

From ALL RISK MANAGEMENT SOLUTIONS AND SERVICES (P) LTD
A blossoming knowledge process outsourcing service provider

SIGNIFICANCE TO WOMAN WORKERS IN LABOUR LAWS OF INDIA

Nomination by Women worker	<ul style="list-style-type: none">• Unlike male worker, women worker can appoint <u>her</u> parents (as well as spouse's parents) as Dependent nominee in the following acts,• Payment of Gratuity Act, Section 2 (h) (ii)• EPF Act
Continuous Service & Maternity leave	<ul style="list-style-type: none">• Factories Act, Section 79 1 (b) - Period included for calculation of Annual leave with wages (qualifying for 240 days)• Industrial Disputes Act, Section 25 (B) 2 (iv) - Maternity leave of 12 weeks, shall be deemed to be treated as continuous services• Gratuity Act, Section 2 (A) 2 (b) (iv) - In case of a female employee, if she has been on maternity leave, she shall be deemed to be in continuous service under the employer• TN Industrial Establishment (Conferment of Permanent Status to Workmen) Act, Section 3 (2) (iv) - A workman shall be said to be in continuous & uninterrupted service, for the period, she is on maternity leave
Grievance Committee	<ul style="list-style-type: none">• Industrial Disputes Act, Chapter II B, Section 9C. (4) - Every industrial establishment employing twenty or more workmen shall have one or more Grievance Redressal Committee for the resolution of disputes arising out of individual grievances. One women member if the Committee has 2 members and if the number of members is more than two, the number of women members may be increased proportionately
Prohibition of women workers	<ul style="list-style-type: none">• Factories Act, Section 22 (2) - Prohibition of woman workers on or near machinery in motion• Factories Act, Section 27 - Prohibition of employment of woman near cotton openers• Mines Act, Section 46 (1) Mines Act – No women be employed in a mine under ground
Sexual Harassment in workplace	<ul style="list-style-type: none">• PREAMBLE of SH Act- Protection against sexual harassment and for matters connected herewith or incidental thereto - be it in public or private. The sense of security at the workplace / study place will improve women participation in overall progress, resulting in their economic empowerment and inclusive growth as whole.
Provisions for Dependent women	<ul style="list-style-type: none">• TN Labour Welfare Fund Rules, Section 7 1(A) - Tailoring Centres to Wives, unmarried Daughters and sisters of workmen who are contributors of Tamil Nadu Labour Welfare Fund
Settlement claim	<ul style="list-style-type: none">• Para 69 of EPF Act - The requirement of two months waiting period shall not, however, apply in cases of female members resigning from the services of the establishment for the purpose of getting married.
Appointment of Women Director	<ul style="list-style-type: none">• Not appointing Woman Director is a non compliance with the requirement of Clause 49 (II) (A) (1) of Listing Agreement, Section 149 of Companies Act, 2013 and Companies (Appointment and qualification of Directors) Rules, 2014• Fine for Non Compliance<ul style="list-style-type: none">• 1 April 2015 to 30 June 2015 is Rs.50,000• 1 July 2015 to 30 September 30, 2015 is Rs.50,000 + Rs.1,000 per day (till compliance upto September 2015)• After 1st October it is Rs.1,42,000 + Rs.5,000 per day
Compensation distribution to Woman nominee	<ul style="list-style-type: none">• Employee Compensation Act, Section 8 (7) - Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman
No Discharge / Dismissal	<ul style="list-style-type: none">• No women employee can be discharged or dismissed or punished when she has absented herself from work for Maternity (and/or Sickness under ESI)• Maternity Benefit Act, Section 12• ESI Act, Section 73
Insured Women for more benefits	<ul style="list-style-type: none">• ESI Act, Section 50 : Insured Women <p>The term "insured woman" has not been defined in the Act. However, sub-Section (14) of Section 2 defines an "insured person" as a person who is or was an employee in respect of whom contributions are or were payable under the Act and who is, by reason thereof, entitled to any of the benefits provided by this Act. The term "insured person" also includes an "insured woman". By virtue of the definition of the term "insured person", a woman can continue to be "insured woman" even after she has left insurable employment. She will thus be entitled to maternity benefit during a benefit period during which she may no longer be in insurable employment, provided she satisfies the contributory condition relevant to the said benefit period.</p>
Creche	<ul style="list-style-type: none">• Creche to be made available to women employees, under the provisions of following Acts, if an establishment engages 30 or more women workers, which includes contract labours• Factories Act, Section 48 & Mines Act & CLRA Act
Special Provisions for Women employees	<ul style="list-style-type: none">• Equal Remuneration Act - Section 15 - Nothing in this Act shall apply;• any law giving special treatment to women, or• any special treatment accorded to women in connection with<ul style="list-style-type: none">• The birth or expected birth of a child, or• The terms and conditions relating to retirement, marriage or death or to any provision made in connection with retirement, marriage or death
Maternity Benefit claim	<ul style="list-style-type: none">• Maternity Act, under section 2(2) thereof, is normally not applicable to a factory to a factory/establishment to which the ESI Act applies but an exception has been made in case of woman falling under Section 5A of ESI Act• Maternity Benefit Act, Section 5A - Every woman entitled to the payment of maternity benefit under this Act shall, notwithstanding the application of the Employees' State Insurance Act, 1948 (34 of 1948) to the factory or other establishment in which she is employed, continue to be so entitled until she becomes qualified to claim maternity benefit under Section of 50 of ESI Act

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