

Competitive Exams: Labor Laws and Labor Legislation (Part 1 of 2)

How do you visualize the need for a labour legislation in the industrial world? Give out the classification and principles of labour laws?

Labour legislation is necessary for the following reason:

- The workers were financially weak and had little bargaining power. The wages paid to factory workers were quite inadequate to meet their barest needs.
- If workers exposed to serious accidents because machine lost their employment and had no right to compensation
- The employment was not secured. Worker would be discharged suspended or dismissed at any time without assigning any reason.
- Children and women were taking to work under hazardous conditions
- It establishes a legal system that facilitates productive individual and collective employment relationships, and therefore a productive economy.
- by providing a framework within which employers, workers and their representatives can interact with regard to work-related issues, it serves as an important vehicle for achieving harmonious industrial relations based on workplace democracy.

It provides a clear and constant reminder and guarantee of fundamental principles and rights at work which have received broad social acceptance and establishes the processes through which these principles and rights can be implemented and enforced. Labour legislation is widely used both to regulate individual employment relationships and to establish the framework within which workers and employers can determine their own relations on a collective basis, for example through collective bargaining between trade unions and employers or employers' organizations or through mechanisms of worker participation in the enterprise. Regulation of the collective relations of workers and employers typically includes laying down legal guarantees of the right of workers and employers to organize in occupational organizations, to bargain collectively and the right to strike, as well as mechanisms for worker participation at the enterprise level

The legislative regulation of the individual employment relationship typically entails the enactment of provisions governing the formation and termination of the relationship (that is, the conclusion of contracts of employment, their suspension and termination) and the rights

and obligations relating to the different aspects of the relationship (such as the minimum age for admission to employment of work, the protection of young workers, equality at work, hours of work, paid holidays, the payment of wages, occupational safety and health and maternity protection). Provision also has to be made for enforcement procedures and supporting institutions (such as labour inspection services and courts or tribunals).

Classification of Labor Laws

1. General laws which are applicable to all establishments not otherwise provided for, e. g factories act, 1948; the industrial employment act 1946.
2. Specific laws which are applicable to specific industry-the mines act, 1962. The plantation labour act, 1948, Indian merchants shipping act 1923. Working journalist's newspaper employees and miscellaneous provisions act, 1955. Laws relating to specific matters, namely wages or social securities
3. welfare
4. housing
5. leave the payment of wages act 1936, the minimum wages act 1948, the worker men compensation act 1923, the employees compensation act 1923; the employment provident act 1952, the employees state insurance act 1948 the bonded labour and system act, 1976. Laws relating to association of workers e. g. The trade unions act, 1926, the industrial dispute act. Laws relating to social insurance. The workmen compensation act 1923, the maternity benefits act, 1961 and the employee's state insurance act 1948

Principle of Labour Laws

Labour legislation in any country should be based upon-

1. Social justice: Ideal condition in which all members of a company have the same basic rights, security, opportunities, obligations and social benefits. * Social legislation: Laws aimed at promoting the social functioning of individuals and groups and at protecting their rights.
2. Social equity: Legislation based on social justice prescribes a definite standard for adoption in future. Such standard is forced after taking into consideration the past and present circumstances. Once this standard is fixed by legislation it cannot be changed unless the circumstances and conditions so warrant.
3. International uniformity: International uniformity is another principle on which labour laws are based. This important role played by international organization in this connection is praiseworthy. This organization aims at securing minimum uniform standard in respect of all labour matters.
4. National economy: While framing the labour law the general economic situation of the country has to be kept in mind so that object may not be defeated.

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