8
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>

3	Hotel Industry	Yes	12.5	12.5	14.8	3.7	7.9	3.6
		No	37.5	37.5	22.2	59.3	44.2	44.2
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	4.3	13.0	6.5	3.2	1.6	3.3
		No	19.6	63.0	59.1	31.2	44.3	50.8
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	0.0	28.6	7.1	14.3	19.2	12.3
		No	32.1	39.3	40.5	38.1	35.4	33.1
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	24.2	51.5	20.0	40.0	22.4	17.8
		No	9.1	15.2	25.0	15.0	35.5	24.3
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	25.0	12.5	0.0	16.7	5.1	10.3
		No	0.0	62.5	38.9	44.4	48.7	35.9
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	0.0	0.0	0.0	0.0	0.0	0.0
		No	66.7	33.3	30.8	69.2	51.1	48.9
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	16.7	0.0	9.1	3.3	18.2
		No	0.0	79.2	5.5	85.5	9.1	69.4
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey \*ERA-Equal Remuneration Act

Table 4.5 depicts the awareness level regarding The Equal Remuneration Act, 1976 (ERA) at all the three levels. In all the industries maximum percentage of the respondents at the levels were not aware about The Equal Remuneration Act, 1976 except in the education industry at the top level. 24.2%

of the female and 51.5% of male respondents were aware about ERA. At the middle level 40% of males respondents were aware about ERA but at the entry level situation was different in the education industry, maximum percentage of the respondents were not aware about the ERA, 1976.

**Table 4.6: Information about the ERA, 1976 provided by the employer (In %)**

S. No.	Industries	Information ERA provided by employer	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	11.4	14.3	9.0	13.4	10.2	14.3
		No	42.9	31.4	40.3	37.3	38.8	36.7
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	2.8	2.8	0.0	4.8	6.1	7.6
		No	28.2	66.2	57.1	38.1	57.6	28.8
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	25.0	12.5	7.4	3.7	11.5	6.7
		No	25.0	37.5	29.6	59.3	40.6	41.2
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	2.2	10.9	1.1	1.1	1.6	0.0
		No	21.7	65.2	64.5	33.3	44.3	54.1
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	0.0	28.6	7.1	14.3	20.8	13.1
		No	32.1	39.3	40.5	38.1	33.8	32.3
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	18.2	48.5	15.0	31.7	13.1	13.1
		No	15.2	18.2	30.0	23.3	44.9	29.0
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	0.0	25.0	2.8	16.7	9.6	12.2
		No	25.0	50.0	36.1	44.4	44.2	34.0
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	0.0	0.0	0.0	0.0	0.0	0.0
		No	66.7	33.3	30.8	69.2	51.1	48.9
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	12.5	0.0	10.9	3.3	17.4
		No	0.0	83.3	5.5	83.6	9.1	70.2
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.6 illustrates the information regarding ERA provided by the employer to the employees. It was found that among all the industries maximum percentage of the respondents reported No.

Education industry is the only industry where maximum percentage of the respondents reported Yes. While maximum percentage of the respondents reported No who were from the retail industry.

**Table 4.7: Income and Skill level (In %)**

S. No.	Industries	Salary Range (INR)	Top Level				Middle level				Entry level			
			Female		Male		Female		Male		Female		Male	
			Un. Sk.	Sk.	Un. Sk.	Sk.	Un. Sk.	Sk.	Un. Sk.	Sk.	Un. Sk.	Sk.	Un. Sk.	Sk.
1	Beauty Industry	Below -10000	0.0	5.7	0.0	0.0	0.0	14.9	0.0	10.4	9.2	27.6	6.1	21.4
		10000-20000	0.0	34.3	0.0	31.4	0.0	29.9	0.0	31.3	2.0	9.2	1.0	19.4
		20000-30000	0.0	5.7	0.0	5.7	0.0	4.5	0.0	9.0	0.0	1.0	0.0	3.1
		Above 30000	0.0	8.6	2.9	5.7	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>0.0</b>	<b>54.3</b>	<b>2.9</b>	<b>42.9</b>	<b>0.0</b>	<b>49.3</b>	<b>0.0</b>	<b>50.7</b>	<b>11.2</b>	<b>37.8</b>	<b>7.1</b>	<b>43.9</b>
2	Agriculture Industry	Below -10000	1.4	25.4	0.0	57.7	3.2	41.3	0.0	39.7	22.7	30.3	10.6	21.2
		10000-20000	0.0	4.2	0.0	8.5	6.3	4.8	0.0	3.2	7.6	3.0	0.0	3.0
		20000-30000	0.0	0.0	0.0	0.0	0.0	1.6	0.0	0.0	0.0	0.0	0.0	1.5
		Above 30000	0.0	0.0	0.0	2.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>1.4</b>	<b>29.6</b>	<b>0.0</b>	<b>69.0</b>	<b>9.5</b>	<b>47.6</b>	<b>0.0</b>	<b>42.9</b>	<b>30.3</b>	<b>33.3</b>	<b>10.6</b>	<b>25.8</b>
3	Hotel Industry	Below -10000	0.0	0.0	0.0	12.5	3.7	11.1	0.0	0.0	1.2	9.1	4.2	10.9
		10000-20000	0.0	0.0	0.0	0.0	0.0	14.8	0.0	11.1	1.2	29.7	2.4	16.4
		20000-30000	12.5	37.5	0.0	25.0	0.0	7.4	3.7	37.0	0.6	9.7	0.6	11.5
		Above 30000	0.0	0.0	0.0	12.5	0.0	0.0	0.0	11.1	0.0	0.6	0.0	1.8
		<b>Sub Total</b>	<b>12.5</b>	<b>37.5</b>	<b>0.0</b>	<b>50.0</b>	<b>3.7</b>	<b>33.3</b>	<b>3.7</b>	<b>59.3</b>	<b>3.0</b>	<b>49.1</b>	<b>7.3</b>	<b>40.6</b>
4	Construction	Below -10000	4.3	13.0	0.0	23.9	7.5	51.6	0.0	7.5	3.3	37.7	0.0	31.1
		10000-20000	4.3	2.2	2.2	39.1	1.1	2.2	0.0	20.4	1.6	1.6	1.6	18.0
		20000-30000	0.0	0.0	0.0	8.7	0.0	2.2	0.0	5.4	0.0	1.6	0.0	3.3
		Above 30000	0.0	0.0	2.2	0.0	0.0	1.1	0.0	1.1	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>8.7</b>	<b>15.2</b>	<b>4.3</b>	<b>71.7</b>	<b>8.6</b>	<b>57.0</b>	<b>0.0</b>	<b>34.4</b>	<b>4.9</b>	<b>41.0</b>	<b>1.6</b>	<b>52.5</b>
5	Media Industry	Below -10000	0.0	0.0	0.0	7.1	0.0	2.4	2.4	4.8	0.8	3.1	1.5	0.8
		10000-20000	0.0	7.1	0.0	3.6	0.0	4.8	2.4	4.8	0.8	12.3	2.3	8.5
		20000-30000	0.0	14.3	10.7	7.1	2.4	11.9	2.4	11.9	0.0	26.9	0.8	21.5
		Above 30000	3.6	7.1	0.0	39.3	0.0	26.2	0.0	23.8	0.0	10.8	0.0	10.0
		<b>Sub Total</b>	<b>3.6</b>	<b>28.6</b>	<b>10.7</b>	<b>57.1</b>	<b>2.4</b>	<b>45.2</b>	<b>7.1</b>	<b>45.2</b>	<b>1.5</b>	<b>53.1</b>	<b>4.6</b>	<b>40.8</b>
6	Education	Below -10000	0.0	0.0	0.0	6.1	1.7	5.0	1.7	6.7	5.6	12.1	0.0	8.4
		10000-20000	0.0	3.0	3.0	3.0	1.7	8.3	0.0	10.0	0.9	15.9	0.0	12.1
		20000-30000	0.0	9.1	0.0	15.2	0.0	15.0	0.0	15.0	0.9	15.0	0.0	15.0
		Above 30000	0.0	21.2	3.0	36.4	1.7	11.7	0.0	21.7	0.0	7.5	0.0	6.5
		<b>Sub Total</b>	<b>0.0</b>	<b>33.3</b>	<b>6.1</b>	<b>60.6</b>	<b>5.0</b>	<b>40.0</b>	<b>1.7</b>	<b>53.3</b>	<b>7.5</b>	<b>50.5</b>	<b>0.0</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Below -10000	0.0	0.0	0.0	0.0	0.0	11.1	0.0	5.6	8.3	8.3	0.6	3.8
		10000-20000	0.0	12.5	0.0	12.5	0.0	5.6	0.0	8.3	0.6	17.3	1.3	16.7
		20000-30000	0.0	12.5	0.0	37.5	0.0	16.7	0.0	25.0	0.0	14.7	0.0	15.4
		Above 30000	0.0	0.0	0.0	25.0	0.0	5.6	0.0	22.2	0.0	4.5	0.0	8.3
		<b>Sub Total</b>	<b>0.0</b>	<b>25.0</b>	<b>0.0</b>	<b>75.0</b>	<b>0.0</b>	<b>38.9</b>	<b>0.0</b>	<b>61.1</b>	<b>9.0</b>	<b>44.9</b>	<b>1.9</b>	<b>44.2</b>
8	Retail	Below -10000	0.0	0.0	0.0	0.0	7.7	0.0	0.0	0.0	0.5	1.6	0.5	0.5
		10000-20000	0.0	66.7	0.0	33.3	0.0	23.1	0.0	61.5	0.0	48.9	0.0	47.3
		20000-30000	0.0	0.0	0.0	0.0	0.0	0.0	0.0	7.7	0.0	0.0	0.0	0.5
		Above 30000	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>0.0</b>	<b>66.7</b>	<b>0.0</b>	<b>33.3</b>	<b>7.7</b>	<b>23.1</b>	<b>0.0</b>	<b>69.2</b>	<b>0.5</b>	<b>50.5</b>	<b>0.5</b>	<b>48.4</b>
9	Transport	Below -10000	0.0	0.0	0.0	8.3	0.0	0.0	0.0	3.6	0.0	0.8	0.0	2.5
		10000-20000	0.0	4.2	4.2	75.0	0.0	0.0	5.5	70.9	0.8	5.8	5.8	58.7
		20000-30000	0.0	0.0	0.0	8.3	0.0	5.5	0.0	12.7	0.0	4.1	0.8	19.8
		Above 30000	0.0	0.0	0.0	0.0	0.0	0.0	0.0	1.8	0.0	0.8	0.0	0.0
		<b>Sub Total</b>	<b>0.0</b>	<b>4.2</b>	<b>4.2</b>	<b>91.7</b>	<b>0.0</b>	<b>5.5</b>	<b>5.5</b>	<b>89.1</b>	<b>0.8</b>	<b>11.6</b>	<b>6.6</b>	<b>81.0</b>

Source: Field Survey

Table 4.7 illustrates information pertaining to the income and skill level of the respondents. We considered NSSO definition of the skilled and unskilled workers. At the entry level majority of skilled worker were engaged in the transport and the construction industry and majority of the unskilled worker were engaged in the agriculture industry.

Majority of the skilled workers in the beauty, agriculture and construction industry were earning wages below INR 10,000. In media and education industry majority of the skilled workers were earning between INR 20,000-30,000. In electronic manufacturing, retail and transport industry majority of the skilled worker were earning between INR 10,000 to 20,000.

At the middle level majority of the skilled workers were earning between INR 10,000-20,000 in the beauty, retail and the transport industry, below INR 10,000 in the agriculture industry above INR 30,000 in the media industry, between INR 20,000-30,000 in the education and electronic manufacturing industry. In the construction industry, majority of the males were earning between INR 10,000-20,000 and females below INR 10,000 in the skilled category. In the hotel industry majority of the males were earning between INR 20,000-30,000 and females were earning between INR 10,000-20,000.

At the top-level majority of the skilled workers in the agriculture industry were earning below INR

10,000. Among in the beauty, retail and the transport industry majority of the skilled workers were earning wages between INR 10,000-30,000. In the hotel and electronic manufacturing industry majority of the skilled workers were earning between INR 20,000-30,000. In the education industry majority of the respondents who were skilled were earning above INR 30,000. In the construction industry majority of the female skilled respondents were earning below INR 10,000 and males were earning between INR 10,000-20,000. In the media industry majority of the female skilled respondents were earning between INR 20,000-30,000 and male of skilled respondents above INR 30,000. Majority of the unskilled respondents were found at the entry level.

**Table 4.8: Equal wages for equal nature of work (In %)**

S. No.	Industries	Salary Range (INR)	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Below -10000	5.7	0.0	14.9	10.4	36.7	27.6
		10000-20000	34.3	31.4	29.9	31.3	11.2	20.4
		20000-30000	5.7	5.7	4.5	9.0	1.0	3.1
		Above 30000	8.6	8.6	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Below -10000	26.8	57.7	44.4	39.7	53.0	31.8
		10000-20000	4.2	8.5	11.1	3.2	10.6	3.0
		20000-30000	0.0	0.0	1.6	0.0	0.0	1.5
		Above 30000	0.0	2.8	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Below -10000	0.0	12.5	14.8	0.0	10.3	15.2
		10000-20000	0.0	0.0	14.8	11.1	30.9	18.8
		20000-30000	50.0	25.0	7.4	40.7	10.3	12.1
		Above 30000	0.0	12.5	0.0	11.1	0.6	1.8
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Below -10000	17.4	23.9	59.1	7.5	41.0	31.1
		10000-20000	6.5	41.3	3.2	20.4	3.3	19.7
		20000-30000	0.0	8.7	2.2	5.4	1.6	3.3
		Above 30000	0.0	2.2	1.1	1.1	0.0	0.0
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Below -10000	0.0	7.1	2.4	7.1	3.8	2.3
		10000-20000	7.1	3.6	4.8	7.1	13.1	10.8
		20000-30000	14.3	17.9	14.3	14.3	26.9	22.3
		Above 30000	10.7	39.3	26.2	23.8	10.8	10.0
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education	Below -10000	0.0	6.1	6.7	8.3	17.8	8.4
		10000-20000	3.0	6.1	10.0	10.0	16.8	12.1
		20000-30000	9.1	15.2	15.0	15.0	15.9	15.0
		Above 30000	21.2	39.4	13.3	21.7	7.5	6.5
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Below -10000	0.0	0.0	11.1	5.6	16.7	4.5
		10000-20000	12.5	12.5	5.6	8.3	17.9	17.9
		20000-30000	12.5	37.5	16.7	25.0	14.7	15.4
		Above 30000	0.0	25.0	5.6	22.2	4.5	8.3
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Below -10000	0.0	0.0	7.7	0.0	2.2	1.1
		10000-20000	66.7	33.3	23.1	61.5	48.9	47.3
		20000-30000	0.0	0.0	0.0	7.7	0.0	0.5
		Above 30000	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Below -10000	0.0	8.3	0.0	3.6	0.8	2.5
		10000-20000	4.2	79.2	0.0	76.4	6.6	64.5
		20000-30000	0.0	8.3	5.5	12.7	4.1	20.7
		Above 30000	0.0	0.0	0.0	1.8	0.8	0.0
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.8 shows that at the entry level majority of the females and males were earning below INR 10,000 per month. This also shows that more females were earning below INR. 10,000 as compared to males. In the education industry wages of the females were higher than the male's wages. In the electronic industry males were earning more compared to the females.

At the middle level in the media industry 23.8% of the males and 26.2% of the females were earning above INR 30,000. In the education industry also

21.7% of the males and 13.3% of the females were earning wages above INR 30,000.

At the top level maximum percentage of the respondents from the beauty, retail and transport industry were drawing wages between INR. 10,001-20,000 while respondents from hotel, media and electronics industry were drawing wages between Rs.20,000-30,000. In the media industry 10.7% of female and 39.3% of male were drawing wages above INR 30,000.

**Table 4.9: Educational Qualification (in %)**

S.No.	Industries	Highest Education	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Post-Graduation	8.6	5.7	0.0	3.0	3.1	1.0
		Graduation	40.0	25.7	31.3	28.4	16.3	14.3
		Higher secondary	5.7	14.3	17.9	19.4	29.6	35.7
		up to middle	0.0	0.0	0.0	0.0	0.0	0.0
		up to primary	0.0	0.0	0.0	0.0	0.0	0.0
		Illiterate	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Post-Graduation	0.0	0.0	1.6	0.0	6.1	0.0
		Graduation	0.0	1.4	0.0	9.5	0.0	4.5
		Higher secondary	18.3	19.7	34.9	28.6	48.5	30.3
		up to middle	1.4	28.2	4.8	4.8	0.0	0.0
		up to primary	1.4	14.1	7.9	0.0	0.0	1.5
		Illiterate	9.9	5.6	7.9	0.0	9.1	0.0
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Post-Graduation	37.5	12.5	14.8	40.7	7.3	7.3
		Graduation	0.0	12.5	7.4	18.5	32.1	22.4
		Higher secondary	12.5	25.0	7.4	3.7	10.3	12.7
		up to middle	0.0	0.0	3.7	0.0	0.6	3.0
		up to primary	0.0	0.0	3.7	0.0	1.8	1.2
		Illiterate	0.0	0.0	0.0	0.0	0.0	1.2
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Post-Graduation	0.0	0.0	0.0	1.1	0.0	0.0
		Graduation	0.0	8.7	5.4	1.1	3.3	1.6
		Higher secondary	4.3	26.1	7.5	9.7	6.6	4.9
		up to middle	0.0	4.3	0.0	2.2	0.0	8.2
		up to primary	0.0	6.5	0.0	1.1	0.0	6.6
		Illiterate	19.6	30.4	52.7	19.4	36.1	32.8
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Post-Graduation	3.6	32.1	23.8	21.4	16.2	10.0
		Graduation	21.4	21.4	16.7	19.0	33.1	27.7
		Higher secondary	7.1	10.7	7.1	9.5	5.4	4.6
		up to middle	0.0	0.0	0.0	2.4	0.0	2.3
		up to primary	0.0	3.6	0.0	0.0	0.0	0.8
		Illiterate	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Post-Graduation	30.3	48.5	25.0	41.7	22.4	24.3
		Graduation	0.0	9.1	10.0	6.7	27.1	12.1
		Higher secondary	0.0	9.1	0.0	1.7	4.7	1.9
		up to middle	0.0	0.0	3.3	3.3	0.0	2.8
		up to primary	3.0	0.0	5.0	1.7	0.0	0.9
		Illiterate	0.0	0.0	1.7	0.0	3.7	0.0
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Post-Graduation	12.5	25.0	13.9	30.6	9.0	9.0
		Graduation	12.5	37.5	19.4	22.2	32.1	26.3
		Higher secondary	0.0	12.5	2.8	0.0	9.0	9.0
		up to middle	0.0	0.0	0.0	8.3	0.6	0.6
		up to primary	0.0	0.0	2.8	0.0	3.2	1.3
		Illiterate	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>

8	Retail Industry	Post-Graduation	0.0	0.0	0.0	15.4	3.8	2.7
		Graduation	33.3	33.3	23.1	46.2	38.6	42.4
		Higher secondary up to middle	33.3	0.0	7.7	7.7	8.7	3.8
		up to primary	0.0	0.0	0.0	0.0	0.0	0.0
		Illiterate	0.0	0.0	0.0	0.0	0.0	0.0
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Post-Graduation	0.0	0.0	0.0	0.0	0.0	0.0
		Graduation	4.2	0.0	0.0	18.2	3.3	27.3
		Higher secondary up to middle	0.0	54.2	1.8	40.0	5.8	47.1
		up to primary	0.0	25.0	1.8	21.8	0.8	9.1
		up to primary	0.0	0.0	1.8	12.7	2.5	1.7
		Illiterate	0.0	16.7	0.0	1.8	0.0	2.5
	<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>	

Source: Field Survey

Table 4.9 illustrates the education qualification of the respondents. It was found that at the entry level in the beauty, transport and agriculture industry maximum percentage of the respondents were higher secondary qualified. In the hotel, media, electronics and retail industry maximum percentage of the respondents were graduates. In the construction industry maximum percentage of the respondents were illiterate. In education industry maximum percentage of the females were graduate where males were post graduates.

At the middle level in the beauty, electronic and retail industry maximum percentage of the

respondents were graduate and in the agriculture and transport industry maximum percentage of the respondents were higher secondary qualified. In hotel, media and education industry maximum percentage of the respondents were post graduate. Construction is the only industry where maximum percentage of the respondents were illiterate.

At the top level also in the construction industry maximum percentage of the respondents were found to be illiterate. There is need to develop strategy for developing mechanism for integrating education while at work in the construction industry.

**Table 4.10 (a): Availing similar wages as opponent sex counterpart (In %)**

S. No.	Industries	Get same wages as male counterpart	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	51.4	45.7	43.3	47.8	34.7	48.0
		No	2.9	0.0	6.0	3.0	14.3	3.1
		<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	29.6	40.8	49.2	38.1	59.1	34.8
		No	1.4	28.2	7.9	4.8	4.5	1.5
		<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	50.0	50.0	25.9	51.9	38.8	34.5
		No	0.0	0.0	11.1	11.1	13.3	13.3
		<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	4.3	47.8	17.2	16.1	16.4	19.7
		No	19.6	28.3	48.4	18.3	29.5	34.4
		<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	28.6	53.6	40.5	47.6	46.9	40.8
		No	3.6	14.3	7.1	4.8	7.7	4.6
		<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	27.3	66.7	33.3	41.7	47.7	23.4
		No	6.1	0.0	11.7	13.3	10.3	18.7
		<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	25.0	50.0	33.3	58.3	45.5	36.5
		No	0.0	25.0	5.6	2.8	8.3	9.6
		<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	66.7	33.3	30.8	61.5	47.8	48.4
		No	0.0	0.0	0.0	7.7	3.3	0.5
		<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	37.5	0.0	50.9	5.0	66.1
		No	0.0	58.3	5.5	43.6	7.4	21.5
		<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.10 (a) shows that at all the levels maximum percentage of the respondents were availing same wages as opponent sex counterpart. In the construction and transport industry maximum percentage of the women

reported No, they informed that they were not getting same wages as their male counterpart. The concerned officials need to look into these two industries for effective corrective timely actions.

S. No.	Industries	Get same wages for work	If No, have you ever complaint	Top Level		Middle level		Entry level	
				Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	NA	51.4	45.7	43.3	47.8	34.7	48.0
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	2.9	0.0	6.0	3.0	14.3	3.1
			<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	NA	29.6	40.8	49.2	38.1	59.1	34.8
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	1.4	28.2	7.9	4.8	4.5	1.5
			<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	NA	50.0	50.0	25.9	51.9	38.8	34.5
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.6
			No	0.0	0.0	11.1	11.1	13.3	12.7
			<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction	Yes	NA	4.3	47.8	17.2	16.1	16.4	19.7
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	19.6	28.3	48.4	18.3	29.5	34.4
			<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	NA	28.6	53.6	40.5	47.6	46.9	40.8
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	3.6	14.3	7.1	4.8	7.7	4.6
			<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	NA	27.3	66.7	33.3	41.7	47.7	23.4
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	6.1	0.0	11.7	13.3	10.3	18.7
			<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	NA	25.0	50.0	33.3	58.3	45.5	36.5
		No	Yes	0.0	0.0	0.0	2.8	0.0	0.0
			No	0.0	25.0	5.6	0.0	8.3	9.6
			<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	NA	66.7	33.3	30.8	61.5	47.8	48.4
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	7.7	3.3	0.5
			<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	NA	4.2	37.5	0.0	50.9	5.0	66.1
		No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	58.3	5.5	43.6	7.4	21.5
			<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

\*NA - Not Applicable

Table 4.10(b) shows that maximum percentage of the respondents have not filed any complaint regarding the discrimination in the wages they were earning. It was found that at the entry level 0.6% percentage of the males in the hotel industry have submitted complaint. At entry level maximum percentage of the respondents were facing discrimination in wage in the construction and transport industry but did not file any complaint regarding the grievance. At the middle level only 2.8% of the males have filed

the complaint regarding wage discrimination in the electronic industry.

At the top level, females of the beauty and education industry reported that they were discriminated on the ground of wages. In the construction industry maximum percentage of the respondents faced wage discrimination, but were afraid to file the complaint against their employer, as this may have adverse impact on their employment. Skill gap was one of the reasons for wage disparity.

S. No.	Industries	Organisation grievance redressal	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	0.0	0.0	3.0	3.0	4.1	6.1
		No	54.3	45.7	46.3	47.8	44.9	44.9
		<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	9.9	7.0	11.1	17.5	19.7	19.7
		No	21.1	62.0	46.0	25.4	43.9	16.7
		<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	37.5	0.0	0.0	3.7	6.1	3.6
		No	12.5	50.0	37.0	59.3	46.1	44.2
		<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	0.0	2.2	0.0	0.0	0.0	0.0
		No	23.9	73.9	65.6	34.4	45.9	54.1
		<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	0.0	0.0	0.0	2.4	4.6	6.9
		No	32.1	67.9	47.6	50.0	50.0	38.5
		<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	0.0	0.0	0.0	1.7	0.9	0.9
		No	33.3	66.7	45.0	53.3	57.0	41.1
		<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	25.0	25.0	8.3	0.0	2.6	0.6
		No	0.0	50.0	30.6	61.1	51.3	45.5
		<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	66.7	33.3	23.1	46.2	10.9	9.2
		No	0.0	0.0	7.7	23.1	40.2	39.7
		<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	0.0	4.2	0.0	9.1	0.8	11.6
		No	4.2	91.7	5.5	85.5	11.6	76.0
		<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Table 4.11 illustrates that maximum percentage of the organizations did not have grievance redressal mechanism. At the top level in the retail industry maximum percentage of the respondents reported

that their organisation have grievance redressal system. Effective auditing of the robust grievance redressal system by the trained official need to be integrated in the related policies.

S. No.	Industries	Do you work overtime	If yes, do you get extra remuneration	Nature of compensation	Top Level		Middle level		Entry level	
					Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	Yes	Cash	11.4	8.6	6.0	3.0	5.1	7.1
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	NA	0.0	0.0	0.0	0.0	0.0	1.0
				NA	42.9	37.1	43.3	47.8	43.9	42.9
		<b>Sub Total</b>			<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	Yes	Cash	15.5	12.7	22.2	22.2	21.2	25.8
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	NA	0.0	0.0	1.6	0.0	4.5	0.0
				NA	15.5	56.3	33.3	20.6	37.9	10.6
		<b>Sub Total</b>			<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	Yes	Cash	0.0	25.0	0.0	0.0	4.8	6.7
				Kind	12.5	0.0	0.0	0.0	1.2	1.2
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	Nothing	0.0	0.0	3.7	0.0	0.0	1.8
				NA	37.5	25.0	33.3	63.0	46.1	38.2
		<b>Sub Total</b>			<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	Yes	Cash	21.7	60.9	57.0	31.2	39.3	49.2
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	NA	0.0	0.0	0.0	0.0	3.3	1.6
				NA	2.2	15.2	8.6	3.2	3.3	3.3
		<b>Sub Total</b>			<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>

5	Media Industry	Yes	Yes	Cash	14.3	17.9	2.4	16.7	12.3	13.8
				Kind	0.0	0.0	0.0	0.0	2.3	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	No	NA	0.0	0.0	0.0	0.0	0.0	0.0
			NA	NA	17.9	50.0	45.2	35.7	40.0	31.5
<b>Sub Total</b>					<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	Yes	Cash	0.0	0.0	0.0	3.3	0.9	2.8
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	No	NA	0.0	0.0	0.0	0.0	0.0	0.0
			NA	NA	33.3	66.7	45.0	51.7	57.0	39.3
<b>Sub Total</b>					<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	Yes	Cash	0.0	0.0	0.0	2.8	8.3	3.2
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	No	NA	0.0	0.0	0.0	0.0	0.0	0.0
			NA	NA	25.0	75.0	38.9	58.3	45.5	42.9
<b>Sub Total</b>					<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	Yes	Cash	0.0	0.0	0.0	7.7	5.4	11.4
				Kind	0.0	0.0	0.0	15.4	0.0	2.2
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	No	NA	0.0	0.0	0.0	0.0	0.0	0.0
			NA	NA	66.7	33.3	30.8	46.2	45.7	35.3
<b>Sub Total</b>					<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	Yes	Cash	0.0	62.5	3.6	56.4	6.6	34.7
				Kind	0.0	0.0	0.0	0.0	0.0	0.0
				Nothing	0.0	0.0	0.0	0.0	0.0	0.0
		No	No	NA	0.0	0.0	0.0	0.0	0.0	0.0
			NA	NA	4.2	33.3	1.8	38.2	5.8	52.9
<b>Sub Total</b>					<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.12 provides information pertaining to the compensation for overtime work. It was found that at the entry level maximum percentage of the respondents were not working overtime. Maximum percentage of the respondents in the construction industry were working overtime and also getting compensation in the cash mode. At the middle level, in the construction and the transport industry maximum percentage of the respondents were not working overtime and also getting compensation in the cash mode.

At the top level in the transport industry 65% of the males were working overtime but women were not working overtime because they have to look

after their care responsibilities. Apart from this, safety issues also emerged as one of the restriction for women to work overtime. They were afraid to travel alone at night. In the hotel industry 25% of the males were working overtime and availing compensation in cash mode. While 12.5% of the females were working overtime and availing compensation in kinds.

At all the levels women were facing problems like clean toilets, crèche facility, canteen and authentic transport arrangements. Prior intimation regarding provision of the above mentioned operational facilities will help in engaging the female's employees during the times of urgency.

**Table 4.13: Promotions Opportunities in the Organisation (In %)**

S. No.	Industries	Promotion opportunity	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	14.3	17.1	16.4	17.9	15.3	19.4
		No	40.0	28.6	32.8	32.8	33.7	31.6
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	8.5	4.2	9.5	9.5	24.2	16.7
		No	22.5	64.8	47.6	33.3	39.4	19.7
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	12.5	25.0	11.1	3.7	8.5	11.5
		No	37.5	25.0	25.9	59.3	43.6	36.4
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	0.0	8.7	3.2	5.4	1.6	1.6
		No	23.9	67.4	62.4	29.0	44.3	52.5
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>

5	Media Industry	Yes	0.0	46.4	4.8	28.6	30.0	30.0
		No	32.1	21.4	42.9	23.8	24.6	15.4
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	18.2	42.4	10.0	36.7	14.0	15.9
		No	15.2	24.2	35.0	18.3	43.9	26.2
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	12.5	25.0	8.3	33.3	10.3	9.6
		No	12.5	50.0	30.6	27.8	43.6	36.5
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	66.7	33.3	23.1	30.8	16.3	8.7
		No	0.0	0.0	7.7	38.5	34.8	40.2
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	4.2	0.0	14.5	4.1	20.7
		No	0.0	91.7	5.5	80.0	8.3	66.9
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Providing training and promotion are also part of The Equal Remuneration Act, 1976. Table 4.13 depicts the promotional opportunities in the industries surveyed. It is visible that at the entry level in all the industries majority of the respondents were not getting promotion opportunities. Among all the industries, media was the only industry where 30% of the females and 30% of the males were getting promotion opportunities. In the construction industry least percentage of the respondents were getting opportunities to be promoted.

At the middle level, in the retail industry maximum percentage of the respondents were getting promotion opportunities. But in the construction industry very less percentage of the respondents were getting promotion opportunities as compare to their counterpart.

At the top level also in the retail industry maximum percentage of the respondents were getting promoted. The number of the year of experience was not contributing in the pay rise, it was reported that the women were not provided proper training opportunities.

**Table 4.14: Equal Increment for work of Equal Nature (In %)**

S.No.	Industries	Equal Increment for equal work	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	51.4	40.0	37.3	44.8	34.7	41.8
		No	2.9	5.7	11.9	6.0	14.3	9.2
		<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	31.0	29.6	47.6	36.5	56.1	31.8
		No	0.0	39.4	9.5	6.3	7.6	4.5
		<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	37.5	50.0	18.5	29.6	38.2	24.2
		No	12.5	0.0	18.5	33.3	13.9	23.6
		<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	0.0	15.2	6.5	12.9	6.6	16.4
		No	23.9	60.9	59.1	21.5	39.3	37.7
		<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	28.6	57.1	38.1	42.9	35.4	36.2
		No	3.6	10.7	9.5	9.5	19.2	9.2
		<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	24.2	54.5	15.0	43.3	25.2	27.1
		No	9.1	12.1	30.0	11.7	32.7	15.0
		<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	25.0	37.5	36.1	50.0	39.1	33.3
		No	0.0	37.5	2.8	11.1	14.7	12.8
		<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	66.7	33.3	30.8	61.5	47.8	38.0
		No	0.0	0.0	0.0	7.7	3.3	10.9
		<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	41.7	1.8	45.5	6.6	62.8
		No	0.0	54.2	3.6	49.1	5.8	24.8
		<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Table 4.14 shows that at the entry level in the agriculture and the retail industry maximum percentage of the respondents were getting equal increment for work of equal nature. At the middle level in the construction industry only 12.5% of the males were getting equal increment for work of equal nature while 6.5% of the females were getting

increment for equal nature of work. In education industry 15% of the females and 43.3% of the males were getting increment for similar nature of work. At the top level majority of the respondents were getting increment. It was found that as the level increase the increment in the wages were getting narrowed.

**Table 4.15: Training Opportunities in the Organisation (In %)**

S. No.	Industries	Training Opportunity	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	42.9	34.3	31.3	38.8	30.6	31.6
		No	11.4	11.4	17.9	11.9	18.4	19.4
		<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	14.1	7.0	7.9	12.7	12.1	7.6
		No	16.9	62.0	49.2	30.2	51.5	28.8
		<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	37.5	25.0	3.7	7.4	7.3	12.7
		No	12.5	25.0	33.3	55.6	44.8	35.2
		<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	0.0	4.3	6.5	4.3	6.6	6.6
		No	23.9	71.7	59.1	30.1	39.3	47.5
		<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	25.0	35.7	14.3	26.2	26.9	18.5
		No	7.1	32.1	33.3	26.2	27.7	26.9
		<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	6.1	12.1	1.7	1.7	0.9	1.9
		No	27.3	54.5	43.3	53.3	57.0	40.2
		<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	12.5	25.0	5.6	5.6	14.1	3.8
		No	12.5	50.0	33.3	55.6	39.7	42.3
		<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	66.7	33.3	30.8	61.5	32.6	35.3
		No	0.0	0.0	0.0	7.7	18.5	13.6
		<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	4.2	20.8	0.0	36.4	4.1	59.5
		No	0.0	75.0	5.5	58.2	8.3	28.1
		<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Table 4.15 provides information pertaining to the training opportunities. It is observed that maximum percentage of the respondents at the entry and middle level in the agriculture, hotel, construction, media, education and electronics manufacturing industry were not getting training opportunities in

their organisations. In the beauty and retail industry maximum percentage of the respondents were getting training opportunities. It was found that among all the industries surveyed maximum percentage of the respondents were not getting training opportunities at the entry and middle level.

**Table 4.16: Trade Union Intervention's (In %)**

S. No.	Industries	Organization having Trade Union	Issue raised by the Trade Union	Resolved by T.U	Top Level		Middle level		Entry level	
					Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	Yes	Yes	0.0	0.0	3.0	3.0	4.1	6.1
				No	0.0	0.0	0.0	0.0	0.0	0.0
				Yes	0.0	0.0	0.0	0.0	0.0	0.0
				No	0.0	2.9	0.0	0.0	0.0	1.0
				<b>Sub Total</b>	<b>54.3</b>	<b>42.9</b>	<b>46.3</b>	<b>47.8</b>	<b>44.9</b>	<b>43.9</b>
2	Agriculture Industry	Yes	Yes	Yes	0.0	0.0	0.0	6.3	3.0	7.6
				No	1.4	0.0	1.6	0.0	0.0	0.0
				Yes	0.0	0.0	0.0	0.0	0.0	0.0
				No	1.4	0.0	1.6	0.0	3.0	1.5
				<b>Sub Total</b>	<b>28.2</b>	<b>69.0</b>	<b>54.0</b>	<b>36.5</b>	<b>57.6</b>	<b>27.3</b>
3	Hotel Industry	Yes	Yes	Yes	0.0	0.0	0.0	0.0	0.0	1.2
				No	0.0	0.0	0.0	0.0	0.0	0.6
				Yes	0.0	0.0	0.0	0.0	0.0	0.0
				No	12.5	0.0	0.0	3.7	0.6	1.8
				<b>Sub Total</b>	<b>37.5</b>	<b>50.0</b>	<b>37.0</b>	<b>59.3</b>	<b>51.5</b>	<b>44.2</b>
			<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>	

4	Construction Industry	Yes	Yes	Yes	0.0	0.0	2.2	1.1	1.6	0.0
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	0.0	1.1	2.2	1.6	0.0
			NA	NA	23.9	73.9	62.4	31.2	42.6	54.1
			<b>Sub Total</b>		<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.8
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	0.0	0.0	0.0	0.8	0.0
			NA	NA	32.1	67.9	47.6	52.4	53.8	43.8
			<b>Sub Total</b>		<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	3.0	0.0	0.0	0.0	0.0
			NA	NA	33.3	63.6	45.0	55.0	57.9	41.1
			<b>Sub Total</b>		<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	0.0	0.0	5.6	0.0	1.3
			NA	NA	25.0	75.0	38.9	55.6	53.8	44.9
			<b>Sub Total</b>		<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	0.0	0.0	0.0	0.0	0.5
			NA	NA	66.7	33.3	30.8	69.2	51.1	48.4
			<b>Sub Total</b>		<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	Yes	Yes	0.0	12.5	1.8	3.6	0.0	9.1
			No	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	No	0.0	4.2	0.0	0.0	0.0	0.8
			NA	NA	0.0	4.2	0.0	0.0	0.0	0.0
			<b>Sub Total</b>		<b>4.2</b>	<b>75.0</b>	<b>3.6</b>	<b>90.9</b>	<b>12.4</b>	<b>77.7</b>
			<b>Sub Total</b>		<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Trade unions facilitate positive collective bargaining especially as a Voice of women which is considered as an important tool to empower women. Table 4.16 provides information regarding

trade unions. It was observed that at all the levels in all the industries maximum percentage of the respondents reported that their organisation did not have the Trade Union.

Table 4.17: Annual Bonus (in %)

S.	Industries	Annual Bonus	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	0.0	0.0	3.0	3.0	4.1	3.1
		No	54.3	45.7	46.3	47.8	44.9	48.0
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	1.4	0.0	3.2	0.0	4.5	0.0
		No	29.6	69.0	54.0	42.9	59.1	36.4
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	12.5	0.0	0.0	3.7	3.6	1.2
		No	37.5	50.0	37.0	59.3	48.5	46.7
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	4.3	13.0	3.2	3.2	1.6	6.6
		No	19.6	63.0	62.4	31.2	44.3	47.5
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	0.0	0.0	2.4	0.0	4.6	5.4
		No	32.1	67.9	45.2	52.4	50.0	40.0
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	0.0	0.0	0.0	1.7	0.0	0.9
		No	33.3	66.7	45.0	53.3	57.9	41.1
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	25.0	25.0	8.3	0.0	0.6	1.3
		No	0.0	50.0	30.6	61.1	53.2	44.9
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>

8	Retail Industry	Yes	66.7	33.3	23.1	38.5	11.4	17.4
		No	0.0	0.0	7.7	30.8	39.7	31.5
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	0.0	20.8	1.8	23.6	2.5	12.4
		No	4.2	75.0	3.6	70.9	9.9	75.2
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field Survey

Table 4.17 illustrates information pertaining to the annual bonus. It is clearly visible that maximum percentage of the respondents at the entry level were not getting annual bonus in their organisation. At the middle level only in the retail industry 23.1

% of females and 38.5 % of males were getting annual bonus. At the top level in the retail and the electronic manufacturing industry maximum percentage of the respondents were getting annual bonus.

**Table 4.18: Attitude of the Employer towards Equal Remuneration Act, 1976 (In %)**

S. No.	Industries	Attitude of the employer towards *ERA	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Supportive	42.9	42.9	44.8	44.8	32.7	44.9
		Unsupportive	2.9	0.0	0.0	1.5	0.0	1.0
		Neutral	8.6	2.9	4.5	4.5	16.3	5.1
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Supportive	5.6	5.6	11.1	4.8	12.1	9.1
		Unsupportive	15.5	9.9	30.2	0.0	9.1	1.5
		Neutral	9.9	53.5	15.9	38.1	42.4	25.8
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Supportive	25.0	25.0	7.4	3.7	10.3	16.4
		Unsupportive	12.5	0.0	7.4	7.4	7.9	11.5
		Neutral	12.5	25.0	22.2	51.9	33.9	20.0
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Supportive	6.5	17.4	6.5	1.1	4.9	0.0
		Unsupportive	0.0	30.4	4.3	11.8	3.3	26.2
		Neutral	17.4	28.3	54.8	21.5	37.7	27.9
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Supportive	25.0	53.6	23.8	35.7	23.8	24.6
		Unsupportive	0.0	3.6	2.4	2.4	5.4	4.6
		Neutral	7.1	10.7	21.4	14.3	25.4	16.2
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Supportive	18.2	54.5	18.3	41.7	26.2	25.2
		Unsupportive	6.1	3.0	10.0	1.7	4.7	3.7
		Neutral	9.1	9.1	16.7	11.7	27.1	13.1
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Supportive	0.0	12.5	11.1	8.3	10.3	10.9
		Unsupportive	0.0	12.5	5.6	11.1	11.5	5.8
		Neutral	25.0	50.0	22.2	41.7	32.1	29.5
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Supportive	66.7	33.3	23.1	61.5	21.7	21.2
		Unsupportive	0.0	0.0	7.7	0.0	18.5	13.6
		Neutral	0.0	0.0	0.0	7.7	10.9	14.1
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Supportive	4.2	25.0	0.0	27.3	2.5	38.0
		Unsupportive	0.0	20.8	3.6	29.1	8.3	29.8
		Neutral	0.0	50.0	1.8	38.2	1.7	19.8
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

\*ERA- Equal Remuneration Act, 1976

Employer's positive attitude towards the employees in any organisation plays a significant role in enhancing the productivity and it's the smooth functioning. Table 4.18 illustrates the employer's attitude towards ERA. At all the levels in the beauty industry maximum percentage of employer were supportive towards The Equal Remuneration Act, 1976. In the agriculture industry at all the level it was found that the maximum percentage of the

employer were neutral towards ERA.

At the entry level 26.2% of male respondents in the construction industry stated that their employer were unsupportive towards ERA. 18.5% of females in the retail industry at the entry level, 30.2 % of the females in the agriculture industry at the middle level and 15.5% of females in agriculture industry at the top level stated that their employer was unsupportive towards ERA.

S.No.	Industries	Paternity Maternity Leave Availed	Top Level		Middle level		Entry level	
			Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	0.0	0.0	3.0	0.0	2.0	0.0
		No	54.3	45.7	46.3	50.7	46.9	51.0
		<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	9.9	0.0	7.9	0.0	7.6	1.5
		No	21.1	69.0	49.2	42.9	56.1	34.8
		<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	12.5	0.0	0.0	0.0	0.0	0.0
		No	37.5	50.0	37.0	63.0	52.1	47.9
		<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	4.3	0.0	22.6	0.0	11.5	0.0
		No	19.6	76.1	43.0	34.4	34.4	54.1
		<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	0.0	7.1	0.0	7.1	0.0	0.8
		No	32.1	60.7	47.6	45.2	54.6	44.6
		<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	0.0	0.0	0.0	0.0	0.0	2.8
		No	33.3	66.7	45.0	55.0	57.9	39.3
		<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	0.0	0.0	5.6	2.8	0.0	0.0
		No	25.0	75.0	33.3	58.3	53.8	46.2
		<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	0.0	0.0	0.0	0.0	0.5	0.0
		No	66.7	33.3	30.8	69.2	50.5	48.9
		<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	0.0	0.0	1.8	0.0	0.0	0.0
		No	4.2	95.8	3.6	94.5	12.4	87.6
		<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Table 4.19 provides information related to maternity benefits. At the entry level maximum percentage of respondents did not availed maternity leave at their organisation. 11.5% of females in the construction industry availed maternity leave. At the middle level in the construction industry 22.6% of the females availed the maternity leaves.

At the top level in 12.5% of the females in the hotel industry availed maternity leave. It depicts that at all the levels and among all the industries maximum percentage of the respondents did not availed any maternity / paternity leave in their organisation. Leave availed in the agriculture sector were unpaid in nature.

S. No.	Industries	Crèche facility	If yes, availed	Top Level		Middle level		Entry level	
				Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	Yes	0.0	0.0	1.5	0.0	1.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	54.3	45.7	47.8	50.7	48.0	51.0
			<b>Sub Total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	31.0	69.0	57.1	42.9	63.6	36.4
			<b>Sub Total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	50.0	50.0	37.0	63.0	52.1	47.9
			<b>Sub Total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	23.9	76.1	65.6	34.4	45.9	54.1
			<b>Sub Total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	32.1	67.9	47.6	52.4	54.6	45.4
			<b>Sub Total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	3.7
			No	0.0	0.0	0.0	1.7	0.0	0.0
		No	NA	33.3	66.7	45.0	53.3	57.9	38.3
			<b>Sub Total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>

7	Electronic Manufacturing Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	25.0	75.0	38.9	61.1	53.8	46.2
			<b>Sub Total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	66.7	33.3	30.8	69.2	51.1	48.9
			<b>Sub Total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	Yes	0.0	0.0	0.0	0.0	0.0	0.0
			No	0.0	0.0	0.0	0.0	0.0	0.0
		No	NA	4.2	95.8	5.5	94.5	12.4	87.6
			<b>Sub Total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Crèche facility is essential for women for availing breast-feeding break and taking care of their infants. Above Table 4.20 (a) provides information pertaining to the crèche facility. It shows that at the

entry level maximum percentage of the respondents reported that their organisation did not have crèche facilities. 3.7% of the males in the education industry availed crèche facility at the entry level.

**Table 4.20 (b): Request for providing the crèche facilities (in %)**

S. No.	Industries	Crèche facility	If no, did you ever ask your H.R.	Top Level		Middle level		Entry level	
				Female	Male	Female	Male	Female	Male
1	Beauty Industry	Yes	NA	0.0	0.0	1.5	0.0	1.0	0.0
			Yes	0.0	0.0	1.5	0.0	2.0	0.0
		No	54.3	45.7	46.3	50.7	45.9	51.0	
			<b>Sub total</b>	<b>54.3</b>	<b>45.7</b>	<b>49.3</b>	<b>50.7</b>	<b>49.0</b>	<b>51.0</b>
2	Agriculture Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	2.8	0.0	0.0	0.0	4.5	0.0
		No	28.2	69.0	57.1	42.9	59.1	36.4	
			<b>Sub total</b>	<b>31.0</b>	<b>69.0</b>	<b>57.1</b>	<b>42.9</b>	<b>63.6</b>	<b>36.4</b>
3	Hotel Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	3.7	0.0	1.8	0.0
		No	50.0	50.0	33.3	63.0	50.3	47.9	
			<b>Sub total</b>	<b>50.0</b>	<b>50.0</b>	<b>37.0</b>	<b>63.0</b>	<b>52.1</b>	<b>47.9</b>
4	Construction Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	4.3	0.0	3.3	0.0
		No	23.9	76.1	61.3	34.4	42.6	54.1	
			<b>Sub total</b>	<b>23.9</b>	<b>76.1</b>	<b>65.6</b>	<b>34.4</b>	<b>45.9</b>	<b>54.1</b>
5	Media Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	4.8	0.0	2.3	0.0
		No	32.1	67.9	42.9	52.4	52.3	45.4	
			<b>Sub total</b>	<b>32.1</b>	<b>67.9</b>	<b>47.6</b>	<b>52.4</b>	<b>54.6</b>	<b>45.4</b>
6	Education Industry	Yes	NA	0.0	0.0	0.0	1.7	0.0	3.7
			Yes	0.0	0.0	1.7	0.0	1.9	0.0
		No	33.3	66.7	43.3	53.3	56.1	38.3	
			<b>Sub total</b>	<b>33.3</b>	<b>66.7</b>	<b>45.0</b>	<b>55.0</b>	<b>57.9</b>	<b>42.1</b>
7	Electronic Manufacturing Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	0.0	0.0	1.9	0.0
		No	25.0	75.0	38.9	61.1	51.9	46.2	
			<b>Sub total</b>	<b>25.0</b>	<b>75.0</b>	<b>38.9</b>	<b>61.1</b>	<b>53.8</b>	<b>46.2</b>
8	Retail Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	0.0	0.0	1.6	0.0
		No	66.7	33.3	30.8	69.2	49.5	48.9	
			<b>Sub total</b>	<b>66.7</b>	<b>33.3</b>	<b>30.8</b>	<b>69.2</b>	<b>51.1</b>	<b>48.9</b>
9	Transport Industry	Yes	NA	0.0	0.0	0.0	0.0	0.0	0.0
			Yes	0.0	0.0	0.0	0.0	0.0	0.0
		No	4.2	95.8	5.5	94.5	12.4	87.6	
			<b>Sub total</b>	<b>4.2</b>	<b>95.8</b>	<b>5.5</b>	<b>94.5</b>	<b>12.4</b>	<b>87.6</b>

Source: Field survey

Table 4.20 (b) provides information pertaining to the request for the crèche facilities.

At all the levels maximum percentage of the respondents informed that their organisation did

not have crèche facilities and they have never requested the employer or H.R for the same. Sensitization on significance of the crèche provision needs to be strengthened further.

## Chapter - 5

### Data Analysis: Employer's Perspective

The present chapter provides information pertaining to the sample size of the employer. In the construction Industry 13 males, in the media Industry 5 males and 1 female, in the retail Industry 1 male, in the education Industry 13 males and 1 female, in the agriculture Industry 11 males, in the electronic manufacturing Industry 7 males and 2

females, in the transport Industry 20 males, in the beauty industry 26 males and 1 female, and in the hotel Industry 7 males and 2 females employer were surveyed. This shows that in all the Industries surveyed maximum number of employer's were males. The chapter Provide glimpse of women employer at the top decision making post.

**Table 5.1: Age distributions of the employer (in %)**

S. No.	Industries	Male				Female			
		Age group in Years				Age group in Years			
		20-30	31-40	41-50	51-60	20-30	31-40	41-50	51-60
1	Construction Industry	0.0	38.5	53.8	7.7	0.0	0.0	0.0	0.0
2	Media Industry	0.0	50.0	33.3	0.0	0.0	16.7	0.0	0.0
3	Retail Industry	0.0	33.3	0.0	0.0	0.0	66.7	0.0	0.0
4	Education Industry	0.0	42.9	50.0	0.0	0.0	7.1	0.0	0.0
5	Agriculture Industry	0.0	18.2	63.6	18.2	0.0	0.0	0.0	0.0
6	Electronic Industry	11.1	44.4	22.2	0.0	11.1	11.1	0.0	0.0
7	Transport Industry	5.0	25.0	65.0	5.0	0.0	0.0	0.0	0.0
8	Beauty Industry	7.4	63.0	18.5	7.4	0.0	3.7	0.0	0.0
9	Hotel Industry	33.3	33.3	11.1	0.0	0.0	22.2	0.0	0.0
	<b>Total in %</b>	<b>6.3</b>	<b>38.7</b>	<b>35.3</b>	<b>4.3</b>	<b>1.2</b>	<b>14.2</b>	<b>0.0</b>	<b>0.0</b>

Source - Field Survey

Table 5.1 provides age distribution of the employer. It shows that in all the Industries maximum percentage of the respondents were male employers and very few were female employers. It also shows that maximum percentage of the respondents were between 31-40 age groups. This depicts that with age the position in the

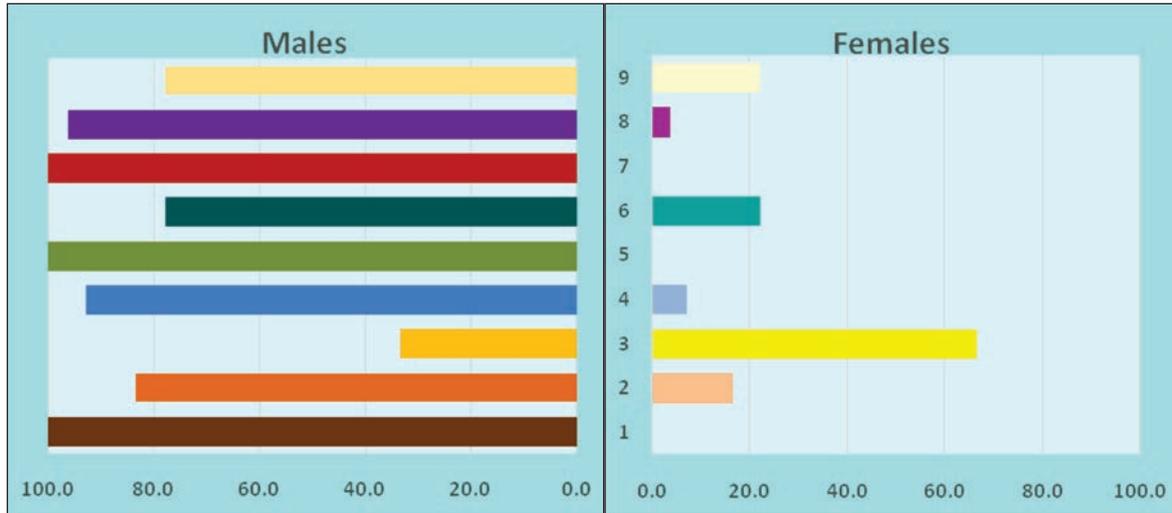
organisation also gets skewed, this result is less appointments at the top level may be due to less number of vacancies. Due to patriarchal mind set women often gets sideline. Between 51-60 age groups only 4.3% of the males were working as an employer and no women was holding the employer position in all the Industries.

**Table 5.2: Sex wise distribution of the employers in the different industries (in %)**

S. No.	Industries	Male	Female
1	Construction Industry	100.0	0.0
2	Media Industry	83.3	16.7
3	Retail Industry	33.3	66.7
4	Education Industry	92.9	7.1
5	Agriculture Industry	100.0	0.0
6	Electronic Industry	77.8	22.2
7	Transport Industry	100.0	0.0
8	Beauty Industry	96.3	3.7
9	Hotel Industry	77.8	22.2

Source - Field Survey

Graph 5.2: Sex wise distribution of the employers in the different industries



- 1. Construction Industry ■      2. Media Industry ■      3. Retail Industry ■      4. Education Industry ■
- 4. Education Industry ■      5. Agriculture Industry ■      6. Electronic Industry ■      7. Transport Industry ■
- 8. Beauty Industry ■      9. Hotel Industry ■

Source: Table 5.2

Table and graph 5.2 shows the distribution of male and female employers in different industries surveyed. It is clearly seen that percentage of the female employers are very less when compared to male employers in these industries. In the agriculture, construction and the transport industry not a single women was working as an employer. Agriculture and construction industry have majority of women employees. In order to understand women specific needs, it is important to have women employer in these industries

as well. This can happen with provision of enabling environment for women in among these industries and also changing stereotype mind set existing in our society via specific educational opportunities in these areas.

Transport industry requires special attention as many women travel is restricted during night due to safety issues, especially the travel connected via road. It is important to recruit more women in the transport industry.

Table 5.3: Nature of the human resources (in %)

S. No.	Industries	Permanent		Temporary		Contractual	
		Females	Males	Females	Males	Females	Males
1	Construction Industry	1.9	14.9	17.4	27.7	13.6	24.5
2	Media Industry	7.3	6.1	33.0	42.1	6.1	5.4
3	Retail Industry	31.7	65.9	1.0	1.5	0.0	0.0
4	Education Industry	1.8	2.5	41.7	50.5	1.7	1.8
5	Agriculture Industry	4.2	7.2	16.3	18.7	25.3	28.3
6	Electronic Industry	19.0	40.7	6.3	14.7	3.1	16.2
7	Transport Industry	0.7	16.9	2.5	36.2	3.8	40.0
8	Beauty Industry	13.8	16.4	28.8	36.3	1.4	3.2
9	Hotel Industry	10.0	52.3	2.4	13.9	5.0	16.3
	<b>Total in %</b>	<b>10.1</b>	<b>24.8</b>	<b>16.6</b>	<b>26.8</b>	<b>6.7</b>	<b>15.1</b>

Source - Field Survey

Table 5.3 Provides information pertaining to nature of human resources. It is noted that percentage of female employers in all the Industries were very less compared to male employers. In each category male's percentage was higher than the females. It also depicts

that females faced more discrimination due to less employment opportunities at the time of recruitment itself. We also tried to capture information pertaining to transgender but we could not find any.

**Table 5.4: Awareness about ERA among employers (in %)**

S. No.	Industries	Awareness ERA	
		Yes	No
1	Construction Industry	69.2	30.8
2	Media Industry	83.3	16.7
3	Retail Industry	66.7	33.3
4	Education Industry	100.0	0.0
5	Agriculture Industry	54.5	45.5
6	Electronic Industry	55.6	44.4
7	Transport Industry	80.0	20.0
8	Beauty Industry	48.1	51.9
9	Hotel Industry	77.8	22.2
	<b>Total in %</b>	<b>70.6</b>	<b>29.4</b>

Source - Field Survey ERA - Equal Remuneration Act

Table 5.4 illustrates information pertaining to the awareness regarding ERA. It shows that maximum percentage of the respondents were aware about The Equal Remuneration Act, 1976, Maximum percentage of the respondents 51.9% in the beauty Industry were not aware about The Equal Remuneration Act. Need is felt to generate awareness programs about the Act in all the Industries except the education Industry.

**Table 5.5: Implementation of all the components of ERA in the organization (in %)**

S. No.	Industries	Implementation of ERA	
		Yes	No
1	Construction Industry	100.0	0.0
2	Media Industry	100.0	0.0
3	Retail Industry	100.0	0.0
4	Education Industry	100.0	0.0
5	Agriculture Industry	81.8	18.2
6	Electronic Industry	100.0	0.0
7	Transport Industry	95.0	5.0
8	Beauty Industry	100.0	0.0
9	Hotel Industry	77.8	22.2
	<b>Total in %</b>	<b>95.0</b>	<b>5.0</b>

Source - Field Survey ERA - Equal Remuneration Act

Table 5.5 shows that among those who were aware about ERA, 18.2% of the respondents in the agriculture and 5% in the transport industry and 22.2% in the Beauty industry were not implementing this Act. The Equal Remuneration Act, 1976 is not only for the equal wages for equal work but also restrict the discrimination made on the basis of sex at the time of recruitment. The respondents were following the equal wages portion to the same extent but they need to also focus on recruitment opportunities.

**Table 5.6: Maintained Register in the organisation according to ERA (in %)**

S. No.	Industries	Maintained register in the organization according to ERA	
		Yes	No
1	Construction Industry	84.6	15.4
2	Media Industry	100.0	0.0
3	Retail Industry	66.7	33.3
4	Education Industry	71.4	28.6
5	Agriculture Industry	45.5	54.5
6	Electronic Industry	100.0	0.0
7	Transport Industry	55.0	45.0
8	Beauty Industry	25.9	74.1
9	Hotel Industry	77.8	22.2
	<b>Total in %</b>	<b>69.7</b>	<b>30.3</b>

Source - Field Survey ERA - Equal Remuneration Act

Table 5.6 shows that maximum percentage of the respondents were maintaining the register regarding the employee's information in their organisation according to form D of the Equal remuneration rules 1976. But this form has limitation in terms of capturing information pertaining to training, promotion and transfer opportunities.

**Table 5.7: Equal pay policies inserted in the recruitment process (in %)**

S. No.	Industries	Equal pay policies inserted in the Recruitment process	
		Yes	No
1	Construction Industry	84.6	15.4
2	Media Industry	100.0	0.0
3	Retail Industry	100.0	0.0
4	Education Industry	100.0	0.0
5	Agriculture Industry	72.7	27.3
6	Electronic Industry	100.0	0.0
7	Transport Industry	90.0	10.0
8	Beauty Industry	88.9	11.1
9	Hotel Industry	77.8	22.2
	<b>Total in %</b>	<b>90.4</b>	<b>9.6</b>

Source - Field Survey

Table 5.7 provides information pertaining to equal work policy among those who were aware of ERA. It is depicted that in all the Industries maximum percentage of the respondents inserted equal pay for equal work policy in their organisation. In the construction 15.4%, in agriculture 27.3%, in transport industry 10%, in beauty 11.1% and in the Hotel 22.2% industry of respondents reported that they don't have policy of equal pay for equal

work in their organisation. In the media, Retail, Education and the electronic Industry maximum percentage of the respondents reported, that they have equal pay for equal work policy. Robust awareness need to generate through training and advertisement.

**Table 5.8: Wages gap (in %)**

S. No.	Industries	Wages Gap	
		Yes	No
1	Construction Industry	23.1	76.9
2	Media Industry	33.3	66.7
3	Retail Industry	0.0	100.0
4	Education Industry	7.1	92.9
5	Agriculture Industry	9.1	90.9
6	Electronic Industry	88.9	11.1
7	Transport Industry	10.0	90.0
8	Beauty Industry	3.7	96.3
9	Hotel Industry	33.3	66.7
	<b>Total in %</b>	<b>23.2</b>	<b>76.8</b>

Source – Field Survey

Table 5.8 illustrates that in the construction, media, retail, education, beauty, transport, agriculture and hotel Industry maximum percentage of the respondents reported that they were providing equal wages to both male and female employees. But in the Electronics Industry 88.9% of respondents reported that they are not providing equal pay and bonus to their male and female employees in their organisations.

**Table 5.9: Grievance redressal system (in %)**

S. No.	Industry	Grievance redressal system	
		Yes	No
1	Construction Industry	92.3	7.7
2	Media Industry	83.3	16.7
3	Retail Industry	100.0	0.0
4	Education Industry	85.7	14.3
5	Agriculture Industry	63.6	36.4
6	Electronic Industry	100.0	0.0
7	Transport Industry	70.0	30.0
8	Beauty Industry	88.9	11.1
9	Hotel Industry	66.7	33.3
	<b>Total in %</b>	<b>83.4</b>	<b>16.6</b>

Source – Field Survey

Table 5.9 provides information pertaining to the grievance Redressal system. In all the Industries maximum percentage of the respondents were having grievance redressal system for registering complaint in their organisation. This is contradictory to the response from the employees who said that in their organisation they don't have grievance

redressal system. It shows that respondents were not providing awareness to their employees. Digital awareness may be considered for trickledown effect.

**Table 5.10: Job Evaluation Scheme (in %)**

S. No.	Industries	Job evaluation scheme	
		Yes	No
1	Construction Industry	76.9	23.1
2	Media Industry	100.0	0.0
3	Retail Industry	66.7	33.3
4	Education Industry	71.4	28.6
5	Agriculture Industry	63.6	36.4
6	Electronic Industry	100.0	0.0
7	Transport Industry	65.0	35.0
8	Beauty Industry	18.5	81.5
9	Hotel Industry	77.8	22.2
	<b>Total in %</b>	<b>71.1</b>	<b>28.9</b>

Source – Field Survey

Table 5.10 describes that in all the Industries maximum percentage of the respondents reported that their organisations have job evaluation scheme but in the beauty Industry only 18.5% of the respondents reported that they have job evaluation scheme and 81.5% respondents reported that they don't have job evaluation scheme.

**Table 5.11: Maternity leave provision as per Maternity Benefit (Amendment) Act, 2017(in %)**

S. No.	Industries	Providing Maternity leave as per Maternity Benefit Act 2017	
		Yes	No
1	Construction Industry	46.2	53.8
2	Media Industry	33.3	66.7
3	Retail Industry	33.3	66.7
4	Education Industry	35.7	64.3
5	Agriculture Industry	72.7	27.3
6	Electronic Industry	0.0	100.0
7	Transport Industry	35.0	65.0
8	Beauty Industry	0.0	100.0
9	Hotel Industry	44.4	55.6
	<b>Total in %</b>	<b>33.4</b>	<b>66.6</b>

Source – Field Survey

Table 5.11 shows that in all the Industries maximum percentage of the respondents were not providing the maternity benefits as per maternity benefits (amendment) Act 2017. In the Electronic and beauty Industry not a single respondents provided maternity benefits to their female employees.

## Chapter 6

### Data Analysis: NGO's / Trade Unions / Advocates Perspective

This chapter provides information about NGO's / Advocates, Trade Unions and the Labour Administrations perspective regarding the

implementation of The Equal Remuneration Act, 1976. Data was collected through field survey from the 12 NGO's and 43 Labour Administrators.

**Table 6.1: Organisations working on the matter pertaining to ERA (in %)**

S. No.	Respondents	Working in the matter pertaining to ERA												
		0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
1	NGO 1	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
2	NGO 2	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
3	NGO 3	0.0	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0
4	NGO 4	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	NGO 5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.3	0.0
6	NGO 6	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
7	NGO 7	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
8	NGO 8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.3
9	NGO 9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0
10	NGO 10	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0
11	NGO 11	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
12	NGO 12	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	8.3	0.0	0.0	0.0	0.0

Source - field survey ERA- Equal Remuneration Act

Table 6.1 shows NGO's which were working on matter pertaining to The Equal Remuneration Act.

**Table 6.2: NGO's working on the matters relating to women workers (in %)**

S. No.	Respondents	Currently working with matters relating to women workers		Total Response
		Yes	No	
1	NGO 1	8.3	0.0	8.3
2	NGO 2	8.3	0.0	8.3
3	NGO 3	8.3	0.0	8.3
4	NGO 4	8.3	0.0	8.3
5	NGO 5	8.3	0.0	8.3
6	NGO 6	8.3	0.0	8.3
7	NGO 7	8.3	0.0	8.3
8	NGO 8	0.0	8.3	8.3
9	NGO 9	8.3	0.0	8.3
10	NGO 10	8.3	0.0	8.3
11	NGO 11	8.3	0.0	8.3
12	NGO 12	0.0	8.3	8.3
<b>Total in %</b>		<b>83.3</b>	<b>16.7</b>	<b>100.0</b>

Source - field survey ERA- Equal Remuneration Act

Table 6.2 shows that maximum percentage of the respondents were working on matter pertaining to women workers.

**Table 6.3: ERA awareness (in %)**

S. No.	Respondents	Awareness about ERA		
		Yes	No	Total Yes+No
1	NGO 1	8.3	0.0	8.3
2	NGO 2	0.0	8.3	8.3

3	NGO 3	8.3	0.0	8.3
4	NGO 4	8.3	0.0	8.3
5	NGO 5	8.3	0.0	8.3
6	NGO 6	8.3	0.0	8.3
7	NGO 7	8.3	0.0	8.3
8	NGO 8	8.3	0.0	8.3
9	NGO 9	0.0	8.3	8.3
10	NGO 10	8.3	0.0	8.3
11	NGO 11	8.3	0.0	8.3
12	NGO 12	8.3	0.0	8.3
<b>Total in %</b>		<b>83.3</b>	<b>16.7</b>	<b>100.0</b>

Source - field survey ERA- Equal Remuneration Act

Table 6.3 shows that maximum percentage of the respondents were aware about The Equal Remuneration Act, 1976.

**Table 6.4: Initiative taken be NGO's (in %)**

S. No.	Respondents	Initiative of the Government of India on ERA		
		Yes	No	Total Yes No
1	NGO 1	8.3	0.0	8.3
2	NGO 2	0.0	8.3	8.3
3	NGO 3	0.0	8.3	8.3
4	NGO 4	8.3	0.0	8.3
5	NGO 5	8.3	0.0	8.3
6	NGO 6	8.3	0.0	8.3
7	NGO 7	8.3	0.0	8.3
8	NGO 8	0.0	8.3	8.3
9	NGO 9	0.0	8.3	8.3
10	NGO 10	0.0	8.3	8.3
11	NGO 11	0.0	8.3	8.3
12	NGO 12	0.0	8.3	8.3
<b>Total in %</b>		<b>41.7</b>	<b>58.3</b>	<b>100.0</b>

Source - field survey ERA- Equal Remuneration Act

Table 6.4 depicts that though maximum percentage of the respondents were working on the matter pertaining to women and knew about

The Equal Remuneration Act, 1976 still took no efforts to implement the ERA.

### Labour Administrator's Perspective

**Table 6.5: Number of the Labour Administrators (in %)**

S. No.	Post	Jurisdiction	State & Location												
			Delhi	T.N	J&K	Ponddi cherry	UP	M.P.	U.K	Gujarat	kerala	W.B	chattish-garh	Jhar-khand	Tamil-nadu
1	ALO	Agra	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		AWB Delhi Cantt.	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Bareilly	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Birbhum	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0
		Central	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Chattisgarh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.6	0.0	0.0
		Dist. Kulgam	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Fatehpur	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		G B Nagar	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		GZB	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Hazaribagh	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.6	0.0
		Jaunpur	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Kanpur	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
		Karaikal	0.0	0.0	0.0	11.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Kolkata M. Corp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	5.6	0.0	0.0	0.0		
Meerut	0.0	0.0	0.0	0.0	11.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0		
2	DCL	Chennai	0.0	50.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	50.0	
3	GLO	Gujarat	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	
4	IO	Noida	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
5	Ins. O	East &Noth East District	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
6	LO	Kolkata M. Corp.	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	
7	LEO	Amethi	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Balrampur	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Bhadoi	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Central	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Dept. of UP	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		G B Nagar	0.0	0.0	0.0	0.0	10.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Haldwani	0.0	0.0	0.0	0.0	0.0	0.0	10.5	0.0	0.0	0.0	0.0	0.0	
		Kushi Nagar	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Madhya pradesh	0.0	0.0	0.0	0.0	0.0	10.5	0.0	0.0	0.0	0.0	0.0	0.0	
		Meerut	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Mirzapur	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Noida	0.0	0.0	0.0	0.0	10.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
		Pratapgarh	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Prayagraj	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
Varanasi	0.0	0.0	0.0	0.0	5.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0			
Total in %			2.3	7.1	0.8	1.6	46.2	1.5	1.5	14.3	0.0	15.9	0.8	0.8	7.1

Source- Field Survey ALO- Assistant Labour Officer DCL-Deputy Commissioner of Labour GLO-Government Labour Officer IO-Inspecting Officer Ins. O-Inspecting Officer LO-Labour Commissioner LEO-Labour Enforcement Officer

Table 6.5 depicts information pertaining to the respondents from different regions. It was found that maximum percentage of the respondents were on Labour Enforcement post. Above information was collected in the workshop on "The Equal Remuneration Act, 1976 Identifying the Affirmative Initiative & Challenges in the Implementation of The Equal Remuneration Act" and Training Programs on "labour laws reforms with focus on contract labour Management".

**Table 6.6: Currently working with laws relating to women workers (in %)**

S. No.	Designation	Currently working with laws relating to women workers.	
		Yes	No
1	Assistant Labour Commissioner	72.2	27.8
2	Deputy Labour Commissioner	0.0	100.0

3	Chief Labour Officer	100.0	0.0
4	Assistant Inspecting Officer	100.0	0.0
5	Inspecting Officer	100.0	0.0
6	Labour Commissioner	0.0	100.0
7	Labour Enforcement Officer	36.8	63.2
	<b>Total in %</b>	<b>58.44</b>	<b>41.56</b>

Source- Field Survey

Table 6.6 shows that maximum percentage of the respondents were working on laws related to women workers and were looking into the matter pertaining to the women laws.

**Table 6.7: Average annual number of inspections in the previous five years (in %)**

S. No.	Designation	Inspections	
1	Assistant Labour Commissioner	18	5.6
		5600	5.6
		5700	5.6
		750	5.6
		NA	5.6
		No	11.1
	No Response	61.1	
2	Deputy Labour Commissioner	No Response	100.0
3	Chief Labour Officer	No Response	100.0
4	Assistant Inspecting Officer	NA	100.0
5	Inspecting Officer	NA	100.0
6	Labour Commissioner	No Response	100.0
7	Labour Enforcement Officer	10	10.5
		3	5.3
		5	5.3
		80	5.3
		NA	5.3
		No Response	68.4
	<b>Total in %</b>	<b>100.0</b>	

Source- Field Survey NA-Not Applicable

Table 6.7 describes that maximum percentage of the respondents have not given any response on number of inspection they have conducted in the previous five years. Assistant Labour Commissioner from different region have conducted 5600 inspectors in previous 5 years. 10% of the Labour Enforcement Officer have conducted inspection only 10 times in the previous 5 years.

**Table 6.8: Average annual number of prosecutions in the previous five years (in %)**

S. No.	Designation	Prosecution initiated	
1	Assistant Labour Commissioner	10	5.6
		5	5.6
		NA	11.1
		No	11.1
		No Response	66.7
2	Deputy Commissioner of Labour	No Response	100.0

3	Chief Labour Officer	3	100.0
4	Assistant Inspecting Officer	NA	100.0
5	Inspecting Officer	NA	100.0
6	Labour Commissioner	No Response	100.0
7	Labour Enforcement Officer	NA	26.3
		No Response	73.7
	<b>Total in %</b>	<b>100.0</b>	

Source- Field Survey

Table 6.8 shows that maximum percentage of the respondents have not given any order of prosecution in previous five years. Among all the post only 5.6% ALC took prosecution initiative for 10 times in the previous 5 years.

**Table 6.9: Average percentage of convictions in the prosecution cases (in %)**

S. No.	Designation	convictions	
1	Assistant Labour Commissioner	50	5.6
		NA	11.1
		No	11.1
		No Response	72.2
2	Deputy Commissioner of Labour	No Response	100.0
3	Chief Labour Officer	pending	100.0
4	Assistant Inspecting Officer	NA	100.0
5	Inspecting Officer	NA	100.0
6	Labour Commissioner	No Response	100.0
7	Labour Enforcement Officer	NA	26.3
		No Response	73.7
	<b>Total in %</b>	<b>100.0</b>	

Source- Field Survey NA-Not Applicable

Table 6.9 shows that in previous 5 years only 5.6% cases got convicted under the prosecution cases category.

**Table 6.10: Fine imposed by magistrates for violation of provisions under ERA (in %)**

S. No.	Designation	Fine Imposed	
1	Assistant Labour Commissioner	As per the Act	5.6
		NA	11.1
		No	11.1
		No Response	72.2
2	Deputy Commissioner of Labour	As per the Act	50.0
		No Response	50.0
3	Chief Labour Officer	NA	100.0
4	Assistant Inspecting Officer	NA	100.0
5	Inspecting Officer	NA	100.0
6	Labour Commissioner	No Response	100.0
7	Labour Enforcement Officer	NA	26.3
		No Response	73.7
	<b>Total in %</b>	<b>100.0</b>	

Source- Field Survey NA- Not Applicable  
ERA- Equal Remuneration Act

Table 6.10 illustrates that the majority of case's magistrate has imposed fine for violation of provision under The Equal Remuneration Act.

**Table. 6.11: Steps taken by labour officials for creating awareness regarding implementation of E.R.A (in %)**

S. No.	Designation	Awareness regarding implementation of E.R.A	Count
1	Assistant Labour Commissioner	Conducting workshop and awareness camps.	5.6
		During inspection the employer will be instructed to make any discrimination against the women workers on payment of wages in the same nature of work.	5.6
		Inform & created awareness among industrial associations and labour unions about the same.	5.6
		NA	5.6
		No	5.6
		No Response	44.4
		Organising Classes/ meeting to create awareness.	5.6
		Pemplates and News paper	5.6
		To provide information to trade unions and workers union during the meetings and seminars.	5.6
		Updation in the citizen charter of the official website. Displayed in the notice board regarding acts dealt by the authenties. Grievance redressal cell.	5.6
		Workshops/ Seminars, periodical vanes at establishment level can help in creating awareness.	5.6
2	Deputy Commissioner of Labour	No Response	100.0
3	Chief Labour Officer	No Response	100.0
4	Assistant Inspecting Officer	NA	100.0
5	Inspecting Officer	NA	100.0
6	Labour Commissioner	No Response	100.0
7	Labour Enforcement Officer	A meeting was conducted with employer association to aware them about provisions of various acts including The Equal Remuneration Act, 1976	5.3
		NA	10.5
		No Response	5.3
		No Response	78.9
<b>Total in %</b>			<b>100.0</b>

Source- Field Survey NA- Not Applicable ERA- Equal Remuneration Act

Table 6.11 shows that maximum percentage of the respondents have not reported regarding spreading awareness pertaining to ERA provisions. They were reluctant to share this information.

**Table 6.12: Women employee terminated for demanding Equal Remuneration (in %)**

S. No.	Designation	Women employee was terminated for demanding Equal Remuneration	
		yes	No
1	Assistant Labour Commissioner	5.6	94.4
2	Deputy Commissioner of Labour	0.0	100.0
3	Chief Labour Officer	0.0	100.0
4	Assistant Inspecting Officer	0.0	100.0
5	Inspecting Officer	0.0	100.0

6	Labour Commissioner	0.0	100.0
7	Labour Enforcement Officer	0.0	100.0
<b>Total in %</b>		<b>0.8</b>	<b>99.2</b>

Source- Field Survey ERA- Equal Remuneration Act

Table 6.12 shows that majority of the women were not terminated for demanding equal remuneration, only 5.6% of Assistant Labour Commissioner reported that women were terminated, on this ground.

**Table 6.13: Implement action of the provisions as per The Equal Remuneration Act (in %)**

S. No.	Designation	Implements of provisions as per E.R.A		
		Yes	No	NA
1	Assistant Labour Commissioner	22.2	27.8	50.0

2	Deputy Commissioner of Labour	0.0	0.0	100.0
3	Chief Labour Officer	0.0	100.0	0.0
4	Assistant Inspecting Officer	0.0	0.0	100.0
5	Inspecting Officer	0.0	0.0	100.0
6	Labour Commissioner	100.0	0.0	0.0
7	Labour Enforcement Officer	10.5	31.6	57.9
	<b>Total in %</b>	<b>19.0</b>	<b>22.8</b>	<b>58.3</b>

Source- Field Survey ERA- Equal Remuneration Act

Table 6.13 shows that maximum percentage of the respondents reported that this question is not applicable, 22.2% of Assistant Labour Commissioner reported Yes and 27.8% reported No regarding the implementation of the provisions pertaining to ERA. Only 10.5% of Labour Enforcement Officer reported yes and 31.6% reported No. Maximum percentage of the respondents were of the opinion that there was loop hole in the implementation of the provisions of The Equal Remuneration Act, 1976.

Table 6.14: Employers attitude towards implementation of ERA (in %)

S. No.	Designation	Employers attitude towards implementation of ERA		
		Supportive	Neutral	Unsupportive
1	Assistant Labour Commissioner	38.9	50.0	11.1
2	Deputy Commissioner of Labour	0.0	100.0	0.0
3	Chief Labour Officer	100.0	0.0	0.0
4	Assistant Inspecting Officer	0.0	0.0	100.0
5	Inspecting Officer	0.0	0.0	100.0
6	Labour Commissioner	0.0	100.0	0.0
7	Labour Enforcement Officer	36.8	36.8	26.3
	<b>Total in %</b>	<b>25.1</b>	<b>41.0</b>	<b>33.9</b>

Source- Field Survey NA- Not Applicable ERA- Equal Remuneration Act

Table 6.14 shows that maximum percentage of the respondents found that employers have unsupportive attitude towards the implementation of ERA.

Table 6.15: Vulnerable area &amp; industry which require immediate intervention and enforcement of ERA (in %)

S. No.	Designation	Vulnerable area & industry which require immediate intervention and enforcement of ERA								
		Agriculture, Construction, Entertainment	Construction industry	Garment manufacture Industry	Handloom industry	Home made industry	Loading and Unloading, Construction Agriculture.	No Response	Private educational institute in rural areas.	Unorganized & Unregistered industry
1	Assistant Labour Commissioner	5.6	5.6	0.0	5.6	5.6	5.6	55.6	5.6	11.1
2	Deputy Commissioner of Labour	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
3	Chief Labour Officer	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
4	Assistant Inspecting Officer	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
5	Inspecting Officer	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0
6	Labour Commissioner	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
7	Labour Enforcement Officer	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0	0.0
	<b>Total in %</b>	<b>0.8</b>	<b>15.1</b>	<b>14.3</b>	<b>0.8</b>	<b>0.8</b>	<b>0.8</b>	<b>65.1</b>	<b>0.8</b>	<b>1.6</b>

Source- Field Survey ERA- Equal Remuneration Act

Table 6.15 provides information pertaining to the vulnerable area and the industry which requires immediate intervention. Maximum percentage of the Assistant Labour Commissioners reported that agriculture, construction, handloom, homemade, education and un-organised sector

requires immediate interventions, Inspecting Officer also suggested that construction industry needs special attention. One of the Inspecting Officer suggested that garment manufacturing industry's needs, to be closely examined and monitored.

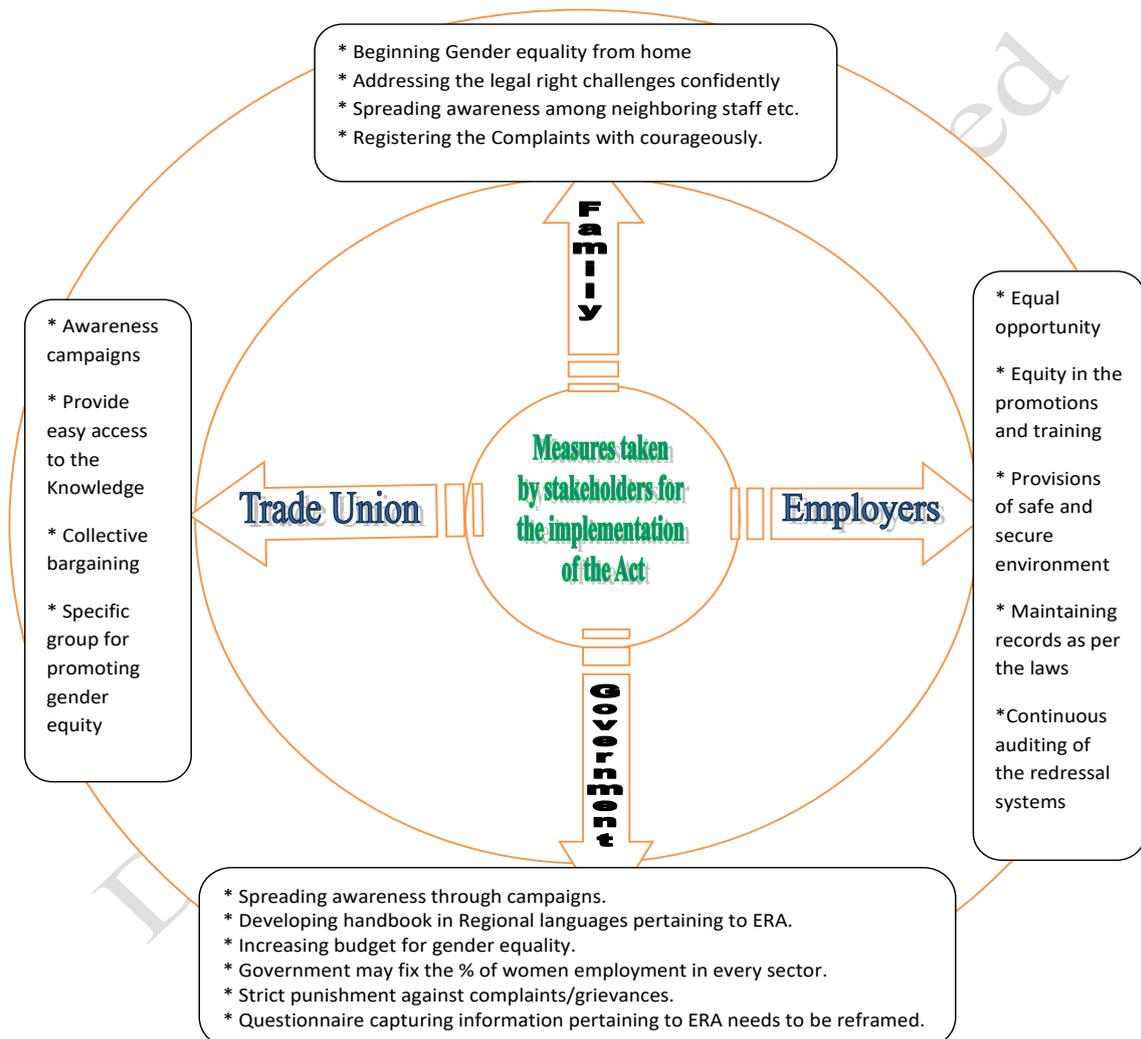
## Chapter 7

# Model for Implementation of “The Equal Remuneration Act, 1976”

Through maximum percentage of the respondents reported that they were getting equal wages for similar nature of work, but data reveals that maximum percentage of female respondents were earning less than the male counterpart for similar nature of work despite being equally skilled and qualified. Still the gender pay gap exist in India especially in the unorganised sector and we all know that 80% of females are working in the unorganised sector. Field data also depicts that in most of the organisation number of male employees are more compared to the female employees. This shows that female’s get less opportunity at the time of recruitment itself. India, as compared to the world standards has a dismissal record of participation of women in the labour market. 17% contribution of women towards GDP is one of the

lowest in the world. Our aspiration to become a ‘Five Trillion Dollar Economy by the year 2022’ can only be achieved by significantly improving this figure. Furthermore, for a sustained growth our citizen needs to be integrated meaningfully. The foremost requirement therefore, is that the concern stakeholders like Government, organisations/employers, trade union leaders and women themselves synergies collectively. They all play a very significant role in the implantation of The Equal Remuneration Act, 1976. Together they can solve the challenge and strengthen women participation in the labour market. It is the joint responsibility of the stakeholders to collectively contribute towards this noble intention of the policymaker’s.

**Model for reducing Gender Pay Gap**



### **Government level Initiatives:-**

- We have so many laws which are pro women but beneficiaries are not aware about these laws. Therefore, the Government can build small booklets on women's rights and distribute in the rural and urban sectors through the district administration.
- Online mode mechanism may be developed as a platform for women rights.
- Trainings should be organised for disseminating the information at grass root level.
- The Government can also consider building legal help camps in each district where women can resolve the matter and gain knowledge about the legal provisions.
- In the entire organisations Lok Adalat should be held every month.
- Mandatory internship for the law students through Lok Adalats both in the rural and urban area be advised by the bar council of India.

### **Employer level Initiatives:-**

- At the time of financial auditing, legal auditing must be conducted by the public or private organisation, proficient in the subjects concerned.
- India is a sovereign state and our Government has provided certain rights to its citizen

ensuring a sense of security and freedom. As a responsible citizen, we have to contribute towards nation building by rightfully performing our duties as an employer. Once we know about our rights we should spread awareness about the laws and Acts to the society.

### **Trade Union level Initiatives:-**

- The right to collective bargaining goes along with a right to freedom of association workers and employers.
- More women must be provided conducive and enabling environment for the same participation in the trade union. Provision of top position for women in the national trade unions will automatically increase women chance's to bargain with the employers.

### **Family level Initiatives:-**

- Confidently filling cases against the injustice through raising generation equal.
- Gender equity starts from the home; if both the partner treat each other equally & share the household work together children will automatically learn significance of "Dignity to work" and parity in the system.
- Parents should treat their children justly. Workshop on parenting techniques may be considered.

## Chapter 8

### Case Studies

#### Employee's level Perspective in the Education and Beauty Industry

Case 1: \* Ram an employee of ABC college was working as an Assistant Professor in the engineering department. Despite being under qualified for the post of Assistant Professor, College offered him a job on low wages for some fixed duration of time and wages was given to him in cash. No proper record of the employee was maintained by the authority. (Source: Field Investigator)

Case 2:\* Yamini a female worker in XYZ beauty industry is not getting the equal wages as compared to male counterpart even though both are working on same position. The male is getting more wages because of overtime. She is also unaware about ERA Act and when we asked her to file a complaint against the employer in the labour department she refused to file a complaint because she was afraid that she might lose her job. . (Source: Field Investigator)

Case 3:\* Education Industry is female dominating Industry because most of the women are bad bargainer and are satisfied in low wages because they think something is better than nothing. (Source: Field Investigator)

Case 4:\* Rema an employee from ABC salon who is also working as beautician shared that in the beauty industry, the talent of a person is more important than his or her experience. In the beauty industry only talent matters and no discrimination is captured on the basis of sex. (Source: Field Investigator)

Case5: Neha, an employee from a salon who is working as makeup artist shared that since they belong to the unorganised sector, no social security provision existed them. If any person raises their voice against any injustice, the employer terminates them and recruit new person. Substitute is easily available in this industry.. (Source: Field Investigator)

Note: - Names of the respondents have been changed in order to maintain the confidentiality.

#### परिवहन

#### नियोक्ता परिप्रेक्ष्य

(Employer level Perspective)

1. दलबीर सिंह एक परिवहन कंपनी में नियोक्ता के रूप में कार्यरत हैं वे कहते हैं कि परिवहन क्षेत्र में शुरू से ही पुरुष कार्य करते आए हैं क्योंकि इस क्षेत्र में कार्य दिन-रात दोनों समय होता है और अपने निजी या गन्तथ स्थान से काफी दूर भी जाना होता है इस कारण से महिलाएं सुरक्षा का अभाव महसूस करती हैं। इसी कारण परिवहन में महिलाएं बहुत कम हैं। (Source : Field Investigator)
2. अभिनव ठाकुर एक परिवहन कंपनी में नियोक्ता के रूप में कार्यरत हैं वे कहते हैं कि परिवहन क्षेत्र अब दिन प्रतिदिन विकास कर रहा है और धीरे-धीरे बड़े शहरों में महिलाएं भी अब इस कार्य के जुड़ रही हैं। परन्तु कुछ कंपनी है जो केवल महिलाओं के लिए ही कार्य करते हैं तो वह महिला चालक को काम पर रखते हैं पर इनकी संख्या बहुत कम हैं। (Source : Field Investigator)
3. सरिता उम्र 29 वर्ष पिछले 6 वर्ष से कृषि क्षेत्र से जुड़ी हुई हैं। वह एक घटना के बारे में कहती है जब वह गर्भवती थी, वह अपने मालिक से गर्भावस्था की छुट्टी माँगती हैं तो मालिक कहता है कि ठीक है तुम छुट्टी ले लो परन्तु छुट्टी के अवधि में वेतन नहीं मिलेगा।
4. गर्भावस्था की छुट्टी के बाद आने पर जब मैंने काम शुरू किया तब अपने 3 महीने के शिशु को घर पर ही छोड़ कर आती थी क्योंकि कृषि करते समय शिशु का ध्यान रखने कि व्यवस्था नहीं थी। (Source : Field Investigator)

नोट: गोपनीयता बनाएँ रखने के लिए उत्तरदाताओं के वास्तविक नाम बदल दिये गये हैं।

#### कृषि क्षेत्र

#### नियोक्ता परिप्रेक्ष्य

1. सतबीर सिंह कृषि क्षेत्र में नियोक्ता की भूमिका निभाते हैं वे कहते हैं कि कृषि क्षेत्र में श्रम ज्यादा है और आमदनी कम है क्योंकि प्राकृतिक आपदा का पूर्ण रूप से प्रभाव कृषि पर पड़ता है जिस कारण लागत के अनुसार आमदनी नहीं हो पाती इसी कारण हम भी कम वेतन में कार्य कराते हैं। (Source : Field Investigator)

2. संजय मिश्रा कृषि क्षेत्र में नियोजित के रूप में कार्य करते हैं। वे अपनी ही ज़मीन पर खेती कर रहे हैं। वे कहते हैं, कि कृषि क्षेत्र में प्राकृतिक आपदा के कारण मुनाफा निकलना कठिन हो जाता है परंतु जन मौसम अच्छा होता है तो मुनाफा भी होता है। वे कहते हैं कि गाँव में लोगों के बीच जागरूकता नहीं होने से वे सरकारी योजना का लाभ नहीं ले पाते। (Source : Field Investigator)

3. सरकार को लोगों के बीच जागरूकता फैलाने पर जोर देना चाहिए। (Source :Field Investigator)

नोट: गोपनीयता बनाएँ रखने के लिए उत्तरदाताओं के वास्तविक नाम बदल दिये गये हैं।

#### परिवहन

##### कर्मचारी परिप्रेक्ष्य

1. अनवर उम्र 93 वर्ष वाहन चालक है। ये पिछले 8 वर्ष से यह कार्य कर रहे हैं। अनवर कहते हैं कि परिवहन

क्षेत्र में आपकी वेतन आपके श्रम पर निर्धारित होता है अगर आप ज्यादा श्रम करेंगे तो आपको वेतन ज्यादा मिलेगा परंतु अगर किसी दिन आप कार्य नहीं करते हैं तो आपको वेतन भी नहीं मिलेगा मगर अब भी कुछ कंपनियाँ हैं जो आपको मासिक अवकाश भी देते हैं और अवकाश का वेतन भी। (Source :Field Investigator)

2. रमेश उम्र 29 वर्ष परिवहन में वाहन चालक हैं। वह कहते हैं कि वे अब एक मशहूर परिवहन में कार्य करते हैं, इस संस्था में मासिक वेतन मिलता है और अधिक श्रम करने पर अतिरिक्त वेतन भी मिलता है परंतु प्रतिदिन एक निर्धारित लक्ष्य तक कार्य करना होता है। (Source :Field Investigator)

नोट: गोपनीयता बनाएँ रखने के लिए उत्तरदाताओं के वास्तविक नाम बदल दिये गये हैं।

#### Suggestions:

- ❖ Wages should be paid through online mode / Cheque.
- ❖ Overtime should not be encourage.
- ❖ Unions must be part of all the organisations.
- ❖ Continuous skill up-gradation training facilities must be encouraged in all the organisations.
- ❖ Robust grievance system needs to be developed for capturing the complaint in the unorganised sector.
- ❖ Encourage more women in the transport industry, crèche facilities and implementation of Maternity Benefit Act needs to be implemented in sprit.
- ❖ Wages should be paid as per the work in the agriculture sector.
- ❖ Subsidy provisions and training facilities for the famers need to be monitored.
- ❖ Awareness on government schemes needs to done by the village Sarpanch/Head.
- ❖ Transport industry requires special security provisions existing in other industries.

## Chapter 9

# Conclusion and Policy Recommendation

The first International Treaty i.e. the Charter of the United Nations Organisation expressed in its preamble a faith in “the dignity and worth of the human person” as well as “in the equal right of men and women”. It declared its firm determination to eliminate all forms of discrimination in order “to promote social progress and better standards of life”. However, more affirmation and declarations did not bring about a change. It requires a firm determination to break the castle of male dominance, change customs and traditions rooted in the belief of women being inferior. The term “equal pay for equal work” has its own historical significance. Historically speaking, equal pay for work of equal value has been a slogan of women’s movement. Equal pay laws, therefore, usually deal with sex-based discrimination in the pay scales of men and women doing the same work or equal work in the same organisation. For example, The Equal Remuneration Act, 1976 provides for the payment of equal remuneration to men and women workers and is meant to prevent discrimination on the ground of sex against women in matter of employment. The Equal Pay Act, 1970 and the Equal Pay (Amendment) Regulations, 1983 in United Kingdom are for a similar purpose. The same doctrine has also sought to protect disadvantaged groups against similar discrimination. Our laws are similar to those of U.K. doctrine or even wider to prevent discriminatory pay scales within organisations, which are owned by or instrumentality of the state. Provided, that the different pay scales that exist in one organisation, are applied to employees doing work of equal value, and there is no national explanation for the difference. The post-independence era has witnessed remarkable development in providing protection to working class by enacting labour legislation. The foremost and the most revolutionary document in this regard is the Constitution of India. The very Preamble of our Constitution strikes at the root of the problem when it speaks of “Security to all citizens of the India, equality of status and of opportunity as well as justice, social, economic and political.”

Part IV of the Indian Constitution, the Directive Principles of State Policy, lays out the goals guiding towards the work which the state must perform. One of these is contained in Clause (d) of Article 39, namely, “equal pay for equal work for men and women.” Over the years, it has become a principle of law used by the courts in India for purposes almost entirely unimagined by the framers of the Constitution. In 1976, The Equal Remuneration Act was passed with the aim of providing equal remuneration to men and women workers and to prevent discrimination on the basis of gender in all matters relating to employment and employment opportunities. This legislation not only provides women a right to demand equal pay, but any inequality in the recruitment processes, job training, promotions, and transfers within the organisation can also be challenged under this Act.

### Major Findings

- At all the levels in the beauty, agriculture, construction and transport industry maximum percentage of the respondents were working in the unorganised sector. While in the hotel, media, electronic manufacturing, education and retail industry maximum percentage of the respondents were working in the organized sector. In the education industry it was found that more males were working in organised sector compare to the females.
- Except education in all the industries maximum percentage of the respondents were not aware about The Equal Remuneration Act, 1976.
- At all the levels maximum percentage of the respondents reported that they were receiving same wages as their counterpart. In the construction and transport industry few females reported that they were not getting same wages as compared to males’ counterpart for the similar nature of work.
- Among all the industries in the construction and transport industry, female respondents were facing discrimination in term of wages, but they have not filed any complaint to against their employer due to the fear of job loss.
- In all the industries, at the entry level most of the respondents were not getting promotion opportunities. Among all the industries media was the only industry where 30% of females and 30% of males were getting promotion in their organization. It also shows that males were getting more opportunities compared to the females. At the middle level in the retail industry most of the respondents were getting promotion opportunities. At the top level in the retail industry maximum percentage of the respondents stated that they are getting promotion opportunities.
- At the entry level in the media and education industry majority of the skilled workers were earning wages between INR 20,000-30,000. They were earning highest wages among all the industries. At the middle level, in the education and electronic manufacturing industry most of the male respondents were earning INR 20,000-30,000 (skilled worker) while females worker despite being skilled were earning wages between INR 10,000-20,000.
- At the entry level, majority of the females and males were drawing wages below INR 10,000 in most of the industry, very less respondents were earning wages above INR 30,000.
- At all the levels, only in the beauty and retail industry maximum percentage of the respondents were getting opportunities for trainings.
- At all the levels and in all the industries it was found out that maximum percentage of the organization did not have Trade Unions.

- Though maximum percentage of the employers stated that they were implementing The Equal Remuneration Act, 1976 but many women respondents inform that they were not provided level playing field.
- Maximum percentage of the respondents were maintaining register according to the ERA. But this has limitation in capturing information pertaining to training, promotion and transfer opportunity.
- Maximum percentage of the Labour Administrators have not provided any response on the number of inspections they have done in previous five years.
- Majority of the Labour Administrators have not given any order for prosecution in the previous five years. Only 5.6% cases got conviction in prosecution cases during this period.

### **Suggestions**

#### **Employee's level**

- ❖ Majority of the respondents from all the industries surveyed were eagerly requesting for implementation of The Minimum Wages Act.
- ❖ Majority of the respondents reported that (especially in construction industry) the contractor did not provide wages on time and also discriminate between men and women wage. Therefore, monitoring mechanism for the contractor's must be setup.
- ❖ In the hotel Industry majority of the respondents suggested that the labour department should speed up intervention in the matter pertaining to job timing, overtime and safe transport for its employees.
- ❖ Strong need is felt to spread awareness regarding the provisions of the Act. Regular training of Human Resources department and employers at the time of starting the business venture must be made mandatory.
- ❖ In the electronic manufacturing and construction industry, there is a strong necessity for regular skill development training for avoiding unforeseen accidents.

#### **Employer's level**

- ❖ Access to the quality education is the most important asset and investment in the human resource of any nation. Quantity and quality of the Government school needs to be enhanced.
- ❖ Skill development and training programs among all the industries must be organised at regular interval.
- ❖ Policy maker needs to develop comprehensive strategy to extend the motivating financial support to the smallscale employers, women entrepreneurs, MSME, employers and venders etc.
- ❖ Strict action with trickledown effect must be taken against the discrimination made between males and females employees at the time of recruitment, wages, training, promotion opportunities etc.

#### **NGO's and Trade Unions level**

- ❖ Policy makes should generate awareness regarding equal pay for equal work though NGO's and Trade Unions working in this area.
- ❖ It has been noted that time taken in filing the case and action taken by the grievance machinery is very much time consuming with in the industry itself. Online grievance mechanism must be developed for fast tracking the redressal mechanism.

#### **Labour Administrators level**

- ❖ The labour inspector's may provide copy of the act to the employer at the time of the survey itself and conduct sensitization training from time to time. Some online mechanism may be developed to conduct inspections on regular basis.
- ❖ Online grievance mechanism must be developed for fast tracking the redressal mechanism.

#### **Policy Recommendations**

- ❖ Labour Bureau should publish data pertaining to ERA every year. Inspection report should also be available online. Online mechanism may be developed to conduct auditing of the inspections.
- ❖ Policy maker need to amend the current questionnaire for the inspections in order to capture meaningful implementation of ERA as old version of questionnaire could only capture the remuneration part but according to Section 5 of The Equal Remuneration Act, "no employer shall, while making recruitment for the same work or work of a similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer, make any discrimination against women". This must be part of the questionnaire register for capturing comprehensive information.
- ❖ Policy makers may consider recruiting minimum percentage of the women in all the Industries (both public and Private). During survey it was found that in the transport industry only 8.0% of females were working as compared to the male employees. These things must be mandatory components of the tender invitations at the time of advertisement itself.
- ❖ Auditing the implementation of ERA must be made mandatory in all the organisations.
- ❖ Equal opportunities for Training and promotion during employment for the women employees need to be integrated in the policies pertaining to gender equality.
- ❖ Considering the fact that India is signatory to ILO Convention (100) during 1951, trained Labour Inspector should be appointed for evaluation of the implementation flow in ERA, if any. The labour inspector's may provide copy of the act to the employer at the time of the survey itself and conduct sensitization training from time to time. Some online mechanism may be developed to conduct inspections on regular basis.

## References

### Books and Articles

- Article 119 of European economic council treat, Ist para Brainerd, Elizabeth. "Women in Transition: Changes in Gender Wage Differentials in Eastern Europe and the Former Soviet Union." *Industrial and Labor Relations Review* 54 (October 2000): 138-62.
- Becker, G (1964): *Human Capital - A Theoretical and Empirical Analysis with Special Reference to Education* (Chicago: Columbia University Press).
- Blau, Francine D.; Ferber, Marianne; and Winkler, Anne. *The Economics of Women, Men, and Work*. 4th ed. Englewood Cliffs, NJ: Prentice Hall, 2002.
- Black Dictionary of law. Fifth edition
- Census of India 2011
- Cotton, C J (1988): "*On the Decomposition of Wage Differentials*", *Review of Economics and Statistics*, 70: 236-43.
- Das, P (2012): "*Wage Inequality in India: Decomposition by Sector, Gender and Activity Status*", *Economic & Political Weekly*, 47(50), pp 58-64.
- Das, P, Dasgupta B and P K Biswas (2009): "*Gender and Labour: Post-reform Scenario in India*" in M K Sanyal et al (ed.), *Post-Reform Development in Asia - Essays for Amiya Kumar Bagchi* (Hyderabad: Orient BlackSwan).
- Jain D.C: (1986) "*Equal Pay for Equal Work: Constitutional Ramification*" Award Digest, *Journal of labour Legislation*, vol.xii:4, p.109
- D.JDe (2000) '*Interpretation and Enforcement of Fundamental Rights*, , p126
- Equal pay for equal work for women. Hearing before subcommittee number 4 of the committee on education and labour, house of representatives, 80th congress, 2nd session on H.R .4273 AND H.R 4408. P.78. US. Department of labour women bureau; Facts on women worker .31 March 1949
- EC Council Directive 75/117
- Gregory, Robert, and Daly, Anne. "Can Economic Theory Explain Why Australian Women Are So Well Paid Relative to Their U.S. Counterparts?" In *Women's Wages: Stability and Changes in Six Industrialized Countries*, edited by Steven L. Willborn. Greenwich, CT: JAI Press, 1991.
- International Labour Organisation Global wage report 2018/19
- Killingsworth, Mark. (1990) "*The Economics of Comparable Worth. Kalamazoo*", MI: Upjohn Institute for Employment Research,.
- Sarkar Lotika (1982) "*status of women and law as instrument of social change*" K.L.T, P.262
- L.C Dingra and Arvinder, Singh Dalal, (2001) "Equal work and the Law" A critical Analysis, M.D.U. Law Journal, p.25
- L.C Dhingra and Arvinder Singh dalal (2001) "Equal pay for equal work and the law" A critical Analysis, M.D.U Law journal, p.27-28
- Madheswaran S and Paul Attewell (2007): "Caste Discrimination in the Indian Urban Labour Market: Evidence from the National Sample Survey", *Economic & Political Weekly* (India), 13 October, 4146-53.
- Mincer, J (1958): "Investment in Human Capital and Personal Income Distribution", *Journal of Political Economy*, 66(4): 281-302. - (1974): *Schooling, Experience and Earnings* (New York: Columbia University Press).
- Mishra, Prachi and Utsav Kumar (2005): "Trade Liberalization and Wage Inequality: Evidence from India", *International Monetary Fund Working Paper No 05/20*, International Monetary Fund, Washington DC.
- Singh Mool (1988) "Equal Remuneration to both sex", A Constitutional Goal, vol 1.2, SCJ,
- Jain M.P. (2004) '*Indian Constitutional law*' Ed.v.,
- Jain M.C Kagzi, Kagzi's (2006) *The Constitution of India* vil.2 ed.vi, p.1071
- NSSO68<sup>th</sup>Round(2014),*Employment and Unemployment Situation in India*, Government of India.
- Oaxaca, R L (1973): "Male-Female Wage Differentials in Urban Labour Market", *International Economic Review*, 14: 693-709.
- Oaxaca, R L and M R Ransom (1994): "On Discrimination and the Decomposition of Wage Differentials", *Journal of Econometrics*, 61: 5-21.
- Oxford English dictionary 1972 A Supplement
- Shah Porf. M.S, LOC.EIT.PP.167-184
- Sexsena R.C, (1981) '*Labour Problem and social welfare*' ed.xiv, p.557
- Simona, Ilda. (1985) "Switzerland." In *Women Workers in Fifteen Countries*, edited by Jenny Farley, pp. 147-53. Ithaca, NY: ILR Press,.
- Shashwat Tewary, (2004) "Equal pay for equal work, how far is it recognized as a fundamental rights", L.L.J, PP37-38
- The Minimum Wages Act, 1948
- The oxford dictionary of English of English ethmology, 1966
- The Constitution of India,
- U.S monthly labour review, (1974) vil.97, no.10, oct, pp 3-9
- USA Section 1 of the 14<sup>th</sup> amendment says, " No state shall deny to any person within its jurisdiction the equal protection of law" Burma Section 13 "All citizen irrespective of birth, religion sex, race, are equal before law that is to say there shall not be any arbitrary discrimination between one citizen or class of citizen and another" Eri Section 40(1) " All citizen shall, as human person be held Equality before Law" chile-Article 10 "All inhabitants of the republic are assured Equality before Law"
- Sukla V. N. (2006) '*Constitution of India*' Ed.x, p.37

### Case Laws

Abdul Rehman Vs Pinto AIR 1951 Hyd.11

- Air India Statutory Corporation Vs United Labour Union AIR 1997 SC645
- Air India Vs Nargesh Mirza AIR 1981 SC1829
- Banarsidas Vs State of U.P AIR 1956 SC520
- C.B Muthamma Vs Union of India, AIR 1979 SC 1868
- Chairanjit Lal Vs Union of India, AIR 1951 SC 41
- Chiranjit Lal Vs Union of India AIR 1951 SC 41
- State of Bombay Vs F. N. Balsara AIR 1951 SC 318
- Kedar nath Vs State of W.B AIR 1953 SC 404
- Custom and Central Excise Stenographers (Recog.) Vs Union of India AIR 1988 SC 1291@1988)3 SCC91
- Daily Rated Casual Labour Vs Union of India, 1988, SCC122
- Government of Andhra Pradesh and Another Vs Hari Prasad P. and others (2003) I, LLJ (SC) 213
- Government of West Bengal Vs Tarun K. Roy (2004)1 SCC 347(2004) I IIJ (SC) 421
- Grih Kalyan Kendra Vs Union of India AIR 1991 SC1173, 1176
- Hayward Vs Cammell Laird* in 1988
- Indira Sawhney Vs Union of India (11) AIR 2000 SC 498: (2000) 1SCC168
- Ivor Jennings 'Law of the Constitution' ed 40(2003) p.49
- J.N Pandey "Constitution law of India ed.40 (2003) p 69
- Jagdish Prasad Vs M.C.D (1993) SUPP (2) SCC221
- Jagjit Singh Vs Sate AIR 1954 Hyd.28
- Jasmer Singh Case, AIR 1997 SC 1788
- Jeet Singh Vs Municipal Corporation of Delhi 1986 SCC 560
- K. Thimmappa Vs Chairman Central Board of Directors SBI, AIR, 2001 SC467
- Kanahaiya Lal Sharma, 'Recognition of the Constitution of India ,2002,p.76
- Keshawnanda Bharti Vs State of Kerela AIR 1973 SC1461
- M.G Badappanavar Vs State of Karnataka AIR 2001 SC 260 (2001)2SCC666
- Markendeya Vs State of Andhra Pradesh AIR 1989 SC1308,1989)3SCC191
- Mewa Ram Kanoja Vs A.I.L.M.S, (1989)2 SCC235
- Monopoiter Vs City of Los Angeles, 33 Cal.App.675
- Orissa University of Agriculture and Technology 2003 AIR SCW2513
- Orissa University of Agriculture and Technology Vs Manoj K. Mohauly (2003) II,LLJ.SC968
- R.C Cooper Vs Union of India AIR 1970 SC564
- R.K Garg Vs Union of India AIR 1981 SC 2138, Re -Special Court Bill, AIR 1979 SC478
- Rajbir singh Vs DDA 2007 Lab.I.C.1747
- Randhir Singh Vs Union of India, AIR 1982 ISCC 618
- Rubinder Singh Vs UOI AIR 1983 SC65
- Sate of W.B Vs Anwar Ali Sarkar AIR 1952 AC75, 79
- Sothorn co. Vs Green 226 US 400(1412)
- St. Stephen's College Vs university of Delhi: AIR 1992 SC 1630 AT 1662
- State of A.P Vs V.G. Sreenivasa Rao, (1989) 2SCC290
- State of Bombay Vs F. N. Balsara AIR 1951 SC318
- State of Haryana and others Vs Charanjit Singh and others AIR 2006 SC161
- State of Haryana Vs Jasmer Singh 1996(11) SCC 77
- Babu Lal, Concener Vs New Delhi Municipal Committee, AIR 1994 SC 2214
- State of Orissa Vs Balram Sahu (2002) 8 J.T.477
- State of Haryana Vs Rajpal Sharma AIR 1997 SC449
- State of Kerala Vs N.V Thomas AIR 1976 SC490
- State of Punjab Vs Jagjit Singh (2016): SCC OnLine, SC, 1200
- State of Tamil Naidu Vs M. R Alagappan, AIR 1997 SC2006
- State of U.P Vs J.P. Chaurasia, AIR 1989 SC 19
- Sudesh Kumar Sharma, Distributive Justice under Indian Constitution of India: 1989p.77
- Supreme Court Employees Association Vs Union of India, 1984-11-L.L.J.506
- Supreme Court Employees Welfare Association Vs Union of India (1989) 4 SCC187
- The 14<sup>th</sup> Amendment says: "Nor shall any state deny to any person protection of law"
- Tilak Raj Case 2003 AIR SCW3382
- Yick wo Vs Hopkins 118US 356

#### Websites

- <https://www.legalbites.in/equal-pay-for-equal-work-unfair-gender-gap>
- <https://www.zhipin.com/>
- <http://www.chinadaily.com.cn/a/201903/07/WS5c80dc02a3106c65c34ed5dd.html>
- [:https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312256](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:312256)
- [https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300\\_INSTRUMENT\\_ID:312245](https://www.ilo.org/dyn/normlex/en/f?p=1000:11300:0:0::NO:11300:P11300_INSTRUMENT_ID:312245)
- <http://www3.weforum.org/docs/GGGR2015/cover.pdf>
- [http://www3.weforum.org/docs/WEF\\_GGGR\\_2018.pdf](http://www3.weforum.org/docs/WEF_GGGR_2018.pdf)
- [https://blogs.worldbank.org/endpovertyinsouthasia/moving-towards-gender-equality-bhutan/?cid=EXT\\_WBBlogTweetableShare\\_D\\_EXT via @WorldBankSasia \(Bhutan\)](https://blogs.worldbank.org/endpovertyinsouthasia/moving-towards-gender-equality-bhutan/?cid=EXT_WBBlogTweetableShare_D_EXT via @WorldBankSasia (Bhutan))
- <http://mahilaehaat-rmk.gov.in/product-category/clothing/women/kurtas-and-kurti/page/3/?lang=en>
- Business dictionary .com
- [https://shodhganga.inflibnet.ac.in/bitstream/10603/28562/9/09\\_chapter%202.pdf](https://shodhganga.inflibnet.ac.in/bitstream/10603/28562/9/09_chapter%202.pdf)

## Annexure-1 (i)



**RESEARCH STUDY ON IMPLEMENTATION OF THE EQUAL REMUNERATION ACT, 1976,  
QUESTIONNAIRE FOR FEMALE EMPLOYEES**

**NOTE:** Your responses to this questionnaire will be treated in strictly confidential and will not be revealed to your employer or to any other individual or organization. All data provided by you will be used in an anonymised manner and only for the purposes of research.

(Please tick at appropriate box in the given grid or circle the appropriate response. Some questions may have multiple responses)

<b>Date of Interview:</b>			
<b>Name of Field Investigator</b>			
1	Name of Respondent		
2	Age Group in years	20 - 30	
		30 - 40	
		40 - 50	
		50 - 60	
3	Sex		
4	Job Title		
5	Company and department		
6	Location of office		
7	Sector	Organized	
		Un-organized	
8	Employment status	Permanent	
		Contractual	
		Temporary	
9	Annual Pay / Daily Wages		
10	Annual Bonus		
11	Is this your first job? If yes, when did you join? If no, where did you work earlier?	Yes / No	
12	Reason for leaving the first job?	Career growth	
		Salary discrimination	
		Any other, please specify	
13	Level	Top level management	
		Middle level management	
		Entry level employee/ executive	
14	Level of skill	Unskilled	
		Skilled	
		Highly skilled	
15	Highest Education	Higher Secondary	
		Graduation	
		Post-Graduation	
16	Total Professional Experience (yrs/months)		
17	Are you aware about The EQUAL REMUNERATION ACT, 1976?	Yes / No	
18	Do you think your employer is providing you sufficient information about The Equal Remuneration Act.1976?	Yes / No	
19	Do you get same wages as male counterpart for work of same nature?	Yes / No	
20	If No, have you ever complained about the grievance?	Yes / No	
21	Does your organization have grievance redressal system for employees?	Yes / No	

22	If yes, what is the structure of grievance redressal committee?	No of male member	
		No of female member	
23	Are you member of grievance redressal committee?	Yes / No	
24	Do you work overtime?	Yes / No	
	If yes, do you get extra compensation for overtime?	Yes / No	
25	Nature of compensation		
26	Have you got any promotion opportunity in your office?	Yes / No	
27	Do you get equal increment as male counterpart is getting for work of equal nature?	Yes / No	
28	Does your organization have trade union?	Yes / No	
29	Is there any issue pertaining to equal wages for equal value raised by trade union?	Yes / No	
30	Is there any matter resolved with the intervention of trade union?	Yes / No	
31	Have you received an opportunity for training and development in your organization?	Yes / No	
32	If yes, how many times?	Ones	
		Twice	
		More than twice	
33	Are salary and other allowances received by you adequate and satisfactory?	Yes / No	
34	Do you get increment in your salary /wages every year?	Yes / No	
35	What is the attitude of your employer towards The EQUAL REMUNERATION ACT, 1976?	Supportive	
		Unsupportive	
		Neutral	
36	Whom can you complain if you don't receive relief under The EQUAL REMUNERATION ACT, 1976?	Labour Inspector	
		Company Management	
		Labour Commissioner	
		Ministry of Women and Child Development (Central Government)	
		Ministry of Labour and Employment (Central Government)	
		Labour Courts	
		High Court	
State Government			
37	Have you ever availed Maternity leave? If yes please describe year and duration	Yes / No	
38	Does your organization have crèche facility?	Yes / No	
39	If yes, did you avail the crèche facility?	Yes / No	
40	If no, did you ever ask your H.R. why they are not providing the crèche facility?	Yes / No	
41	Whether any improvement in the benefits or relief is required? If yes, please provide your suggestions.		

(Signature)

Project Director: Dr. Shashi Bala, Fellow, Coordinator: Centre for Gender and labour Studies,

V.V. GIRI NATIONAL LABOUR INSTITUTE, NOIDA, Ministry of Labour and Employment, Govt. of India E-mail: balashashi.vvgnli@gov.in/shashibala2002@gmail.com



**डिप्लोमा इन इंडस्ट्रियल रिलेशन्स, 1976 के लिए आवेदन पत्र**  
**efgyk deZkj; kadsfy, ç'ukoyh**

उपरोक्त आवेदन पत्र में उचित रूप से भरने के लिए निम्नलिखित जानकारी देनी होगी। (कृपया दिए गए ग्रीड में उपयुक्त बॉक्स में सही का निशान ( ) लगाएँ अथवा उपयुक्त जवाब पर गोला लगाएँ। कुछ प्रश्नों के कई जवाब हो सकते हैं।)

साक्षात्कार की तिथि			
फील्ड इन्वेस्टिगेटर का नाम			
1	उत्तरदाता का नाम		
2	आयु वर्ग	20-30	
		30-40	
		40-50	
		50-60	
3	लिंग		
4	नौकरी (का नाम)		
5	कंपनी एवं विभाग		
6	कार्यालय का स्थान		
7	सैक्टर	संगठित	
		असंगठित	
8	रोजगार की स्थिति	स्थायी	
		अस्थायी	
		संविदा	
9	वार्षिक वेतनधैनिक मजदूरी		
10	वार्षिक बोनस		
11	क्या यह आपका पहला जॉब है? यदि हाँ, तो आपने कब ज्वाइन किया? यदि नहीं, तो आपने पहले कहाँ काम किया?	हाँ / नहीं	
12	पहला जॉब छोड़ने के कारण	कैरिअर विकास	
		वेतन में भेदभाव	
		कोई अन्य, कृपया उल्लेख करें।	
13	स्तर	शीर्ष स्तर का प्रबंधन	
		मध्यम स्तर का प्रबंधन	
		परिचालन स्तर कर्मचारी/कार्यपालक	
14	कौशल स्तर	अकुशल	
		कुशल	
		अति कुशल	
15	उच्चतम शिक्षा	हायर सेकेंडरी	
		स्नातक	
		स्नातकोत्तर	
16	कुल पेशेवर अनुभव (वर्षों / महीनों में)		
17	क्या आप समान पारिश्रमिक अधिनियम, 1976 के बारे में जानते हैं?	हाँ / नहीं	
18	क्या आपको लगता है कि आपका नियोक्ता आपको समान पारिश्रमिक अधिनियम, 1976 के बारे में पर्याप्त जानकारी प्रदान कर रहा है?	हाँ / नहीं	
19	क्या आपको समान प्रकृति के काम के लिए पुरुष समकक्ष के समान मजदूरी मिलती है?	हाँ / नहीं	
20	यदि नहीं, तो क्या आपने कभी शिकायत की है?	हाँ / नहीं	
21	क्या आपके संगठन में कर्मचारियों के लिए शिकायत निवारण प्रणाली है?	हाँ / नहीं	

22	यदि हाँ, तो शिकायत निवारण समिति की संरचना क्या है?	पुरुष सदस्यों की संख्या	
		महिला सदस्यों की संख्या	
23	क्या आप शिकायत निवारण समिति की सदस्य हैं?	हाँ / नहीं	
24	क्या आप समयोपरि (ओवरटाइम) काम करते हैं? यदि हाँ, तो क्या आपको ओवरटाइम के लिए अतिरिक्त मुआवजा मिलता है?	हाँ / नहीं	
		हाँ / नहीं	
25	मुआवजे की प्रकृति		
26	क्या आपको अपने कार्यालय में पदोन्नति का कोई अवसर मिला है?	हाँ / नहीं	
27	क्या आपको वैसी ही वेतनवृद्धि मिलती है जैसी कि आपके पुरुष समकक्ष को समान प्रकृति के काम के लिए मिल रही है?	हाँ / नहीं	
28	क्या आपके संगठन में ट्रेड यूनियन है?	हाँ / नहीं	
29	क्या ट्रेड यूनियन द्वारा उठाए गए मुद्दों में समान काम के लिए समान वेतन से संबंधित मुद्दा भी है?	हाँ / नहीं	
30	क्या ट्रेड यूनियन के हस्तक्षेप से कोई मामला सुलझा है?	हाँ / नहीं	
31	क्या आपको अपने संगठन में प्रशिक्षण और विकास का अवसर मिला है?	हाँ / नहीं	
32	यदि हाँ, तो कितनी बार?	एक बार	
		दो बार	
		दो से अधिक बार	
33	जो वेतन और अन्य भत्ते आपको मिल रहे हैं, क्या वे पर्याप्त और संतोषजनक हैं?	हाँ / नहीं	
34	क्या आपको वेतन में वेत वृद्धि हर साल मिलती है?	हाँ / नहीं	
35	समान पारिश्रमिक अधिनियम, 1976 के प्रति आपके नियोक्ता का रवैया कैसा है?	समर्थनकारी	
		तटस्थ	
		गैर-समर्थनकारी	
		श्रम निरीक्षक	
36	क्या आप जानते हैं किसी कर्मचारी को समान पारिश्रमिक अधिनियम, 1976 के तहत राहत नहीं मिलने पर, शिकायत किससे की जाती है?	कंपनी का प्रबंधन	
		श्रम आयुक्त	
		महिला एवं बाल विकास मंत्रालय (केंद्र सरकार)	
		श्रम एवं रोजगार मंत्रालय (केंद्र सरकार)	
		श्रम न्यायालय	
		उच्च न्यायालय	
		राज्य सरकार	
37	क्या आपने कभी प्रसूति छुट्टी ली है? यदि हाँ, तो वर्ष एवं अवधि का उल्लेख करें।	हाँ / नहीं	
38	क्या आपके संगठन में शिशु देखभाल गृह (क्रेच) की सुविधा है?	हाँ / नहीं	
39	यदि हाँ, तो क्या आपने इस सुविधा का लाभ उठाया?	हाँ / नहीं	
40	यदि नहीं, तो क्या आपने कभी अपने एच.आर. से पूछा कि वे क्रेच की सुविधा क्यों नहीं दे रहे हैं?	हाँ / नहीं	
41.	लाभ या राहत में कोई सुधार की आवश्यकता है या नहीं? यदि हाँ, तो कृपया अपने सुझाव दें ?		

(हस्ताक्षर)

डॉ. शशि बाला, फेलो, संयोजक, सामाजिक लिंग और श्रम अध्ययन केंद्र, वी. वी. गिरि राष्ट्रीय श्रम संस्थान  
श्रम और रोजगार मंत्रालय, भारत सरकार, सैक्टर-24 नोएडा-201301  
E-mail: balashashi.vvgnli@gov.in / shashibala2002@gmail.com

## Annexure-1 (ii)



**RESEARCH STUDY ON IMPLEMENTATION OF THE EQUAL REMUNERATION ACT, 1976,  
QUESTIONNAIRE FOR MALE EMPLOYEES**

**NOTE:** Your responses to this questionnaire will be treated in strictly confidential and will not be revealed to your employer or to any other individual or organization. All data provided by you will be used in an anonymised manner and only for the purposes of research.

(Please tick at appropriate box in the given grid or circle the appropriate response. Some questions may have multiple responses)

<b>Date of Interview:</b>			
<b>Name of Field Investigator</b>			
1	Name of Respondent		
2	Age Group	20 - 30	
		30 - 40	
		40 - 50	
		50 - 60	
3	Sex		
4	Job Title		
5	Company department		
6	Location of office		
7	Sector	Organized	
		Un-organized	
8	Employment status	Permanent	
		Contractual	
		Temporary	
9	Annual Pay / Daily Wages		
10	Annual Bonus		
11	Is this your first job? If yes, when did you join? If no, where did you work earlier?	Yes / No	
12	Reason for leaving the first job?	Career growth	
		Salary discrimination	
		Any other, please specify	
13	Level	Top level management	
		Middle level management	
		Entry level employee/executive	
14	Level of skill	Unskilled	
		Skilled	
		Highly skilled	
15	Highest Education	Higher Secondary	
		Graduation	
		Post-Graduation	
16	Total Professional Experience (yrs/months)		
17	Are you aware about The EQUAL REMUNERATION ACT, 1976?	Yes / No	
18	Do you think your employer is providing you sufficient information about The Equal Remuneration Act.1976?	Yes / No	
19	Did you get same wages as female counterpart for work of same nature?	Yes / No	
20	If no, have you ever complained about the grievance?	Yes / No	

21	Does your organization have grievance redressal system for employees?	Yes / No	
22	If yes, what is the structure of grievance redressal committee?	No of male member	
		No of female member	
23	Are you member of grievance redressal committee?	Yes / No	
24	Do you work overtime?	Yes / No	
	If yes, do you get extra compensation for overtime?	Yes / No	
25	Nature of compensation.		
26	Have you got any promotion opportunity in your office?	Yes / No	
27	Do you get equal increment as female counterpart is getting for work of equal nature?	Yes / No	
28	Does your organization have trade union?	Yes / No	
29	Is there any issue pertaining to equal wages for equal value raised by trade union?	Yes / No	
30	Is there any matter resolved with the intervention of trade union?	Yes / No	
31	Have you received an opportunity for training and development in your organization?	Yes / No	
32	If yes, how many times?	Ones	
		Twice	
		More than twice	
33	Are salary and other allowances received by you adequate and satisfactory?	Yes / No	
34	Do you get increment in your salary / wages every year?	Yes / No	
35	What is the attitude of your employer towards The EQUAL REMUNERATION ACT, 1976?	Supportive	
		Unsupportive	
		Neutral	
36	Whom can you complain if you don't receive relief under The EQUAL REMUNERATION ACT, 1976?	Labour Inspector	
		Company Management	
		Labour Commissioner	
		Ministry of Women and Child Development (Central Government)	
		Ministry of Labour and Employment (Central Government)	
		Labour Courts	
		High Court State Government	
37	Have you ever availed Paternity leave?	Yes / No	
	If yes, please describe year and duration		
38	Does your organization have crèche facility?	Yes / No	
39	If yes, did you avail the crèche facility?	Yes / No	
40	If no, did you ever ask your H.R. why they are not providing the crèche facility?	Yes / No	
41	Whether any improvement in the benefits or relief is required? If yes, please provide your suggestions.		

(Signature)

Project Director: Dr. Shashi Bala, Fellow, Coordinator: Centre for Gender and labour Studies,  
V. V. GIRI NATIONAL LABOUR INSTITUTE, NOIDA, Ministry of Labour and Employment, Govt. of India  
E-mail: balashashi.vvgnli@gov.in / shashibala2002@gmail.com



**एक निम्नलिखित प्रश्नों का 1976 के कर्मचारी (समान पारिश्रमिक अधिनियम, 1976) के अन्तर्गत, उत्तर दें।**

कृपया दिए गए प्रश्नों में उपयुक्त बॉक्स में सही का निशान ( ) लगाएँ अथवा उपयुक्त जवाब पर गोला लगाएँ। कुछ प्रश्नों के कई जवाब हो सकते हैं।

साक्षात्कार की तिथि			
फील्ड इन्वेस्टिगेटर का नाम			
1	उत्तरदाता का नाम		
2	आयु वर्ग	20-30	
		30-40	
		40-50	
		50-60	
3	लिंग		
4	नौकरी (का नाम)		
5	कंपनी एवं विभाग		
6	कार्यालय का स्थान		
7	सैक्टर	संगठित	
		असंगठित	
8	रोजगार की स्थिति	स्थायी	
		अस्थायी	
		सविदा	
9	वार्षिक वेतन / दैनिक मजदूरी		
10	वार्षिक बोनस		
11	क्या यह आपका पहला जॉब है? यदि हाँ, तो आपने कब ज्वाइन किया? यदि नहीं, तो आपने पहले कहाँ काम किया?	हाँ / नहीं	
12	पहला जॉब छोड़ने के कारण	कैरियर विकास	
		वेतन में भेदभाव	
		कोई अन्य, कृपया उल्लेख करें।	
13	स्तर	शीर्ष स्तर का प्रबंधन	
		मध्यम स्तर का प्रबंधन	
		परिचालन स्तर कर्मचारी / कार्यपालक	
14	कौशल स्तर	अकुशल	
		कुशल	
		अति कुशल	
15	उच्चतम शिक्षा	हायर सेकेंडरी	
		स्नातक	
		स्नातकोत्तर	
16	कुल पेशेवर अनुभव (वर्षों / महीनों में)		
17	क्या आप समान पारिश्रमिक अधिनियम, 1976 के बारे में जानते हैं?	हाँ / नहीं	
18	क्या आपको लगता है कि आपका नियुक्ता आपको समान पारिश्रमिक अधिनियम, 1976 के बारे में पर्याप्त जानकारी प्रदान कर रहा है?	हाँ / नहीं	
19	क्या आपको समान प्रकृति के काम के लिए महिला समकक्ष के समान मजदूरी मिलती है?	हाँ / नहीं	
20	यदि नहीं, तो क्या आपने कभी शिकायत की है?	हाँ / नहीं	

21	क्या आपके संगठन में कर्मचारियों के लिए शिकायत निवारण प्रणाली है?	हाँ / नहीं	
22	यदि हाँ, तो शिकायत निवारण समिति की संरचना क्या है?	पुरुष सदस्यों की संख्या	
		महिला सदस्यों की संख्या	
23	क्या आप शिकायत निवारण समिति की सदस्य हैं?	हाँ / नहीं	
24	क्या आप समयोपरि (ओवरटाइम) काम करते हैं? यदि हाँ, तो क्या आपको ओवरटाइम के लिए अतिरिक्त मुआवजा मिलता है?	हाँ / नहीं	
		हाँ / नहीं	
25	मुआवजे की प्रकृति		
26	क्या आपको अपने कार्यालय में पदोन्नति का कोई अवसर मिला है?	हाँ / नहीं	
27	क्या आपको वैसी ही वेतनवृद्धि मिलती है जैसी कि आपके महिला समकक्ष को समान प्रकृति के काम के लिए मिल रही है?	हाँ / नहीं	
28	क्या आपके संगठन में ट्रेड यूनियन है?	हाँ / नहीं	
29	क्या ट्रेड यूनियन द्वारा उठाए गए मुद्दों में समान काम के लिए समान वेतन से संबंधित मुद्दा भी है?	हाँ / नहीं	
30	क्या ट्रेड यूनियन के हस्तक्षेप से कोई मामला सुलझा है?	हाँ / नहीं	
31	क्या आपको अपने संगठन में प्रशिक्षण और विकास का अवसर मिला है?	हाँ / नहीं	
32	यदि हाँ, तो कितनी बार?	एक बार	
		दो बार	
		दो से अधिक बार	
33	जो वेतन और अन्य भत्ते आपको मिल रहे हैं, क्या वे पर्याप्त और संतोषजनक हैं?	हाँ / नहीं	
34	क्या आपको वेतन में वेतन वृद्धि हर साल मिलती है?	हाँ / नहीं	
35	समान पारिश्रमिक अधिनियम, 1976 के प्रति आपके नियोक्ता का रवैया कैसा है?	समर्थनकारी	
		तटस्थ	
		गैर-समर्थनकारी	
36	क्या आप जानते हैं किसी कर्मचारी को समान पारिश्रमिक अधिनियम, 1976 के तहत राहत नहीं मिलने पर, शिकायत किससे की जाती है?	श्रम निरीक्षक	
		कंपनी का प्रबंधन	
		श्रम आयुक्त	
		महिला एवं बाल विकास मंत्रालय (केंद्र सरकार)	
		श्रम एवं रोजगार मंत्रालय (केंद्र सरकार)	
		श्रम न्यायालय	
		उच्च न्यायालय	
		राज्य सरकार	
37	क्या आपने कभी प्रसूति छुट्टी ली है? यदि हाँ, तो वर्ष एवं अवधि का उल्लेख करें।	हाँ / नहीं	
38	क्या आपके संगठन में शिशु देखभाल गृह (क्रेच) की सुविधा है?	हाँ / नहीं	
39	यदि हाँ, तो क्या आपने इस सुविधा का लाभ उठाया?	हाँ / नहीं	
40	यदि नहीं, तो क्या आपने कभी अपने एच.आर. से पूछा कि वे क्रेच की सुविधा क्यों नहीं दे रहे हैं?	हाँ / नहीं	
41.	लाभ या राहत में कोई सुधार की आवश्यकता है या नहीं? यदि हाँ, तो कृपया अपने सुझाव दें ?		

(हस्ताक्षर)

डॉ. शशि बाला, फेलो, संयोजक, सामाजिक लिंग और श्रम अध्ययन केंद्र, वी. वी. गिरि राष्ट्रीय श्रम संस्थान  
श्रम और रोजगार मंत्रालय, भारत सरकार, सैक्टर-24 नोएडा-201301  
E-mail: balashashi.vvgnli@gov.in / shashibala2002@gmail.com

## Annexure-1(iii)



**RESEARCH STUDY ON IMPLEMENTATION OF THE EQUAL REMUNERATION ACT, 1976,  
QUESTIONNAIRE FOR EMPLOYERS**

**NOTE:** Your responses to this questionnaire will be treated in strictly confidential and will not be revealed to your employer or to any other individual or organization. All data provided by you will be used in an anonymised manner and only for the purposes of research.

(Please tick at appropriate box in the given grid or circle the appropriate response. Some questions may have multiple responses)

<b>Date of Interview:</b>				
<b>Name of Field Investigator</b>				
1	Name of Respondent			
2	Age Group in Years	20-30		
		30-40		
		40-50		
		50-60		
3	Sex			
4	Job Title			
5	Company & Department			
6	Sector	Organized		
		Un-organized		
7	Location of office			
8	Date of appointment			
9	Place			
10	Employment status	Permanent		
		Temporary		
		Contractual		
11	Total Professional Experience (yrs./months)			
12	Period of service in the present organization			
13	Annual Gross Pay			
14	Annual Bonus			
15	Type of Establishment / organization			
16	Name and address of establishment/ organization (location specific)			
17	Nature of owner-ship (proprietor-ship / partner-ship / Pvt. Ltd. / public ltd etc.)			
18	Year of incorporation / establishment			
19	Are you aware about The EQUAL REMUNERATION ACT, 1976?	Yes / No		
20	Details about total human resources including daily wagers, contract, adhoc workers etc. (location specific)	Female	Male	Transgender
		Permanent		
		Temporary		
		Contractual		
	Any other Please specify			
21	Does equal pay for equal work framework part of your organization's policy?	Yes / No		
22	Have you maintained the register in relation to the workers employed in your organization according to Form-D of the Equal remuneration Rules, 1976? If no, reason thereof	Yes / No		
23	Does your H.R. team understand importance of current and future equal remuneration for women employees in your organization?	Yes / No		

24	Is equality of pay inserted in the recruitment policies of your organization, including monitoring starting salaries by sex?	Yes / No
25	Does your executive leadership understand and sponsor the concept and implication of ERA 1976?	Yes / No
26	Does your organization have job evaluation scheme?	Yes / No
27	Does your organization believe that the job evaluation scheme can manage pay in your organization?	Yes / No
28	Does your organization provide guidelines to help managers to perform management discussion and in the allocation of pay increase and bonus award?	Yes / No
29	Are there any gaps in basic pay and annual bonus between male and female employee who have the same role and responsibilities? If yes, reasons thereof.	Yes / No
30	Does your organization have a process to deal with an equal pay claim?	Yes / No
31	Have you come across any instance whereby service of a woman employee has been terminated? If yes, reasons thereof.	Yes / No
32	Are you aware, whom can you complain if an employee does not receive relief under The EQUAL REMUNERATION ACT, 1976?	Labour Inspector Company Management Labour Commissioner Ministry of Women and Child Development (Central Government) Ministry of Labour and Employment (Central Government) Labour Courts High Court State Government
33	How do you view the benefits provided under The EQUAL REMUNERATION ACT, 1976?	Excellent Very Good Good Fair Poor
34	What is the response of your male employees about The EQUAL REMUNERATION ACT, 1976?	Supportive Neutral Unsupportive
35	What is the response of your female employees about The EQUAL REMUNERATION ACT, 1976?	Supportive Neutral Unsupportive
36	How does your managers feel about The EQUAL REMUNERATION ACT, 1976 provision?	Supportive Neutral Unsupportive
37	Do you provide Maternity leave as per latest The Maternity Benefit (Amendment) Act.2017?	Yes / No
38	How many women employee had applied for The Maternity leave before 2017?	
39	How many women employee had left the organization, post 2017?	
40	Reasons for leaving the organization.	Career programs Child care Any other
41.	Whether any improvement in the benefits or relief is required? If yes, please give your suggestions.	
42.	Any other information, comments or suggestions.	

(Signature)



24	क्या आपके संगठन में नौकरी मूल्यांकन योजना है?	हाँ / नहीं
25	क्या आपका संगठन मानता है कि नौकरी मूल्यांकन योजना आपके संगठन में वेतन का प्रबंधन कर सकती है।	हाँ / नहीं
26	क्या आपका संगठन प्रबंधकों को प्रबंधन चर्चा करने और वेतन वृद्धि और बोनस पुरस्कार के आवंटन में मदद करने के लिए दिशानिर्देश प्रदान करता है?	हाँ / नहीं
27	क्या समान भूमिका और जिम्मेदारियों वाले पुरुष और महिला कर्मचारियों के बीच मूल वेतन और वार्षिक बोनस में कोई अंतर है? यदि हाँ, तो इसके कारण।	हाँ / नहीं
28	क्या आपके संगठन में समान वेतन के दावे से निपटने की कोई प्रक्रिया है?	हाँ / नहीं
29	क्या आपको कोई ऐसी घटना पता है जिसमें किसी महिला कर्मचारी की सेवाओं को समाप्त कर दिया गया है? यदि हाँ, तो इसके कारण।	हाँ / नहीं
30	क्या आप जानते हैं कि किसी कर्मचारी को समान पारिश्रमिक अधिनियम, 1976 के तहत राहत नहीं मिलने पर, शिकायत किससे की जाती है?	श्रम निरीक्षक
		कंपनी का प्रबंधन
		श्रम आयुक्त
		महिला एवं बाल विकास मंत्रालय (केंद्र सरकार)
		श्रम एवं रोजगार मंत्रालय (केंद्र सरकार)
		श्रम न्यायालय
		उच्च न्यायालय
		राज्य सरकार
31	समान पारिश्रमिक अधिनियम, 1976 के तहत दिए गए लाभों को आप कैसे देखते हैं?	उत्कृष्ट
		बहुत अच्छा
		अच्छा
		संतोषजनक
		असंतोषप्रद
32	समान पारिश्रमिक अधिनियम, 1976 के प्रति आपके संगठन के पुरुष कर्मचारियों की प्रतिक्रिया कैसी है?	समर्थनकारी
		तटस्थ
		गैर-समर्थनकारी
33	समान पारिश्रमिक अधिनियम, 1976 के प्रति आपके संगठन की महिला कर्मचारियों की प्रतिक्रिया कैसी है?	समर्थनकारी
		तटस्थ
		गैर-समर्थनकारी
34	समान पारिश्रमिक अधिनियम, 1976 के प्रावधानों के बारे में आपके प्रबंधक क्या सोचते हैं?	समर्थनकारी
		तटस्थ
		गैर-समर्थनकारी
35	क्या आप नवीनतम प्रसूति प्रसुविधा (संशोधन) अधिनियम, 2017 के अनुसार प्रसूति छुट्टी प्रदान कर रहे हैं?	हाँ / नहीं
36	वर्ष 2017 से पहले कितनी महिला कर्मचारियों ने प्रसूति छुट्टी के लिए आवेदन किया था?	
37	वर्ष 2017 के बाद कितनी महिला कर्मचारियों ने संगठन छोड़ा?	
38	संगठन छोड़ने के कारण	कैरिअर
		शिशु देखभाल
		कोई अन्य
39	लाभ या राहत में कोई सुधार की आवश्यकता है या नहीं? यदि हाँ, तो कृपया अपने सुझाव दें?	
40	कोई अन्य जानकारी, टिप्पणी या सुझाव:	

## Annexure-1(iv)



**RESEARCH STUDY ON IMPLEMENTATION OF THE EQUAL REMUNERATION ACT, 1976  
QUESTIONNAIRE FOR NGO'S/ TRADE UNIONS / ADVOCATES**

<b>NOTE:</b> Please tick at appropriate box in the given grid or circle the appropriate response. Some questions may have multiple responses)		
<b>Date of Interview</b>		
<b>Name of Field Investigator</b>		
<b>Name of Respondent</b>		
<b>Name of Organization</b>		
<b>Type of the Organization</b>	Voluntary	
	Non-Profit	
	Profitable	
	Government supported	
	Any other, Please specify	
<b>Location</b>		
<b>Area of Work</b>		
1	Are you currently working with matters relating to women workers? If yes, please specify details	Yes / No
2	Are you aware about The EQUAL REMUNERATION ACT, 1976?	Yes / No
3	Have you contributed to the initiative of the Government of India on The EQUAL REMUNERATION ACT, 1976? If yes, please specify details	Yes / No
4	How would you assess employer's attitude towards The EQUAL REMUNERATION ACT, 1976?	Supportive
		Neutral
		Unsupportive
		Any other
5	Have you come across any instance whereby a woman employee has been terminated or faced difficulties in employment? If yes, please share details	Yes / No
6	How do you handle such cases / complaints by women employees towards the respective employers?	
7	Have you ever done any research study on The EQUAL REMUNERATION ACT, 1976? If yes, please share the findings	Yes / No
7	Are you aware whom can you complain if an employee does not receive maternity relief under The EQUAL REMUNERATION ACT, 1976?	Labour Inspector
		Company Management
		Labour Commissioner
		Ministry of Women and Child Development (Central Government)
		Ministry of Labour and Employment (Central Government)
		Labour Courts
		High Court
State Government		
8	Are you aware of legal provisions of The Equal Remuneration Act, 1976?	Yes / No
9	How do male employees feel about The EQUAL REMUNERATION ACT, 1976?	Supportive
		Neutral
		Unsupportive
		Any other
10. Identify the difficulties faced by your organization in advocacy concerning rights of women workers, particularly Equal Remuneration?		
11. Whether any improvement in the benefits or relief is required? If yes, please provide your suggestions.		
12. Any other information, comments or suggestions.		

(Signature)



### एक निम्नलिखित फॉर्म में 1976 के समान पारिश्रमिक अधिनियम, 1976 के तहत राहत का वर्णन करें।

कृपया दिए गए गिड में उपयुक्त बॉक्स में सही का निशान ( ) लगाएँ अथवा उपयुक्त जवाब पर गोला लगाएँ। कुछ प्रश्नों के कई जवाब हो सकते हैं।		
फील्ड इन्वेस्टिगेटर का नाम		
उत्तरदाता का नाम		
संगठन का नाम		
संगठन की प्रकृति	स्वयंसेवी गैर-लाभकारी लाभकारी सरकारी मदद वाला कोई अन्य, कृपया उल्लेख करें	
स्थान		
कार्य क्षेत्र		
1	क्या आप वर्तमान में महिला कामगारों से संबंधित कानूनों पर कार्य कर रहे हैं? यदि हाँ, तो कृपया विवरणों का उल्लेख करें	हाँ / नहीं
2	क्या आपको समान पारिश्रमिक अधिनियम, 1976 के बारे में पता है?	हाँ / नहीं
3	क्या आपने समान पारिश्रमिक अधिनियम, 1976 पर भारत सरकार की पहल में योगदान दिया है? यदि हाँ, तो कृपया विवरणों का उल्लेख करें	हाँ / नहीं
4	समान पारिश्रमिक अधिनियम, 1976 के प्रति नियोक्ताओं का रवैया आप कैसा पाते हैं?	समर्थनकारी तटस्थ गैर-समर्थनकारी
5	क्या आपको कभी कोई ऐसा मामला मिला जिसमें समान पारिश्रमिक की माँग करने पर किसी महिला कर्मचारी की सेवाओं को समाप्त किया गया हो। यदि हाँ, तो कृपया उल्लेख करें।	हाँ / नहीं
6	क्या आपने कभी समान पारिश्रमिक अधिनियम, 1976 पर अनुसंधान अध्ययन किया है यदि हाँ, तो कृपया अपने निष्कर्षों को साझा करें	हाँ / नहीं
7	आप ऐसे मामलों/नियोक्ताओं के खिलाफ महिला कर्मचारियों द्वारा दर्ज की गई शिकायतों से कैसे निपटते हैं?	
8	क्या आप जानते हैं कि किसी कर्मचारी को समान पारिश्रमिक अधिनियम, 1976 के तहत राहत नहीं मिलने पर शिकायत किससे की जाती है?	श्रम निरीक्षक कंपनी का प्रबंधन श्रम आयुक्त महिला एवं बाल विकास मंत्रालय (केंद्र सरकार) श्रम एवं रोजगार मंत्रालय (केंद्र सरकार) श्रम न्यायालय उच्च न्यायालय राज्य सरकार
9	क्या आपको समान पारिश्रमिक अधिनियम, 1976 के कानूनी प्रावधानों के बारे में पता है?	हाँ / नहीं
10	समान पारिश्रमिक अधिनियम, 1976 के प्रावधानों के बारे में पुरुष कर्मचारियों का रवैया कैसा है?	समर्थनकारी तटस्थ गैर-समर्थनकारी कुछ और
11	महिला कामगारों के अधिकारों, विशेष रूप से समान पारिश्रमिक के संबंध में वकालत में आपके संगठन द्वारा सामना की जा रही कठिनाइयों का वर्णन करें।	
12	क्या लाभ या राहत में किसी सुधार की आवश्यकता है? यदि हाँ, तो कृपया अपने सुझाव दें।	
13	कोई अन्य सूचना, टिप्पणी या सुझाव	

(हस्ताक्षर)

## Annexure-1(v)



**RESEARCH STUDY ON IMPLEMENTATION OF THE EQUAL REMUNERATION ACT, 1976  
QUESTIONNAIRE FOR LABOUR ADMINISTRATORS**

<b>NOTE:</b> Please tick at appropriate box in the given grid or encircle the appropriate response. Some questions may have multiple responses.		
<b>Name &amp; Designation</b>		
Total years of experience as Labour Administrator		
Jurisdiction		
Location / State		
1	Are you currently working with laws relating to women workers? If yes, please specify details.	Yes / No
2	Whether entrusted with the powers of Inspector or Authority or Appellate Authority under The E.R. Act?	Inspector
		Authority
		Appellate Authority
3	Average annual number of inspections conducted <b>by you</b> in last five years.	
4	Average annual number of prosecution initiated during last five years.	
5	Average percentage of convictions in prosecution cases.	
6	Average fine imposed by Magistrates for violation of provisions of The E.R. Act.	
7	Whether any sentence was ever awarded by any Magistrate during last five years?	
8	Whether any record of inspections conducted and irregularities noticed is maintained and reflected in monthly and annual reports?	
9	Average annual number of claim cases filed <b>by you</b> and adjudicated by the authority for non-implementation of Act during the last five years.	
10	Identify the difficulties faced <b>by you</b> as an Inspector during inspection, filing prosecution and claim cases?	
11	Please give suggestions to overcome these difficulties.	
12	In case you are an Authority or Appellate Authority, please state the average annual number of claims adjudicated by you as Authority; and appeals as an Appellate Authority?	Average claims adjudicated Per Annum: Average appeals adjudicated Per Annum:
13	Please state steps taken by you to create awareness regarding implementation of The E.R. Act, 1976?	
14	Have you come across any instance when a woman employee service was terminated for demanding equal remuneration? If yes, please specify.	Yes / No
15	How do you handle such cases of dismissals of women employees?	
16	What advantages or disadvantages accrue to an employer/establishment, if it implements provisions of The E.R. Act, 1976?	
17	How would you assess employer's attitude towards implementation of The E.R. Act, 1976?	Supportive
		Neutral
		Unsupportive
18	How do male employees feel about provisions of The E.R. Act, 1976?	Supportive
		Neutral
		Unsupportive
19	Please state the administrative or other difficulties faced by <b>the Labour Department</b> in effective implementation of The E.R. Act, 1976. This includes inspection to conviction and adjudication of claims / appeals.	
20	Suggestion, if any to overcome the difficulties highlighted above.	
21	Please suggest vulnerable area & industry which require immediate intervention and enforcement of The E.R. Act, 1976.	
22	How do you view existing provisions under the E.R. Act, 1976 and proposed provisions in the Code of Wages, 2017?	
23	Suggestions, if any, for improvement in the provisions relating to Equal Remuneration in the Code of Wages.	
24	Please suggest improvements / amendments, if any, required for better implementation of The E.R. Act.	

(Signature)

Project Director: Dr. Shashi Bala, Fellow, Coordinator: Centre for Gender and labour Studies.

V. V. GIRI NATIONAL LABOUR INSTITUTE, NOIDA, Ministry of Labour and Employment, Govt. of India

E-mail: balashashi.vvgnli@gov.in / shashibala2002@gmail.co



**श्रम अधिनियम, 1976 के तहत समान पारिश्रमिक अधिनियम, 1976 का कार्यान्वयन**  
**Je vf/kldjh dsfy, ङ'ukoyh**

कृपया दिए गए ग्रीड में उपयुक्त बॉक्स में सही का निशान (✓) लगाएँ अथवा उपयुक्त जवाब पर गोला लगाएँ। कुछ प्रश्नों के कई जवाब हो सकते हैं।	
नाम एवं पदनाम	
श्रम प्रशासक के तौर पर कार्य करने का अनुभव (वर्षों में)	
अधिकार क्षेत्र	
स्थान/राज्य	
1 क्या आप वर्तमान में महिला कामगारों से संबंधित कानूनों पर कार्य कर रहे हैं? यदि हाँ, तो कृपया विवरणों का उल्लेख करें	हाँ / नहीं
2 क्या समान पारिश्रमिक अधिनियम के तहत आपको निरीक्षक, प्राधिकारी या अपीलीय प्राधिकारी के अधिकार सौंपे गए हैं?	निरीक्षक प्राधिकारी अपीलीय प्राधिकारी
3 पिछले पाँच वर्षों में आपके द्वारा किए गए औसत वार्षिक निरीक्षण	
4 पिछले पाँच वर्षों के दौरान चलाए गए मुकदमों की औसत वार्षिक संख्या	
5 अभियोजन के मामलों में सजा का औसत प्रतिशत	
6 समान पारिश्रमिक अधिनियम के प्रावधानों के उल्लंघन के लिए मजिस्ट्रेट द्वारा लगाया गया औसत जुर्माना	
7 क्या पिछले पाँच वर्षों के दौरान किसी मजिस्ट्रेट ने कभी कोई सजा सुनाई थी?	
8 क्या किए गए निरीक्षणों और निरीक्षण के दौरान पाई गई अनियमितताओं का रिकॉर्ड रखा जाता है और क्या इन्हें मासिक और वार्षिक रिपोर्टों में दिखाया जाता है?	
9 पिछले पाँच वर्षों के दौरान आपके द्वारा दायर किए गए दावों के मामलों और जिन मामलों में अधिनियम के गैर-कार्यान्वयन के लिए प्राधिकारी द्वारा निर्णय दिए गए, की औसत वार्षिक संख्या।	
10 एक निरीक्षक के रूप में निरीक्षण, अभियोजन और मामलों का दावा दायर करने के दौरान आपके द्वारा सामना की गई कठिनाइयों का उल्लेख करें।	
11 कृपया इन कठिनाइयों को दूर करने के लिए सुझाव दें	
12 यदि आप एक प्राधिकारी या अपीलीय प्राधिकारी हैं, तो कृपया एक प्राधिकारी के रूप में आपके द्वारा दावों पर दिए गए निर्णयों और अपीलीय प्राधिकारी के रूप में अपीलों पर दिए गए निर्णयों की औसत वार्षिक संख्या बताएं।	दावों पर दिए गए निर्णयों की औसत वार्षिक संख्या अपीलों पर दिए गए निर्णयों की औसत वार्षिक संख्या
13 कृपया समान पारिश्रमिक अधिनियम, 1976 के कार्यान्वयन के बारे में जागरूकता पैदा करने के लिए आपके द्वारा उठाए गए कदमों के बारे में बताएं।	
14 क्या आपको कभी कोई ऐसा मामला मिला जिसमें समान पारिश्रमिक की माँग करने पर किसी महिला कर्मचारी की सेवाओं को समाप्त किया गया हो? यदि हाँ, तो कृपया उल्लेख करें।	हाँ / नहीं
15 महिला कर्मचारियों की बर्खास्तगी के ऐसे मामलों से आप निपटते हैं?	
16 किसी नियोक्ता/प्रतिष्ठान को क्या फायदे/नुकसान होते हैं अगर वह समान पारिश्रमिक अधिनियम, 1976 के प्रावधानों को लागू करता है।	
17 समान पारिश्रमिक अधिनियम, 1976 के प्रति नियोक्ताओं का रवैया आप कैसा पाते हैं?	समर्थनकारी तटस्थ गैर-समर्थनकारी
18 समान पारिश्रमिक अधिनियम, 1976 के प्रावधानों के बारे में पुरुष कर्मचारी रवैया कैसा है?	समर्थनकारी तटस्थ गैर-समर्थनकारी
19 समान पारिश्रमिक अधिनियम, 1976 के प्रभावी कार्यान्वयन में श्रम विभाग द्वारा सामना की जा रही प्रशासनिक या अन्य कठिनाइयों का वर्णन करें।	
20 ऊपर बताई गई कठिनाइयों को दूर करने के लिए सुझाव, यदि कोई हो। इसमें निरीक्षण से लेकर सजा तथा दावा/अपील पर निर्णय शामिल हैं	
21 कृपया उन संवेदनशील क्षेत्रों एवं उद्योगों के बारे में बताएं जहाँ पर तत्काल हस्तक्षेप करने और समान पारिश्रमिक अधिनियम, 1976 का प्रवर्तन करने की आवश्यकता है।	
22 आप समान पारिश्रमिक अधिनियम, 1976 के तहत मौजूदा प्रावधानों और मजूदरी संहिता, 2017 में प्रस्तावित प्रावधानों को कैसा पाते हैं?	
23 मजूदरी संहिता में समान पारिश्रमिक से संबंधित प्रावधानों में सुधार के लिए सुझाव, यदि कोई हो।	
24 कृपया समान पारिश्रमिक अधिनियम के बेहतर कार्यान्वयन के लिए जरूरी सुधार/संशोधन के सुझाव दें, यदि कोई हो।	

(हस्ताक्षर)

डॉ. शशि बाला, फेलो, संयोजक, सामाजिक लिंग और श्रम अध्ययन केंद्र, वी. वी. गिरि राष्ट्रीय श्रम संस्थान

श्रम और रोजगार मंत्रालय, भारत सरकार, सैक्टर-24 नोएडा-201301

E-mail: balashashi.vvgnli@gov.in / shashibala2002@gmail.com

*Prefatory Note – Statement of Objects and Reasons.* – Article 39 of Constitution envisages that the State shall direct its policy, among other things, towards securing that there is equal pay for equal work for both men and women. To give effect to this constitutional provision, the President promulgated on the 26<sup>th</sup> September, 1975, the Equal Remuneration Ordinance, 1975 so that the provisions of Article 39 of the Constitution may be implemented in the year which is being celebrated as the International Women's Year. The Ordinance provides for payment of equal remuneration to men and women workers for the same work or work of similar nature and for the prevention of discrimination on grounds of sex.

(2) The Ordinance also ensures that there will be no discrimination against recruitment of women and provides for the setting up of Advisory committees to promote employment opportunities for women.

(3) The Bill seeks to replace the Ordinance.<sup>1</sup>

#### CHAPTER – I

##### PRELIMINARY

*1. Short title, extent and commencement.* – (1) This Act may be called the Equal Remuneration Act, 1976.

(2) It extends to the whole of India.

(3) It shall come into force on such date, not being later than three years from the passing of this Act, as the Central Government may, by notification, appoint and different dates may be appointed for different establishments or employments.

*2. Definitions.* – In this Act, unless the context otherwise requires, –

(a) “appropriate Government” means –

(i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or major port or any corporation established by or under a Central Act, the Central Government, and

(ii) in relation to any other employment, the State Government;

(b) “commencement of this Act” means, in relation to an establishment or employment, the date on which this Act comes into force in respect of that establishment or employment;

## EQUAL REMUNERATION ACT, 1976

[Act 25 of 1976 amended by Act 49 of 1987]

### CONTENTS

#### CHAPTER I PRELIMINARY

1. Short title, extent and commencement.
2. Definitions.
3. Act to have overriding effect.

#### CHAPTER II

### PAYMENT OF REMUNERATION AT EQUAL RATES TO MEN AND WOMEN WORKERS AND OTHER MATTERS

4. Duty of employer to pay equal remuneration to men and women workers for same work or work of similar nature.
5. No discrimination to be made while recruiting men and women workers.
6. Advisory Committee.
7. Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints.

#### CHAPTER III MISCELLANEOUS

8. Duty of employers to maintain registers.
9. Inspectors.
10. Penalties.
11. Offences by companies.
12. Cognizance and trial of offences.
13. Power to make rules.
14. Power of Central Government to give directions.
15. Act not to apply in certain special cases.
16. Power to make declaration.
17. Power to remove difficulties.
18. Repeal and saving.

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

Be it enacted by Parliament in the Twenty-seventh Year of the Republic of India as follows: –

<sup>1</sup> Ordinance 12 of 1975, promulgated by the President on Sept. 26, 1975.

there are only two rates), or, as the case may be, the highest (in cases where there are only two rates), of such rates shall be the rate at which remuneration shall be payable, on and from such commencement, to such men and women workers:

Provided that nothing in this sub-section shall be deemed to entitle a worker to the revision of the rate of remuneration payable to him or her with reference to the service rendered by him or her before the commencement of this Act.

5. *No discrimination to be made while recruiting men and women workers.* -- On and from the commencement of this Act, no employer shall, while making recruitment for the same work or work of a similar nature, [or in any condition of service subsequent to recruitment such as promotions, training or transfer], 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:

Provided that the provisions of this section shall not affect any priority or reservation for scheduled castes or scheduled tribes, ex-servicemen, retrenched employees of any other class or category of persons in the matter of recruitment to the posts in an establishment or employment.

6. *Advisory Committee.* -- (1) 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 extend to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf.

(2) 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.

(3) In tendering its advice, the Advisory Committee shall have regard to the number of women employed in the concerned establishment or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part-time employment, and such other relevant factors as the Committee may think fit.

(4) The Advisory Committee shall regulate its own procedure.

(5) 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, issue such directions in respect of employment of women workers, as the appropriate Government may think fit.

7. *Power of appropriate Government to appoint authorities for hearing and deciding claims and complaints.* -- (1) The appropriate Government may, by notification, appoint

<sup>2</sup> Inserted by Act 49 of 1987, S.2

(c) "employer" has the meaning assigned to it in clause (f) of Section 2 of the Payment of Gratuity Act, 1972 (39 of 1972);

(d) "man" and "woman" mean male and female human beings, respectively, of any age;

(e) "notification" means a notification published in the Official Gazette;

(f) "prescribed" means prescribed by rules made under this Act;

(g) "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, if the terms of the contract of employment, express or implied, were fulfilled;

(h) "same work or work of a similar nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment;

(i) "worker" means a worker in any establishment or employment in respect of which this Act has come into force;

(j) words and expressions used in this Act and not defined but defined in the Industrial Disputes Act, 1947 (14 of 1947), shall have the meaning respectively assigned to them in that Act.

3. *Act to have overriding effect.* -- The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act, or in any instrument having effect under any law for the time being in force.

## CHAPTER - II

### PAYMENT OF REMUNERATION AT EQUAL RATES TO MEN AND WOMEN WORKERS AND OTHER MATTERS

4. *Duty of employer to pay equal remuneration to men and women workers for same work or work of a similar nature.* -- (1) No employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.

(2) No employer shall, for the purpose of complying with the provisions of sub-section (1), reduce the rate of remuneration of any worker.

(3) Where, in an establishment or employment, the rates of remuneration payable before the commencement of this Act for men and women workers for the same work or work of a similar nature are different only on the ground of sex, then the higher (in cases where

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—

- (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,

and may, by the same or subsequent notification, define the local limits within which each, such authority shall exercise its jurisdiction.

(2) Every complaint or claim referred to in sub-section (1) shall be made in such manner as may be prescribed.

(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 under sub-section (1).

(4) Where a complaint or claim is made to the authority appointed under sub-section (1) it may, after giving the applicant and the employer an opportunity of being heard, and after such inquiry as it may consider necessary, direct,—

- (i) in the case of a claim arising out of a non-payment of wages at equal rates to men and women workers for the same work or work of a similar nature, that payment be made to the worker of the amount by which the wages payable to him exceed the amount actually paid;
- (ii) in the case of complaint, that adequate steps be taken by the employer so as to ensure that there is no contravention of any provision of this Act.

(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, and every such authority shall be deemed to be a Civil Court for all the purposes of Section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

(6) Any employer or worker aggrieved by any order made by an authority appointed under sub-section (1), 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, and that authority may, after hearing the appeal, confirm, modify or reverse the order appealed against and no further appeal shall lie against the order made by such authority.

(7) The authority referred to in sub-section (6) may, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal within the period specified in

sub-section (6), allow the appeal to be preferred within a further period of thirty days but not thereafter.

(8) The provisions of sub-section (1) of Section 33-C of the Industrial Disputes Act, 1947 (14 of 1947), shall apply for the recovery of monies due from an employer arising out of decision of an authority appointed under this section.

### CHAPTER – III

#### MISCELLANEOUS

8. *Duty of employers to maintain registers.* – 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.

9. *Inspectors.* – (1) 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, or the rules made thereunder, are being complied with by employers, and may define the local limits within which an Inspector may make such investigation.

(2) Every Inspector shall be deemed to be a public servant within the meaning of Section 21 of the Indian Penal Code (45 of 1860).

(3) 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, muster-roll or other documents relating to the employment of workers, and examine such documents;
- (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.

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

10. *Penalties.* – (1) If after the commencement of this Act, any employer, being required by or under this act, so to do—

of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.** – For the purposes of this section, –

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

<sup>5</sup> [12. *Cognizance and trial of offences.* – (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

- (a) its own knowledge or upon a complaint made by the appropriate Government or an officer authorized by it in this behalf, or
- (b) a complaint made by the person aggrieved by the offence or by any recognized welfare institution or organization.

**Explanation.** –For the purposes of this sub-section “recognized welfare institution or organization” means a social welfare organization or institution recognized in this behalf by the Central or State Government.]

**13. Power to make rule.** – (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

- (a) the manner in which complaint or claim referred to in sub-section (1) of Section 7 shall be made;
- (b) registers and other documents which an employer is required under Section 8 to maintain in relation to the workers employed by him;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule

- (a) omits or fails to maintain any register or other document in relation to workers employed by him, or
- (b) omits or fails to produce any register, muster-roll or other document relating to the employment of workers, or
- (c) omits or refuses to give any evidence or prevents his agent, servant, or any other person in charge of the establishment, or any worker, from giving evidence, or
- (d) omits or refuses to give any information.

he shall be punishable <sup>3</sup> [with simple imprisonment for a term which may extend to one month or with fine which may extend to ten thousand rupees or with both].

(2) If, after the commencement of this Act, any employer—

- (a) makes any recruitment in contravention of the provisions of his Act, or
- (b) makes any payment or remuneration at unequal rates to men and women worker, for the same work or work of a similar nature, or
- (c) makes any discrimination between men and women workers in contravention of the provisions of this Act, or
- (d) omits or fails to carry out any direction made by the appropriate Government under sub-section (5) of Section 6.

he shall be punishable <sup>4</sup> [with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with imprisonment for a term which shall be not less than three months but which 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].

(3) If any person being required so to do, omits or refuses to produce to an Inspector any register or other document or to give any information, he shall be punishable with fine, which may extend to five thousand rupees.

**11. Offences by companies.** – (1) Where an offence under this Act has been committed by a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where any offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to, any neglect on the part

<sup>3</sup> Substituted by Act 49 of 1987, S. 3.

<sup>4</sup> Substituted by Act 49 of 1987, S. 4.

<sup>5</sup> Substituted by Act 49 of 1987, S. 4.

of any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

**Explanation.** — For the purposes of this section, —

- (a) “company” means any body corporate and includes a firm or other association of individuals; and
- (b) “director”, in relation to a firm, means a partner in the firm.

<sup>5</sup>**12. Cognizance and trial of offences.** — (1) No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any offence punishable under this Act.

(2) No court shall take cognizance of an offence punishable under this Act except upon—

- (a) its own knowledge or upon a complaint made by the appropriate Government or an officer authorized by it in this behalf, or
- (b) a complaint made by the person aggrieved by the offence or by any recognized welfare institution or organization.

**Explanation.** —For the purposes of this sub-section “recognized welfare institution or organization” means a social welfare organization or institution recognized in this behalf by the Central or State Government.]

**13. Power to make rule.** — (1) The Central Government may, by notification, make rules for carrying out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely—

- (a) the manner in which complaint or claim referred to in sub-section (1) of Section 7 shall be made;
- (b) registers and other documents which an employer is required under Section 8 to maintain in relation to the workers employed by him;
- (c) any other matter which is required to be, or may be, prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule

<sup>5</sup> Substituted by Act 49 of 1987, S.4.

or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

**14. Power of Central Government to give directions.** — The Central Government may give directions to a State Government as to the carrying into execution of this Act in the State.

<sup>6</sup>**15. Act not to apply in certain special cases.** — Nothing in this Act shall apply—

- (a) to cases affecting the terms and conditions of a woman's employment in complying with the requirements of any law giving special treatment to women, or
- (b) to any special treatment accorded to women in connection with—

- (i) the birth or expected birth of a child, or
- (ii) the terms and conditions relating to retirement, marriage or death or to any provision made in connection with the retirement, marriage or death].

**16. Power to make declaration.** — Where the appropriate Government is, on a consideration of all the circumstances of the case, satisfied that the differences in regard to the remuneration, or a particular species of remuneration, or men and women workers in any establishment or employment is based on a factor other than sex, it may, by notification, make a declaration to that effect, and any act of the employer attributable to such a difference shall not be deemed to be contravention of any provision of this Act.

**17. Power to remove difficulties.** — If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by notification, make any order, not inconsistent with the provisions of this Act, which appears to it to be necessary for the purpose of removing the difficulty:

Provided that every such order shall, as soon as may be after it is made, be laid before each House of Parliament.

**18. Repeal and saving.** — (1) The Equal Remuneration Ordinance, 1975 (12 of 1975) hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the Ordinance, so repealed (including any notification, nomination, appointment, order or direction made thereunder) shall be deemed to have been done or taken under the corresponding provisions of this Act, as if this Act were in force when such thing was done or action was taken.

\*\*\*\*\*

<sup>6</sup> Substituted by Act 49 of 1987, S.5.

4. *Claim regarding non-payment of wages etc.* -- (1) Every claim under clause (b) of sub-section (1) of Section 7 shall be made by petition in triplicate, in Form 'B' to the Authority.

(2) A single petition may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and their claims are of the same nature.

(3) A claim may be made by the worker himself or herself or by any legal practitioner, or by any official or a registered Trade Union, authorized in writing to appeal and act on his or her behalf or by any Inspector appointed under Section 9 or any other person acting with the permission of the Authority.

5. *Authorization.* -- The authorization referred to in Sub-rule (3) of Rule 3 or Sub-rule (3) of Rule 4 shall be in Form 'C' which shall be presented to the Authority to whom the complaint or the claim as the case may be, is made along with such complaint or claim and shall form part of the record.

**CHAPTER III**

**Registers to be Maintained**

6. *Registers to be maintained by the employer.* -- Every employer shall maintain a register in relation to the workers employed by him in Form 'D'.

**FORM A**

(To be submitted in triplicate)  
[See Rule 3(1)]

Complaint under clause (a) or sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976)

To

The Authority appointed under sub-section (1) of Section 7  
\_\_\_\_\_ Address.

A. \_\_\_\_\_ Complainant(s) Full Address.

Versus

B. \_\_\_\_\_ Opposite Party Full Address.

**THE EQUAL REMUNERATION RULES, 1976**

G.S.R. 119(E), New Delhi, the 11<sup>th</sup> March, 1976. -- In exercise of the powers conferred by Section 13 of the Equal Remuneration Act, 1976 (25 of 1976) and the Supersession of Equal Remuneration Rules, 1975, the Central Government hereby makes the following rules, namely: --

**CHAPTER I**  
**Preliminary**

1. *Short title, and commencement.* -- (1) These rules may be called the Equal Remuneration Rules, 1976.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Definitions.* -- In these rules, unless the context otherwise requires: -

- (a) "Act" means the Equal Remuneration Act, 1976 (25 of 1976);
- (b) "Authority" means an authority appointed by the appropriate Government under sub-section (1) of Section 7;
- (c) "Form" means a form appended to these rules;
- (d) "section" means a section of the Act;
- (e) "registered Trade Union" means a Trade Union registered under the Trade Unions Act, 1926 (16 of 1926).

**CHAPTER II**

**Complaints and Claims under the Act**

3. *Complaints regarding contravention of the Act.* -- (1) Every complaint under clause (a) of sub-section (1) of Section 7 shall be made in triplicate, in Form 'A' to the Authority.

(2) A single complaint may be made by, or on behalf of, or in relation to, a group of workers, if they are employed in the same establishment and the complaint relates to the same contravention.

(3) A complaint may be made by the workers himself or herself or by any legal practitioner, or by any official of a registered Trade Union, authorized in writing to appear and act on his or her behalf or by any Inspector appointed under Section 9 or by any other person acting with the permission of the Authority.

**FORM B**  
(To be submitted in triplicate)  
[See Rule 4(1)]

Claim under clause (b) of sub-section (1) of Section 7 of the Equal Remuneration Act, 1976 (25 of 1976).

To  
The Authority appointed under sub-section (1) of Section 7  
\_\_\_\_\_ Address.

A \_\_\_\_\_ Petitioner(s)  
\_\_\_\_\_ Full Address.  
Versus

B \_\_\_\_\_ Opposite Party  
\_\_\_\_\_ Full Address.

The petitioner(s) above named states/state as follows:-

(1) The petitioner(s) was/were/is/are employed  
from \_\_\_\_\_ to \_\_\_\_\_ as \_\_\_\_\_ employed  
(Category)  
in \_\_\_\_\_ of \_\_\_\_\_  
(Name of establishment)

Shri/Messrs \_\_\_\_\_  
(Name of the employer and address).

(2) The opposite party is the employer within the meaning of clause (c) of Section 2 of the Equal Remuneration Act, 1976 (25 of 1976).

(3) The petitioner(s) was/were/has/have not been paid wages at rates equal to those of workers of the opposite sex for the same work or work of a similar nature for the period from \_\_\_\_\_ to \_\_\_\_\_.

(4) The petitioner(s) was/were/has/have not been paid wages at the rate of \_\_\_\_\_ whereas workers of the opposite sex for the same work or work of similar nature were paid/have been paid at the rate of \_\_\_\_\_ during the said period.

The Complainant(s) begs/beg to complain that the opposite party has been guilty of a contravention(s) of the provisions of the Equal Remuneration Act, 1976 (25 of 1976) as shown below: -

(Here set out briefly the particulars showing the manner in which the alleged contravention(s) has/have taken place and the grounds supporting the complaint).

The complainant(s) accordingly prays/pray that the Authority \_\_\_\_\_ may be pleased to decide the complaint set out above and pass such order or orders there on as it may fit and proper.

The number of copies of the complaint (along with its annexures) as required under sub-rule 1) of the Equal Remuneration Rules, 1976 are submitted herewith.

The complainant(s) does/do solemnly declare that the facts stated in this complaint are true to the best of his/her/their knowledge, belief and information.

Signature(s)/Thumb impression(s)  
of the Complainant(s)

\* I have been duly authorized in writing by \_\_\_\_\_ (here insert the name of the worker(s) to appear and act on his/her/their behalf.

Signature of the legal practitioner/  
Official of a registered Trade Union  
duly authorized.

Station \_\_\_\_\_

Date \_\_\_\_\_

\*Strike out which ever is inapplicable.

- (5) The petitioner(s) estimates/estimate the values of relief sought by him/them at Rs. \_\_\_\_\_ (Rupees \_\_\_\_\_ in words).
- (6) The petitioner(s), therefore, prays/pray that the Authority may be pleased to decide the claim set out above and pass such order or orders thereon as it may deemed fit and proper.
- (7) The petitioner(s) begs/beg leave to amend or add to or make alternations in the petition, if and when necessary, with the permission of the Authority.
- The petitioner(s) does/do solemnly declare that the facts stated in this petition are true to the best of his/her/their knowledge belief and information.

\* I have been duly authorized in writing by \_\_\_\_\_ (here insert the name of worker(s) to appear and act on his/her/their behalf.

Signature of the legal practitioner/Official of a registered Trade Union duly authorized.

Station \_\_\_\_\_

Date \_\_\_\_\_

\*Strike out whichever ever is inapplicable.

**FORM C**  
[See Rule 5]

Form of authority in favour of legal practitioner or any official of a registered Trade Union.

I/We hereby authorize Shri/Shrimati/Kumari\* \_\_\_\_\_ a legal practitioner/an official of \_\_\_\_\_ which is a registered Trade Union to appear \_\_\_\_\_ and act on my/our behalf, under \*sub-rule(3) of rule 3/sub-rule(3) of rule 4 in respect of the \*Complaint/claim against \_\_\_\_\_ (mention name of employer) on account of \_\_\_\_\_ (mention violation of the Act).

Signature(s)/thumb impression(s) of the worker(s).

Station \_\_\_\_\_

Date \_\_\_\_\_

Witness

- (1)  
(2)  
(3)

I accept the authorization.

Station \_\_\_\_\_

Date \_\_\_\_\_

Legal practitioner/  
Official of a registered Trade Union

\*Strike out whichever is inapplicable.

**FORM D**  
[See Rule 6]

Register to be maintained by the employer under Rule 6 of the Equal Remuneration Rules, 1976.

Name of the Establishment with full address \_\_\_\_\_

Total number of workers employed \_\_\_\_\_

Total number of men workers employed \_\_\_\_\_

Total number of women workers employed \_\_\_\_\_

**Components of remuneration**

Category of workers	Brief Description of work	No. of men employed	No. of women employed	Rate of remuneration paid
1	2	3	4	5

**Components of remuneration**

Basic wage of salary	Dearness allowance	House Rent allowance	Other Allowance	Cash value of Concessional supply of essential commodities
6	7	8	9	10

## THE CENTRAL ADVISORY COMMITTEE ON EQUAL REMUNERATION RULES, 1991<sup>1</sup>

(25 of 1976)

*In exercise of the powers conferred by section 13 of the Equal Remuneration Act, 1976 (25 of 1976), the Central Government hereby makes the following rules, namely:—*

**1. Short title and commencement.**—(1) These rules may be called the Central Advisory Committee on Equal Remuneration Rules, 1991.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.**—(1) In these rules, unless the context otherwise requires,—

(a) "Committee" means the Central Advisory Committee constituted by the Central Government under sub-section (1) of section 6 of the Equal Remuneration Act, 1976 (25 of 1976);

(b) "Chairman" means the Chairman of the Committee.

**3. Composition of the Committee.**—The Committee shall consist of not less than ten persons and not more than twenty persons excluding the Chairman, to be nominated by the Central Government, of which one-half shall be women. Nomination shall be made from amongst the representatives of the Central Government, State Governments/Union Territory Administrations, Members of Parliament 'Employers' Organisations, Employees' Organisations and Non-Governmental Organisations engaged in the study and welfare activities of women labour. The composition of the Committee shall not be invalid for the reason that representative belonging to any of the aforesaid categories has not been included in the Committee.

**4. Term of office of members of the Committee.**—(1) Save as otherwise expressly provided in these rules, the term of office of a non-official member of the Committee shall be two years from the date of his nomination:

Provided that such member shall notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.

(2) A non-official member of the Committee nominated to fill a casual vacancy shall hold office for the remainder period of the term of office of the number in whose place he is nominated.

(3) The official members of the Committee shall hold office during the pleasure of the Central Government.

**5. Allowances of members.**—(1) The travelling allowances of an official member shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(2) The non-official members of the Committee shall be paid travelling allowance for attending the meeting of the Committee, at such rates as are admissible to Group 'A' officers of the Central Government and daily allowances

1. Vide G.S.R. 514(E), dated 31st July, 1991, published in the Gazette of India, Extra., Pt. II, Sec. 3(i), dated 31st July, 1991.

Rule 7] *The Central Advisory Committee on Equal Remuneration Rules, 1991* 15

shall be calculated at the maximum rate admissible to Group 'A' officers of the Central Government in their respective places.

**6. Cessation of membership.**—If any member of the Committee not being an *ex-officio* member of the Committee, fails to attend three consecutive meetings of the Committee, without obtaining the leave of the Chairman for such absence, he shall cease to be a member of the Committee:

Provided that the Chairman may, if he is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings of the Committee without obtaining such leave, direct that such cessation shall not take place and on such direction being made, such member shall continue to be member of the Committee.

**7. Disqualification of membership.**—(1) A person shall be disqualified on being nominated as, and for being, a member of the Committee if he,—

- (i) is of unsound mind and stands so declared by a competent court; or
- (ii) is an undischarged insolvent; or
- (iii) has been or is convicted of an offence which, in the opinion of the Central Government involves moral turpitude.

(2) If a question arises as to whether a disqualification has been incurred under sub-rule (1), the Central Government shall decide the same.

## Definitions.

2. In this Code, unless the context otherwise requires,—

- (a) "accounting year" means the year commencing on the 1st day of April;
- (b) "Advisory Board" means the Central Advisory Board or, as the case may be, the State Advisory Board, constituted under section 42;
- (c) "agricultural income tax law" means any law for the time being in force relating to the levy of tax on agricultural income;
- (d) "appropriate Government" means,—

(i) in relation to, an establishment carried on by or under the authority of the Central Government or the establishment of railways, mines, oil field, major ports, air transport service, telecommunication, banking and insurance company or a corporation or other authority established by a Central Act or a central public sector undertaking or subsidiary companies set up by central public sector undertakings or autonomous bodies owned or controlled by the Central Government, including establishment of contractors for the purposes of such establishment, corporation or other authority, central public sector undertakings, subsidiary companies or autonomous bodies, as the case may be, the Central Government;

(ii) in relation to any other establishment, the State Government;

(e) "company" means a company as defined in clause (20) of section 2 of the Companies Act, 2013;

(f) "contractor", in relation to an establishment, means a person, who—

(i) undertakes to produce a given result for the establishment, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour; or

(ii) supplies contract labour for any work of the establishment as mere human resource and includes a sub-contractor;

(g) "contract labour" means a worker who shall be deemed to be employed in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer and includes inter-State migrant worker but does not include a worker (other than part-time employee) who—

(i) is regularly employed by the contractor for any activity of his establishment and his employment is governed by mutually accepted standards of the conditions of employment (including engagement on permanent basis), and

(ii) gets periodical increment in the pay, social security coverage and other welfare benefits in accordance with the law for the time being in force in such employment;

(h) "co-operative society" means a society registered or deemed to be registered under the Co-operative Societies Act, 1912, or any other law for the time being in force relating to co-operative societies in any State;

(i) "corporation" means any body corporate established by or under any Central Act, or State Act, but does not include a company or a co-operative society;

(j) "direct tax" means—

(i) any tax chargeable under the—

(A) Income-tax Act, 1961;

43 of 1961.

राजिस्ट्री सं. डी. एल.—(ए) 04/0007/2003—19

REGISTERED NO. DL—(N)04/0007/2003—19



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्रधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 48] नई दिल्ली, बुधवार, अगस्त 8, 2019/श्रावण 17, 1941 (शक)

N o. 48] NEW DELHI, THURSDAY, AUGUST 8, 2019/SHRAVANA 17, 1941 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 8th August, 2019/Shravana 17, 1941 (Saka)

The following Act of Parliament received the assent of the President on the 8th August, 2019, and is hereby published for general information:—

### THE CODE ON WAGES, 2019

No. 29 OF 2019

[8th August, 2019.]

An Act to amend and consolidate the laws relating to wages and bonus and matters connected therewith or incidental thereto.

Enacted by Parliament in the Seventieth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. (1) This Act may be called the Code on Wages, 2019.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint; and different dates may be appointed for different provisions of this Code and any reference in any such provision to the commencement of this Code shall be construed as a reference to the coming into force of that provision.

Short title,  
extent and  
commencement.

(i) "notification" means a notification published in the Gazette of India or in the Official Gazette of a State, as the case may be, and the expression "notify" with its grammatical variations and cognate expressions shall be construed accordingly;

(ii) "prescribed" means prescribed by rules made by the appropriate Government; (iii) "same work or work of a similar nature" means work in respect of which the skill, effort, experience and responsibility required are the same, when performed under similar working conditions by employees and the difference if any, between the skill, effort, experience and responsibility required for employees of any gender, are not of practical importance in relation to the terms and conditions of employment;

(iv) "State" includes a Union territory;

(v) "Tribunal" shall have the same meaning as assigned to it in clause (r) of section 2 of the Industrial Disputes Act, 1947;

(vi) "wages" means all remuneration whether by way of salaries, 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, and includes,—

- (i) basic pay;
- (ii) dearness allowance; and
- (iii) retaining allowance, if any,

but does not include—

(a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment;

(b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government;

(c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;

(d) any conveyance allowance or the value of any travelling concession;

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

(f) house rent allowance;

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

(h) any overtime allowance;

(i) any commission payable to the employee;

(j) any gratuity payable on the termination of employment;

(k) any retrenchment compensation or other retirement benefit payable to the employee or any *ex gratia* payment made to him on the termination of employment;

Provided that, for calculating the wages under this clause, if payments made by the employer to the employee under clauses (a) to (i) exceeds one-half, or such other per cent. as may be notified by the Central Government, of the all remuneration calculated under this clause, the amount which exceeds such

7 of 1964.

(B) Companies (Profits) Surtax Act, 1964;

(C) Agricultural income tax law; and

(ii) any other tax which, having regard to its nature or incidence, may be declared by the Central Government, by notification, to be a direct tax for the purposes of this Code;

(k) "employee" means, any person (other than an apprentice engaged under the Apprentices Act, 1961), employed on wages by an establishment to do any skilled, semi-skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied, and also includes a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union;

(l) "employer" means a person who employs, whether directly or through any person, or on his behalf or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority, is so specified the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes,—

(i) in relation to an establishment which is a factory, the occupier of the factory as defined in clause (n) of section 2 of the Factories Act, 1948 and, where a person has been named as a manager of the factory under clause (f) of sub-section (1) of section 7 of the said Act, the person so named;

(ii) in relation to any other establishment, the person who, or the authority which, has ultimate control over the affairs of the establishment and where the said affairs is entrusted to a manager or managing director, such manager or managing director;

(iii) contractor; and

(iv) legal representative of a deceased employer;

(m) "establishment" means any place where any industry, trade, business, manufacture or occupation is carried on and includes Government establishment;

(n) "factory" means a factory as defined in clause (m) of section 2 of the Factories Act, 1948;

(o) "Government establishment" means any office or department of the Government or a local authority;

(p) "Income-tax Act" means the Income-tax Act, 1961;

(q) "industrial dispute" means,—

(i) any dispute or difference between employers and employees, or between employers and workers or between workers and workers which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person; and

(ii) any dispute or difference between an individual worker and an employer connected with, or arising out of, discharge, dismissal, retrenchment or termination of such worker;

(r) "Inspector-cum-Facilitator" means a person appointed by the appropriate Government under sub-section (1) of section 51;

(s) "minimum wage" means the wage fixed under section 6;

CHAPTER II  
MINIMUM WAGES

5. No employer shall pay to any employee wages less than the minimum rate of wages notified by the appropriate Government.
6. (1) Subject to the provisions of section 9, the appropriate Government shall fix the minimum rate of wages payable to employees in accordance with the provisions of section 8.
- (2) For the purposes of sub-section (1), the appropriate Government shall fix a minimum rate of wages—
- (a) for time work; or
  - (b) for piece work.
- (3) Where employees are employed on piece work, for the purpose of sub-section (1), the appropriate Government shall fix a minimum rate of wages for securing such employees a minimum rate of wages on a time work basis.
- (4) The minimum rate of wages on time work basis may be fixed in accordance with any one or more of the following wage periods, namely:—
- (i) by the hour; or
  - (ii) by the day; or
  - (iii) by the month.
- (5) Where the rates of wages are fixed by the hour or by the day or by the month, the manner of calculating the wages shall be such, as may be prescribed.
- (6) For the purpose of fixation of minimum rate of wages under this section, the appropriate Government,—
- (a) shall primarily take into account the skill of workers required for working under the categories of unskilled, skilled, semi-skilled and highly-skilled or geographical area or both; and
  - (b) may, in addition to such minimum rate of wages for certain category of workers, take into account their arduousness of work like temperature or humidity normally difficult to bear, hazardous occupations or processes or underground work as may be prescribed by that Government; and
  - (c) the norms of such fixation of minimum rate of wages shall be such as may be prescribed.
- (7) The number of minimum rates of wages referred to in sub-section (6) may, as far as possible, be kept at minimum by the appropriate Government.
7. (1) Any minimum rate of wages fixed or revised by the appropriate Government under section 8 may consist of—
- (a) a basic rate of wages and an 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 variation in the cost of living index number applicable to such workers (hereinafter referred to as "cost of living allowance"); or
  - (b) 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 authorised; or
  - (c) an all-inclusive rate allowing for the basic rate, the cost of living allowance and the cash value of the concessions, if any.

- one-half, or the per cent. so notified, shall be deemed as remuneration and shall be accordingly added in wages under this clause:
- Provided further that for the purpose of equal wages to all genders and for the purpose of payment of wages, the emoluments specified in clauses (d), (f), (g) and (h) shall be taken for computation of wage.
- Explanation.*—Where an employee is given in lieu of the whole or part of the wages payable to him, any remuneration in kind by his employer, the value of such remuneration in kind which does not exceed fifteen per cent. of the total wages payable to him, shall be deemed to form part of the wages of such employee;
- (c) "worker" means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and includes—
- (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955; and
  - (ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976, and for the purposes of any proceeding under this Code in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched or otherwise terminated in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—
- (a) who is subject to the Air Force Act, 1950, or the Army Act, 1950, or the Navy Act, 1957; or
  - (b) who is employed in the police service or as an officer or other employee of a prison; or
  - (c) who is employed mainly in a managerial or administrative capacity; or
  - (d) who is employed in a supervisory capacity drawing wage of exceeding fifteen thousand rupees per month or an amount as may be notified by the Central Government from time to time.
3. (1) There shall be no discrimination in an establishment or any unit thereof among employees on the ground of gender in matters relating to wages by the same employer, in respect of the same work or work of a similar nature done by any employee.
- (2) No employer shall,—
- (i) for the purposes of complying with the provisions of sub-section (1), reduce the rate of wages of any employee; and
  - (ii) make any discrimination on the ground of sex while recruiting any employee for the same work or work of similar nature and in the conditions of employment, except where the employment of women in such work is prohibited or restricted by or under any law for the time being in force.
4. Where there is any dispute as to whether a work is of same or similar nature for the purposes of section 3, the dispute shall be decided by such authority as may be notified by the appropriate Government.

Prohibition of discrimination on ground of gender.

Decision as to disputes with regard to same or similar nature of work.

(ii) in such other cases and circumstances, as may be prescribed.

11. Where an employee does two or more classes of work to each of which a different minimum rate of wages is applicable, the employer shall pay to such employee in respect of the time respectively occupied in each such class of work, wages at not less than the minimum rate in force in respect of each such class.

12. Where a person is employed on piece work for which minimum time rate and not a minimum piece rate has been fixed under this Code, the employer shall pay to such person wages at not less than the minimum time rate.

13. (1) Where the minimum rates of wages have been fixed under this Code, the appropriate Government may—

(a) fix the number of hours of work which shall constitute a normal working day inclusive of one or more specified intervals;

(b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;

(c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

(2) The provisions of sub-section (1) shall, in relation to the following classes of employees apply, only to such extent and subject to such conditions as may be prescribed, namely:—

(a) employees engaged in any emergency which could not have been foreseen or prevented;

(b) employees engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;

(c) employees whose employment is essentially intermittent;

(d) employees engaged in any work which for technical reasons has to be completed before the duty is over; and

(e) employees engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces.

(3) For the purposes of clause (c) of sub-section (2), employment of an employee is essentially intermittent when it is declared to be so by the appropriate Government on the ground that the daily hours of duty of the employee, or if there be no daily hours of duty as such for the employee, the hours of duty normally include periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attention.

14. Where an employee whose minimum rate of wages has been fixed under this Code by the hour, by the day or by such a longer wage-period as may be prescribed, works on any day in excess of the number of hours constituting a normal working day, the employer shall pay him for every hour or for part of an hour so worked in excess, at the overtime rate which shall not be less than twice the normal rate of wages.

#### CHAPTER III

##### PAYMENT OF WAGES

15. All wages shall be paid in current coin or currency notes or by cheque or by crediting the wages in the bank account of the employee or by the electronic mode:

(2) The cost of living allowance and the cash value of the concessions in respect of supplies of essential commodities at concession rate shall be computed by such authority, as the appropriate Government may by notification, appoint, at such intervals and in accordance with such directions as may be specified or given by the appropriate Government from time to time.

8. (1) In fixing minimum rates of wages for the first time or in revising minimum rates of wages under this Code, the appropriate Government shall either—

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

(b) by notification 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 shall be taken into consideration.

(2) Every committee appointed by the appropriate Government under clause (a) of sub-section (1) shall consist of persons—

(a) representing employers;

(b) representing employees which shall be equal in number of the members specified in clause (a); and

(c) independent persons, not exceeding one-third of the total members of the committee.

(3) After considering the recommendation of the committee appointed under clause (a) of sub-section (1) or, as the case may be, all representations received by it before the date specified in the notification under clause (b) of that sub-section, the appropriate Government shall by notification fix, or as the case may be, revise the minimum rates of wages and unless such notification otherwise provides, it shall come into force on the expiry of three months from the date of its issue.

Provided that where the appropriate Government proposes to revise the minimum rates of wages in the manner specified in clause (b) of sub-section (1), it shall also consult concerned Advisory Board constituted under section 42.

(4) The appropriate Government shall review or revise minimum rates of wages ordinarily at an interval not exceeding five years.

9. (1) The Central Government shall fix floor wage taking into account minimum living standards of a worker in such manner as may be prescribed.

Provided that different floor wage may be fixed for different geographical areas.

(2) The minimum rates of wages fixed by the appropriate Government under section 6 shall not be less than the floor wage and if the minimum rates of wages fixed by the appropriate Government earlier is more than the floor wage, then, the appropriate Government shall not reduce such minimum rates of wages fixed by it earlier.

(3) The Central Government may, before fixing the floor wage under sub-section (1), obtain the advice of the Central Advisory Board constituted under sub-section (1) of section 42 and consult State Governments in such manner as may be prescribed.

10. If an employee whose minimum rate of wages has been fixed under this Code by the day works on any day on which he was employed for a period of less than the requisite number of hours constituting a normal working day, he shall, save as otherwise hereinafter provided, be entitled to receive wages in respect of work done on that day, as if he had worked for a full normal working day.

Provided that he shall not be entitled to receive wages for a full normal working day,—

(i) in any case where his failure to work is caused by his unwillingness to work and not by the omission of the employer to provide him with work; and

Wages for two or more classes of piece work.

Minimum time rate wages for piece work.

Fixing hours of work for normal working day.

Wages for overtime work.

Mode of payment of wages.

Procedure for fixing and revising minimum wages.

Power of Central Government to fix floor wage.

Wages of employee who works for less than normal working day.

Provided that the appropriate Government may, by notification, specify the industrial or other establishment, the employer of which shall pay to every person employed in such industrial or other establishment, the wages only by cheque or by crediting the wages in his bank account.

16. The employer shall fix the wage period for employees either as daily or weekly or fortnightly or monthly subject to the condition that no wage period in respect of any employee shall be more than a month.

Provided that different wage periods may be fixed for different establishments.

17. (1) The employer shall pay or cause to be paid wages to the employees, engaged on—

- (i) daily basis, at the end of the shift;
- (ii) weekly basis, on the last working day of the week, that is to say, before the weekly holiday;
- (iii) fortnightly basis, before the end of the second day after the end of the fortnight;
- (iv) monthly basis, before the expiry of the seventh day of the succeeding month.

(2) Where an employee has been—

- (i) removed or dismissed from service; or
  - (ii) retrenched or has resigned from service, or become unemployed due to closure of the establishment,
- the wages payable to him shall be paid within two working days of his removal, dismissal, retrenchment or, as the case may be, his resignation.

(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the appropriate Government may, provide any other time limit for payment of wages where it considers reasonable having regard to the circumstances under which the wages are to be paid.

(4) Nothing contained in sub-section (1) or sub-section (2) shall affect any time limit for payment of wages provided in any other law for the time being in force.

18. (1) Notwithstanding anything contained in any other law for the time being in force, there shall be no deductions from the wages of the employee, except those as are authorised under this Code.

*Explanation.*—For the purposes of this sub-section,—

(a) any payment made by an employer to the employer or his agent shall be deemed to be a deduction from his wages;

(b) any loss of wages to an employee, for a good and sufficient cause, resulting from—

- (i) the withholding of increment or promotion, including the stoppage of an increment; or
- (ii) the reduction to a lower post or time-scale; or
- (iii) the suspension,

shall not be deemed to be a deduction from wages in a case where the provisions made by the employer for such purposes are satisfying the requirements specified in the notification issued by the appropriate Government in this behalf.

10 of 1026.

(2) Deductions from the wages of an employee shall be made in accordance with the provisions of this Code, and may be made only for the following purposes, namely:—

- (a) fines imposed on him;
- (b) deductions for his absence from duty;
- (c) deductions for damage to or loss of goods expressly entrusted to the employee for custody; or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;
- (d) deductions for house-accommodation supplied by the employer or by appropriate Government or any housing board set up under any law for the time being in force, whether the Government or such board is the employer or not, or any other authority engaged in the business of subsidising house-accommodation which may be specified in this behalf by the appropriate Government by notification;
- (e) deductions for such amenities and services supplied by the employer as the appropriate Government or any officer specified by it in this behalf may, by general or special order, authorise and such deduction shall not exceed an amount equivalent to the value of such amenities and services.

*Explanation.*—For the purposes of this clause, the expression "services" does not include the supply of tools and raw materials required for the purposes of employment;

(f) deductions for recovery of—

- (i) advances of whatever nature (including advances for travelling allowance or conveyance allowance), and the interest due in respect thereof, or for adjustment of overpayment of wages;
- (ii) loans made from any fund constituted for the welfare of labour, as may be prescribed by the appropriate Government, and the interest due in respect thereof;
- (g) deductions for recovery of loans granted for house-building or other purposes approved by the appropriate Government and the interest due in respect thereof;

(h) deductions of income-tax or any other statutory levy levied by the Central Government or State Government and payable by the employee or deductions required to be made by order of a court or other authority competent to make such order;

(i) deductions for subscription to, and for repayment of advances from any social security fund or scheme constituted by law including provident fund or pension fund or health insurance scheme or fund known by any other name;

(j) deductions for payment of co-operative society subject to such conditions as the appropriate Government may impose;

(k) deductions made, with the written authorisation of the employee, for payment of the fees and contribution payable by him for the membership of any Trade Union registered under the Trade Unions Act, 1926;

(l) deductions for recovery of losses sustained by the railway administration on account of acceptance by the employee of counterfeit or base coins or mutilated or forged currency notes;

(m) deductions for recovery of losses sustained by the railway administration on account of the failure of the employee to invoice, to bill, to collect or to account for the appropriate charges due to the railway administration whether in respect of fares, freight, demurrage, wharfage and cramage or in respect of sale of food in catering establishments or in respect of commodities in grain shops or otherwise;

of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

*Explanation.*—For the purposes of this section, an employee shall be deemed to be absent from the place where he is required to work if, although present in such place, he refuses, in pursuance of a stay-in strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

21. (1) A deduction under clause (c) or clause (n) of sub-section (2) of section 18 for damage or loss shall not exceed the amount of the damage or loss caused to the employer by negligence or default of the employee.

(2) A deduction shall not be made under sub-section (1) until the employee has been given an opportunity of showing cause against the deduction or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(3) All such deductions and all realisations thereof shall be recorded in a register to be kept in such form as may be prescribed.

22. A deduction under clause (d) or clause (e) of sub-section (2) of section 18 shall not be made from the wages of an employee, unless the house-accommodation amenity or service has been accepted by him as a term of employment or otherwise and such deduction shall not exceed an amount equivalent to the value of the house-accommodation amenity or service supplied and shall be subject to such conditions as the appropriate Government may impose.

23. Deductions under clause (f) of sub-section (2) of section 18 for recovery of advances given to an employee shall be subject to the following conditions, namely:—

(a) recovery of advance of money given to an employee before the employment began shall be made from the first payment of wages to him in respect of a complete wage-period but no recovery shall be made of such advances given for travelling expenses;

(b) recovery of advance of money given to an employee after the employment began shall be subject to such conditions as may be prescribed;

(c) recovery of advances of wages to an employee not already earned shall be subject to such conditions as may be prescribed.

24. Deductions under clause (g) of sub-section (2) of section 18 for recovery of loans granted to an employee, regulating the extent to which such loans may be granted and the rate of interest payable thereon, shall be such as may be prescribed.

25. The provisions of this Chapter shall not apply to the Government establishments unless the appropriate Government, by notification, applies such provisions to the Government establishments specified in the said notification.

#### CHAPTER IV

##### PAYMENT OF BONUS

26. (1) There shall be paid to every employee, drawing wages not exceeding such amount per mensem, as determined by notification, by the appropriate Government, by his employer, who has put in at least thirty days work in an accounting year, an annual minimum bonus calculated at the rate of eight and one-third per cent. of the wages earned by the employee or one hundred rupees, whichever is higher whether or not the employer has any allocable surplus during the previous accounting year.

(2) For the purpose of calculation of the bonus where the wages of the employee exceeds such amount per mensem, as determined by notification by the appropriate Government, the bonus payable to such employee under sub-sections (1) and (3) shall be

(n) deductions for recovery of losses sustained by the railway administration on account of any rebates or refunds incorrectly granted by the employee where such loss is directly attributable to his neglect or default;

(o) deductions, made with the written authorisation of the employee, for contribution to the Prime Minister's National Relief Fund or to such other fund as the Central Government may, by notification, specify.

(3) Notwithstanding anything contained in this Code and subject to the provisions of any other law for the time being in force, the total amount of deductions which may be made under sub-section (2) in any wage period from the wages of an employee shall not exceed fifty per cent. of such wages.

(4) Where the total deductions authorized under sub-section (2) exceed fifty per cent. of the wages, the excess may be recovered in such manner, as may be prescribed.

(5) Where any deduction is made by the employer from the wages of an employee under this section but not deposited in the account of the trust or Government fund or any other account, as required under the provisions of the law for the time being in force, such employee shall not be held responsible for such default of the employer.

19. (1) No fine shall be imposed on any employee save in respect of those acts and omissions on his part as the employer, with the previous approval of the appropriate Government or of such authority as may be prescribed, may have specified by notice under sub-section (2).

Fines.

(2) A notice specifying such acts and omissions shall be exhibited in such manner as may be prescribed, on the premises in which the employment is carried on.

(3) No fine shall be imposed on any employee until such employee has been given an opportunity of showing cause against the fine or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage-period on any employee shall not exceed an amount equal to three per cent. of the wages payable to him in respect of that wage-period.

(5) No fine shall be imposed on any employee who is under the age of fifteen years.

(6) No fine imposed on any employee shall be recovered from him by instalments or after the expiry of ninety days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

(8) All fines and all realisations thereof shall be recorded in a register to be kept in such manner and form as may be prescribed; and all such realisations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

20. (1) Deductions may be made under clause (b) of sub-section (2) of section 18 only on account of the absence of an employee from the place or places where by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

Deductions for absence from duty.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage-period for which the deduction is made in a larger proportion than the period for which he was absent bears to the total period within such wage-period during which by the terms of his employment he was required to work:

Provided that, subject to any rules made in this behalf by the appropriate Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say without giving the notice which is required under the terms of their contracts

prospecting stage of any mine or an oil-field shall not be taken into consideration and where any question arises with regard to such production or manufacture, the appropriate Government may, after giving the parties a reasonable opportunity of representing the case, decide upon the issue.

(9) The provisions of sub-sections (6), (7) and (8) shall, so far as may be, apply to new departments or undertakings or branches set up by existing establishments.

27. Where an employee has not worked for all the working days in an accounting year, the minimum bonus under sub-section (1) of section 26, if such bonus is higher than eight and one third per cent. of the salary or wage of the days such employee has worked in that accounting year, shall be proportionately reduced.

28. For the purposes of section 27, an employee shall be deemed to have worked in an establishment in any accounting year also on the days on which,—

(a) he has been laid off under an agreement or as permitted by standing orders under the Industrial Employment (Standing Orders) Act, 1946, or under the Industrial Disputes Act, 1947, or under any other law applicable to the establishment;

(b) he has been on leave with salary or wages;

(c) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(d) the employee has been on maternity leave with salary or wages, during the accounting year.

29. Notwithstanding anything contained in this Code, an employee shall be disqualified from receiving bonus under this Code, 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; or

(d) conviction for sexual harassment.

30. Where an establishment consists of different departments or undertakings or has branches, whether situated in the same place or in different places, all such departments or undertakings or branches shall be treated as parts of the same establishment for the purpose of computation of bonus under this Code:

Provided that where for any accounting year a separate balance sheet and profit and loss account are prepared and maintained in respect of any such department or undertaking or branch, then, such department or undertaking or branch shall be treated as a separate establishment for the purpose of computation of bonus, under this Code for that year, unless such department or undertaking or branch was, immediately before the commencement of that accounting year treated as part of the establishment for the purpose of computation of bonus.

31. (1) The bonus shall be paid out of the allocable surplus which shall be an amount equal to sixty per cent. in case of a banking company and sixty-seven per cent. in case of other establishment, of the available surplus and the available surplus shall be the amount calculated in accordance with section 33.

(2) Audited accounts of companies shall not normally be questioned.

(3) Where there is any dispute regarding the quantum of bonus, the authority notified by the appropriate Government having jurisdiction may call upon the employer to produce the balance sheet before it, but the authority shall not disclose any information contained in the balance sheet unless agreed to by the employer.

calculated as if his wage were such amount, so determined by the appropriate Government or the minimum wage fixed by the appropriate Government, whichever is higher.

(3) Where in respect of any accounting year referred to in sub-section (1), the allocable surplus exceeds the amount of minimum bonus payable to the employees under that sub-section, the employer shall, in lieu of such minimum bonus, be bound to pay to every employee in respect of that accounting year, bonus which shall be an amount in proportion to the wages earned by the employee during the accounting year, subject to a maximum of twenty per cent. of such wages.

(4) In computing the allocable surplus under this section, the amount set on or the amount set off under the provisions of section 36 shall be taken into account in accordance with the provisions of that section.

(5) Any demand for bonus in excess of the bonus referred to in sub-section (1), either on the basis of production or productivity in an accounting year for which the bonus is payable shall be determined by an agreement or settlement between the employer and the employees, subject to the condition that the total bonus including the annual minimum bonus referred to in sub-section (1) shall not exceed twenty per cent. of the wages earned by the employee in the accounting year.

(6) In the first five accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, bonus shall be payable only in respect of the accounting year in which the employer derives profit from such establishment and such bonus shall be calculated in accordance with the provisions of this Code in relation to that year, but without applying the provisions of section 36.

(7) For the sixth and seventh accounting years following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 36 shall apply subject to the following modifications, namely:—

(i) for the sixth accounting year set on or set off, as the case may be, shall be made, in the manner as may be prescribed by the Central Government, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth accounting years;

(ii) for the seventh accounting year set on or set off, as the case may be, shall be made, in the manner as may be prescribed by the Central Government, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth, sixth and seventh accounting years.

(8) From the eighth accounting year following the accounting year in which the employer sells the goods produced or manufactured by him or renders services, as the case may be, from such establishment, the provisions of section 36 shall apply in relation to such establishment as they apply in relation to any other establishment.

Explanation 1.—For the purpose of sub-section (6), an employer shall not be deemed to have derived profit in any accounting year, unless—

(a) he has made provision for depreciation of that year to which he is entitled under the Income-tax Act or, as the case may be, under the agricultural income tax law; and

(b) the arrears of such depreciation and losses incurred by him in respect of the establishment for the previous accounting years have been fully set off against his profits.

Explanation 2.—For the purposes of sub-sections (6), (7) and (8), sale of the goods produced or manufactured during the course of the trial running of any factory or of the

exempted, such institution shall be treated as if it were a company in which the public are substantially interested within the meaning of that Act;

(c) where the employer is an individual or a Hindu undivided family, the tax payable by such employer under the Income-tax Act shall be calculated on the basis that the income derived by him from the establishment is his only income;

(d) where the income of any employer includes any profits and gains derived from the export of any goods or merchandise out of India and any rebate on such income is allowed under any law for the time being in force relating to direct taxes, then, no account shall be taken of such rebate;

(e) no account shall be taken of any rebate other than development rebate or investment allowance or development allowance or credit or relief or deduction (not hereinbefore mentioned in this section) in the payment of any direct tax allowed under any law for the time being in force relating to direct taxes or under the relevant annual Finance Act, for the development of any industry.

36. (1) Where for any accounting year, the allocable surplus exceeds the amount of maximum bonus payable to the employees in the establishment under section 26, then, the excess shall, subject to a limit of twenty per cent. of the total salary or wage of the employees employed in the establishment in that accounting year, be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year to be utilised for the purpose of payment of bonus in such manner as may be prescribed by the Central Government.

(2) Where for any accounting year, there is no available surplus or the allocable surplus in respect of that year falls short of the amount of minimum bonus payable to the employees in the establishment under section 26, and there is no amount or sufficient amount carried forward and set on under sub-section (1) which could be utilised for the purpose of payment of the minimum bonus, then, such minimum amount or the deficiency, as the case may be, shall be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year in such manner as may be prescribed by the Central Government.

(3) The principle of set on and set off as may be provided in rules by the Central Government under this Code shall apply to all other cases not covered by sub-section (1) or sub-section (2) for the purpose of payment of bonus under this Code.

(4) Where in any accounting year any amount has been carried forward and set on or set off under this section, then, in calculating bonus for the succeeding accounting year, the amount of set on or set off carried forward from the earliest accounting year shall first be taken into account.

37. Where in any accounting year,—

(a) an employer has paid any puja bonus or other customary bonus to employee; or

(b) an employer has paid a part of the bonus payable under this Code to an employee before the date on which such bonus becomes payable,

then, the employer shall be entitled to deduct the amount of bonus so paid from the amount of bonus payable by him to the employee under this Code in respect of that accounting year and the employee shall be entitled to receive only the balance.

38. Where in any accounting year, an employee is found guilty of misconduct causing financial loss to the employer, then, it shall be lawful for the employer to deduct the amount of loss from the amount of bonus payable by him to the employee under this Code in respect of that accounting year only and the employee shall be entitled to receive the balance, if any.

32. The gross profits derived by an employer from an establishment in respect of the accounting year shall,—

(a) in the case of a banking company, be calculated in the manner as may be prescribed by the Central Government;

(b) in any other case, be calculated in the manner as may be prescribed by the Central Government.

33. The available surplus in respect of any accounting year shall be the gross profits for that year after deducting therefrom the sums referred to in section 34;

Provided that the available surplus in respect of the accounting year commencing on any day in a year after the commencement of this Code and in respect of every subsequent accounting year shall be the aggregate of—

(a) the gross profits for that accounting year after deducting therefrom the sums referred to in section 34; and

(b) an amount equal to the difference between—

(i) the direct tax, calculated in accordance with the provisions of section 35, in respect of an amount equal to the gross profits of the employer for the immediately preceding accounting year; and

(ii) the direct tax, calculated in accordance with provisions of section 35, in respect of an amount equal to the gross profits of the employer for such preceding accounting year after deducting therefrom the amount of bonus which the employer has paid or is liable to pay to his employees in accordance with the provisions of this Code for that year.

34. The following sums shall be deducted from the gross profits as prior charges, namely:—

(a) any amount by way of depreciation admissible in accordance with the provisions of sub-section (1) of section 32 of the Income-tax Act or in accordance with the provisions of the agricultural income-tax law, for the time being in force, as the case may be;

(b) subject to the provisions of section 35, any direct tax which the employer is liable to pay for the accounting year in respect of his income, profits and gains during that year;

(c) such further sums in respect of the employer as may be prescribed by the Central Government.

35. For the purposes of this Code, any direct tax payable by the employer for any accounting year shall, subject to the following provisions, be calculated at the rates applicable to the income of the employer for that year, namely:—

(a) in calculating such tax no account shall be taken of,—

(i) any loss incurred by the employer in respect of any previous accounting year and carried forward under any law for the time being in force relating to direct taxes;

(ii) any arrears of depreciation which the employer is entitled to add to the amount of the allowance for depreciation for any succeeding accounting year or years under sub-section (2) of section 32 of the Income-tax Act;

(b) where the employer is a religious or a charitable institution to which the provisions of section 41 do not apply and the whole or any part of its income is exempt from the tax under the Income-tax Act, then, with respect to the income so

Computation of gross profits.

Computation of available surplus.

Sums deductible from gross profits.

Calculation of direct tax payable by employer.

Set on and set off of allocable surplus.

Adjustment of customary or interim bonus against bonus payable under this Code.

Deduction of certain amounts from bonus payable.

(h) employees employed by inland water transport establishments operating on routes passing through any other country; and

(i) employees of any other establishment which the appropriate Government may, by notification, exempt having regard to the overall benefits under any other scheme of profit sharing available in such establishments to the employees.

(2) Subject to the provisions of sub-section (1) and notwithstanding anything contained in any other provisions of this Chapter, the provisions of this Chapter shall apply to such establishment in which twenty or more persons are employed or were employed on any day during an accounting year.

CHAPTER V  
ADVISORY BOARD

42. (1) The Central Government shall constitute the Central Advisory Board which shall consist of persons to be nominated by the Central Government—

- (a) representing employers;
- (b) representing employees which shall be equal in number of the members specified in clause (a);
- (c) independent persons, not exceeding one-third of the total members of the Board; and
- (d) five representatives of such State Governments as may be nominated by the Central Government.

(2) One-third of the members referred to in sub-section (1) shall be women and a member specified in clause (c) of the said sub-section shall be appointed by the Central Government as the Chairperson of the Board.

(3) The Central Advisory Board constituted under sub-section (1) shall from time to time advise the Central Government on reference of issues relating to—

- (a) fixation or revision of minimum wages and other connected matters;
  - (b) providing increasing employment opportunities for women;
  - (c) the extent to which women may be employed in such establishments or employments as the Central Government may, by notification, specify in this behalf; and
  - (d) any other matter relating to this Code,
- and on such advice, the Central Government may issue directions to the State Government as it deems fit in respect of matters relating to issues referred to the Board.

(4) Every State Government shall constitute a State Advisory Board for advising the State Government—

- (a) in fixation or revision of minimum wages and other connected matters;
- (b) for the purpose of providing increasing employment opportunities for women;
- (c) with regard to the extent to which women may be employed in such establishments or employments as the State Government may, by notification, specify in this behalf; and
- (d) in any other matter relating to this Code, which the State Government may refer from time to time to the Board.

39. (1) All amounts payable to an employee by way of bonus under this Code shall be paid by crediting it in the bank account of the employee by his employer within a period of eight months from the close of the accounting year.

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.

(2) Notwithstanding anything contained in sub-section (1), where there is a dispute regarding payment of bonus pending before any authority, such bonus shall be paid, within a period of one month from the date on which the award becomes enforceable or the settlement comes into operation, in respect of such dispute.

Provided that if, there is a dispute for payment at the higher rate, the employer shall pay eight and one-third per cent. of the wages earned by the employee as per the provisions of this Code within a period of eight months from the close of the accounting year.

40. (1) If in any accounting year an establishment in public sector sells any goods produced or manufactured by it or renders any services, in competition with an establishment in private sector, and the income from such sale or services or both, is not less than twenty per cent. of the gross income of the establishment in public sector for that year, then, the provisions of this Chapter shall apply in relation to such establishment in public sector as they apply in relation to a like establishment in private sector.

(2) Save as otherwise provided in sub-section (1), nothing in this Chapter shall apply to the employees employed by any establishment in public sector.

41. (1) Nothing in this Chapter shall apply to—

- (a) employees employed by the Life Insurance Corporation of India;
- (b) seamen as defined in clause (42) of section 3 of the Merchant Shipping Act, 1958;

(c) employees registered or listed under any scheme made under the Dock Workers (Regulation of Employment) Act, 1948, and employed by registered or listed employers;

(d) employees employed by an establishment under the authority of any department of the Central Government or a State Government or a local authority;

(e) employees employed by—

- (i) the Indian Red Cross Society or any other institution of a like nature including its branches;

(ii) universities and other educational institutions;

(iii) institutions including hospitals, chamber of commerce and social welfare institutions established not for purposes of profit;

(f) employees employed by the Reserve Bank of India;

(g) employees employed by public sector financial institution other than a banking company, which the Central Government may, by notification, specify, having regard to—

- (i) its capital structure;
- (ii) its objectives and the nature of its activities;
- (iii) the nature and extent of financial assistance or any concession given to it by the Government; and
- (iv) any other relevant factor;

Time limit for payment of bonus.

Application of this Chapter to establishments in public sector in certain cases.

Non-applicability of this Chapter.

44 of 1958.

9 of 1948.

Non-applicability of this Chapter.

(b) where no such nomination has been made or where for any reasons such amounts cannot be paid to the person so nominated, be deposited with the such authority, as may be prescribed, who shall deal with the amounts so deposited in the manner as may be prescribed.

(2) Where in accordance with the provisions of sub-section (1), all amounts payable to an employee under this Code—

- (a) are paid by the employer to the person nominated by the employee; or
- (b) are deposited by the employer with the authority referred to in clause (b) of sub-section (1),

then, the employer shall be discharged of his liability to pay those amounts.

45. (1) The appropriate Government may, by notification, appoint one or more authorities, not below the rank of a Gazetted Officer, to hear and determine the claims which arise under the provisions of this Code.

(2) The authority appointed under sub-section (1), while deciding the claim under that sub-section, may order, having regard to the circumstances under which the claim arises, the payment of compensation in addition to the claim determined, which may extend to ten times of the claim determined and endeavour shall be made by the authority to decide the claim within a period of three months.

(3) If an employer fails to pay the claim determined and compensation ordered to be paid under sub-section (2), the authority shall issue a certificate of recovery to the Collector or District Magistrate of the district where the establishment is located who shall recover the same as arrears of land revenue and remit the same to the authority for payment to the concerned employee.

(4) Any application before the authority for claim referred to in sub-section (1) may be filed by,—

- (a) the employee concerned; or
- (b) any Trade Union registered under the Trade Unions Act, 1926 of which the employee is a member; or
- (c) the Inspector-cum-Facilitator.

(5) Subject to such rules as may be made, a single application may be filed under this section on behalf or in respect of any number of employees employed in an establishment.

(6) The application under sub-section (4) may be filed within a period of three years from the date on which claims referred to in sub-section (1) arise:

Provided that the authority referred to in sub-section (1) may, entertain the application after three years on sufficient cause being shown by the applicant for such delay.

(7) The authority appointed under sub-section (1) and the appellate authority appointed under sub-section (1) of section 49, shall have all the powers of a civil court under the Code of Civil Procedure, 1908, for the purpose of taking evidence and of enforcing the attendance of witnesses and compelling the production of documents, and every such authority or appellate authority shall be deemed to be a civil court for all the purposes of section 195 and Chapter XXXVI of the Code of Criminal Procedure, 1973.

46. Notwithstanding anything contained in this Code, where any dispute arises between an employer and his employees with respect to—

- (a) fixation of bonus or eligibility for payment of bonus under the provisions of this Code; or

(5) The State Advisory Board may constitute one or more committees or sub-committees to look into issues pertaining to matters specified in clauses (a) to (d) of sub-section (4).

(6) The State Advisory Board and each of the committees and sub-committees thereof shall consist of persons—

- (a) representing employers;
- (b) representing employees which shall be equal in number of the members specified in clause (a); and
- (c) independent persons, not exceeding one-third of the total members of the Board or committee or sub-committee, as the case may be.

(7) One-third of the members referred to in sub-section (6) shall be women and one among the members specified in clause (c) of the said sub-section shall be—

- (a) appointed by the State Government as the Chairperson of the Board;
- (b) appointed by the State Advisory Board as the Chairperson of the committee or sub-committee, as the case may be.

(8) In tendering its advice in the matters specified in clause (b) or clause (c) of sub-section (4), the State Advisory Board shall have regard to the number of women employed in the concerned establishment, or employment, the nature of work, hours of work, suitability of women for employment, as the case may be, the need for providing increasing employment opportunities for women, including part time employment, and such other relevant factors as the Board may think fit.

(9) The State Government may, after considering the advice tendered to it by the State Advisory Board and after inviting and considering the representations from establishment or employees or any other person which that Government thinks fit, issue such directions as may be deemed necessary.

(10) The Central Advisory Board referred to in sub-section (1) and the State Advisory Board referred to in sub-section (4) shall respectively regulate their own procedure including that of the committees and sub-committees constituted by the State Advisory Board, in such manner as may be prescribed.

(11) The terms of office of the Central Advisory Board referred to in sub-section (1) and the State Advisory Board referred to in sub-section (4) including that of the committees and sub-committees constituted by the State Advisory Board, shall be such as may be prescribed.

#### CHAPTER VI

##### PAYMENT OF DUES, CLAIMS AND AUDIT

43. Every employer shall pay all amounts required to be paid under this Code to every employee employed by him.

Provided that where such employer fails to make such payment in accordance with this Code, then, the company or firm or association or any other person who is the proprietor of the establishment, in which the employee is employed, shall be responsible for such payment.

Explanation.—For the purposes of this section the expression "firm" shall have the same meaning as assigned to it in the Indian Partnership Act, 1932.

44. (1) Subject to the other provisions of this Code, all amounts payable to an employee under this Code shall, if such amounts could not or cannot be paid on account of his death before payment or on account of his whereabouts not being known,—

- (a) be paid to the person nominated by him in this behalf in accordance with the rules made under this Code; or

Responsibility for payment of various dues.

Payment of various undischarged dues in case of death of employee.

9 of 1932.

5 of 1908.

2 of 1974.

10 of 1926.

(b) the application of this Code, in respect of bonus, to an establishment in public sector,

such dispute shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947.

47. (1) Where, during the course of proceedings before—

(a) the authority under section 45; or

(b) the appellate authority under section 46; or

(c) a Tribunal; or

(d) an arbitrator referred to in clause (a) of section 2 of the Industrial Disputes Act, 1947,

Presumption about accuracy of balance sheet and profit and loss account of corporations and companies.

in respect of any dispute of the nature specified in sections 45 and 46 or in respect of an appeal under section 49, the balance sheet and the profit and loss account of an employer, being a corporation or a company (other than a banking company), duly audited by the Comptroller and Auditor-General of India or by auditors duly qualified to act as auditors of companies under section 141 of the Companies Act, 2013, are produced before it, then, the said authority, appellate authority, Tribunal or arbitrator, as the case may be, may presume the statements and particulars contained in such balance sheet and profit and loss account to be accurate and it shall not be necessary for the corporation or the company to prove the accuracy of such statements and particulars by the filing of an affidavit or by any other mode.

Provided that where the said authority, appellate authority, Tribunal or arbitrator, as the case may be, is satisfied that the statements and particulars contained in the balance sheet or the profit and loss account of the corporation or the company are not accurate, it may take such steps as it thinks necessary to find out the accuracy of such statements and particulars.

(2) When an application is made to the authority, appellate authority, Tribunal or arbitrator, as the case may be, referred to in sub-section (1), by any Trade Union being a party to the dispute or as the case may be, an appeal, and where there is no Trade Union, by the employees being a party to the dispute, or as the case may be, an appeal, requiring any clarification relating to any item in the balance sheet or the profit and loss account, then such authority, appellate authority, Tribunal or arbitrator, may, after satisfying itself that such clarification is necessary, by order, direct the corporation or, as the case may be, the company, to furnish to the Trade Union or the employees such clarification within such time as may be specified in the direction and the corporation or, as the case may be, the company, shall comply with such direction.

48. (1) Where any claim, dispute or appeal with respect to bonus payable under this Code between an employer, not being a corporation or a company, and his employees is pending before any authority, appellate authority, Tribunal or arbitrator, as the case may be, as referred to in sub-section (1) of section 47 and the accounts of such employer audited by any auditor duly qualified to act as auditor of companies under the provisions of section 141 of the Companies Act, 2013, are produced before such authority, appellate authority, Tribunal or arbitrator, then the provisions of section 47 shall, so far as may be, apply to the accounts so audited.

18 of 2013.

(2) When the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, finds that the accounts of such employer have not been audited by any such auditor and it is of opinion that an audit of the accounts of such employer is necessary for deciding the question referred to it, then, such authority, appellate authority, Tribunal or arbitrator, may, by order, direct the employer to get his accounts audited within such time as may be specified in the direction or within such further time as it may allow by such auditor or auditors as it thinks fit and thereupon the employer shall comply with such direction.

(3) Where an employer fails to get the accounts audited under sub-section (2), the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, may, without prejudice to the provisions of section 54, get the accounts audited by such auditor or auditors as it thinks fit.

(4) When the accounts are audited under sub-section (2) or sub-section (3), the provisions of section 47 shall, so far as may be, apply to the accounts so audited.

(5) The expenses of, and incidental to, any audit under sub-section (3) including the remuneration of the auditor or auditors shall be determined by the authority, appellate authority, Tribunal or arbitrator, referred to in sub-section (1), as the case may be, and paid by the employer and in default of such payment shall be recoverable by the authority referred to in sub-section (3) of section 45 from the employer in the manner provided in that sub-section.

49. (1) Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal, to the appellate authority having jurisdiction appointed by the appropriate Government, by notification, for such purpose, within ninety days from the date of such order, in such form and manner as may be prescribed:

Provided that the appellate authority may entertain the appeal after ninety days if it is satisfied that the delay in filing the appeal has occurred due to sufficient cause.

(2) The appellate authority shall be appointed from the officers of the appropriate Government holding the post at least one rank higher than the authority referred under sub-section (1) of section 45.

(3) The appellate authority shall, after hearing the parties in the appeal, dispose of the appeal and endeavour shall be made to dispose of the appeal within a period of three months.

(4) The outstanding dues under the orders of the appellate authority shall be recovered by the authority referred to in section 45, by issuing the certificate of recovery in the manner specified in sub-section (3) of that section.

50. (1) Every employer of an establishment to which this Code applies shall maintain a register containing the details with regard to persons employed, muster roll, wages and such other details in such manner as may be prescribed.

(2) Every employer shall display a notice on the notice board at a prominent place of the establishment containing the abstract of this Code, category-wise wage rates of employees, wage period, day or date and time of payment of wages, and the name and address of the Inspector-cum-Facilitator having jurisdiction.

(3) Every employer shall issue wage slips to the employees in such form and manner as may be prescribed.

(4) The provisions of sub-sections (1) to (3) shall not apply in respect of the employer to the extent he employs not more than five persons for agriculture or domestic purpose:

Provided that such employer, when demanded, shall produce before the Inspector-cum-Facilitator, the reasonable proof of the payment of wages to the persons so employed.

Explanation.—For the purposes of this sub-section, the expression "domestic purpose" means the purpose exclusively relating to the home or family affairs of the employer and does not include any affair relating to any establishment, industry, trade, business, manufacture or occupation.

Records, returns and notices.

## CHAPTER VIII

## OFFENCES AND PENALTIES

Cognizance of offences.

52. (1) No court shall take cognizance of any offence punishable under this Code, save on a complaint made by or under the authority of the appropriate Government or an officer authorized in this behalf, or by an employee or a registered Trade Union registered under the Trade Unions Act, 1926 or an Inspector-cum-Facilitator.

10 of 1926.

2 of 1974.

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no court inferior to that of a Metropolitan Magistrate or Judicial Magistrate of the first class shall try the offences under this Code.

Power of officers of appropriate Government to impose penalty in certain cases.

53. (1) Notwithstanding anything contained in section 52, for the purpose of imposing penalty under clauses (a) and (c) of sub-section (1) and sub-section (2) of section 54 and sub-section (7) of section 56, the appropriate Government may appoint any officer not below the rank of Under Secretary to the Government of India or an officer of equivalent rank in the State Government, as the case may be, for holding enquiry in such manner, as may be prescribed by the Central Government.

(2) While holding the enquiry, the officer referred to in sub-section (1) shall have the power to summon and enforce attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document, which in the opinion of such officer, may be useful for or relevant to the subject matter of the enquiry and if, on such enquiry, he is satisfied that the person has committed any offence under the provisions referred to in sub-section (1), he may impose such penalty as he thinks fit in accordance with such provisions.

Penalties for offences.

54. (1) Any employer who—

(a) pays to any employee less than the amount due to such employee under the provisions of this Code shall be punishable with fine which may extend to fifty thousand rupees;

(b) having been convicted of an offence under clause (a) is again found guilty of similar offence under this clause, within five years from the date of the commission of the first or subsequent offence, he shall, on the second and the subsequent commission of the offence, be punishable with imprisonment for a term which may extend to three months or with fine which may extend to one lakh rupees, or with both;

(c) contravenes any other provision of this Code or any rule made or order made or issued thereunder shall be punishable with fine which may extend to twenty thousand rupees;

(d) having been convicted of an offence under clause (c) is again found guilty of similar offence under this clause, within five years from the date of the commission of the first or subsequent offence, he shall, on the second and the subsequent commission of the offence under this clause, be punishable with imprisonment for a term which may extend to one month or with fine which may extend to forty thousand rupees, or with both.

(2) Notwithstanding anything contained in sub-section (1), for the offences of non-maintenance or improper maintenance of records in the establishment, the employer shall be punishable with fine which may extend to ten thousand rupees.

(3) Notwithstanding anything contained in clause (c) of sub-section (1) or sub-section (2), the Inspector-cum-Facilitator shall, before initiation of prosecution proceeding for the offences under the said clause or sub-section, give an opportunity to the employer to comply with the provisions of this Code by way of a written direction, which shall lay down a time period for such compliance, and, if the employer complies with

## CHAPTER VII

## INSPECTOR-CUM-FACILITATOR

Appointment of Inspector-cum-Facilitators and their powers.

51. (1) The appropriate Government may, by notification, appoint Inspector-cum-Facilitators for the purposes of this Code who shall exercise the powers conferred on them under sub-section (4) throughout the State or such geographical limits assigned in relation to one or more establishments situated in such State or geographical limits or in one or more establishments, irrespective of geographical limits, assigned to him by the appropriate Government, as the case may be.

(2) The appropriate Government may, by notification, lay down an inspection scheme which may also provide for generation of a web-based inspection and calling of information relating to the inspection under this Code electronically.

(3) Without prejudice to the provisions of sub-section (2), the appropriate Government may, by notification, confer such jurisdiction of randomised selection of inspection for the purposes of this Code to the Inspector-cum-Facilitator as may be specified in such notification.

(4) Every Inspector-cum-Facilitator appointed under sub-section (1) shall be deemed to be public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1800.

(5) The Inspector-cum-Facilitator may—

(a) advise to employers and workers relating to compliance with the provisions of this Code;

(b) inspect the establishments as assigned to him by the appropriate Government,

subject to the instructions or guidelines issued by the appropriate Government from time to time.

(6) Subject to the provisions of sub-section (4), the Inspector-cum-Facilitator may—  
(a) examine any person who is found in any premises of the establishment, whom the Inspector-cum-Facilitator has reasonable cause to believe, is a worker of the establishment;

(b) require any person to give any information, which is in his power to give with respect to the names and addresses of the persons;

(c) search, seize or take copies of such register, record of wages or notices or portions thereof as the Inspector-cum-Facilitator may consider relevant in respect of an offence under this Code and which the Inspector-cum-Facilitator has reason to believe has been committed by the employer;

(d) bring to the notice of the appropriate Government defects or abuses not covered by any law for the time being in force; and

(e) exercise such other powers as may be prescribed.

(7) Any person required to produce any document or to give any information required by a Inspector-cum-Facilitator under sub-section (5) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

45 of 1800.

2 of 1974.

(8) The provisions of the Code of Criminal Procedure, 1973 shall, so far as may be, apply to the search or seizure under sub-section (5) as they apply to the search or seizure made under the authority of a warrant issued under section 94 of the said Code.

the direction within such period, the Inspector-cum-Facilitator shall not initiate such prosecution proceeding and, no such opportunity shall be accorded to an employer, if the violation of the same nature of the provisions under this Code is repeated within a period of five years from the date on which such first violation was committed and in such case the prosecution shall be initiated in accordance with the provisions of this Code.

55. (1) If the person committing an offence under this Code is a company, every person who, at the time the offence was committed was in charge of, and was responsible to the company for the conduct of business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Code has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section,—

(a) "company" means anybody corporate and includes—

(i) a firm; or

(ii) a limited liability partnership registered under the Limited Liability Partnership Act, 2008; or

(iii) other association of individuals; and

(b) "director" in relation to a firm means a partner in the firm.

56. (1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, any offence punishable under this Code, not being an offence punishable with imprisonment only, or with imprisonment and also with fine, may, on an application of the accused person, either before or after the institution of any prosecution, be compounded by a Gazetted Officer, as the appropriate Government may, by notification, specify, for a sum of fifty per cent. of the maximum fine provided for such offence, in the manner as may be prescribed.

(2) Nothing contained in sub-section (1) shall apply to an offence committed by a person for the second time or thereafter within a period of five years from the date—(i) of commission of a similar offence which was earlier compounded; (ii) of commission of similar offence for which such person was earlier convicted.

(3) Every officer referred to in sub-section (1) shall exercise the powers to compound an offence, subject to the direction, control and supervision of the appropriate Government.

(4) Every application for the compounding of an offence shall be made in such manner as may be prescribed.

(5) Where any offence is compounded before the institution of any prosecution, no prosecution shall be instituted in relation to such offence, against the offender in relation to whom the offence is so compounded.

(6) Where the composition of any offence is made after the institution of any prosecution, such composition shall be brought by the officer referred to in sub-section (1) in writing, to the notice of the court in which the prosecution is pending and on such notice of the composition of the offence being given, the person against whom the offence is so compounded shall be discharged.

(7) Any person who fails to comply with an order made by the officer referred to in sub-section (1), shall be punishable with a sum equivalent to twenty per cent. of the maximum fine provided for the offence, in addition to such fine.

(8) No offence punishable under the provisions of this Code shall be compounded except under and in accordance with the provisions of this section.

CHAPTER IX

MISCELLANEOUS

57. No court shall entertain any suit for the recovery of minimum wages, any deduction from wages, discrimination in wages and payment of bonus, in so far as the sum so claimed—

(a) forms the subject of claims under section 45;

(b) has formed the subject of a direction under this Code;

(c) has been adjudged in any proceeding under this Code;

(d) could have been recovered under this Code.

58. No suit, prosecution or any other legal proceeding shall lie against the appropriate Government or any officer of that Government for anything which is in good faith done or intended to be done under this Code.

59. Where a claim has been filed on account of non-payment of remuneration or bonus or less payment of wages or bonus or on account of making deductions not authorised by this Code from the wages of an employee, the burden to prove that the said dues have been paid shall be on the employer.

60. Any contract or agreement whereby an employee relinquishes the right to any amount or the right to bonus due to him under this Code shall be null and void in so far as it purports to remove or reduce the liability of any person to pay such amount under this Code.

61. The provisions of this Code shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in the terms of any award, agreement, settlement or contract of service.

62. The appropriate Government may, by notification, direct that any power exercisable by it under this Code shall, in relation to such matters and subject to such conditions, if any, as may be specified in the notification, be also exercisable—

(a) where the appropriate Government is the Central Government, by such officer or authority subordinate to the Central Government or by the State Government or by such officer or authority subordinate to the State Government, as may be specified in the notification;

(b) where the appropriate Government is a State Government, by such officer or authority subordinate to the State Government as may be specified in the notification.

63. Where an employer is charged with an offence under this Code, he shall be entitled upon complaint duly made by him, to have any other person whom he charges as the actual offender, brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the employer proves to the satisfaction of the court—

(a) that he has used due diligence to enforce the execution of this Code; and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

Bar of suits.

Protection of action taken in good faith.

Burden of proof.

Contracting out.

Effect of laws agreements, etc., inconsistent with this Code.

Delegation of powers.

Exemption of employer from liability in certain cases.

of 2000.

of 1974.

Composition of offences.

- (n) the procedure for making deductions for damage or loss under sub-section (2) of section 21;
- (o) the form of the register to record all deductions and all realizations thereof under sub-section (3) of section 21;
- (p) conditions for recovery of advance of money given to an employee after the employment began under clause (b) of section 23;
- (q) conditions for recovery of advances of wages to an employee not already earned under clause (c) of section 23;
- (r) deductions for recovery of loans and the rate of interest payable thereon under section 24;
- (s) the manner of regulating the procedure by the Central Advisory Board and the State Advisory Board, including that of the committees and sub-committees constituted by the State Advisory Board, under sub-section (10) of section 42;
- (t) the terms of office of members of the Central Advisory Board, the State Advisory Board, including that of the committees and sub-committees constituted by the State Advisory Board, under sub-section (11) of section 42;
- (u) the authority and manner of depositing with such authority, various undisbursed dues under clause (b) of sub-section (1) of section 44;
- (v) the form of single application in respect of a number of employees under sub-section (5) of section 45;
- (w) the form for making an appeal to the appellate authority under sub-section (1) of section 49;
- (x) the manner of maintenance of a register by the employer under sub-section (1) of section 50;
- (y) the form and manner of issuing wage slips under sub-section (3) of section 50;
- (z) the other powers to be exercised by the Inspector-cum-Facilitator under sub-section (5) of section 51;
- (za) the manner of imposing fine under sub-section (1) of section 56;
- (zb) the manner of composition of offence by a Gazetted Officer specified under sub-section (4) of section 56;
- (zc) any other matter which is required to be, or may be, prescribed under the provisions of this Code.

(3) The Central Government may, subject to the condition of previous publication, make rules for—

- (a) the manner of fixing floor wage under sub-section (1) of section 9;
- (b) the manner of consultation with State Government under sub-section (3) of section 9;
- (c) the manner of making set on or set off for the sixth accounting year under clause (i) of sub-section (7) of section 26;
- (d) the manner of making set on or set off for the seventh accounting year under clause (ii) of sub-section (7) of section 26;
- (e) the manner of calculating gross profit under clauses (a) and (b) of section 32;
- (f) such further sums in respect of employer under clause (c) of section 34;
- (g) the manner of utilising the excess of allocable surplus to be carried forward for being set on in the succeeding accounting year and so on up to and inclusive of the fourth accounting year under sub-section (1) of section 36;
- (h) the manner of utilising the minimum amount or the deficiency to be carried forward for being set off in the succeeding accounting year and so on up to and inclusive of the fourth accounting year under sub-section (2) of section 36; and

that other person shall be convicted of the offence and shall be liable to the like punishment as if he were the employer and the employer shall be discharged from any liability under this Code in respect of such offence:

Provided that in seeking to prove, as aforesaid, the employer may be examined on oath, and the evidence of the employer or his witness, if any, shall be subject to cross-examination by or on behalf of the person whom the employer charges as the actual offender and by the prosecution.

64. Any amount deposited with the appropriate Government by an employer to secure the due performance of a contract with that Government and any other amount due to such employer from that Government in respect of such contract shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the employer other than any debt or liability incurred by the employer towards any employee employed in connection with the contract aforesaid.

65. The Central Government may, for carrying into execution of the provisions of this Code in the State give directions to the State Government, and the State Government shall abide by such directions.

66. Nothing contained in this Code shall be deemed to affect the provisions of the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and the Coal Mines Provident Fund and Miscellaneous Provisions Act, 1948, or of any scheme made thereunder.

67. (1) The appropriate Government may, subject to the condition of previous publication, make rules for carrying out the provisions of this Code.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) the manner of calculating the wages under sub-section (4) of section 6;
- (b) the arduousness of work to be taken into account in addition to minimum rate of wages for certain category of workers under clause (b) of sub-section (6) of section 6;
- (c) the norms under clause (c) of sub-section (6) of section 6;
- (d) the cases and circumstances in which an employee employed for a period of less than the requisite number of hours shall not be entitled to receive wages for a full normal working day, under section 10;
- (e) the extent and conditions, which shall apply in relation to certain classes of employees under sub-section (2) of section 13;
- (f) the longer wage period for fixation of minimum rate of wages as referred to in section 14;
- (g) the manner of deducting loans made from any fund constituted for the welfare of labour under sub-clause (ii) of clause (f) of sub-section (2) of section 18;
- (h) the manner of recovery of excess of amount under sub-section (4) of section 18;
- (i) the authority to provide approval for imposition of fine under sub-section (1) of section 19;
- (j) the manner of exhibition of the acts and omissions to be specified in the notice under sub-section (2) of section 19;
- (k) the procedure for the imposition of fines under sub-section (3) of section 19;
- (l) the form of the register to record all fines and all realizations thereof under sub-section (5) of section 19;
- (m) the procedure for making deductions for absence from duty under sub-section (2) of section 20;

(i) the manner of holding an enquiry under sub-section (1) of section 53.

(4) Every rule made by the Central Government under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions as aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or amendment shall be without prejudice to the validity of anything previously done under that rule.

(5) Every rule made by the State Government under this section shall, as soon as possible after it is made, be laid before the State Legislature.

68. (1) If any difficulty arises in giving effect to the provisions of this Code, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Code, as may appear to be necessary for removing the difficulty.

Provided that no such order shall be made under this section after the expiry of a period of three years from the commencement of this Code.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

69. (1) The Payment of Wages Act, 1936, the Minimum Wages Act, 1948, the Payment of Bonus Act, 1965 and the Equal Remuneration Act, 1976 are hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the enactments so repealed including any notification, nomination, appointment, order or direction made thereunder or any amount of wages provided in any provision of such enactments for any purpose shall be deemed to have been done or taken or provided for such purpose under the corresponding provisions of this Code and shall be in force to the extent they are not contrary to the provisions of this Code till they are repealed under the corresponding provisions of this Code or by the notification to that effect by the Central Government.

(3) Without prejudice to the provisions of sub-section (2), the provisions of section 6 of the General Clauses Act, 1897 shall apply to the repeal of such enactments.

4 of 1936.  
11 of 1948.  
21 of 1965.  
25 of 1976.

10 of 1897.

Repeal and  
savings.

Power to  
remove  
difficulties.

DR. G. NARAYANA RAJU,  
Secretary to the Govt. of India.

## Annexure-4

F. No S-32017/01/2019 – WC

Government of India / भारत सरकार

Ministry of Labour & Employment / श्रम एवं रोजगार मंत्रालय

Shram Shakti Bhawan, New Delhi

Date: 01 November, 2019

### NOTE

**Subject:** The Preliminary Draft Rules under Section 67 of the Code on Wages, 2019- reg.

The Ministry of Labour and Employment has prepared a preliminary draft rule under Section 67 of the Code on Wages, 2019.

2. The draft Central rule is hereby placed on the Ministry's website for inviting inputs/ comments/ suggestions of various stakeholders including general public.

3. It has been decided to receive the inputs/ comments/ suggestions within a period of one month from the date of its upload on the website and the same may be addressed to Rajiv Ranjan ([rajiv.ranja76@gov.in](mailto:rajiv.ranja76@gov.in)), Deputy Director, and Bikash Kumar Malick ([malick.bikash@gov.in](mailto:malick.bikash@gov.in)), Assistant Director, Ministry of Labour & Employment, Government of India.

  
(Bikash Kumar Malick)  
Assistant Director

To

All the Stakeholders.

[TO BE PUBLISHED IN THE GAZETE OF INDIA,  
EXTRAORDINARY, PART II, SECTION 3, SUB-SECTION (ii)]  
Government of India

Ministry of Labour and Employment

Notification

New Delhi, the ..... , 2019

- professional training or practical occupational experience for a considerable period and also requires of an employee to assume full responsibility for his judgement or decision involved in the execution of such occupation;
- (k) "inspector-cum-Facilitator" means a person appointed by the Central Government, by notification under sub-section (1) of section 51;
- (l) "member" means a member of the Board and includes its Chairperson;
- (m) "metropolitan city" means a compact area having a population of forty lakhs or more comprised in one or more districts;
- (n) "non-metropolitan city" means a compact area having a population of more than ten lakhs but less than forty lakhs, comprised in one or more districts;
- (o) "population" means the population as ascertained at the last preceding census of which the relevant figures have been published;
- (p) "registered trade union" means a trade union registered under The Trade Unions Act, 1926 (16 of 1926);
- (q) "rural area" means the area which is not the metropolitan or non-metropolitan area;
- (r) "Schedule" means the schedule to these rules;
- (s) "section" means a section of the Code;
- (t) "semi-skilled occupation" means an occupation which in its performance requires the application of skill gained by the experience on job which is capable of being applied under the supervision or guidance of a skilled employee and includes supervision over the unskilled occupation;
- (u) "skilled occupation" means an occupation which involves skill and competence in its performance through experience on the job or through training as an apprentice in a technical or vocational institute and the performance of which calls for initiating and judgement;
- (v) "unskilled occupation" means an occupation which in its performance requires the application of simply the operating experience and involves no further skills;
- (w) all other words and expressions used herein in these rules and not defined shall have the meanings respectively assigned to them under the Code.

## CHAPTER II Minimum Wages

**Manner of calculating the minimum rate of wages.** – (1) For the purposes of sub-section (5) of section 6, the minimum rate of wages shall be fixed on the day basis keeping in view the following criteria, namely:-

- (i) the standard working class family which includes a spouse and two children apart from the earning worker; an equivalent of three adult consumption units;
- (ii) a net intake of 2700 calories per day per consumption unit;
- (iii) 66 meters cloth per year per standard working class family;
- (iv) housing rent expenditure to constitute 10 per cent. of food and clothing expenditure;
- (v) fuel, electricity and other miscellaneous items of expenditure to constitute 20 per cent of minimum wage; and
- (vi) expenditure for children education, medical requirement, recreation and expenditure on contingencies to constitute 25 percent of minimum wages;

provisions of the rule 3 are based on the criteria declared in the judgment of Workmen represented by Secretary vs. Management of Reptakos Brett and co. Ltd. and Anr., 1992 AIR 504 pronounced by the Hon'ble Supreme Court and of the amendments of the 15<sup>th</sup> Indian Labour Conference (ILC).

S.O.....(E).- The following draft rules, which the Central Government proposes to make in exercise of the powers conferred under section 67 of the Code on Wages, 2019 read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of the rules made by the Central Government under the enactments repealed by the said Code, except as respects things done or omitted to be done before such supersession are hereby notified, as required by sub-section (1) of section 67, for information of all persons likely to be affected thereby and the notice is hereby given that the said draft notification will be taken into consideration after the expiry of a period of forty five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;

Objections and suggestions, if any, may be addressed to Rajiv Ranjan, (Email ID: [rajiv.ranja76@gov.in](mailto:rajiv.ranja76@gov.in)), Deputy Director, and Shri Bikash Kumar Mallick ([malick.bikash@gov.in](mailto:malick.bikash@gov.in)), Assistant Director, Ministry of Labour and Employment, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the Central Government.

## CHAPTER I PRELIMINARY

1. **Short title, extent and commencement.**- (1) These rules may be called the Code on Wages (Central) Rules, 2019.
- (2) They extend to the whole of India.
- (3) They shall come into force on the date of their publication in the Official Gazette.

2. **Definitions.**- In these rules, unless the subject or context otherwise requires, —
  - (a) "authority" means the authority appointed by the Central Government under sub-section (1) of section 45;
  - (b) "appellate authority" means the appellate authority appointed by the Central Government under sub-section (1) of section 49;
  - (c) "appeal" means an appeal preferred under sub-section (1) of section 49;
  - (d) "Board" means the Central Advisory Board constituted by the Central Government under sub-section (1) of section 42;
  - (e) "Chairperson" means the chairperson of the Board;
  - (f) "Code" means the Code on Wages, 2019 (29 of 2019);
  - (g) "committee" means a committee appointed by the Central Government under clause (a) of sub-section (1) of section 8;
  - (h) "day" means a period of 24 hours beginning at mid-night;
  - (i) "Form" means a form appended to these rules;
  - (j) "highly skilled occupation" means an occupation which calls in its performance a specific level of perfection and required competence acquired through intensive technical or

7. **Weekly day of rest.**— (1) Subject to the provisions of this rule, an employee shall be allowed a day of rest every week (hereinafter referred to as "the rest day") which shall ordinarily be Sunday, but the employer may fix any other day of the week as the rest day for any employee or class of employees:

Provided that an employee shall be entitled for the rest day under this sub-rule if he has worked under the same employer for a continuous period of not less than six days:

Provided further that the employee shall be informed of the day fixed as the rest day and of any subsequent change in the rest day before the change is effected, by display of a notice to that effect in the place of employment at the place specified by the Inspector-cum-Facilitator in this behalf.

**Explanation.**— For the purpose of computation of the continuous period of not less than six days specified in the first proviso to this sub-rule, any day on which an employee is required to attend for work but is given only an allowance for attendance and is not provided with work, a day on which an employee is laid off on payment of compensation under the Industrial Disputes Act, 1947 (14 of 1947), and any leave or holiday, with or without pay, granted by the employer to an employee in the period of six days immediately preceding the rest day, shall be deemed to be days on which the employee has worked.

(2) Any such employee shall not be required or allowed to work on the rest day unless he has or will have a substituted rest day for a whole day on one of the five days immediately before or after the rest day:

Provided that no substitution shall be made which will result in the employee working for more than ten days consecutively without a rest day for a whole day.

(3) Where in accordance with the foregoing provisions of this rule, any employee works on a rest day and has been given a substituted rest day on any one of the five days before or after the rest day, the rest day shall, for the purpose of calculating the weekly hours of work, be included in the week in which the substituted rest day occurs.

(4) An employee shall be granted—

- (a) for rest day wages calculated at the rate applicable to the next preceding day; and
- (b) where he works on the rest day and has been given a substituted rest day, then, he shall be paid wages for the rest day on which he worked, at the overtime rate and wages for the substituted rest day at the rate applicable to the next preceding day:

Provided that where—

- (i) the minimum rate of wages of the employee as notified under the Code has been worked out by dividing the minimum monthly rate of wages by twenty-six; or
- (ii) the actual daily rate of wages of the employee has been worked out by dividing the monthly rate of wages by twenty-six and such actual daily rate of wages is not less than the notified minimum daily rate of wages of the employee, then, no wages for the rest day shall be payable; and

(iii) the employee works on the rest day and has been given a substituted rest day, then, he shall be paid, only for the rest day on which he worked, an amount equal to the wages payable to him at the overtime rate,

and, if any dispute arises whether the daily rate of wages has been worked out in

(2) When the rate of wages for a day is fixed, then, such amount shall be divided by eight for fixing the rate of wages for an hour and multiplied by twenty-six for fixing the rate of wages for a month and in such division and multiplication the factors of one-half and more than one-half shall be rounded as next figure and the factors less than one-half shall be ignored.

4. **Norms for fixation of minimum rate of wages.**— (1) While fixing the minimum rate of wages under section 6, the Central Government shall divide the concern geographical area into three categories, that is to say the metropolitan area, non-metropolitan area and the rural area.

(2) The Central Government shall constitute a technical committee under clause (a) of sub-section (1) of section 8 for the purpose of advising the Central Government in respect of skill categorization, which shall consist of the following members, namely:—

- (i) Chief Labour Commissioner (Central)..... Chairperson;
- (ii) Joint Secretary to the Government of India dealing with the wages ..... member,
- (iii) a representative from the Government of India, Ministry dealing with skill development;
- (iv) Director General of employment, Government of India, Ministry of Labour and Employment..... member,
- (v) two technical experts in wage determination as nominated by Central Government ..... member; and
- (vi) the Deputy Secretary to the Government of India, Member Secretary of such technical committee.

(3) The Central Government shall, on the advice of the technical committee referred to in sub-rule (2), categorize the occupations of the employees into four categories that is to say unskilled, semi-skilled, skilled and highly skilled by modifying, deleting or adding any entry in the categorization of such occupation specified in Schedule E.

(4) The technical committee referred to in sub-rule (2) shall while advising the Central Government under sub-rule (3) take into account, to the possible extent, the national classification of occupation or national skills qualification frame work or other similar frame work for the time being formulated to identify occupations.

5. **Time interval for revision of dearness allowance.**— Endeavour shall be made so that the cost of living allowance and the cash value of the concession in respect of essential commodities at concession rate shall be computed once before 1<sup>st</sup> April and 1<sup>st</sup> October in every year to revise the dearness allowance payable to the employees on the minimum wages.

6. **Number of Hours of work which shall constitute a normal working day.**—(1) The number of hours which shall constitute a normal working day under clause (a) of sub-section (1) of section 13, shall be nine hours.

(2) The working day of an employee shall be so arranged that inclusive of the intervals of rest, if any, it shall not spread over more than twelve hours on any day.

(3) The provisions of sub-rules (1) and (2) shall, in the case of an employee employed in agricultural employment, be subject to such modifications as may, from time to time, be determined by the Central Government.

(4) Nothing in this rule shall be deemed to affect the provisions of the Factories Act, 1948 (63 of 1948).

accordance with the provisions of this proviso, the Chief Labour Commissioner(Central) or the Deputy Chief Labour Commissioner (Central) having territorial jurisdiction may, on application made to him in this behalf, decide the same, after giving an opportunity to the parties concerned to make written representations:

Provided further that in case of an employee governed by a piece-rate system, the wages for the rest day, or the substituted rest day, as the case may be, shall be such as the Central Government may, from time to time determine having regard to the minimum rate of wages fixed under the Code, in respect of the employment.

Explanation.- In this sub-rule 'next preceding day' means the last day on which the employee has worked, which precedes the rest day or the substituted rest day, as the case may be; and where the substituted rest day falls on a day immediately after the rest day, the next preceding day means the last day on which the employee has worked, which precedes the rest day.

(5) The provisions of this rule shall not operate to the prejudice of more favourable terms, if any, to which an employee may be, entitled under any other law or under the terms of any award, agreement or contract of service, and in such a case, the employee shall be entitled only to more favourable terms aforesaid.

Explanation.- For the purposes of this rule, 'week' shall mean a period of seven days beginning at midnight on Saturday night.

**8. Night shifts.**— Where an employee in an employment works on a shift which extends beyond midnight, then, -

- (a) a holiday for the whole day for the purposes of rule 7 shall, in this case mean a period of twenty-four consecutive hours beginning from the time when his shift ends; and
- (b) the following day in such a case shall be deemed to be the period of twenty-four hours beginning from the time when such shift ends, and the hours after midnight during which such employee was engaged in work shall be counted towards the previous day.

**9. The extent and conditions for the purposes of sub-section (2) of section 13.**- In case of employees-

- (a) engaged in any emergency which could not have been foreseen or prevented;
- (b) engaged in work of the nature of preparatory or complementary work which must necessarily be carried on outside the limits laid down for the general working in the employment concerned;
- (c) whose employment is essentially intermittent;
- (d) engaged in any work which for technical reasons has to be completed before the duty is over; and
- (e) engaged in a work which could not be carried on except at times dependent on the irregular action of natural forces;

the provisions of rules 6, 7 and 8 shall apply subject to the condition that -

- (i) the spread over of the hours of work of the employee shall not exceed 16 hours in any day; and
- (ii) the actual hours of work excluding the intervals of rest and the periods of inaction during which the employee may be on duty but is not called upon to display either physical activity or sustained attendance shall not exceed 9 hours in any day.

**10. Longer wage period.**- The longer wage period for the purposes of minimum rate of wages under section 14 shall be by the month.

#### CHAPTER III Floor Wages

**11. Manner of fixing floor wage.**-(1) The Board shall be consulted by the Central Government for the purposes of fixation of basic rate of floor wage under sub-section (1) of section 9 taking into account minimum living standards taking into account an equivalent of three adult consumption units including worker of the family comprising of food, clothing, housing and any other factors considered appropriate by the Central Government from time to time.

(2) The advice of the Board obtained in consultation under sub-rule (1) shall be circulated by the Central Government to all State Governments for consultation with them.

(3) The advice of the Board referred to in sub-rule (2) and the views of the State Governments received in consultation referred to in that sub-rule shall be considered before fixing the floor wage under sub-rule (1).

(4) The Central Government may revise the basic rate of floor wage fixed under sub-rule (1) ordinarily at an interval not exceeding five years and undertake adjustment for variations in the cost of living periodically in consultation with the Board.

**12. Manner of consultation with State Governments.**— The Central Government shall obtain the advice of the Board and consult such State Governments as it think necessary before fixing the floor wage under rule 11.

#### CHAPTER IV Payment of Wages

**13. Recovery under sub-section (4) of section 18.**- Where the total deductions authorized under sub-section (2) of section 18 exceed fifty per cent. of the wages of an employee, the excess shall be carried forward and recovered from the wages of succeeding wage period or wage periods, as the case may be, in such installments so that the recovery in any month shall not exceed the fifty per cent. of the wages of the employee in that month.

**14. The authority under sub-section (1) of section 19.**- The Deputy Chief Labour Commissioner (Central) having jurisdiction over the place of work of the employee concerned shall be the authority for the purposes of sub-section (1) of section 19.

**15. The manner of exhibiting the notice under sub-section (2) of section 19.**- A notice referred to in sub-section (2) of section 19 shall be displayed at the conspicuous place in the premises of the work place in which the employment is carried on, so that every concerned employee would be able easily to read the contents of the notice and a copy of the notice shall be sent to the Inspector-cum-Facilitator having jurisdiction.

**16. The procedure under sub-section (3) of section 19.**- The employer shall give an intimation in writing for obtaining the approval of the imposition of fine to the Deputy Chief Labour Commissioner (Central) referred to in rule 15 who shall, before granting or refusing the approval, give opportunity of being heard to the employee and the employer concerned.

**17. Intimation of deduction.**- (1)Where an employer makes any deduction in pursuance of the proviso to sub-section (2) of section 20, he shall make intimation of such deduction to the Inspector-cum-Facilitator having jurisdiction within 10 days from the date of such deduction explaining therein the reason of such deduction.

(2) The Inspector-cum-Facilitator shall, after receiving intimation under sub-rule (1), examine such intimation and if he finds that the explanation given therein is in contravention of any provision of the Code or the rules made there under, he shall initiate appropriate action under the Code against the employer.

18. Procedure for deduction under sub-section (2) of section 21.- Any employer desiring to make deduction for damages or loss under sub-section (1) of section 21 from the wages of an employee shall,-

- (i) explain to the employee personally and also in writing the damage or loss of goods expressly entrusted to the employee for custody or for loss of money for which he is required to account and how such damages or loss is directly attributable to the neglect or default of the employee; and
- (ii) thereafter, give the employee an opportunity to offer any explanation and deduction for any damages or loss, if made, shall be intimated to the employee within fifteen days from the date of such deduction.

19. Conditions regarding recovery of advance under section 23.- The recovery, as the case may be of,-

- (i) advances of money given to an employee after the employment begins under clause (b) of section 23; or
- (ii) advances of wages to an employee not already earned under clause (c) of section 23, shall be made by the employer from the wages of the concerned employee in installments determined by the employer, so as any or all installments in a wage period shall not exceed fifty per cent. of the wages of the employee in that wage period and the particulars of such recovery shall be recorded in the register maintained in Form-1.

20. Deduction under section 24.- Deductions for recovery of loans granted for house building or other purposes approved by the Central Government, and the interest due in respect thereof shall be, subject to any direction made or circular issued by the Central Government from time to time regulating the extent to which such loans may be granted and the rate of interest shall be payable thereon.

**CHAPTER V**  
**Payment of Bonus**

21. Calculation of set on or set off for the sixth accounting year.- For the sixth accounting year, set on or set off, as the case may be, shall be made by the Central Government under clause (i) of sub-section (7) of section 26, in the manner illustrated in Schedule A, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth and sixth account years.

22. Calculation of set on or set off for the seventh accounting year.- For the seventh accounting year, set on or set off, as the case may be, shall be made by the Central Government under clause (ii) of sub-section (7) of section 26, in the manner illustrated in Schedule A, taking into account the excess or deficiency, if any, as the case may be, of the allocable surplus set on or set off in respect of the fifth, sixth and seventh account years.

23. Computation of gross profits under clause (a) of section 32.- The gross profits derived by an employer from an establishment in respect of the accounting year shall in the case of banking company, be calculated in the manner specified in Schedule B.

(3) The five representatives of the State Governments referred to in clause (d) of section 42 shall each be the Principal Secretary or Secretary or Commissioner of the State Labour Department of such States as the Central Government may determine from time to time on rotation basis.

(4) The Central Government shall, while nominating the members of the Board, take into account that the independent members under sub-rule (2) shall not exceed One-third of the total members of the Board and One-third of the members of the Board shall be women.

29. Additional function of the Board.- In addition to the functions specified in sub-section (3) of section 42, the Board on reference by the Central Government advise that Government on the issue relating to the fixation of minimum wages in respect of-

- (i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955); and
- (ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976 (11 of 1976).

30. Meeting of the Board. - The Chairperson may, subject to the provision of rule 32, call a meeting of the Board, at any time he thinks fit:

Provided that on requisition in writing from not less than one half of the members, the Chairperson shall call a meeting within thirty days from the date of the receipt of such requisition.

31. Notice of meetings. - The Chairperson shall fix the date, time and place of every meeting and a notice in writing containing the aforesaid particulars along with a list of business to be conducted at the meeting shall be sent to each member by registered post and electronically at least fifteen days before the date fixed for such meeting:

Provided that in the case of an emergent meeting, notice of seven days only may be given to every member.

32. Function of Chairperson. - The Chairperson shall-

- (i) preside at the meetings of the Board:
  - Provided that in the absence of the Chairperson at any meeting, the members shall elect from amongst themselves by a majority of votes, a member who shall preside at such meeting;
- (ii) decide agenda of each meeting of the Board;
- (iii) where in the meeting of the Board, if any issue has to be decided by voting, conduct the voting and count or cause to be counted the secret voting in the meeting.

33. Quorum. - No business shall be transacted at any meeting unless at least one-third of the members and at least one representative member each of both the employers and an employee are present:

Provided that, if at any meeting less than one-third of the members are present, the Chairperson may adjourn the meeting to a date not later than seven days from the date of the original meeting and it shall thereupon be lawful to dispose of the business at such adjourned meeting irrespective of the number of members present:

Provided further that the date, time and place of such adjourned meeting shall be intimated to all the members electronically or by a Registered post.

34. Disposal of business of the Board. - All business of the Board shall be considered at a meeting of the Board, and shall be decided by a majority of the votes of members present and voting and in the event of an equality of votes, the Chairperson shall have a casting vote:

- Provided that the Chairperson may, if he thinks fit, direct that any matter shall be decided by the circulation of necessary papers and by securing written opinion of the members:
- Provided further that no decision on any matter under the preceding proviso shall be taken, unless supported by not less than two-thirds majority of the members.
- 35. Method of voting.-** Voting in the Board shall ordinarily be by show of hands, but if any member asks for voting by ballot, or if the Chairperson so decides, the voting shall be by secret ballot and shall be held in such manner as the Chairperson may decide.
- 36. Proceedings of the meetings.-** (1) The proceedings of each meeting of the Board showing inter alia the names of the members present there at shall be forwarded to each member and to the Central Government as soon after the meeting as possible, and in any case, not less than seven days before the next meeting.
- (2) The proceedings of each meeting of the Board shall be confirmed with such modification, if any, as may be considered necessary at the next meeting.
- 37. Summoning of witnesses and production of documents.-** (1) The Chairperson may summon any person to appear as a witness if required in the course of the discharge of his duty and require any person to produce any document.
- (2) Every person who is summoned and appears as a witness before the Board shall be entitled to an allowance for expenses by him in accordance with the scale for the time being in force for payment of such allowance to witnesses appearing before a civil court.
- 38. Appointment of the committees.-** The Central Government may constitute as many committee under clause (a) of sub-section (1) of section 8 as it considers necessary for the purposes specified in that clause.
- B. The Terms of office of members of the Board under sub-section (1) of section 42**
- 39. Term of office of members of the Board.-** (1) The term of office of the chairperson or a member, as the case may be, shall be normally two years commencing from the date of his nomination under sub-section (1) of section 42:
- Provided that such chairperson or a member shall, notwithstanding the expiry of the said period of two years, continue to hold office until his successor is nominated.
- (2) An independent member of the Board nominated to fill a casual vacancy shall hold office for the remaining period of the term of office of the member in whose place he is nominated.
- (3) The other members of the Board shall hold office during the pleasure of the Central Government.
- 40. Travelling allowance.-** A member of the Board, shall be entitled to draw travelling and halting allowance for any journey performed by him in connection with his duties as such member at the rates and subject to the conditions applicable to a government servant of the Group A of the Central Government.
- 41. Officers and Staff.-** The Central Government may provide a Secretary not below the rank of Joint Secretary to the Government of India, other officers and staff to the Board, as it may think necessary for the function of the Board.
- 42. Eligibility for re-nomination of the members of the Board.-** An outgoing member shall be eligible for re-nomination for the membership of the Board not more than two terms.
- 43. Resignation of the Chairperson and other members of the Board.-** (1) A member of the Board, other than the Chairperson, may, by giving notice in writing to the Chairperson, resign his membership and the Chairperson may resign by a letter addressed to the Central Government.
- (2) A resignation shall take effect from the date of communication of its acceptance or on the expiry of 30 days from the date of resignation, whichever is earlier.
- (3) When a vacancy occurs or is likely to occur in the membership of the Board, the Chairperson shall submit a report to the Central Government immediately and the Central Government shall, then, take steps to fill the vacancy in accordance with the provisions of the Code.
- 44. Cessation of membership.-** If a member of the Board, fails to attend three consecutive meetings, he shall, subject to the provisions of sub-rule (2), cease to be a member thereof.
- 45. Disqualification.-** (1) A person shall be disqualified for being nominated as, and for being a member of the Board—
- (i) if he is declared to be of unsound mind by a competent court; or
  - (ii) if he is an un-discharged insolvent; or
  - (iii) if before or after the commencement of the Code, he has been convicted of an offence involving moral turpitude.
- (2) If any question arises whether a disqualification has been incurred under sub-rule (1), the decision of the Central Government thereon shall be final.
- CHAPTER VII**  
**PAYMENT OF DUES, CLAIMS, etc.**
- 46. Deposit of the undisbursed dues under clause (b) of sub-section (1) of section 44.-** (1) Where any amounts payable to an employee under this Code remains undisbursed because either no nomination has been made by such employee or for any other reason, such amounts could not be paid to the nominee until the expiry of six months from the date the amount had become payable, all such amounts shall be deposited by the employer with the Deputy Chief Labour Commissioner (Central) having jurisdiction before the expiry of the fifteenth day after the last day of the said period of six months.
- (2) The amounts referred to in sub-rule (1) shall be deposited by the employer with The Deputy Chief Labour Commissioner (Central) ) having jurisdiction through bank transfer or through a crossed demand draft obtained from any scheduled bank in India drawn in favour of such Deputy Chief Labour Commissioner (Central).
- 47. Manner of dealing with the undisbursed dues under clause (b) of sub-section (1) of section 44.**  
— (1) The amount referred to in sub rule (1) of rule 46 (hereinafter in this rule referred to as the amount) deposited with the Deputy Chief Labour Commissioner (Central) having jurisdiction shall

remain with him and be invested in the Central or State Government Securities or deposited as a fixed deposit in a scheduled bank.

(2) The Deputy Chief Labour Commissioner (Central) having jurisdiction will exhibit, as soon as maybe possible, a notice containing such particulars regarding the amount as the Deputy Chief Labour Commissioner (Central) considers sufficient for information at least for fifteen days on the notice board and also publish such notice in any two newspapers being circulating in the language commonly understood in the area in which undisbursed wages were earned.

(3) Subject to the provision of sub-rule (4), the Deputy Chief Labour Commissioner (Central) having jurisdiction shall release the amount to the nominee or to that person who has claimed such amount, as the case may be in whose favour such Deputy Labour Commissioner (Central) has decided, after giving the opportunity of being heard, the amount to be paid.

(4) If the undisbursed amount remains unclaimed for a period of seven years, the same shall be dealt in the manner as directed by the Central Government from time to time in this behalf.

**CHAPTER VIII  
THE FORM, REGISTER AND WAGE SLIP**

48. The form of a single application. – A single application, may be filed under sub-section (5) of section 45 in Form-II along with documents specified in such Form.

49. Appeal.- Any person aggrieved by an order passed by the authority under sub-section (2) of section 45 may prefer an appeal under sub-section (1) of section 49 in Form III, along with documents specified in such Form, to the appellate authority having jurisdiction.

50. Form of register, etc.- (1) All fines and all realization thereof referred to in sub-section (8) of section 19 shall be recorded in a register to be kept by the employer in Form – I appended to these rules, electronically or otherwise and the authority referred to in said sub-section (8) shall be the Deputy Chief Labour Commissioner (Central) having jurisdiction.

(2) All deductions and all realization referred to in sub-section (3) of section 21 shall be recorded in a register to be kept by the employer in Form-I appended to these rules, electronically or otherwise.

(3) Every employer of an establishment to which the Code applies shall maintain a register under sub-section (1) of section 50 in Form I, electronically or otherwise.

51. Wage slip.- Every employer shall issue wage slips, electronically or otherwise to the employees in Form V under sub-section (3) of section 50 on or before payment of wages.

52. Manner of holding enquiry under sub-section (1) of section 53.- (1) When a complaint is filed before the officer appointed under sub-section (1) of section 53 (hereinafter in this rule referred to as the officer) in respect of the offences referred to in said sub-section either by an officer authorized for such purpose by the Central Government or by an employee aggrieved or a registered trade union registered under the Trade Unions Act, 1926 or an Inspector-cum-Facilitator, the officer shall after considering such evidences as produced before him by the complainant, is of the opinion that an offence has been committed issue summons to the offender on the address specified in the complaint fixing a date for his appearance .

(2) If the offender to whom the summons has been issued under sub rule (1) appears or is produced before the officer, he shall explain the offence complained against him and if the offender pleads guilty, the officer shall impose penalty on him in accordance with the provisions of the Code and when the offender does not plead guilty, the officer shall take evidence of the witnesses produced by the complainant on oath and provide opportunity of cross examination of the witnesses so produced . The officer shall record the statement of the witnesses on oath and in cross examination in writing and take the documentary evidence on record.

(3) The officer shall, after the complainant's evidence is complete, provide opportunity of defence to the accused person and the witnesses produced by the accused shall be cross examined after their statements on oath by the complainant and documentary evidence in defence shall be taken on record by the officer.

(4) The officer shall after hearing the parties and considering the evidences both oral and documentary decide the complaint in accordance with the provisions of the Code.

53. The manner of imposing fine under sub-section (1) of section 56.- (1) An accused person desirous of making composition of offence under sub-section (1) of section 56 may make an application in Form VI to the Gazetted Officer notified under said sub-section (1).

(2) The Gazetted Officer referred to in sub-rule (1), shall, on receipt of such application, hold a meeting with the accused person to satisfy himself as to whether the offence is compoundable or not under the Code and if the offence is compoundable and the accused person agrees for the composition, compromise the offence for a sum of fifty per cent. of the maximum fine provided for such offence under the Code, to be paid by the accused within the time specified in the order of composition issued by such officer.

(3) Where the offence has been compromised under sub-rule (2) after the institution of the prosecution, then, the officer shall send a copy of such order made by him for intimation to the officer referred to in sub-section (1) for needful action under sub-section (6) of section 56.

**CHAPTER IX  
MISCELLANEOUS**

54. Timely Payment of Wages.- Where the employees are employed in an establishment through contractor, then, the company or firm or association of any other person who is the proprietor of the establishment shall pay to the contractor the amount payable to him or it, as the case may be, before the date of payment of wages so that payment of wages to the employees shall be made positively in accordance with the provisions of Section 17.

Explanation.- For the purpose of this rule, the expression "firm" shall have the meaning as assigned to it in the Indian Partnership Act, 1932 (9 of 1932).

55. Technical Committee for working Journalist.- The Central Government may, for the purpose of fixing minimum wages under the code for the working journalist as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 (45 of 1955), appoint a technical advisory committee under clause (a) of sub-section (1) of section 8 to recommend the Central Government in respect of such fixation.



**FORM IV**  
[See rule 50(3)]  
**FORMAT OF EMPLOYEE REGISTER**

Name of the Establishment.....LIN.....Name of Employer.....

Sl. No.	Employee Code	Name	Surname	Gender	Father's/Spouse Name	Date of Birth#	Nationality	Education Level	Date of Joining	Designation		
1	2	3	4	5	6	7	8	9	10	11		
12	13	14	15	16	17	18	19	20	21	22	23	24

Category Address (HS/S/SS/US)	Type of Employment	Mobile	UAN	PAN	ESIC IP	LWF AADHAAR	Bank A/c Number	Branch (IFSC)	Present Address	Permanent		
12	13	14	15	16	17	18	19	20	21	22	23	24
25	26	27	28	29	30	31						

Servie Book No.	Date of Exit	Reason for Exit	Mark of identification	Photo	Specimen Signature/Thumb impression	Remarks
25	26	27	28	29	30	31

**FORM V**  
[See rule 51]  
**WAGE SLIP**

Name of establishment..... Address..... Period.....

- Name of employee
- Father's /husband's name
- Designation
- UAN
- Bank Account No.
- Wage period
- Rate of wages payable: a. Basic b. D.A. c. other allowances
- Total attendance/unit of work done
- Overtime wages
- Gross wages payable
- Total deductions : a. PF b. ESI c. Other
- Net wages paid

Employer / Pay-in-charge signature

**FORM III**  
(See rule 49)  
Appeal under Section 49(1) of the Code on Wages, 2019  
Before The Appellate Authority under the Code on Wages, 2019

A.B.C  
Address.....APPELLANT

Vs.  
C.D.E.  
Address.....RESPONDENT

**DETAILS OF APPEAL:**

- Particulars of the order against which the appeal is made :  
Number and date :  
The authority who has passed the impugned order:  
Amount Awarded:  
Compensation awarded , if any
- Facts of the case :  
(Give here a concise statement of facts in a chronological order, each paragraph containing as nearly as possible a separate issue or fact).
- Grounds for appeal :
- Matters not previously filed or pending with any other Court or any appellate Authority:  
The appellant further declares that he had not previously filed any appeal, writ petition or suit regarding the matter in respect of which this appeal has been made, before any Court or any other Authority or Appellate Authority nor any such appeal, writ petition or suit is pending before any of them.
- Reliefs sought :  
In view of the facts mentioned above the appellant prays for the following relief(s) :--  
(Specify below the relief(s) sought)

6. List of enclosures:  
1.  
2.  
3.  
4.

Date :  
Place :  
Signature of the appellant.

For Office Use  
Date of filing  
or  
Date of Receipt by Post  
Registration No.

Authorized Signatory

**FORM VI**  
[See rule 53]

**APPLICATION UNDER SUB-SECTION (4) OF SECTION 56 FOR COMPOSITION OF OFFENCE**

1. Name of applicant .....
2. Father's / Husband's name of the applicant .....
3. Address of the applicant .....
4. Particulars of the offence .....
5. Section of the Code under which the offence is committed .....
6. Maximum fine provided for the offence under the Code .....
7. Whether prosecution against the applicant is pending or not .....
8. Whether the offence is first offence or the applicant had committed any other offence prior to the offence, if had committed, then, full detail of the offence .....
9. Any other information which the applicant desires to provide .....

Applicant  
(Name and signature)

Dated: .....

**Schedule A**

[See rules 21, 22, 26 and 27]

In the Schedule, the total amount of bonus equal to 8.33 per cent of the annual salary or wage payable to all the employees is assumed to be Rs. 1,04,167. Accordingly, the maximum bonus to which all the employees are entitled to the paid (twenty per cent of the annual salary or wage of all the employees) would be Rs. 2,50,000.

Year	Amount equal to sixty per cent or sixty-seven per cent, as the case may be, of available surplus allocable as bonus	Amount payable as bonus	Set on or Set off of the year carried forward	Total set on or set off carried forward	Of (year)
	Rs.	Rs.	Rs.	Rs.	
1.	1,04,167	1,04,167*	Nil	Nil	
2.	6,35,000	2,50,000	Set on 2,50,000*	Set on 2,50,000*	(2)
3.	2,20,000	2,50,000* (inclusive of 30,000 from year-2)	Nil	Set on 2,20,000	(2)
4.	3,75,000	2,50,000*	Set on 1,25,000	Set on 2,20,000 1,25,000	(2) (4)
5.	1,40,000	2,50,000* (inclusive of 1,10,000 from year-2)	Nil	Set on 1,10,000 1,25,000	(2) (4)
6.	3,10,000	2,50,000*	Set on 60,000	Set on 1,25,000 Nil 60,000	(2) (4) (6)
7.	1,00,000	2,50,000* (inclusive of 1,25,000 from year-4 and 25,000 from year-6)	Nil	Set on 35,000	(6)
8.	Nil (due to loss)	1,04,167 (inclusive of 35,000 from year-6)	Set on 69,167	Set off 69,167	(8)
9.	10,000	1,04,167*	Set off 94,167	Set off 69,167 94,167	(8) (9)
10.	2,15,000	1,04,167 (after setting off 69,167 from year-8 and 41,666 from year-9)	Nil	Set off 52,501	(9)

Notes:-

\* Maximum.

+ The Balance of Rs. 1,10,000 set on from year-2 lapses;

\*\* Minimum

**Schedule B**  
**Computation of Gross Profits**  
[See rule 23]

Accounting year ending .....

	deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income tax).	RS.....		
4.	(e) Any amount certified by the Reserve Bank of India in terms of sub-section (2) of section 34A of the Banking Regulation Act, 1949 (10 of 1949). (f) Losses of, or expenditure relating to, any business situated outside India. Total of Item No.3..... Add also income, profits or gains (if any ) credited directly to published or disclosed reserves, other than- (i) capital receipts and capital profits (including profits on the sale of capital assets on such depreciation has not been allowed for income-tax); (ii) profits of, and receipts relating to , any business situated outside India; (iii) income of foreign banking companies from investment outside India.	RS.....		
5.	Net total of Item No.4.....			
6.	Total of Item Nos.1,2,3& 4..... Deduct : (a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax). (b) Profits of, and receipts relating to any business situated outside India. (c) Income of foreign banking companies from investments outside India . (d) Expenditure or losses (if any ) debited directly to published or disclosed reserves, other than – (i) capital expenditure and capital losses (other than losses on sale of	RS.....		*** *** ***

Item No.	Particulars	Amt. of sub-items Rs.	Amt. of main items Rs.	Remarks
*1.	Net Profit as shown in the profit and loss account after making usual and necessary provisions.			
2.	Add back provision for: (a) Bonus to employees (b) Depreciation (c) Development Rebate Reserve (d) Any other reserves Total of item No.2.....	RS.....		** **
3.	Add back also: (a) Bonus paid to employees in respect of previous accounting years. (b) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of – (i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and (ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason. (c) Donations in excess of the amount admissible for income-tax . (d) Capital expenditure (other than capital expenditure on scientific research which is allowed as a			**

**Schedule C**  
**Computation of Gross Profits**

[(See rule 2.4)]

Accounting year ending.....

Item No.	Particulars	Amt. Of sub-Items Rs.	Amt. Of main Items Rs.	Remarks
1.	Net profit as per profit and loss account			
2.	Add back provision for : (a) Bonus to employees (b) Depreciation. (c) Direct taxes, including the provision (if any), for previous accounting years (d) Development rebate / investment allowance / development allowance reserve. (e) Any other reserves Total of Item No. 2.....	Rs. ....		* *
3.	Add back also : (a) Bonus paid to employees in respect of previous accounting years. (aa) The amount debited in respect of gratuity paid or payable to employees in excess of the aggregate of- (i) the amount, if any, paid to, or provided for payment to, an approved gratuity fund; and (ii) the amount actually paid to employees on their retirement or on termination of their employment for any reason. (b) Donations in excess of the amount admissible for income-tax . (c) Any annuity due, or commuted value of any annuity paid, under the provisions of			*

capital assets on which depreciation has not been allowed for income-tax ); (ii) losses of any business situated outside India. (e) In the case of foreign banking companies proportionate administrative (overhead ) expenses of head-office allocable to Indian business. (f) Refund of any excess direct tax paid for previous accounting years and excess provision if any of previous accounting years, relating to bonus, depreciation or development rebate, if written back. (g) Cash subsidy, if any, given by the government or by anybody corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes .	Rs.....	*** *** ***
7. Total of Item No. 6 ..... Gross profits for purposes of bonus (Item No. 5 minus Item No. 6)		Rs.....

**Explanation:** In sub-item (b) of item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income Tax Act.

**Foot-notes:-**

(1) If, and to the extent, charged to Profit and Loss Account.

(2) If, and to the extent, credited to Profit and Loss Account.

(3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per consolidated profit and loss account adjusted as in Item No. 2 above only)

	section 280D of the Income Tax Act during the accounting year.				*
	(d) Capital expenditure (other than capital expenditure on scientific research which is allowed as a deduction under any law for the time being in force relating to direct taxes) and capital losses (other than losses on sale of capital assets on which depreciation has been allowed for income tax or agricultural income-tax).				
	(e) Losses of , or expenditure relating to, any business situated outside India. Total of Item No.3.....	Rs.....			
4.	Add also income, profits or gains (if any) credited directly to reserves, other than-				
	(i) capital receipts and capital profits (including profits on the sale of capital assets on which depreciation has not been allowed for income-tax or agricultural income-tax);				
	(ii) profits of, and receipts relating to, any business situated outside India;				
	(iii) income of foreign concerns from investments outside India.				
	Net total of Item No.4.....	Rs.....			
5.	Total of Item Nos. 1,2,3 and 4....	Rs.....			**
6.	Deduct :				
	(a) Capital receipts and capital profits (other than profits on the sale of assets on which depreciation has been allowed for income-tax or agricultural income-tax).				**
	(b) Profits of, and receipts relating to, any business situated outside India.				**
	(c) Income of foreign concerns from investment outside India.				***
	(d) Expenditure or losses (if any ) debited	Rs.....			**

	directly to reserves, other than-			
	(i) capital expenditure and capital losses (other than losses on sale of capital assets on which depreciation has not been allowed for income-tax ; or agricultural income-tax;			
	(ii) losses of any business situated outside India.			
	(e) In the case of foreign concerns proportionate administrative (overhead) expenses of head office allocable to Indian business.			
	(f) Refund of any direct tax paid for previous accounting years and excess provision, if any, of previous accounting years relating to bonus, depreciation, taxation or development rebate or development allowance, if written back.			
	(g) Cash subsidy, if any, given by the government or by any body corporate established by any law for the time being in force or by any other agency through budgetary grants, whether given directly or through any agency for specified purposes and the proceeds of which are reserved for such purposes.			
7.	Total of Item No.6 Gross Profits for purposes of bonus (Item No.5 minus item No.6 )	Rs.....		

Explanation: In sub-item (aa) of item 3, "approved gratuity fund" has the same meaning assigned to it in clause (5) of section 2 of the Income Tax Act.

Foot-notes:-

- (1) If, and to the extent, charged to Profit and Loss Account.
- (2) If, and to the extent, credited to Profit and Loss Account.
- (3) In the proportion of Indian Gross Profit (Item No. 7) to Total World Gross Profit (as per consolidated profit and loss account, adjusted as in Item No. 2 above only).

**Schedule D**  
[See rule 25]

Item No.	Category of employer	Further sums to be deducted
1.	Company, other than a banking company.	<p>(i) The dividends payable on its preference share capital for the accounting year calculated at the actual rate at which such dividends are payable;</p> <p>(ii) 8.5 per cent of its paid up equity share capital as at the commencement of the accounting year;</p> <p>(iii) 6 per cent of its reserves shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year :</p> <p><b>PROVIDED</b> that where the employer is a foreign company within the meaning of section 2 (42) of the Companies Act, 2013 (18 of 2013), the total amount to be deducted under this item shall be 8.5 per cent on the aggregate of the value of the net fixed assets and the current assets of the company in India after deducting the amount of its current liabilities (other than any amount shown as payable by the company to its Head Office whether towards any advance made by the Head Office or otherwise or any interest paid by the company to its Head Office ) in India.</p>
2.	Banking company	<p>(i) The dividends payable on its preference share capital for the accounting year calculated at the rate at which such dividends are payable ;</p> <p>(ii) 7.5 per cent of its paid up equity share capital as at the commencement of the accounting year ;</p> <p>(iii) 5 per cent of its reserves shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year;</p> <p>(iv) any sum which, in respect of the accounting year, is transferred by it-</p> <p>(a) to a reserve fund under sub-section (1) of section 17 of the Banking Regulation Act, 1949 (10 of 1949) ; or</p> <p>(b) to any reserves in India in pursuance of any direction or advice given by the Reserve Bank of India,</p> <p>whichever is higher:</p> <p><b>PROVIDED</b> that where the banking company is a foreign company within the meaning of section 2 (42) of the Companies Act, 2013 (18 of 2013), the amount to be deducted under this item shall be the aggregate of-</p> <p>(i) the dividends payable to its preference shareholders for the accounting year at the rate at which such dividends are payable on such amount as bears the same proportion to its total preference share capital as its total working funds in India bear to its total world working funds;</p> <p>(ii) 7.5 per cent of such amount as bears the same proportion to its total</p>
paid up equity share capital as its total working funds in India bear to its total working funds.		
(iii) 5 per cent of such amount as bears the same proportion to its total disclosed reserves as its total working funds in India bear to its total world working funds;		
(iv) any sum which, in respect of the accounting year, is deposited by it with the Reserve Bank of India under sub-clause (ii) of clause (b) of sub-section (2) of section 11 of the Banking Regulation Act, 1949 (10 of 1949) , not exceeding the amount required under the aforesaid provision to be so deposited.]		
3. Corporation		(i) 8.5 per cent of its paid up capital as at the commencement of the accounting year;
4. Co-operative society		(ii) 6 per cent of its reserves, if any, shown in its balance sheet as at the commencement of the accounting year, including any profits carried forward from the previous accounting year.
		(i) 8.5 per cent of the capital invested by such society in its establishment as evidenced from its books of accounts at the commencement of the accounting year;
5. Any other employer not falling under any of the aforesaid categories		(ii) such sums as has been carried forward in respect of the accounting year to a reserve fund under any law relating to co-operative societies for the time being in force.
		8.5 per cent of the capital invested by him in his establishment as evidenced from his books of accounts at the commencement of the accounting year.
		<b>PROVIDED</b> that where such employer is a person to whom Chapter XXII-A of the income Tax Act applies, the annuity deposit payable by him under the provisions of that Chapter during the accounting year shall also be deducted:
		<b>PROVIDED FURTHER</b> that where such employer is a firm, an amount equal to 25 per cent of the gross profits derived by it from the establishment in respect of the accounting year after deducting depreciation in accordance with the provisions of clause (a) of section 6 by way of remuneration to all the partners taking part in the conduct of business of the establishment shall also be deducted, but where the partnership agreement, whether oral or written, provides for the payment of remuneration to any such partner, and –
		(i) the total remuneration payable to all such partners is less than the said 25 per cent the amount payable, subject to a maximum of forty-eight thousand rupees to each such partner; or
		(ii) the total remuneration payable to all such partners is higher than the said 25 per cent, such percentage, or a sum calculated at the rate of forty – eight thousand rupees to each such partner, whichever is less , shall be deducted under this proviso:
		<b>PROVIDED ALSO</b> that where such employer is an individual or a Hindu Undivided Family –
		(i) an amount equal to 25 per cent of the gross profits derived by such employer from the establishment in respect of the accounting year after

Schedule E  
(see rule 4 (3))

S.No.	UNSKILLED
1	Beldar
2	Calf boy
3	Cattleman
4	Cleaner (Motor shed, Tractor, Cattle, Yard, M.T)
5	Collecting loose fodder
6	Dairy coolie
7	Mazdoor (Airportcultivist Compost, Dairy's Haystaking, Irrigation, Manure, Stacking, Milk-room, Ration room Store, Anti-Malaria, M.R.)
8	Driver (Mule, Bullock, Camel, Donkey)
9	Dresser
10	Driver (Bullocks Mule)
11	Grazler
12	Dairyman
13	(Store-Mazdoor)
14	Carrier (Stone),
15	Breaker (using manual appliances)
16	Helper
17	Messenger (Office)
18	Mali
19	Syce
20	Tying and Carrying loose hay
21	Sweeper,
22	Weighing and Carrying bales,
23	Weighman (Bales, pally),
24	Waterman,
25	Stable man,
26	Trolly man,
27	Valveman,
28	Watchman,
29	White Washer,
30	Wooderwoman,
31	Wooder Woman,
32	Borryman,
33	Coalman,
34	Condenser,
35	Attendant,
36	Grass Cutter,
37	Muchhars Jamadars,
38	Condenser Attendant,
39	Shunters
40	Turner,
41	Bajri Spreader,
42	Beater Women,
43	Bell-Woman,
44	Chain Man,
45	Boat Man,
46	Bucket Man,
47	Labourer (Boiler, Cattle Yard, Cultivation, General Loading and Unloading, Bunding, Carting-Fertilizers, Harvesting, Miscellaneous Seeding, Sowing, Thatching, Transplanting, Weeding)
48	Cleaner (Crane, Truck, Cinder for ash Pit),

	deducting depreciation in accordance with the provisions of clause (c) of section 34; or
	(ii) forty-eight thousand rupees,
	whichever is less by way of remuneration to such employer, shall also be deducted.
	Deleted because as there is no sixth schedule in the electricity Act,

Explanation : The expression "reserves" occurring in column (3) against item Nos. 1(iii), 2(iii) and 3(ii) shall not include any amount set apart for the purpose of,-

(i) payment of any direct tax which, according to the balance-sheet, would be payable;

(ii) meeting any depreciation admissible in accordance with the provisions of clause (a) of section 6;

(iii) payment of dividends which have been declared, but shall include,-

(a) any amount, over and above the amount referred to in clause-(i) of this Explanation, set apart as specific reserve for the purpose of payment of any direct tax; and

(b) any amount set apart for meeting any depreciation in excess of the amount admissible in accordance with the provisions of clause (a) of section 6.

49	Cartman,
50	Caretaker (Bridge),
51	Carrier (Water),
52	Chowkidar,
53	Concrete (Hand Miner),
54	Daffadar,
55	Driver (Bullock, Camel, Donkey, Mule),
56	Flag Man,
57	Flagman (Blast Train),
58	Khalasi not attending to machines
59	Gangmen,
60	Gatingman (Permanent Way),
61	Handle Man, Jumper Man,
62	Kamin (Female Work),
63	Khalas,
64	Bridge,
65	Electrical,
66	Marine,
67	Moplah,
68	Store,
69	Steam Road,
70	Share,
71	Roller Survey,
72	labourer (Garden),
73	Mazdoor,
74	Hole Cutter,
75	Lorry Trainees,
76	Petrolman,
77	Searcher,
78	Signal man,
79	Strikers,
80	Vaks Controller,
81	Cleaner
82	Dresser / Dressing Mazdoor
83	Loader
84	Mazdoor (Male/Female)
85	Messenger (Male / Female)
86	Trammer
87	Caretaker (except in Copper, Chromite and Graphite mines where it is semiskilled)
88	Office Peon /Peon (except in Bauxite Mines)
89	Sweeper (Male / Female)
90	Carrier
91	Number Taker
92	TrolleyTriper
93	Water Carrier
94	Earth Cutter
95	Survey Khalasi
96	Gate Man,
97	Concrete (Hand Mixer)
98	Dismantling stocks
99	Lampman
100	Beldar/Beldar (Canteen)
101	Coolie

102	Peon
103	Cook-helper
104	Office Boy
105	Quarry Worker
106	Jelly Maker
107	Over burden Remover
108	Waste removing mazdoor
109	Unloader
110	Excavating Labour
111	Digger
112	Butcher
113	Attender
114	Lorry Helper
115	Surface loader
116	Wood Cutter
117	Surface Muikar
118	Under Ground Mukar
119	Striker (Moplah gang),
120	Tail Boy,
121	Tile
122	Person employed in loading and unloading
123	Person employed in sweeping and cleaning and other categories by whatever name called which are of unskilled nature

S.No	SEMI SKILLED
1	Assistant (Chowdhary)
2	Attendant (Bull-calving lines, Chowkidar, Chaff cutter, Hostel, Dry Stock, Grain crusher, Pump, sielkline,
3	Stable, Yard Stock)
4	Assistant-Plumber
5	Attendant
6	Bhisti
7	Brander
8	Bullman
9	Butterman
10	Coachman
11	Cobbler
12	Cultivator
13	Daftry
14	Deliveryman
15	Dhobi
16	Dresser
17	Fireman
18	Gowala
19	Hammerman
20	Helper (Blacksmith)
21	Helper
22	Jamadar (stand)
23	Jamadar
24	Khalasi
25	Mali Senior
26	Mate/Mistry
27	Mazdoor (literate)

28	Nalband
29	Oilman
30	Ploughman
31	Vtackers
32	Supervisor
33	Thatcher
34	Valveman
35	Valveman (Senior)
36	Wireman fixing tin cables
37	Cook
38	Dandee
39	Frash
40	Hacksaw man
41	Helper (locco-Crane/Truck)
42	Manijhee (Boatman)
43	Belchawala
44	Muccadam (without competency certificate under Metalliferous Bulldozer Driver Mines Regulations, 1961)
45	Bhisti (with Mushk)
46	Boatman (head)
47	Breaker,
48	Breaker (Stone, Rock, Rock Stone, Stone Metal
49	Canweaver
50	Chaiman(Head)
51	Charpoy-Stringer
52	Checker
53	Cracker
54	Dollyman
55	Assistant
56	Driller
57	Driver (Skin)
58	Excavator
59	Ferroman
60	Fireman (Brick Kiln, Steam Road Roller)
61	Gate Keeper
62	Gharani
63	Classman
64	Grater
65	Greaser-cum-Fireman
66	Grinder
67	Hammerman
68	Helper (Artisan)
69	Helper (Sawyer)
70	Keyman
71	Khalasi (Head Survey, Rivertters-Moplah Gang, Supervisory)
72	Labourer (Rock-Cutting)
73	Lascar
74	Mali (Head)
75	Stockers and Boilerman
76	Thoombaman (Spade worker)
77	Tindals
78	Trolleyman (Head Motor)
79	Fitter (Assistant Semi-Skilled)
80	Jamadar (Semi-skilled)

54	Sprayman (Roads)	3	Blacksmith (Class II)	81	Mate (Stone)
55	Stone Cutter	4	Boilerman	82	Kasab
56	Stone Cutter (Selection Grade, Grade II, Class II)	5	Carpenter	83	Khalasi (Structural)
57	Stone Chisler	6	Carpenter (Class II) Carpenter-cum-Blacksmith	84	Masalchi P.M. Mates
58	Stone Chisler (Class II)	7	Chowdhary	85	Miner
59	Stone Blaster	8	Driver	86	Untrained Mate/ Mining Mate/ Mate without Competency certificate Under Metalliferous Mines Regulations, 1961
60	Sub-Overseer (Unqualified)	9	Driver (Engine Tractor, M.T.Motor)	87	Butler/Cook
61	Surveyors	10	Electrician	88	Breaker (using mechanical appliances)
62	Pump Driver	11	Fitter	89	Crech Ayah/Ayah/Untrained Crech Attendant
63	Pump Driver (Selection Grade), Grade II and III, Class II)	12	Mason	90	Assistant Driller
64	Pump Driver (Selection Grade, P.E., Driver,	13	Mason Class II	91	Oilman/Oiler
65	Pumpman	14	Machine hand (Class II, III, IV)	92	Chowkidar/ Watchman
66	Pumpman (Assistant)	15	Machine man	93	Helper (Mason, Carpenter, Blacksmith)
67	Plumber	16	Mate Gr. I (Senior)	94	Tindals
68	Polisher (with spray) Grade II	17	Mechanic	95	Topas
69	Ratan Man	18	Milk Writer	96	Topkar (Big Stone Breaker)
70	Rivet Cutter (Assistant)	19	Mistry (Head)	97	Trolley/Jamadar
71	Rivetter	20	Moulder	98	Winchman
72	Rivetter (Cutter)	21	Muster Writer	99	Attendance-keeper
73	Road Inspector Grade II, Railway Plate Layer	22	Operator (Tube-well)	100	Assistant Wireman
74	Rod Bender	23	Painter	101	Mate
75	Haulage Operator	24	Plumber	102	Mate (Blacksmith, Road, Carpenter)
76	Dispensary Attendant	25	Welder	103	Engine Driver and/or Feeder
77	Work Sakar	26	Upholsterer	104	Fitter
78	Mica Cutter Grade -I	27	Wireman,	105	Gang
79	Dresser Grade -I Mica	28	Chipper	106	Mazdoor Mason
80	Supervisory Fireman	29	Chipper-Cum-Grinder	107	Permanent Way
81	Fireman only in Mines	30	Cook (Head)	108	Pump-Driver, Turner
82	Compressor Driver	31	Driller	109	Mazdoor (Heavy-weight)
83	Pump Man Driver 96. Grinder in Mica Mines	32	Driller (Well Boring)	110	Charge-man
84	Surveyors (Assistant)	33	Driver (Loco/Truck)	111	Mistri (Head)
85	Tailor	34	Electrician (Assistant)	112	Muccadam
86	Tailor(Upholstry)	35	Mechanic (Tube-Well)	113	Night-guard
87	Transprayer	36	Mistry(Stell, Tube-Well, Telephone)	114	Runner (Post dak)
88	Tar man	37	Meter Reader	115	Oilman
89	Line Man	38	Meteorological Observer Navghani	116	Quarry man
90	Tiler Class II	39	Operator (Batching Plant, Cinema Project, Clamp Shelf, Compressor, Grane, Dorrick, Diesel Engine, Doser, Dragling Drill Dumber, Excavator, Fork Lift Generator, Grader, Jack Hammer and Payment breaker Loader, Pump, Pile Driving, Scrapper, Screening Plant, Shovel, Tractor, Vibrator, Weight Batcher, Railway Guards, Repairer (Battery)	117	Quarry Operator
91	Wall(Floor, Roof)	40	Sharper/Slotter	118	Stoneman
92	Tiler (Selection Grade)	41	Sprayer (Ashait) Station Master	119	Stockler
93	Tin-Smith	42	Surveyor (Silt)	120	Thatcher
94	Tin Smith(Selection Grade, Grade II and III, Class II) Tinker	43	Trades-Man	121	Pump Attendant
95	Well Sinker	44	Train Examiner	122	Bearer
96	Assistant Mistry	45	Turner/Miller	123	Breakman
97	Armature Winder Grade-II and III	46	Tyre/Vulcaniser	124	Crowder Man
98	Bhandari	47	Sawyer	125	Laboratory Boy
99	Blacksmith	48	Sawyer (Selection Grade Class II) Serang	126	Pointsman/Sencummy
100	Blacksmith (Selection Grade, Grade II, III, Class II and III)	49	Serangpile	127	Stone mines and other categories by whatever name called which are of semi-skilled nature
101	Boilerman	50	Driving Pantooms with Boiler		
102	Boilerman Grade II and III	51	Shapesman		
103	Boiler Foreman Grade II	52	Shift-incharge		
104	Work (Assistant)	53	Sprayman		
105	Brick Layer				
106	Bricklayer (Selection Grade, Class II)				
107	Blaster				

S.No	SKILLED
1	Artificer (Class-II, III, IV)
2	Blacksmith

108	Chowkidar (Head)
109	Security Guard (without arms)
110	Carpenter
111	Carpenter (Selection Grade, Grade II and III, Class I and III Assistant)
112	B.I.M. Road
113	Cabinet Maker
114	Caneman
115	Celotex
116	Cutter Maker Charge man, Class II and Class III, Carpenter (Ordinary)
117	Checker (Junior)
118	Chick Maker
119	Chickman (Junior) Concrete Mixure Mixer
120	Concrete Mixure Operator
121	Cobbler
122	Coremaker
123	Driver
124	Driver Motor Vehicle
125	Motor Vehicle Selection Grade
126	Motor Lorry
127	Motor-Lorry Grade II
128	Lorry Grade II
129	Diesel Engine
130	Diesel Engine Grade II
131	Mechanical Road Roller I.C. and Cement Mixer etc.
132	Road Roller
133	Road Roller Driver Grade II
134	Driver (Engine Static Stone Crusher, Tractor/Bull Dozer, Steam Road Roller, Water Pump, Mechanical Assistant, Road Roller, Mechanical, Steam Crane, Tractor with Bull Dozer Mechanical), Transport, Engine Static and Road Roller Boiler Attendant
135	Engine Operator (Stone Cursher Mechanical)
136	Dampstremper, Electrician, Electrician (Grade II, Class II and Class III)
137	Fitter
138	Fitter (Selection Grade, Grade II and III) class II and III Assistant, Pipe class II, Pipe Line ending Bars for
139	reinforcement Cum-mechanic, Mechanic and Plumber)
140	Gharami (Head)
141	Glazier
142	Hole Driller for Blasting
143	Joiner
144	Joiner (Cable, Cable Grade II)
145	Lineman (Grade II, III, High Tension/Low Tension)
146	Mason
147	Mason (Selection Grade, Grade II, III and Class B Mistry)
148	Stone (Stone Class II, Brick Work, Stone work)
149	Brick-layer
150	Tile Flooring
151	B.I.M Muccadam (Head)
152	Stone cutting
153	Ordinary Machanis
154	Mechanic
155	Mechanic (Class II, Air conditioning, Air conditioning Grade II)
156	Diesel Grade II
157	Road Roller Grade II
158	Assistant, Radio)

159	Manson (Gharami)
160	Mistry
161	Mistry Grade II, Air conditioning Grade II, P. Way, Survey, Santras Works)
162	Mason Class A
163	Moulder
164	Moulder (Brick, Tile)
165	Painter
166	Painter (Selection Grade, Grade II and III, Class II, Assistant Letter and Polisher, Polisher, Rough)
167	Plasterer
168	Plasterer (Mason Grade II)
169	Plumber
170	Plumber (Selection Grade, Class II, Assistant Letter and Polisher, Rough).
171	Plasterer
172	Plasterer (Mason Grade II)
173	Plumber (Selection Grade, Class-II, Assistant Senior, Junior, Mistry Grade II)
174	Plumbing Mistry
175	Plumber-cum-Fitter
176	Polisher
177	Polisher (Floor)
178	Sirdhar Lathie Man
179	Geologist
180	Trailors
181	Turner
182	Upholsterer
183	Upholsterer (Grade II and III)
184	Painter Spray (Class II)
185	Wood Cutter
186	Wood Cutter Section Grade
187	Wood Cutter Class II
188	Work Sircar
189	Welder
190	Airwinch Haulage Operator
191	Auto-electrician
192	Painter
193	Blacksmith
194	Tailor
195	Compressor Operator
196	Blaster/Shot-firer
197	Driver
198	Head cook
199	Chargeman
200	Carpenter
201	Concrete Mixer Operator
202	Compressor Attendant
203	Air Compressor Attendant
204	Tractor Driver
205	Vehicle Driver
206	Chemist and Assistant/ Chemist
207	Sub- overseer (unqualified)
208	Driller
209	Handhole Driller

210	Drill Mechanic
211	Driver Auto
212	Electrician
213	Wireless Operator Asstt. Foreman
214	Foreman
215	Fitter
216	Ferry Driver
217	Issuer Loco
218	Super Foreman
219	Hoist Operator
220	IMCE Driver
221	Driver
222	Loco Driver
223	Loader Operator
224	Linesman
225	Mechanic/ Machinist
226	Mason
227	Mid Wife
228	Tinsmith
229	Supervisory Mechanic
230	Pump Attendant only in Gypsum, Barytes and Rock Phosphates
231	Pump Operator/Driver
232	Mining Mate with competency certificate under Metalliferous Mines\ Regulations, 1961.
233	Mistry
234	Skilled Mazdoor
235	Turner
236	Senior Mechanic
237	Pipe Fitter
238	Supervisor
239	Drafts Man
240	Wireman
241	Timber Man/Timber Mistry Elect.
242	Stone Crusher Operator
243	Crusher Operator
244	Moulder
245	Welder
246	Operator
247	Work Mistry
248	Engine Driver
249	Mining Engine Driver Grade -II
250	Engineman
251	Valveman
252	Cutter
253	Winding Engine Driver Grade - II
254	Security Guard (Unarmed)/Head Chowkidar
255	Shovel Operator
256	Limco Loader Operator
257	Surface Supervisor
258	Dozer Operator
259	Compressor Driller
260	Dumper Tractor Operator
261	Boiler Man (with Certificate)
262	Machinery Attendant

263	Air-conditions Mechanic	263
264	Crech Attendant only in Magnesite, Manganese and Mica Mines	264
265	Power Shovel Operator	265
266	Power and Pump House Operator	266
267	Miner Grade - I	267
268	Tractor Operator 80, Tub Repairer 81, Lathe Mistry	268
269	Stationery Engine Attendant 83, Generator Operator 84, Loading Foreman	269
270	Diesel Mechanic	270
271	Ferro Printer cum-chairman	271
272	White Washing and Colour Washing Man	272
273	Operator Pneumatic Tools, Operator (Fitter)	273
274	Boreman	274
275	Borer	275
276	Wireman (Grade II and III, Mechanic, Electrical)	276
277	White Washer	277
278	White Washer (Selection Grade, Class II)	278
279	Wireman	279
280	Welder (Class II, Bridge work)	280
281	Welder gas	281
282	Muccatam (with Competency Certificate under Metalliferous Mines Regulations, 1961).	282
283	Security Guard (without arms) and other categories by whatever name called which are of skilled nature	283
284	Assistant (Farm)	284
285	Assistant (Cashier)	285
286	Librarian	286
287	Telex or Telephone Operator	287
288	Hindi Translator	288
289	Telex or Telephone Operator	289
290	Hindi Translator	290
291	Accounts Clerk	291
292	Clerks	292
293	Computer/Data Entry Operator	293
294	Telephone Operator, Typist	294
295	Store Attendant	295
296	M. C. Clerk	296
297	Munshi (Matriculate, Non-matriculate)	297
298	Store Clerk (Matriculate Non-matriculate)	298
299	Store Keeper	299
300	Store Keeper Grade I, Grade II, (Matriculate)	300
301	Time Keeper	301
302	Time Keeper (Matriculate Non-Matriculate)	302
303	Book Keeper	303
304	Work Munshi	304
305	Work Munshi (Subordinate)	305
306	Magazine Clerk	306
307	Teller Clerk	307
308	Store clerk	308
309	Tally Clerk	309
310	Store Issuer	310
311	Tool Keeper	311
312	Computer/Data Entry Operator	312
313	Record Keeper	313
314	Tracer	314

315	File Clerk	315
316	Register Keeper	316
317	Time Keeper	317
318	Clerk	318
319	Munshi	319
320	Typist and other categories by whatever name called which are of clerical nature	320

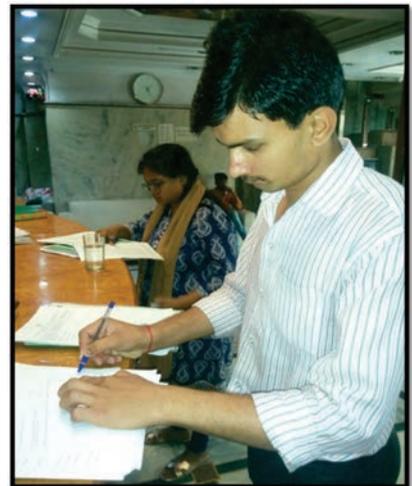
S.NO	HIGHLY SKILLED	
1	Artificer Class I	
2	Blacksmith Class I	
3	Carpenter Class I	
4	Machine	
5	Hand Class I	
6	Mason Class I	
7	Mechanic (Senior)	
8	Painter (Grade I, Class I, Spray) Plasterer (Mason) Class I	
9	Plumber (Head, class I)	
10	Mistry Grade I	
11	Polisher (with spray Grade I)	
12	Road Inspector Grade I	
13	Sawyer Class I	
14	Stone Cutter Class I	
15	Stone Cutter Grade I	
16	Stone Chisler Class I	
17	Stone Mason Class I	
18	Sub-Overseer (Qualified)	
19	Tiler Class I	
20	Tinsmith Grade I and Class I	
21	Upholsterer Grade I	
22	Varnisher Class I	
23	Welder-Cum-Fitter and Air Conditioning Mechanic	
27	Welder (Gas) Class I	
25	White Washer Class I	
26	Wireman Grade I, Class I	
27	Wood Cutter Class I	
28	Grinder (Tool) Grade I	
29	Operator (Batching Plant Grade I)	
30	Leader Grade I	
31	Pile Driving Grade I	
32	Pump Grade	
33	Scrapper Grade I	
34	Screening Plant Grade I	
35	Pump Grade I	
36	Scrapper Grade I	
37	Security Guards (with arms)	
38	Armature Winder Grade I	
39	Blacksmith Grade I and Class I	
40	Boilerman Grade I	
41	Boilerman Foreman Grade I	
42	Brick Layer class I	
43	Cable Joiner Grade I	
44	Carpenter grade I and Class I	

45	Celo Cutter and Decorator	
46	Chargeman Class I	
47	Checker (5t) Driver Lorry Grade I	
48	Motor Lorry Grade I	
49	Motor Vehicle Class I and Diesel Engine Grade I	
50	Road Roller Grade I	
51	Pump Class Electrician Grade I and Class I/ Grade I	
52	Fitter (Grade I, Class I)	
53	Pipe Class I (Head)	
54	Foreman/Assistant Line Man Grade I Mason (Skilled Grade I, Class I)	
55	Mast Rig	
56	Mechanic Class I and Class II	
57	Mechanic (Diesel Grade I and Road Roller Grade I	
58	Airconditioning Grade I/Class I, Mistry Grade I	
59	Mistry (Airconditioning Grade I)	
60	Overseer	
61	Overseer (Senior and Junior)	
62	Dragline Grade I	
63	Drill Grade I	
64	Dumper Grade I	
65	Excavator Grade I	
66	Fork Lift Grade I	
67	Generator Grade I	
68	Rigger Grade I	
69	Rigger Grade II	
70	Charper/Sietter Grade I	
71	Shovel and Dragline Tractor Grade I	
72	Tradesman Class I	
73	Turner/Miller Grade I	
74	Work (Assistant) Grade I	
75	Compounder	
76	Survivor	
77	Winding Engine Driver	
78	Operator (Heavy Earth Moving Shovel and Bulldozer)	
79	Head Mistry	
80	Staff Nurse with Diploma	
81	Drill Operator other than Jack Hammer	
82	Electrical Supervisor with Competency Certificate	
83	Underground Shift Boss	
84	Head Mechanic	
85	Qualified and Experienced Welder	
86	Machine Tool Mechanic	
87	Mechanical/Plant Foreman	
88	Mining Supervisor	
89	Vocational Training Instructor/Teacher	
90	Head Electrician	
91	Accountant	
92	Steno with 7 years of service	
93	Store Incharge	
94	Shift Incharge	
95	Supervisor	
96	Incharge of Watch and Ward	
97	Security Guard (Armed)	
99	Crane Grade I	

100	Diesel Engine Grade I
101	Dozer Grade I
102	Clamp Shell Grade I
103	Compressor Grade I
104	Grader Grade I
105	Tractor Grade I
106	Vibrator Grade I
107	Screening Plant Grade I
108	Shovel Grade I
109	Shovel and Dragline
110	Tyre vulcaniser Grade I
111	Security guard (with Arms) and other categories by whatever name called which are of highly-skilled nature

Annexure-5

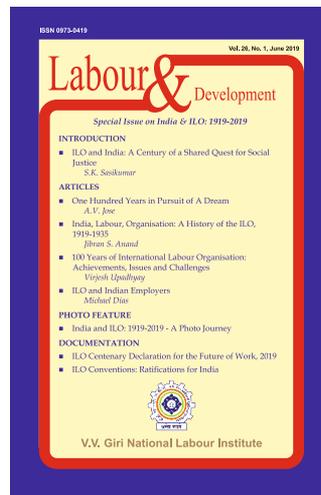
Glimpse of the Field Survey





# LABOUR & DEVELOPMENT

Labour & Development is a biannual journal published by the V.V. Giri National Labour Institute, a premier Institute of labour studies. The Journal is dedicated to advancing the understanding of various aspects of labour through theoretical analysis and empirical investigations. The Journal publishes articles of high academic quality in the field of labour and related areas with emphasis on economic, social, historical as well as legal aspects and also publishes research notes and book reviews on them particularly in the context of developing countries.



## ANNUAL SUBSCRIPTION RATES

<b>India</b>	<b>Individual</b>	<b>₹ 150.00</b>
	<b>Institutional</b>	<b>₹ 250.00</b>
<b>Foreign</b>	<b>Individual</b>	<b>US\$ 15</b>
	<b>Institutional</b>	<b>US\$ 25</b>

### Modes of Payment:

#### a. Online Payment

Name of the Payee :	V.V. Giri National Labour Institute
Name of the Bank :	Indian Overseas Bank
Bank Branch :	Nithari Branch, Sector-31, Noida, Uttar Pradesh
Bank Account Number:	059702000001131
Type of Bank Account :	Current Account
IFSC Code :	IOBA0000597
MICR Code of Bank :	110020029

or

#### b. By DD in favour of V.V. Giri National Labour Institute payable at Noida

For all editorial/business correspondence, please contact:

Editor

Labour & Development

V.V. Giri National Labour Institute

Sector-24, Noida-201 301, U.P., India

E-mail: labouranddevelopmentvvgnli@gmail.com

**V.V. Giri National Labour Institute** is a premier institution involved in research, training, education, publication and consultancy on labour and related issues. Set up in 1974, the Institute is an autonomous body of the Ministry of Labour and Employment, Government of India. It is committed to establishing labour and labour relations as a central feature in the development agenda through :

- Disseminating knowledge, skills and attitudes to major social partners and stakeholders concerned with labour and employment;
- Addressing issues of transformations in the world of work;
- Undertaking research studies and training interventions of world class standards; and
- Building understanding and partnerships with globally respected institutions involved with labour.



## V.V. Giri National Labour Institute

(An Autonomous Body of Ministry of Labour and Employment, Government of India)

Sector 24, NOIDA-201301

Uttar Pradesh, India

Website: [www.vvgnli.gov.in](http://www.vvgnli.gov.in)