

## **The Plantations Labour Act, 1951**

This act aims to provide for the welfare of labour and regulate the conditions of work in plantations.

This act applies to plantations that used or intend to use land for growing tea, coffee, rubber (cinchona or cardamom), or any other plant that covers 5 hectares or more land and employs 15 or more workers on any day during the preceding twelve months.

### **2. Let's take a look at some important definitions outlined within this Act:**

- **“Adolescent”** means a person who has completed their fourteenth year of age but has not completed their eighteenth year of age.
- **“Adult”** means a person who has completed their eighteenth year of age.
- **“Child”** means a person who has not completed their fourteenth year of age.
- **“Young person”** means a person who is either a child or an adolescent.

**3B. Registration of plantations.** Every employer of a plantation must apply for the registration of the plantation with the registering officer within sixty days of the establishment of plantation.

After registering a plantation, if any changes occur in ownership, management, location, area size, etc., the employer must inform the registering officer within thirty days of such changes.

**6. Facilities to be afforded to inspectors.** Every employer must provide the inspector with all necessary accommodations for conducting inspection, examination, or inquiry.

**The employer is responsible for providing certain facilities related to ‘Health and Welfare’ of their employees, including:**

**8. Drinking water.** Employer must ensure a sufficient supply of drinking water for all workers at convenient places within the plantation.

**9. Conservancy.** In every plantation, there must be a suitable number of latrines and urinals provided separately for males and females workers. These latrines and urinals must

be conveniently located and kept clean and in a sanitary condition at all times.

**10. Medical facilities.** In every plantation, there must be maintained and provided medical facilities for workers and their families.

**11. Canteens.** In every plantation where 150 workers are employed, the employer must provide and maintain one or more canteens for the use of workers.

**12. Crèches.** In plantations where fifty or more women workers are employed on any day during the preceding twelve months, or where the number of children of women workers is twenty or more, the employer must provide and maintain suitable, clean, well-lit, and ventilated rooms for the use of children. These rooms must be under the supervision of a woman trained in the care of children and infants.

**13. Recreational facilities.** Every employer must provide recreational facilities for the workers employed in their plantation as well as for their children.

**14. Educational facilities.** If the number of children between the ages of six and twelve belonging to employed workers is more than twenty-five, the employer must provide educational facilities for them in a standard manner.

**15. Housing facilities.** Every employer must provide and maintain housing for every worker and their family residing on the plantation, as well as for workers whose families reside outside the plantation but who have worked continuously for six months on the plantation and have requested in writing to live there.

The six-month continuous service requirement does not apply to a worker who is a family member of a deceased worker who lived on the plantation before their death.

**17. Other facilities.** In every plantation, the employer must provide umbrellas, blankets, raincoats, or similar items to protect workers from rain or cold.

**18. Welfare officers.** In plantation where three hundred or more workers are employed, the employer must employ a welfare officer.

**18A. Safety.** The employer is responsible for ensuring the safety of their workers. The following

measures must be taken to achieve this:

- Employers must ensure worker safety in connection with the use, handling, storage and transport of insecticides, chemicals, and toxic substances on plantations.
- The employer must appoint qualified persons to supervise the use, handling, storage, and transportation of insecticides, chemicals, and toxic substances on their plantation.
- Employer must ensure that every worker in a plantation employed for handling, mixing, blending, and applying insecticides, chemicals, and toxic substances is trained about the hazards involved in the various operations in which they are engaged.
- Employer must maintain a health record for every worker exposed to insecticides, chemicals, and toxic substances used, handled, stored, or transported within a plantation. Additionally, every such worker shall have access to such records.
- Employer must provide washing, bathing, and locker room facilities, as well as protective clothing and equipment, to every worker engaged in handling insecticides, chemicals, or toxic substances.
- Employer must display within the plantation a list detailing the permissible concentrations of insecticides, chemicals, and toxic substances within the breathing zone of workers involved in the handling and application of said insecticides, chemicals, and toxic substances.
- Employer must display precautionary notices indicating the hazards of insecticides, chemicals, and toxic substances.

**19. Weekly hours.** No adult worker is required or allowed to work in any plantation for more than forty-eight hours in a week. Likewise, adolescents are not to be employed or required to work in any plantation for more than twenty-seven hours a week.

If any adult worker is required to work more than the number of hours constituting a normal working day or more than forty-eight hours in any week, the employer must pay the worker at a rate of twice the normal rate of wages for every hour worked beyond the normal working hours as overtime pay. However, no adult worker is allowed to work for more than nine hours on any day

or more than fifty-four hours in any week. On the other hand, adolescents are prohibited from doing overtime, but they can work on the day of rest.

If any worker, whether adult or adolescent, works on a day of rest or on any holiday in the plantation, then the worker is entitled to be paid twice the rate of their regular wages for working on the day of rest or on a holiday.

**20. Weekly holidays.** A day of rest must be provided within every seven-day period for all workers. A worker must not work for more than ten consecutive days without a whole day intervening as a holiday.

**21. Daily intervals for rest.** The work period for each day must be arranged so that no period exceeds five hours, and no worker works for more than five hours without taking a rest interval of at least half an hour.

**22. Spreadover.** The period of work for an adult worker in a plantation must be arranged so that it does not exceed twelve hours, including their rest interval, as well as any time spent waiting for work on any given day.

**23. Notice of period of work.** In every plantation, a notice indicating the work periods must be prominently displayed and properly maintained. This notice must clearly outline the daily work periods during which workers are expected to work. Workers are not required or allowed to work in any plantation except in accordance with the displayed notice of work periods.

**24. Prohibition of employment of children.** A child must not be engaged in any form of work in any plantation.

**25. Night work for women.** Without permission from the state government, no woman is allowed to work in any plantation at night. Women can only work in plantations from 6 A.M. to 7 P.M. However, this rule does not apply to midwives and nurses working in plantations; they can work even at night.

**26. Non-adult workers to carry tokens.** No adolescent is allowed to work in a plantation unless a certificate of fitness is issued to him in the custody of the employer. Additionally, the adolescent must carry a token for reference to such a certificate while at work.

**27. Certificate of fitness.** A certifying surgeon can only assess the fitness of a young person for employment as a plantation worker based on an application submitted by that person or his parent, accompanied by a document signed by the employer. After the assessment, if the certifying surgeon finds that the person is fit to work as an adolescent, he/she can issue the fitness certificate. This certificate will be valid for 12 months and can be renewed thereafter. The responsibility for paying all fees related to this certification process lies with the employer, and these fees cannot be charged to the young person or his parents.

**30. Annual leave with wages.** Every worker employed in a plantation is entitled to leave with wages for a number of days calculated as follows:

In the case of an adult worker, they must be paid one day of leave for every twenty days of work; and in the case of a young person, they must be paid one day of leave for every fifteen days of work. These leave days must be exclusive of all holidays, whether occurring during, or at either end of the period of leave. If a worker does not take the whole leave allowed to him within any twelve-month period, any unused leave can be carried over to the following twelve-month period.

If the employment of a worker who is entitled to leave is terminated by the employer before the worker has taken the entire leave to which he is entitled, the employer must pay him the amount payable in respect of the leave not taken, and such payment must be made before the expiry of the second working day after termination.

**31. Wages during leave period.** The wages of workers during the leave period depend on how they are paid: If the worker is paid solely on a time-rate basis, they must be paid at the same daily wage rate as payable to them before the leave starts. In other cases, such as when the worker is paid through a combination of time-rate and piece-rate basis, they must be paid based on the average daily wage calculated over the preceding twelve calendar months.

Furthermore, apart from the wages for the leave period, a worker must be paid the cash value equivalent of any food or other concessions if these were provided by the employer in addition to their daily wages, unless these concessions continue during the leave period.

**32. Sickness and maternity benefits.** Every worker is entitled to receive sickness allowance from their employer when they are medically certified as sick by a qualified medical professional.

Additionally, if a female worker is pregnant or expecting to give birth, she is entitled to receive maternity allowance.

**32A. Notice of accident.** In any plantation where an accident occurs causing death or bodily injury to a worker, as a result of which the injured worker is prevented from working for a period of forty-eight hours or more, immediately following the accident, the employer must send notice to the appropriate authorities.

**32B. Register of accidents.** The employer must maintain a register of all accidents that occur in the plantation.

**32C. Compensation.** It is the responsibility of the employer to provide compensation to the plantation worker in case of an accident. The memorandum relating to such compensation must be registered by the employer with the Commissioner in accordance with the provisions of the Workmen's Compensation Act, 1923.