

protection, night work for women, minimum age and night work for young persons in industry. The prominent French socialist Albert Thomas became its first Director General. The ILO became a member of the United Nations system after the demise of the League in 1946. Its constitution, as amended, includes the Declaration of Philadelphia (1944) on the aims and purposes of the organisation. As of April 2009, the current director-general is Juan Somavia (since 1999).

Unlike other United Nations specialized agencies, the International Labour Organization has a tripartite governing structure — representing governments, employers and workers. Presently there are 181 members.

The International Labour Organization (ILO) is devoted to advancing opportunities for women and men to obtain decent and productive work in conditions of freedom, equity, security and human dignity. Its main aims are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue in handling work-related issues. In promoting social justice and internationally recognized human and labour rights, the organization continues to pursue its founding mission that labour peace is essential to prosperity. Today, the ILO helps advance the creation of decent jobs and the kinds of economic and working conditions that give working people and business people a stake in lasting peace, prosperity and progress.

The Governing Body is the executive of the International Labour Office. It meets three times a year, in March, June and November. It takes decisions on ILO policy, decides the agenda of the International Labour Conference, adopts the draft programme and budget of the organisation for submission to the conference, and elects the director-general. The Governing Body is composed of 28 government representatives, 14 workers' group representatives, and 14 employers' group representatives. Ten of the government seats are held permanently by Brazil, China, France, Germany, India, Italy, Japan, the Russian Federation, the United Kingdom, and the United States. The remaining government representatives are elected by government delegates every three years.

13. Important authorities under the Labour law in India

1. Ministry of Labour and Employment , Government of India

The Ministry of Labour and Employment, a branch of the Government of India, is the apex body for formulation and administration of the rules and regulations and laws relating to

labour and employment in India. The Ministry of Labour and Employment works out of Shram Shakti Bhavan, Rafi Marg, New Delhi

The main objectives of the Ministry of Labour and Employment are the following: Labour Policy and legislation; Safety, health and welfare of labour; Social security of labour; Policy relating to special target groups such as women and child labour; Industrial relations and enforcement of labour laws in the Central sphere; Adjudication of industrial disputes through Central Government Industrial Tribunals cum Labour Courts and National Industrial Tribunals.

A. Main Secretariat of Ministry of Labour and Employment

- i. Industrial Relations division
- ii. Child and Women Labour Division
- iii. Directorate General, Labour Welfare
- iv. Economic and Statistics Division
- v. International Labour Affairs Section
- vi. Labour Conference Section

B. Attached Offices

- i. Office of the Chief Labour Commissioner (Central), New Delhi (Also known as Central Industrial Relations Machinery)
- ii. Directorate General, Employment and Training, New Delhi
- iii. Labour Bureau, Chandigarh
- iv. Directorate General, Factory Advice Service and Labour Institutes, Bombay

C. Subordinate Offices

- i. Directorate General, Mines Safety, Dhanbad
- ii. Office of the Welfare Commissioner, Allahabad, Bangalore, Bhubaneswar, Calcutta, Hyderabad, Jabalpur, Karma(Bihar) and Nagpur

D. Adjudicating Bodies

Central Government Industrial Tribunal-cum-Labour Court No.1 Dhanbad (Bihar) and No.1 Mumbai and at Asansol, Calcutta, Jabalpur, New Delhi, Chandigarh, Kanpur, and Bangalore.

E. Arbitration Bodies

Board of Arbitration (JCM), New Delhi

F. Autonomous Organizations

- i. Employee Provident fund Organisation, Head Office - New Delhi
- ii. Employee State Insurance Corporation, Head Office - New Delhi
- iii. V.V.Giri National Labour Institute, NOIDA, (U.P)
- iv. Central Board for Workers' Education, Nagpur

2. Organisation of the Chief Labour Commissioner (CLC)

The Organisation of the Chief Labour Commissioner(C) known as **Central Industrial Relations Machinery** was set up in April, 1945 in pursuance of the recommendation of the Royal Commission on Labour in India and was then charged mainly with duties of prevention and settlement of industrial disputes, enforcement of labour laws and to promote welfare of workers in the undertakings falling within the sphere of the Central Government.

Presently there are 18 regions each headed by a Regional Labour Commissioner (C) with Headquarters at Ajmer , Ahmedabad, Asansol, Bangalore, Bombay, Bhubaneswar, Chandigarh, Cochin, Calcutta, Gwahati, Hyderabad, Jabalpur, Madras, New Delhi, Patna, Nagpur, Dhanbad and Kanpur. Out of these, 14 regions have been placed under the supervision of three zonal Dy.CLCs (C) and 4 regional offices are supervised directly by headquarters office of CLC(C).

The **Central Industrial Relations Machinery** is the enforcing agency for the following Acts:

- 1) Payment of Wages Act 1936.
- 2) Minimum Wages Act, 1948
- 3) Payment of Bonus Act 1965
- 4) Equal Remuneration Act 1979
- 5) Contract Labour (Regulation and Abolition) Act, 1970
- 6) Child Labour (Prohibition and Regulation) Act,1986
- 7) The Industrial Employment (standing orders) Act 1946
- 8) Maternity Benefit Act, 1961

9) Payment of Gratuity Act, 1972

10) Industrial Disputes Act, 1947

Apart from the Chief Labour Commissioner, the Central Industrial Relations Machinery consists of the following officers:

- i. **Assistant Labour Commissioner (Central)** - Assistant Labour Commissioners have been declared inspectors under all the enactments enumerated above, except Equal remuneration Act, 1979 and Payment of Gratuity Act, 1972. They are conciliation officers under the Industrial Disputes Act (Section 4). They intervene and prevent the industrial disputes and maintain harmonious Industrial Relations. A.L.Cs(C) are also controlling authorities under the Payment of Gratuity Act, 1972 (sec.3), Authorities under the Equal remuneration Act, 1979 (Sections 7) and Registering and Licensing Officers (Sections 6 and 11 respectively) under the Contract Labour (Regulation & Abolition) Act, 1970. As controlling authorities under the payment of Gratuity Act, 1972 (sec. 3), and Authorities under the Equal remuneration Act, 1979 (Sections 7), they decide the claim cases filed before them under these acts.
- ii. **Labour Enforcement Officer (Central)** – The Labour Enforcement officer (C) have been declared inspectors under all the above enactments in the industries / establishments in the Central Sphere. All officers having independent offices are also Conciliation officers under section 4 of Industrial Disputes Act, 1947. They have also been declared supervisors of the railways employees, as per the provisions of the Indian Railways Act.
- iii. **Joint Chief Labour Commissioner(C)**- The Jt. CLC(C) handles important Industrial Disputes of all India nature. He is also appellate authority under Industrial Employment (Standing Orders) Act.
- iv. **Deputy Chief Labour Commissioner(C)** - The Dy. CLCs(C), besides, coordinating, monitoring and supervising the activities of the regional offices, also handle important Industrial Disputes referred to or apprehended in the zone effectively. Dy. CLC(C)s as appellate authority under IE(SOs) Act, dispose of appeals arising out of certification of standing orders by RLC(C)s. The Dy.CLCs(C) are authority for deciding cases of same or similar nature of work and condition of wages of contract labour under Rule 25 (2)(v)(a) and 25(2) (v) (b) of CL(R&A) (Central) Rules respectively.
- v. **Regional Labour Commissioner** - RLC(C)s are the Authority under Minimum Wages Act. They decide cases of payment of wages less than minimum rate of wages fixed, filed before them, as provided under sec. 20 of the Minimum Wages Act. They are

certifying officers, under Industrial Employment Standing Orders Act for certification of the Draft Standing Orders, submitted under the Act. They are the appellate authority under Payment of Gratuity Act, 1972 and Equal remuneration Act, 1976. They have also been declared inspectors under all the enactments enumerated in column (4), above, except Equal remuneration Act and Payment of Gratuity Act. The RLCs(C) being the head of the region is not only in charge of day-to-day administration but also has to discharge many statutory duties relating to enforcement and industrial relations, including those of Conciliation Officer under the Industrial Disputes Act.

3. Labour Courts / Industrial Tribunals

Most of the labour disputes are referred to the Labour Courts/Industrial Tribunals through the Department of Labour under the respective State Government. The process for labour dispute starts with filing of a petition before Labour Conciliation Officer and in case no compromise is possible, the said officer sends a failure report to the Government. After consideration of the said report, the Government may send a reference to the Labour Court/Industrial Tribunal. In certain matters, the labour dispute can be directly filed in the court concerned.

Labour Courts These courts are found in every district and they form the courts of original jurisdiction under which various labour laws and rules are enforced.

Appellate Labour Courts These courts hear only the Appeals and revisions originating from the judgements and orders of the subordinate original labour courts and officers, under the provisions of various labour and related laws.

- a) When an industrial dispute has been referred to a Labour Court for adjudication, it is the duty of the Labour Court to
 - (i) Hold proceedings expeditiously, and
 - (ii) To submit its award to the appropriate Government soon after the conclusion of the proceedings.
- b) However, no deadline has been laid down with respect to the time within which the completion of proceedings has to be done. Nonetheless, it is expected that these Courts hold their proceedings without getting into the technicalities of a Civil Court.

- c) It has been held that the provisions of Article 137 of the Limitation Act do not apply to reference of disputes to the Labour Courts. These Courts can change the relief granted by refusing payment of back wages or directing payment of past wages too.

Court Fee

No Court fee is payable on the petitions filed before Labour Courts and Industrial Tribunals.

Matters that fall within the jurisdiction of Industrial Tribunals

1. Wages, including the period and mode of payment
2. Compensatory and other allowances
3. Hours of work and rest intervals
4. Leave with wages and holidays
5. Bonus, profit sharing, provident fund and gratuity
6. Shift working otherwise than in accordance with standing orders
7. Classification by grades
8. Rules of discipline
9. Retrenchment of workmen and closure of establishment

Matters that fall within the jurisdiction of Labour Courts

1. The propriety or legality of an order passed by an employer under the standing orders
2. The application and interpretation of standing order
3. Discharge or dismissal of workmen including re-instatement of, or grant of relief to, workmen wrongfully dismissed.
4. Withdrawal of any customary concession or privilege
5. Illegality or otherwise of a strike or lock-out; and
6. All matters other than those being referred to Industrial Tribunals.

Stages of adjudication in labour or industrial disputes

The first is receiving a reference from the appropriate Government or filing of the labour dispute in the Labour Court. The next step is sending notice to the Management and after filing of the response by them, the matter is fixed for adjudication. The fourth step is recording the evidence of the parties and hearing the arguments.

The final conclusion of the dispute

After hearing the parties, the Labour Court/Industrial Tribunal decides the dispute and the said final decision is called an Award. A copy of the award is to be published by the Labour Department as per rules. Copies of the same are also sent to the parties concerned.

Execution of Awards

In case the management does not comply with the terms of the award, the workman may pray for its execution by moving an application before the concerned Conciliation Officer.

14. LABOUR LEGISLATIONS ACROSS THE WORLD

1. Australia

Australian labour law has had a unique development that distinguishes it from other English speaking jurisdictions.

In 1904 the Conciliation and Arbitration Act was passed mandating "Conciliation and Arbitration for the Prevention and Settlement of Industrial Disputes extending beyond the Limits of any one State". In 2005, the WorkChoices Act removed unfair dismissal laws, removed the "no disadvantage test", and made it possible for workers to submit their certified agreements directly to Workplace Authority rather than going through the Australian Industrial Relations Commission. There were also clauses in WorkChoices that made it harder for workers to strike, made it easier for employers to force their employees onto individual workplace agreements rather than collective agreements, and banning clauses from workplace agreements which supported trade unions.

The Workplace Relations Act 1996, as amended by the Workplace Relations Amendment Act 2005, or WorkChoices, which came into effect in March 2006, was a comprehensive change to industrial relations in Australia.

2. United Kingdom

United Kingdom labour law is that body of law which regulates the rights, and obligations of trade unions, workers and employers in the United Kingdom. Labour law, often also referred to as "employment law" has developed rapidly over the past forty years, due to a historically strong trades union movement and the United Kingdom's membership of the European Union (since 1973). In its current form, it is largely a creature of statute rather than Common Law. Leading employment law statutes include the Employment Rights Act 1996, the Employment Act 2002 and various legislative provisions outlawing discrimination on the grounds of sex, race, disability, sexual orientation, and religion and from 2006, age.

The operation of the Employment Law system is broadly similar across the whole of the UK, although there are some differences in the common law between England & Wales and Scotland and, in addition, Northern Ireland has extra anti-discrimination legislation dealing with discrimination on the grounds of religion, community affiliation or political affiliation, which is quite distinct from the laws on religious discrimination in Great Britain. The labour related laws of UK are

- Employment Rights Act, 1996
- Health and Safety at Work etc. Act, 1974
- National Minimum Wage Act, 1998
- Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations 2002
- Equality Act, 2006
- Sex Discrimination Act 1975
- Equal Pay Act 1970
- Employment Equality (Religion or Belief) Regulations, 2003
- Disability Discrimination Act, 1995
- Trade Union Act 1871
- Trade Union and Labour Relations (Consolidation) Act 1992
- Employment Equality (Age) Regulations 2006

3. China

Labour Law in the People's Republic of China has become a very hot issue with the soaring numbers of factories and the fast pace of urbanization. The basic labour laws are the Labour Law of People's Republic of China (promulgated on 5 July 1994) and the Law of the People's Republic of China on Employment Contracts (Adopted at the 28th Session of the Standing Committee of the 10th National People's Congress on June 29, 2007, Effective from January 1, 2008). The administrative regulations enacted by the State Council, the ministerial rules and the judicial explanations of the Supreme People's Court stipulate detailed rules concerning the various aspects of the employment relationship. Labour Union in China is controlled by the government through the All China Federation of Trade Unions, which is also the sole legal labour union in Mainland China. Strike is formally legal, but in fact is strictly forbidden.

According to the new 98-article-long "Labor Contract Law", employees of at least 10 years standing are entitled to contracts that protect them from being dismissed without cause. The new law also requires employers to contribute to employees' social security accounts and sets wage standards for employees on probation and working overtime.

China's new labor contract law targets, primarily domestic companies that do not have labor contracts and that generally fail to comply with China's old laws. Foreign companies have had a stronger track record of signing contracts with employees and bringing to China their global work rules and environmental, health and safety practices.

4. France

In France the first labour laws were Waldeck Rousseau's laws passed in 1884. Between 1936 and 1938 the Popular Front enacted a law mandating 12 days (2 weeks) each year of paid vacation for workers, and a law limiting the work week to 40 hours, excluding overtime. The Grenelle accords negotiated on May 25 and 26th in the middle of the May 1968 crisis, reduced the working week to 44 hours and created trade union sections in each enterprise. The minimum wage was also increased by 25%. In 2000 Lionel Jospin's government then enacted the 35-hour workweek, down from 39 hours. Five years later, conservative prime minister Dominique de Villepin enacted the New Employment Contract (CNE). Addressing the demands of employers asking for more flexibility in French labour laws, the CNE sparked criticism from trade unions and opponents claiming it was lending favour to contingent work. In 2006 he then attempted to pass the First Employment Contract (CPE) through a

vote by emergency procedure, but that it was met by students and unions' protests. President Jacques Chirac finally had no choice but to repeal it.

5. United States of America

United States labour law is a heterogeneous collection of state and federal laws. Federal law not only sets the standards that govern workers' rights to organize in the private sector, but overrides most state and local laws that attempt to regulate this area. Federal law also provides more limited rights for employees of the federal government. These federal laws do not, on the other hand, apply to employees of state and local governments, agricultural workers or domestic employees; any statutory protections those workers have derived from state law.

Both federal and state laws protect workers from employment discrimination. In most areas these two bodies of law overlap; as an example, federal law permits state to enact their own statutes barring discrimination on the basis of race, gender, religion, national origin and age, so long as the state law does not provide less protections than federal law would. Federal law, on the other hand, preempts most state statutes that would bar employers from discriminating against employees to prevent them from obtaining pensions or other benefits or retaliating against them for asserting those rights.

Federal law does not provide employees of state and local governments with the right to organize or engage in union activities, except to the extent that the United States Constitution protects their rights to freedom of speech and freedom of association. The Constitution provides even less protection for governmental employees' right to engage in collective bargaining: while it bars public employers from retaliating against employees for forming a union, it does not require those employers to recognize that union, much less bargain with it.

The Fair Labor Standards Act of 1938 (FLSA) establishes minimum wage and overtime rights for most private sector workers, with a number of exemptions and exceptions. Congress amended the Act in 1974 to cover governmental employees.

The Employee Retirement Income Security Act establishes standards for the funding and operation of pension and health care plans provided by employers to their employees.

The Family and Medical Leave Act, passed in 1993, requires employers to provide workers with twelve weeks of unpaid medical leave and continuing medical benefit coverage in order to attend to certain medical conditions of close relatives or themselves.

The Occupational Safety and Health Act, signed into law in 1970 by President Richard Nixon, creates specific standards for workplace safety. The Act also provides for protection for "whistleblowers" who complain to governmental authorities about unsafe conditions while allowing workers the right to refuse to work under unsafe conditions in certain circumstances. The Act allows states to take over the administration of OSHA in their jurisdictions, so long as they adopt state laws at least as protective of workers' rights as under federal law.

The Immigration Reform and Control Act of 1986 provides narrow prohibitions against certain types of employment discrimination based on immigration status.

The Worker Adjustment and Retraining Notification Act, better known by its acronym as the WARN Act, requires private sector employers to give sixty days' notice of large-scale layoffs and plant closures; it allows a number of exceptions for unforeseen emergencies and other cases.

15. BIBLIOGRAPHY

1. Ministry of Labour and Employment , Government of India : <http://labour.nic.in/>

A. Main Secretariat of Ministry of Labour and Employment

- vii. Industrial Relations division : <http://labour.nic.in/ir/welcome.html>
- viii. Child and Women Labour Division: <http://labour.nic.in/cwl/welcome.html>
- ix. Directorate General, Labour Welfare : <http://labour.nic.in/dglw/welcome.html>
- x. Economic and Statistics Division
- xi. International Labour Affairs Section: <http://labour.nic.in/ilas/welcome.html>
- xii. Labour Conference Section: <http://labour.nic.in/lc/welcome.html>

B. Attached Offices

- v. Office of the Chief Labour Commissioner (Central), New Delhi (Also known as Central Industrial Relations Machinery) : <http://labour.nic.in/clc/welcome.html>
- vi. Directorate General, Employment and Training, New Delhi : <http://www.dget.nic.in/>
- vii. Labour Bureau, Chandigarh : <http://labourbureau.nic.in/>
- viii. Directorate General, Factory Advice Service and Labour Institutes, Bombay

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- v. Employee Provident fund Organisation, Head Office - New Delhi : <http://www.epfindia.com/>
 - vi. Employee State Insurance Corporation, Head Office - New Delhi: <http://esic.nic.in/>
 - vii. V.V.Giri National Labour Institute, NOIDA, (U.P)
 - viii. Central Board for Workers' Education, Nagpur
- 2. International Labour Organisation (ILO) : <http://www.ilo.org/global/lang--en/index.htm>**

16a.

AGREEMENT FOR EMPLOYMENT

An AGREEMENT made on this ----- day of ----- BETWEEN -----represented by its Managing Director ----- (hereinafter called the ‘Employer’ of the One Part and ----- (hereinafter called the “Employee” of the Other Part.

1. The Employer is engaged in the business of training and maintains business premises at -----
-----.
2. The employer wants to appoint a suitable person to work as ----- for his business concern;
3. The Employee, the party of the Other Part, has agreed to serve as ----- for the business concern on the terms and conditions hereinafter set forth.

NOW this agreement witnesseth and the parties hereto and hereby agree as follows:

1. AGREEMENT TO EMPLOY AND BE EMPLOYED

The Employer hereby employs the Employee as----- at ----- and the Employee hereby accepts and agrees to such employment.

2. DESCRIPTION OF EMPLOYEE’S DUTIES

Subject to the supervision and pursuant to the orders, advice, and direction of the Employer, the Employee shall perform such duties as are customarily performed by one holding such position in business concern. The Employee shall additionally render such other and unrelated services and duties as may be assigned to him from time to time by employer

3. MANNER OF PERFORMANCE OF EMPLOYEE’S DUTIES

The Employee shall at all times faithfully, industriously, and to the best of his/her ability, experience, and talent, perform all duties that may be required of and from him/her pursuant to the express and implicit terms hereof, to the reasonable satisfaction of employer. Such duties shall be rendered at the abovementioned premises and at such other place or places as employer shall in good faith require or as the interests, needs, business, and opportunities of employer shall require or make advisable.

4. DURATION OF EMPLOYMENT

The term of employment shall commence on ----- and continue till such date the Employee works in the business concern subject, however, to prior termination as provided in Clause 9 hereof or by resignation by the Employee. In case of resignation, the Employee shall give one month prior notice to the Employer and on failure to do so, shall forego his salary for the notice period.

5. REMUNERATION

The Employer shall pay a salary of ----- to the Employee for the services rendered to the business concern. The details of the salary are mentioned in Annexure A of the document. In addition to the foregoing, the employer shall also reimburse the expenses incurred by the Employee while travelling for and on behalf of the Employer pursuant to the employer's direction.

6. EMPLOYEE'S LOYALTY TO EMPLOYER'S INTEREST

The Employee shall devote all his time, attention, knowledge, and skill solely and exclusively to the business and interests of the Employer, and the Employer shall be entitled to all benefits, emoluments, profits, or other issues arising from or incident to any and all work, services, and advice of the Employee. The Employee expressly agrees that during the term hereof he will not be interested, directly or indirectly, in any form, or manner, as partner, officer, director, stockholder, advisor, employee, or in any other form or capacity, in any other business similar to the employer's business or any allied trade, except that nothing herein contained shall be deemed to prevent or limit the right of employee to invest any of his surplus funds in the capital stock or other securities of any corporation whose stock or securities are publicly owned or are regularly traded on any public exchange.

7. NON-DISCLOSURE OF BUSINESS INFORMATION

The Employee will not at any time, in any form or manner, either directly or indirectly divulge, disclose, or communicate to any person, firm, or corporation in any manner whatsoever any information of any kind, nature, or description concerning any matters affecting or relating to the business of employer, including, without limitation, the names of any its customers, the prices it obtains or has obtained, or at which it sells or has sold its products, or any other information concerning the business of employer, its manner of operation, or its plans, processes, or other data of any kind, nature, or description without

regard to whether any or all of the foregoing matters would be deemed confidential, material, or important.

The parties hereby stipulate that, as between them, the foregoing matters are important, material, and confidential, and gravely affect the effective and successful conduct of the business of employer, and its good will, and that any breach of the terms of this section is a material breach of this agreement

8. LEAVE

The Employee will be entitled for one day leave for a completed month of service. Apart from this the employee will also be entitled to medical leave of 15 days in a year subject to submission of medical certificate in case the medical leave period exceeds three days.

9. TERMINATION OF SERVICE

- i. The Employer shall terminate the services of the Employee without any previous notice, if the employer is satisfied based on medical evidence that the employee is unfit and is likely for considerable period to continue to be unfit by reason of ill health for discharge of his/her duties.
- ii. The Employer shall terminate the services of the Employee without any previous notice, if the Employee is found guilty of any in-subordination, intemperance, moral turpitude or other misconduct or of any breach or non performance of any of the provisions of these conditions, or if otherwise found unsuitable for the efficient performance of his /her duties.

10. SETTLEMENT OF DISPUTE

Any claim or controversy that arises out of or relates to this agreement, or the breach of it, shall be settled by arbitration in accordance with the provisions of the Arbitration and Conciliation Act, 1996 and relevant labour legislations.

11. WAIVER OR MODIFICATION EFFECTIVE ONLY IN WRITING

No waiver or modification of this agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and duly executed by the party to be charged therewith. Furthermore, no evidence of any waiver or modification shall be offered or received in evidence in any proceeding, arbitration, or litigation between the parties

arising out of or affecting this agreement, or the rights or obligations of any party hereunder, unless such waiver or modification is in writing, duly executed as aforesaid.

12. AGREEMENT GOVERNED BY LAW

This agreement and performance hereunder and all suits and special proceedings hereunder shall be construed in accordance with the laws of the State of -----, India.

13. BINDING EFFECT OF AGREEMENT

This agreement shall be binding on and inure to the benefit of the respective parties and their respective heirs, legal representatives, successors, and assigns.

IN WITNESS WHEREOF

On behalf of the party of the ONE PART and by the party of the OTHER PART have hereto and hereby set their hands the day, month and year above mentioned:

1. Signature of the Party of the ONE PART (Employer)

2. Signature of the Party of the OTHER PART (Employee)

In the presence of

1. ----- (Name, designation and address)

2. ----- (Name, designation and address)

16b. FORM FOR AGREEMENT BETWEEN THE EMPLOYER AND EMPLOYEES FOR REFERENCE OF

DISPUTES TO ARBITRATION

AGREEMENT

BETWEEN

Names of the Parties;

Representing employers:

Representing workmen/workman:

It is hereby agreed between the parties to refer the following dispute to the arbitration of
..... [here specify the name(s) and addressees) of the arbitrator(s)]:

- (i) Specific matters in dispute;
- (ii) Details of the parties to the dispute including the name and address of the establishment or undertaking involved;
- (iii) Name of the workman in case he himself is involved in the dispute or the name of the Union, if any, representing the workmen or workman in question;
- (iv) Total number of workmen employed in the undertaking affected;
- (v) Estimated number of workmen affected or likely to be affected by the dispute.

We further agree that the majority decisions of the arbitrator(s) be binding on us. In case the arbitrators are equally divided in their opinion, that they shall appoint another person as umpire whose award shall be binding on us.

The arbitrator(s) shall make his (their) award within a period of (here specify the period agreed upon by the parties) or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of the parties.

Representing employer.

Workman/Representing WORKMAN

/ WORKMEN WITNESSES;

(1)

(2)

Copy to:

- (i) The Assistant Labour Commissioner (Central), (here enter office address of the Conciliation Officer in local area concerned).
- (ii) The Regional Labour Commissioner (Central).....
- (iii) The Chief Labour Commissioner (Central), New Delhi.
- (iv) The Secretary to the Government of India, Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment), New Delhi.