

LABOUR AND INDUSTRIAL LAW II

Credit 4

OBJECTIVES OF THE COURSE:

This course aims to provide students with a comprehensive understanding of the principles, policies, and legal framework governing labour and Industrial relations in India through the study of the New Labour Codes. The course seeks to familiarize students with the objectives, structure, and substantive provisions of the Industrial Relations Code, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020. It aims to develop an understanding of the rights and obligations of employers, employees, trade unions, and regulatory authorities, while examining issues relating to wages, industrial relations, social security, occupational safety, health, welfare, and working conditions. The course further seeks to promote critical analysis of labour law reforms, contemporary challenges in the world of work, and the legal protection of workers in both organized and unorganized sectors.

THE INDUSTRIAL RELATIONS CODE, 2020

1. PRELIMINARY

4 Lecture

- 1.1 Short title, extent and commencement.
- 1.2 Definitions.

2. BI-PARTITE FORUMS

4 Lecture

- 2.1 Works Committee.
- 2.2 Grievance Redressal Committee.

3. TRADE UNIONS

10 Lecture

- 3.1 Registration of Trade Unions.
- 3.2 Provisions to be contained in constitution of Trade Union.
- 3.3 Application for registration, alteration of name and procedure thereof.
- 3.4 Cancellation of registration
- 3.5 Appeal against non-registration or cancellation of registration.
- 3.6 Communication to Trade Union and change in its registration particular
- 3.7 Recognition of negotiating union or negotiating council.
- 3.8 Objects of general fund, composition of separate fund and membership fee of Trade Union.
- 3.9 Immunities of Registered Trade Union
- 3.10 Enforceability of agreements. Right to inspect books of Trade Union.
- 3.11 Rights of minor to membership of Trade Union.
- 3.12 Disqualification of office-bearers of Trade Unions.
- 3.13 Adjudication of disputes of Trade Unions.

- 3.14 Change of name, amalgamation, notice of change and its effect.
- 3.15 Dissolution.
- 3.16 Annual returns.
- 3.17 Recognition of Trade Unions at Central and State level.

4. STANDING ORDERS

10 Lecture

- 4.1 Making of model standing orders by Central Government and temporary application.
- 4.2 Preparation of drafts standing orders by employer and procedure for certification.
- 4.3 Date of operation of standing orders and its availability.
- 4.4 Registration of standing orders.
- 4.5 Duration and modification of standing order.
- 4.6 Interpretation, etc., of standing orders.
- 4.7 Time limit for completing disciplinary proceedings and liability to pay subsistence allowance.

5. MECHANISM FOR RESOLUTION OF INDUSTRIAL DISPUTES

8 Lecture

- 5.1 Conciliation officers.
- 5.2 Industrial Tribunal
- 5.3 National Industrial Tribunal.
- 5.4 Decision of Tribunal or National Industrial Tribunal.
Disqualifications for members of Tribunal and National Industrial Tribunal.
- 5.5 Procedure and powers of arbitrator, conciliation officer, Tribunal and National Industrial Tribunal
- 5.6 Transfer of pending cases.
- 5.7 Conciliation and adjudication of dispute.
- 5.8 Form of award, its communication and commencement.
- 5.9 Payment of full wages to worker pending proceedings in higher Courts.
- 5.10 Persons on whom settlements and awards are binding. Period of operation of settlements and awards.
- 5.11 Recovery of money due from employer. Commencement and conclusion of proceedings. Certain matters to be kept confidential.

6. STRIKES AND LOCK-OUTS

6 Lecture

- 6.1 Prohibition of strikes and lock-outs.
- 6.2 Illegal strikes and lock-outs.
- 6.3 Prohibition of financial aid to illegal strikes or lock-outs.

7. LAY-OFF, RETRENCHMENT AND CLOSURE

8 Lecture

- 7.1 Rights of workers laid-off for compensation, etc.
- 7.2 Duty of an employer to maintain muster rolls of workers.
- 7.3 Workers not entitled for compensation in certain cases.

- 7.4 Conditions precedent to retrenchment of workers.
- 7.5 Procedure for retrenchment.
- 7.6 Re-employment of retrenched worker.
- 7.7 Compensation to workers in case of transfer of establishment.
- 7.8 Sixty days' notice to be given of intention to close down any undertaking.
- 7.9 Compensation to workers in case of closing down of undertakings.
- 7.10 Effect of laws inconsistent with this Chapter.

8. UNFAIR LABOUR PRACTICES

2 Lecture

- 8.1 Prohibition of unfair labour practice.

The Occupational Safety, Health and Working Conditions Code, 2020:

9.Preliminary: Short title, extent, commencement, and definitions (e.g., "establishment," "employer," "employee")

8 Lecture

9.1 Registration: Registration of certain establishments.

9.2 Duties of Employer: Providing a safe work environment, free annual health checkup, and appointing required safety officers.

9.3 Duties and rights of Employees: Compliance with safety standards, reporting risks, and duties of manufacturers/designers.

10. Occupational Safety and Health:

5 Lecture

- 10.1 Establishment of Advisory Boards.
- 10.2 Occupational Safety and Health Standards
- 10.3 Health, Safety and Working Conditions
- 10.4 Responsibility of the employer

11.Welfare Provisions

5 Lecture

- 11.1 Welfare facilities in the establishment
- 11.2 Hours of work, Weekly and compensatory holidays, Over time, night shifts and prohibition of overlapping shifts
- 11.3 Restriction on double employment
- 11.4 Annual leave with wages
- 11.5 Maintenance of registers and records
- 11.6 Appointment and powers of Inspector – cum - facilitators

12.Special provisions for Women

2 Lecture

12.1Employment of women

12.2Adequate safety of employment of women in dangerous operation

13.Special Provisions for contract labour and Inter- state migrant workers etc. 8 Lecture

13.1Licensing contractors- procedure for issue/ renewal of licenses 13.2Revocation, suspension and amendment of license

13.3Liability of Principal employer for welfare facilities

13.4 Effect of employing contract labour from a. non licensed contractor

13.5Responsibility for payment of wages

13.6Prohibition of employment of contract labour.

13.7 Facilities to inter-state migrant workers

Select Bibliography:

Bare Acts of relevant laws

Any other information:

1. The topics, cases and suggested readings given above are not exhaustive.
2. Teachers of the Course shall be at liberty to add the case/suggested readings.
3. Students are required to study/refer to the legislation as amended from time to time, and consult the latest editions of books on this course.