

22/10/2020

Industrial relation Code 202

MBA - III, HC-01

JUN 20						
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about hours of work, holidays, paydays and wage rates.

- (III) termination of employment
- (IV) suspension of misconduct, and
- (V) grievance redressal mechanisms for workers
- The central govt will prepare model standing orders, based on which the industrial establishments will prepare their standing orders.

22/10/2020

Notice of change: Employers must not change the conditions of service in certain matters without giving notice of the proposed changes to the workers being affected, or within 21 days of giving such notice. These matters include wages, contribution, allowances, working hours and leave.

21 days giving notice to change in service records

Lay off and retrenchment: Employers of non-seasonal industrial establishments such as mines, factories, and plantations with 50 to 300 workers must (i) pay 50% of basic wages and dearness allowance to a worker who has been laid off, and (ii) give one month's notice or wages for the notice period to the retrenched workers.

Non-seasonal
50-300 workers
Pay 50% of basic wages & DA who has been laid off
one month's notice or wages for notice period

Lay off is the inability of an employer from giving employment to a worker due to reason as shortage of coal, power, breakdown

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Retrenchment means termination of service of worker for any disciplinary action.
Fine Rs 50,000 to 2.00 lacs

Retrenchment means termination of service of a worker for reasons other than disciplinary action. Any person who contravenes these provisions is punishable with a fine between fifty thousand (Rs 50,000) and two lakh rupees (2.00 lacs).

Now Seasonal establishments at least 300 workers take permission from state or central govt before lay off, retrenchment or closure.
50% of basic wages & DA laid off.
In case of retrenchment must give 3 months notice
any employer violation of provisions I lacs to 10 lacs

Now - Seasonal industrial establishment with at least 300 workers must take prior permission of the Central or State govt. before lay off, retrenchment or closure.

The Central & state govt may increase this threshold by notification. Such establishment must must pay 50% of basic wages and dearness allowance to a worker who has been paid laid off. In case of retrenchment, the employer must either give three months notice or pay the retrenched worker for the notice period. Any employer who violates these provisions will be punishable with a fine between one lac and ten lac rupees.

within one year of retrenched workers, if an employer seeks to reemploy a person, he must prefer retrenched workers over other persons.

Voluntary arbitration - The code allows for industrial disputes to be voluntarily referred to arbitration by the employer.

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and workers through a written agreement. After investigating the dispute, the arbitrator will submit the arbitration award to the govt.

Industrial disputes include disputes related to terms of employment, non employment and dismissal, retrenchment or termination of workers.

Resolution of industrial disputes: The Central or state govt may appoint conciliation officer to mediate and promote settlement of industrial disputes. These officers will investigate the dispute and hold conciliation proceedings to arrive at a fair and amicable settlement of the dispute. If no settlement is arrived at, either party to the dispute can make an application to the Industrial Tribunal, constituted under the Code.

NTC The Central govt may also constitute National Industrial Tribunals for settlement of industrial disputes which (1) involve question of material importance or (2) could impact industrial establishments situated in more than one state. The tribunals will have two members each one judicial member and one administrative member with specified qualifications.

Exempt provides that the Central or state govt may exempt any new establishment or a class of new establishment from all or any provisions of the Code in public interest. The 2020 bill