

PAYMENT OF WAGES ACT, 1936

CHECKLIST

<p>Applicability of Act</p> <ul style="list-style-type: none"> • Factory industrial Establishment • Tramway service or motor transport service engaged in carrying passengers or good or both by road for hire or reward. <ul style="list-style-type: none"> • Air transport service Dock, Wharf or Jetty • Inland vessel, mechanically propelled • Mine, quarry or oil-field Plantation • Workshop or other establishment etc. 	<p>Object of the Act</p> <p>To regulate the payment of wages of certain classes of employed persons</p>	<p>Wages to be paid in current coins or currency notes</p> <ul style="list-style-type: none"> •All wages shall be paid in current coins or currency notes or in both. •After obtaining the authorization, either by cheque or by crediting the wages in employee's bank Account Sec. 6
<p>Coverage of Employees</p> <p>Drawing average wage upto Rs.6500 pm as amended w.e.f. 6.9.05.</p>	<p>Time of payment of wages</p> <p>The wages of every person employed be paid.</p> <p>When less than 1000 persons are employed shall be paid before the expiry of the 7th day of the following month.</p> <p>When more than 1000 workers, before the expiry of the 10th day of the following month. Sec. 5</p>	
<p>Fines as prescribed by</p> <ul style="list-style-type: none"> •Not to imposed unless the employer is given an opportunity to show cause ⊗To record in the register Sec.8 	<p>Deduction made from wages</p> <p>Deductions such as, fine, deduction for amenities and services supplied by the employer, advances paid, over payment of wages, loan, granted for house-building or other purposes, income tax payable, in pursuance of the order of the Court, PF contributions, cooperative societies, premium for Life Insurance, contribution to any fund constituted by employer or a trade union, recovery of losses, ESI contributions etc.etc. Sec. 7</p>	<p>Deduction for absence from duties for unauthorised absence</p> <p>Absence for whole or any part of the day – If ten or more persons absent without reasonable cause, deduction of wages upto 8 days.</p> <p>Sec. 9</p>
<p>Deductions for service rendered</p> <p>When accommodation amenity or service has been accepted by the employee. Sec.11</p>	<p>Deduction for damage or loss</p> <p>For default or negligence of an employee resulting into loss. Show cause notice has to be given to the employee. Sec.10</p>	
<p>On contravention of S.5 (except sub-sec.4), S.7, S.8 (except Ss.8), S.9, S.10 (except Ss.2) and Secs.11 to 13.</p>		<p>Fine not less than Rs.1000 which may extend to Rs.5000. On subsequent conviction fine not less than Rs.5000, may extend to Rs.10,000. On contravention S.4, S.5(4), S6, S.8(8), S.10(2) or S.25 fine not less than Rs.1000. – may extend to Rs.5000. On subsequent On conviction fine not less.</p>
<ul style="list-style-type: none"> • For failing to maintain registers or records; or • Wilfully refusing or without lawful excuse neglecting to furnish information or return; or • Wilfully furnishing or causing to be furnished any information or return which he knows to be false or • Refusing to answer or wilfully giving a false answer to any question necessary for obtaining any information required to be furnished under this Act. 		<ul style="list-style-type: none"> • Fine which shall not be less than Rs.1000 but may extend to Rs.5000 – On record conviction fine not less than Rs.5000, may extend to Rs.10,000. • For second or subsequent conviction, fine not less than Rs.5000 but may extend to Rs.10,000
<ul style="list-style-type: none"> • Wilfully obstructing an Inspector in the discharge of his duties under this Act; or • Refusing or wilfully neglecting to afford an Inspector any reasonable facility for making any entry, inspection etc. • Wilfully refusing to produce on the demand of an inspector any register or other document kept in pursuance of this Act; or preventing any person for appearance etc. 		<p>Fine not less than Rs.1000 extendable Upto Rs.5000 – On subsequent conviction fine not less than Rs.5000 – may extent to Rs.10,000</p>
<ul style="list-style-type: none"> • On conviction for any offence and again guilty of Contravention of same provision. • Failing or neglecting to pay wages to any employee 		<ul style="list-style-type: none"> • Imprisonment not less than one month extendable upto six months and fine not less than Rs.2000 extendable upto Rs.15000. • Additional fine upto Rs.100 for each day.

WORKMEN'S COMPENSATION ACT, 1923

CHECKLIST

Applicability

All over India
Sec.1

Coverage of Workmen

All workers irrespective of their status or salaries either directly or through contractor or a person recruited to work abroad. **Sec.1(3)**

Employer's liability to pay compensation to a workman

On death or personal injury resulting into total or partial disablement or occupational disease caused to a workman arising out of and during the course of employment.
Sec.3

Amount of compensation

- Where death of a workman results from the injury
 - An amount equal to fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor on an amount of eighty thousand rupees, whichever is more.
- Where permanent total disablement results from the injury.
 - An amount equal to sixty per cent of the monthly wages of the injured workman multiplied by the relevant factor or an amount of ninety thousand rupees, whichever is more

Procedure for calculation

Higher the age – Lower the compensation

- Relevant factor specified in second column of Schedule IV giving slabs depending upon the age of the concerned workman.
- Example : In case of death.
 - Wages Rs.3000 PM • Age 23 years
 - Factor as schedule IV Rs.19.95
 - Amount of compensation Rs.329935
 - In case of total disablement Rs.395910.

Sec. 4

When an employee is not liable for compensation

- In respect of any injury which does result in the total or partial disablement of the workman for a period exceeding three days.
- In respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to-
- The workman having been at the time thereof under the influence of drink or drugs, or
- Willful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
- Willful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman.

Sec.3(a) & (b)

Wages

When the monthly wages are more than Rs.4000 per month it will be deemed Rs.4000.

Sec.4 Exh.b

Notice Accident

As soon as Practicable

Sec. 10

Report of accident Rule 11 Form EE

Report of fatal Accident and Serious Injury within 7 days to the Commissioner (not application when ESI Act applies).

Sec.10B

Bar upon contracting out

Any workman relinquishing his right for personal injury not permissible.

Sec.14

PENALTY

- In case of default by employer
- Deposit of Compensation

- 50% of the compensation amount + interest to be paid to the workman or his dependents as the case may be.
- Within one month with the Compensation Commissioner

Sec.4A