



LABOUR DEPARTMENT HARYANA

CHANDIGARH

State Labour Policy

2006





OBJECTIVES

- To facilitate the growth of industry in Haryana by fostering harmonious industrial relations.
- To ensure social justice with productivity and growth of industry.
- To promote industrial health and safety
- To implement labour laws for ensuring proper working conditions and labour standards.
- To introduce new labour welfare measures for enhancing the quality of life of the work force.
- To create ever-improving conditions for women workers by following policies, which take into account their special needs at the workplace.
- To eliminate employment of all forms of child labour through identification and rehabilitation.
- To energise Vigilance Committees at District and Sub Division level for identification, release and rehabilitation of Bonded Labour.
- To provide and improve quality health care to workers through the ESI run hospitals and ensure their future security through implementing the Employees Provident Fund Scheme.
- To strengthen the conciliation machinery towards achieving the objectives of a harmonious worker- management relationship, keeping in view the changing economic scenario.
- To continuously strengthen and facilitate the functioning of the Labour Courts, in cases where conciliation has failed.



- To train and retrain its employees and officers so that they are better equipped to perform their duties.
- To work in a transparent and time bound manner in dealing with approvals required under various labour laws.
- To work towards creating an atmosphere wherein both workers and management perform their legally laid down roles, which will, in turn, contribute to the economic growth of the State.



APPROACH

Industrial Relations have historically been tripartite in nature wherein labour and management, if their in-house efforts fail, can seek the intervention of the Labour Department in resolving any dispute. Such disputes may arise out of any real or perceived threat to the advantage that management or labour sees as its right. Since Industrial Relations are a vital part of the economic system, even a temporary setback in the harmonious co-existence of these two factors of production can affect the whole system negatively. In fact, industrial conflict affects the community as a whole and prevention of such conflicts is and would be a high priority for the Labour Department. For this purpose, it would re-orient its approach and become a facilitator in the proper implementation of labour laws and labour welfare measures by disseminating information and assisting in compliance. It would also place decision-making in the context of the industrial sector as a whole by assessing the impact of all decisions on the dynamics of the relative advantages for management and labour.

The conciliation & mediation skills of Conciliation Officers are crucial in prevention and early resolution of industrial disputes. These skills need to be made more broad-based in line with modern management techniques in view of the intricacies of modern businesses. They could then assist in the setting up of in-house dispute-resolution processes which would then allow the day-to-day irritants to be settled on a regular basis and avoid the building up of resentments on either side. They would also be better equipped to achieve a high percentage of settlements in the initial stages.

The Labour Department would also endeavour to make proactive interventions in certain situations in order to help in avoiding retrenchments, lay-offs, strikes and industrial mishaps.

The approach of the Labour Department would be to always keep in the forefront of its interventions in the labour-management relations that both need each other and need to respect each other's rights in the work place for mutual benefit and for industrial growth.



STRATEGIES

The following strategies would be adopted to achieve the objectives of the Labour Policy:-

TRIPARTITE CONSULTATIONS

1. Conferences will be organized with Industrial Associations as well as Trade Unions/Workers Organizations towards greater Social Dialogue and for free and frank exchange of ideas towards promoting a more transparent working environment in the Department and to bring about requisite fine-tuning of departmental policies.
2. Appropriate machinery will be evolved for receiving and handling of suggestions and complaints from workers and managements in order to get regular feedback and points raised by them will be taken into account in decision-making.

FACILITATION

3. The applications for registration, licensing and for approval of factory building plans under the Factories Act, 1948 will be submitted to the Senior Assistant Director, Industrial Safety and Health in their respective areas. They will assist the applicants in ensuring that the applications are completed in all respects before sending these to the Chief Inspector of Factories. This will facilitate and speed up the process.
4. Detailed information will be disseminated to workers and managements to promote greater consciousness regarding ergonomics and prevention of industrial accidents.
5. The procedure for obtaining Registration and License under the Contract Labour (Regulation and Abolition) Act, 1970 will be simplified and made time bound. Special emphasis will be laid on redressing the grievances of contract labour, protecting their rights and preventing their exploitation.



INSPECTIONS

6. The approach towards implementation of labour laws would be to ensure compliance rather than prosecution. Whenever shortcomings are detected during the inspections of industrial units by the inspecting teams, the employers will be given notice of a reasonable period of time to rectify the same before any further action is taken.
7. An industrial establishment will not be inspected by the functionaries of the Industrial Safety and Health wing of the Labour Department more than once in a calendar year, unless a specific complaint is received in respect of their establishment.
8. Computerized statutory records under various labour laws will be acceptable and valid in any industry or commercial establishment, provided the format and information conforms to the requirement of the respective law and rules made thereunder. However, a hard copy of these records, duly signed and authenticated by the Occupier of the establishment, will have to be kept available every month for statutory inspections. Such hard copies and a soft copy will be made available to the Inspecting Officers as and when required. In cases of electronic payment of wages, a certificate from the concerned bank(s) will have to be submitted to the Inspecting officer as proof of payment of wages. However, wage slips will have to be issued to the workers as per law and there will be no exemption in this regard.

SETTLEMENT OF DISPUTES

9. Trade Unions and Managements will be encouraged, through systematic intervention by the Labour Department, to set up in-house dispute resolution mechanisms in order to defuse disagreements in the initial stages by dealing with them on a day-to-day basis. Outsiders and non-workers, who are not covered under the requisite laws, will not be allowed to associate themselves in the functioning of the Trade Unions and to take part in conciliation proceedings.
10. The performance of the Labour Department Officers dealing with the conciliation work will be adjudged on the basis of percentage of settlements brought about in order to speed up the process of dispute resolution.



11. It will be the endeavour of the Department to have maximum percentage of disputes settled in the early stages, in order to avoid burdening the Labour Courts. However, functioning of the Labour Courts will be facilitated by the Government for speedy disposal of cases. For this purpose, the Government has decided to set up two additional Labour Courts one each at Gurgaon and Faridabad, apart from the existing seven Labour Courts.

MINIMUM WAGES

12. The minimum wage of industrial workers in Haryana is one of the highest in the country. At present, the minimum wage of unskilled workers has been fixed at Rs. 3510/- per month and Rs.135/- per day. The Government will continue to review and increase these wages from time to time on the basis of tripartite consultations.

LABOUR WELFARE

13. Besides ensuring the enforcement of welfare provisions of the labour legislations by the department, welfare schemes for industrial workers such as kanyadan, ex-gratia help to widows, monetary grants for workers injured in industrial accidents, scholarships and financial help for worker's children for pursuing higher studies etc. are presently being implemented. The Government intends to ensure coverage of a wider section of workers under various welfare schemes and also enhancement in the existing assistance being provided to workers. New schemes will also be introduced for the welfare of the workers. A list of welfare schemes of the Labour Welfare Board is given in the Appendix.

CONCESSIONS TO INFORMATION TECHNOLOGY/ INFORMATION TECHNOLOGY ENABLED SERVICES INDUSTRIES.

14. In order to encourage Information Technology/Information Technology Enabled



Services and Industry, malls, the Government has adopted a liberal policy in granting exemption from the operation of the provisions of Punjab Shops and Commercial Establishment Act, 1958, regarding opening and closing hours under Section 9 and 10 of the Act. A notification has already been issued in this regard on 18th November 2005, exempting all the Information Technology and Information Technology Enabled Services industries from the provisions of Section 9 and 10 of the Act. The Information Technology/Information Technology Enabled Services industry has also been added to the First Schedule of the Industrial Disputes Act, 1947 for the purpose of declaring this industry as a “Public Utility Service”, which will prevent the occurrence of strikes as well as lockouts without due notice. This will go a long way in preventing industrial unrest in this industry. The Government has also taken a policy decision to allow the employment of women workers during night shifts in this sector to encourage employment of women while ensuring sufficient protection of their rights. This permission is initially granted for one year, and on request, it can be renewed for a period of three years at a time. The permission is granted on the following conditions:

- i. The management will provide adequate security and proper transport facility to the women workers during night shift.
- ii. The management shall ensure protection of women from sexual harassment at the work place in terms of the directions of the Hon'ble Supreme Court in this regard.

UPGRADATION OF DEPARTMENTAL FUNCTIONING

15. Training programmes will be formulated and organized for the officers of the Labour Department in collaboration with the industries and the Haryana State Safety Council in order to upgrade their professional skills and bring about attitudinal changes in line with national and global developments. The technical skills of the staff dealing with industrial health and safety will also be upgraded through in-service training programme.

16. An upgraded system of work audit of the field offices of the department will be



developed and introduced to continuously supervise the implementation of various aspects of the Labour Policy and also undertake the required adjustment, which might become necessary in future. This will include the introduction of appropriate parameters in the self-assessment performas at various levels for assessing work performance.

17. The powers delegated to Deputy Labour Commissioners and Labour Officers under various Acts will be rationalized for speedier disposal of work.
18. The departmental offices will be upgraded and work of computerization will be speeded up in order to bring in greater transparency and connectivity. Transportation and communication facilities for departmental officers will be upgraded to facilitate mobility and speedier disposal of work.



TIME SCHEDULE FOR DISPOSAL OF WORK

To ensure timely justice to the workers and employers the time schedule for disposal of cases under various labour laws shall be as follows:

SCHEDULE OF MAXIMUM TIME FOR DISPOSAL OF CASES UNDER VARIOUS LABOUR LAWS IN THE FIELD OFFICES IN THEIR RESPECTIVE JURISDICTION

I. LABOUR INSPECTORS			
Sr. No.	Subject matter	Officer/Official	Time schedule
1.	Registration of Shops/ Commercial Establishments under the Punjab Shops & Commercial Establishments Act and Rules made there-under	Labour Inspector	Not more than fifteen days from the date of receipt of the papers complete in all respects.
2.	Implementation of awards/ settlement under the Industrial Disputes Act, 1947 and Rules	Labour Inspector	Not more than two months after the date of enforcement of the award.
3.	Disposal of complaints under various labour laws i.e. Payment of Wages Act, Minimum Wages Act, National and Festival Holidays Act, Payment of Gratuity Act, Payment of Bonus Act, Punjab Shops and Commercial Establishments Act, Equal Remuneration Act, Contract Labour (R&A) Act and the rules made under the respective enactments	Labour Inspector	Not more than one month.



II. LABOUR OFFICER- CUM -CONCILIATION OFFICERS			
Sr. No.	Subject matter	Officer/Official	Time schedule
1.	Cases under section 2-A of the Industrial Disputes Act, 1947 & Rules regarding termination/retrenchment/ discharge/dismissal	Labour Officer-cum-Conciliation Officer	Not more than three months.
2.	Quasi Judicial Claim cases under the Workmen's Compensation Act, Payment of Wages Act, Minimum Wages Act, Payment of Gratuity Act and Equal Remuneration Act and the rules made under the respective enactments	Labour Officer-cum-Conciliation Officer-cum-Specified Authority under the relevant Act	Not more than one year.
3.	Implementation of awards/ settlement under the Industrial Disputes Act, 1947 & Rules	Labour Officer-cum-Conciliation Officer	Not more than one month.
4.	Disposal of complaints under various labour enactments i.e. Payment of Wages Act, Minimum Wages Act, National and Festival Holidays Act, Payment of Gratuity Act, Payment of Bonus Act, Punjab Shops and Commercial Establishments Act, Equal Remuneration Act, Contract Labour (R&A) Act and the rules made there under	Labour Officer-cum-Conciliation officer	Not more than two months.



III. DEPUTY LABOUR COMMISSIONERS			
Sr. No.	Subject matter	Officer in-charge	Time schedule
1.	Cases under section 2(k) of the industrial Disputes Act & Rules-disputes of collective nature containing various demands pertaining to conditions of employment	Deputy Labour Commissioner	Not more than six months extendable by another 3 months on the request of both the parties.
2.	Publication of awards received from the Industrial Tribunal/ Labour Court	Deputy Labour Commissioner	Not more than two weeks.
3.	Disposal of quasi judicial cases under the Payment of Gratuity Act and Rules	Deputy Labour Commissioner-cum-Appellate Authority	Not more than six months.
IV. ASSISTANT DIRECTOR, INDUSTRIAL SAFETY & HEALTH IN THEIR RESPECTIVE JURISDICTION			
	Maternity Benefit Act and Rules.	Assistant Director, Industrial Safety & Health	Not more than 3 months.
V. SR. ASSISTANT DIRECTOR, INDUSTRIAL SAFETY & HEALTH IN THEIR RESPECTIVE JURISDICTION			
	Implementation of the provisions of the Factories Act and the Rules framed there under/ complaints received relating to the Act/Rules/complaints under the Maternity Benefit Act.	Sr. Assistant Director, Industrial Safety & Health	Not more than two months.
VI. MEDICAL OFFICERS INDUSTRIAL SAFETY & HEALTH IN THEIR RESPECTIVE JURISDICTION			
	Implementation of the provisions of the Factories Act and the Rules framed	Medical Officers Industrial Health	



	there under/ complaints received relating to the Act/ Rules/ relating to industrial health /complaints under the Maternity Benefit Act.		Not more than 3 months
VII. CERTIFYING SURGEONS IN THEIR RESPECTIVE JURISDICTION			
	Implementation of the provisions of the Factories Act and the Rules framed there under/ complaints received relating to the Act/Rules/ relating to industrial health / complaints under the Maternity Benefit Act	Certifying Surgeons	Not more than two months.

AT THE HEAD QUARTERS

Sr. No.	Subject matter	Officers to be contacted in case of grievances	Maximum period of redressal of grievance
1.	INDUSTRIAL DISPUTES ACT 1947 & RULES i) Demand notice under section 2A-disputes regarding discharge/ termination/ retrenchment/ dismissal	Joint Labour Commissioner	Not more than 60 days from the date of receipt of report from the field officers.
	ii) Demand notice under section 2(k)-disputes of collective nature containing various demands relating to terms and conditions of employment	Joint Labour Commissioner	Not more than three months from the date of receipt of report from the field officers.
	iii) Complaints regarding unfair labour practice & other	Joint Labour	



	miscellaneous matters under Section 25-T of the above Act & Rules.	Commissioner	Not more than three months.
2.	Complaints/cases under E.S.I. Act & Rules /EPF Act & Rules / Workmen's Compensation Act & Rules/ Payment of Gratuity Act & Rules regarding non-payment of compensation etc.	Joint Labour Commissioner	Not more than 30 days.
3.	Industrial Employment (Standing Orders) Act and rules - Certification of Standing orders in respect of industrial workers	Joint Labour Commissioner-cum Certifying Officer	Not more than two months.
4.	Trade Unions Act and Rules -registration of trade unions	Joint Labour Commissioner -cum Additional Registrar, Trade Unions/ Registrar Trade Unions	Not more than four months
5.	Contract Labour (R & A) Act and rules -issuing of registration certificate/license/amendment in registration certificate and renewal of license	Deputy Labour Commissioner-Field Offices	Not more than two months.
6.	Motor Transport Workers Act & Rules -issuance of registration certificate	Joint Labour Commissioner	Not more than one month.
7.	Cases under the Minimum Wages Act, Payment of Wages Act, Equal Remuneration Act, Payment of Bonus Act and rules made under respective	Joint Labour Commissioner	



	enactments in respect of non payment of wages, non payment of minimum rates of wages, delayed wages, non payment of equal wages for equal work and non payment of bonus		Not more than one month.
8.	Implementation of Awards-Issuance of recovery certificate & prosecution cases under the Industrial Disputes Act and Rules/ orders/ settlement	Deputy Labour Commissioner	Not more than three months.
9.	Child Labour (P & R) Act and Rules - Cases/Complaints and other action pertaining to children.	Deputy Labour Commissioner	Not more than two months.
10.	Bonded Labour System (Abolition) Act and Rules- Constitution of Vigilance Committees/ holding of meeting of the State Level Steering Committee on Bonded Labour/Miscellaneous matters pertaining to bonded labour	Deputy Labour Commissioner	Not more than one month.
11.	Punjab Shops & Commercial Establishments Act, 1958 and Rules-cases regarding exemptions/ fixation of opening and closing day/complaints	Deputy Labour Commissioner	Not more than two months.
12.	Complaints under the Punjab Industrial Establishments (National and Festival Holidays, Casual and Sick Leave) Act, 1965 and Rules	Deputy Labour Commissioner	Not more than one month.

