

Lesson 26: Other Major Laws

1. The Maternity Benefit (Amendment) Act, 2017

Applicability	The Act is applicable to all establishments which are Factories, Mines, Plantations, Government Establishments, Shops and Establishments under the relevant applicable legislations or any other establishment as may be notified by the Central Government.
Eligibility	<p>To be eligible for maternity benefit, a woman must have been working as an employee in an establishment for a period of at least 80 days in the past 12 months.</p> <p><i>Note:</i></p> <ul style="list-style-type: none"> ▪ <i>Payment during the leave period is based on the average daily wage for the period of actual absence.</i> ▪ <i>Paid Maternity leave increased to 26 weeks.</i> ▪ <i>Leave prior to expected delivery date - 8 weeks</i>
Key Points	<ul style="list-style-type: none"> ▪ Increase in Maternity Benefit: The period of paid maternity leave that a woman employee is entitled to has been increased to 26 (twenty six) weeks. ▪ No increased benefit for Third Child: The increased Maternity Benefit is only available for the first two children. ▪ Adoption/Surrogacy: A woman who adopts a child below the age of 3 (three) months, or a commissioning mother (means a biological mother, who uses her egg to create an embryo implanted in any other woman), will be entitled to Maternity Benefit for a period of 12 (twelve) weeks from the date the child is handed over to the adopting mother or the commissioning mother. ▪ Crèche Facility: Every establishment having 50 (fifty) or more employees are required to have a mandatory crèche facility either separately or along with other common facilities. ▪ Work from home: If the nature of work assigned to a woman is such that she can work from home, an employer may allow her to work from home post the period of Maternity Benefit. The conditions for working from home may be mutually agreed between the employer and the woman. ▪ Prior Intimation: Every establishment will be required to provide woman at the time of her initial appointment, information about every benefit available under the Act.

2. Trade Unions Act , 1926

Registration of Trade Union	<ul style="list-style-type: none">▪ There should be at least 10% or 100 of the work-men, whichever is less, engaged or employed in the establishment or industry with which it is connected.▪ It has on the date of making application not less than 7 persons as its members who are workmen engaged or employed in the establishment or industry with which it is connected.								
Forms Required for Registration of Trade Union	<ul style="list-style-type: none">▪ Names, occupations and address of the members' place of work.▪ Address of its head office.▪ Names, ages, addresses and occupations of its office bearers.								
Minimum Requirements for Membership of Trade Union	<ul style="list-style-type: none">▪ Not less than 10% or 100 of the workmen whichever is less;▪ Subject to a minimum of 7;▪ Engaged or employed in an Establishments etc.								
Cancellation of Registration	<ul style="list-style-type: none">▪ If the certificate has been obtained by fraud or mistake or it has ceased to exist or has wilfully contravened any provision of this Act.▪ If it ceases to have the requisite number of members.								
Returns	Annually to the Registrar on or before such date as may be prescribed, a general statement, audited in the prescribed manner of all receipts and expenditure of every registered Trade Union during the year ending on the 31st December.								
Offences and Punishment	<table><tr><th>Offence</th><th>Punishment</th></tr><tr><td>For making false entry in or any omission in general statement required for sending returns.</td><td>Fine up to INR 500. On continuing default, additional fault INR 5 for each week (not exceeding INR 50).</td></tr><tr><td>For making false entry in the form.</td><td>Fine up to INR 500.</td></tr><tr><td>Supplying false information regarding Trade Union</td><td>Fine up to INR 200.</td></tr></table>	Offence	Punishment	For making false entry in or any omission in general statement required for sending returns.	Fine up to INR 500. On continuing default, additional fault INR 5 for each week (not exceeding INR 50).	For making false entry in the form.	Fine up to INR 500.	Supplying false information regarding Trade Union	Fine up to INR 200.
Offence	Punishment								
For making false entry in or any omission in general statement required for sending returns.	Fine up to INR 500. On continuing default, additional fault INR 5 for each week (not exceeding INR 50).								
For making false entry in the form.	Fine up to INR 500.								
Supplying false information regarding Trade Union	Fine up to INR 200.								

3. Child and Adolescent Labour (Prohibition and Regulation) Act, 1986

Important Definition	<ul style="list-style-type: none">▪ “Child” means a person who has not completed his fourteenth year of age;▪ “Day” means a period of twenty-four hours beginning at midnight;▪ “Establishment” includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or other place of public amusement or entertainment;▪ “Family” in relation to an occupier, means the individual, the wife or husband, as the case may be, of such individual, and their children, brother or sister of such individual;▪ “Occupier” in relation to an establishment or a workshop, means the person who has the ultimate control over the affairs of the establishment or workshop;▪ “Week” means a period of seven days beginning at midnight on Saturday night or such other night as may be approved in writing for a particular area by the Inspector.
Hours and Period of Work	<ul style="list-style-type: none">▪ No child shall be required or permitted to work in any establishment in excess of such number of hours as may be prescribed for such establishment or class of establishments.▪ The period of work on each day shall be so fixed that no period shall exceed three hours and that no child shall work for more than three hours before he has had an interval for rest for at least one hour.▪ No child shall be permitted or required to work between 7 p.m. and 8 a.m.▪ No child shall be required or permitted to work overtime.▪ No child shall be required or permitted to work in any establishment on any day on which he has already been working in another establishment.
Maintenance of Register	<p>A register to be available for inspection by an Inspector at all times during working hours or when work is being carried on in any such establishment, showing:</p> <ul style="list-style-type: none">▪ The name and date of birth of every child so employed or permitted to work ;▪ Hours and periods of work of any such child and the intervals of rest to which he is entitled;▪ The nature of work of any such child;▪ Such other particulars as may be prescribed.

4. Prevention of Sexual Harassment of Women at Workplace (Prevention; Prohibition and Redressal) Act, 2013

Definition of Sexual Harassment	The term 'sexual harassment' includes any unwelcome acts or behaviour (whether directly or by implication) such as physical contact and advances, demand or request for sexual favours making sexually coloured remarks, showing pornography or any other unwelcome physical, verbal or non-verbal conduct of sexual nature.				
Complaints Committee	<table> <tr> <td data-bbox="596 629 762 1547">Internal Complaints Committee</td><td data-bbox="778 629 1380 1547"> <p>The Act makes it mandatory for every employer to constitute an internal complaints committee ("ICC") which entertains the complaints made by any aggrieved women. The members of the ICC are to be nominated by the employer and ICC should consist of:</p> <ul style="list-style-type: none"> ▪ A Presiding Officer; ▪ Not less than two members from amongst employees preferably committed to the cause or women or who have had experience in social work or have legal knowledge and; ▪ One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. <p><i>Note: In order to ensure participation of women employees in the ICC proceedings, the Act requires that at least one-half of the members of ICC nominated by employer are women.</i></p> </td></tr> <tr> <td data-bbox="596 1547 762 1783">Local Complaints Committee</td><td data-bbox="778 1547 1380 1783">Local Complaints Committee (LCC) formed for every district for receiving complaints of sexual harassment from establishments where the ICC has not been formed due to having less than 10 workers or if the complaint is against the employer himself.</td></tr> </table>	Internal Complaints Committee	<p>The Act makes it mandatory for every employer to constitute an internal complaints committee ("ICC") which entertains the complaints made by any aggrieved women. The members of the ICC are to be nominated by the employer and ICC should consist of:</p> <ul style="list-style-type: none"> ▪ A Presiding Officer; ▪ Not less than two members from amongst employees preferably committed to the cause or women or who have had experience in social work or have legal knowledge and; ▪ One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. <p><i>Note: In order to ensure participation of women employees in the ICC proceedings, the Act requires that at least one-half of the members of ICC nominated by employer are women.</i></p>	Local Complaints Committee	Local Complaints Committee (LCC) formed for every district for receiving complaints of sexual harassment from establishments where the ICC has not been formed due to having less than 10 workers or if the complaint is against the employer himself.
Internal Complaints Committee	<p>The Act makes it mandatory for every employer to constitute an internal complaints committee ("ICC") which entertains the complaints made by any aggrieved women. The members of the ICC are to be nominated by the employer and ICC should consist of:</p> <ul style="list-style-type: none"> ▪ A Presiding Officer; ▪ Not less than two members from amongst employees preferably committed to the cause or women or who have had experience in social work or have legal knowledge and; ▪ One member from amongst non-governmental organizations or associations committed to the cause of women or a person familiar with the issues relating to sexual harassment. <p><i>Note: In order to ensure participation of women employees in the ICC proceedings, the Act requires that at least one-half of the members of ICC nominated by employer are women.</i></p>				
Local Complaints Committee	Local Complaints Committee (LCC) formed for every district for receiving complaints of sexual harassment from establishments where the ICC has not been formed due to having less than 10 workers or if the complaint is against the employer himself.				
Complaint Procedure	<p>The Act stipulates that aggrieved woman can make written complaint of sexual harassment at workplace to the ICC or to the LCC within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident.</p> <p>If the aggrieved woman is unable to make complaint in</p>				

	writing, reasonable assistance shall be rendered by the presiding officer or any member of the ICC (or in case the aggrieved woman is unable to make complaint in writing to the LCC, the reasonable assistance shall be rendered by the Chairperson or any member of the LCC) for making the complaint in writing.
--	---
