

AFTER SSC WHAT?

(PRIVATE SECTOR JOBS)

ACT ESTABLISHMENT JOBS

I. DEFINITION:

Private Sector [Act] Establishments or bigger establishments are those Establishments which are considered as coming under a specialized law by virtue of the number of Employees on their roll exceeding 25+ above up to few thousands. Any Private Sector Establishment which employs 25 or more no. of employees is an Act establishment or bigger Private Sector establishment.

II. NO. AS LAW APPLICABILITY CRITERION:

In terms of labor laws that are meant to protect the interests of the employees and the Employers; an Act is applicable to establishments with a certain number of employees on their rolls. Following is the list of labor laws applicable in A P to various Private Sector establishments:

III. LABOR LAWS:

- The Industrial Disputes Act, 1947

The Industrial Employment (Standing Orders) Act, 1946

- The Minimum Wages Act, 1948

- The Payment of Wages Act, 1936 (Mines, Major Port and Air Transport Services).
- The Contract Labor (Regulation and Abolition) Act 1970
- The Maternity Benefit Act 1961.
- The Child Labor (Prohibition and Regulation) Act, 1986
Hours of Employment Regulations for Railway Servants.
- The Payment of Bonus Act, 1965
- The Payment of Gratuity Act, 1972
- The Equal Remuneration Act, 1976
- Inter- state Migrant Workmen (Regulation of employment of and condition of Service) Act 1979.
- The Building and Other Construction Workers (Regulation of Employment and Condition of Services) Act 1996.

Each of the above Law has different number of employees as applicability criterion.

Let us first see what the minimum details about the Standing Orders Act are:

IV. WHAT IS THE LAW RELATING TO STANDING ORDERS?

The Industrial Employment (Standing Orders) Act, 1946

Q. What is a Standing Order?

A statement showing conditions of employment of the employee.

An employee working for an industrial employment should know what are the conditions of employment on which he is being appointed and which he will have to fulfill while in job.

Q. What is the criteria for applicability of the Act?

The Act is applicable to industrial establishment wherein one hundred and more workmen are employed

.Q. What is the time limit for submission of a draft Standing Orders under this Act?

Within six months from the date on which this Act becomes applicable to an Industrial Establishment.

Q. Who is the Certifying Officer?

Regional Labor Commissioner (Central), of the concerned region.

V. WHAT CONSTITUTES MISCONDUCT BY AN EMPLOYEE?

Here, it is pertinent to note the omissions constituting misconduct on the part of the employees under the Shops and Establishment Act, 1988 and the rules framed there under:

The following acts and omissions shall be treated as misconduct on the part of the employees:-

- (a) Willful insubordination or disobedience of instruction whether alone or in combination with others or any lawful and reasonable order of a superior ;
- (b) Striking work or inciting others to strike work in contravention of the provisions of the Industrial Disputes Act, 1947 ;
- (c) Damage, theft, fraud or dishonesty in connection with the employer's business or property ;
- (d) Habitual absence without leave, or absence without leave for more than five consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation ;
- (e) Engaging trade within the premises of the establishment; (J) Unprovoked misbehavior with customers, drunkenness, riotous,

disorderly or indecent behavior in the premises of the establishment ;

(g) Habitual neglect of work, or habitual negligence disclosing any information in regard to the business/process of the establishment to any unauthorized person which may be prejudicial to the interest of the establishment ;

(h) Gambling within the premises of the establishment ;

(i) Conviction by any Court of Law for any criminal offence involving moral turpitude.

Doctrine of "no-work-no-pay"

In India, the Latin phrase 'dies non' is being widely used by disciplinary authorities in government and industries for denoting the 'unauthorised absence' to the delinquent employees. According to Shri R. P.Saxena, Chief Engineer, Indian Railways, Dies-non is a period which neither counted in service nor considered as break in service. A person can be marked dies-non, if

1. Absent without proper permission.
2. When on duty left without proper permission.
3. While in office but refused to perform duties.

In cases of such willful and unauthorized absence from work, the leave sanctioning authority may decide and order that the

days on which the work is not performed be treated as dies non on the principle of no work no pay. This will be without prejudice to any other action that the competent authority might take against the persons resorting to such practices.

Practice of Dies Non (No Work No Pay) in Industries

The principle of “no work no pay” is widely being used in the banking industry in India. All other manufacturing industries and large service establishments like railways, posts and telecommunications are also implementing it to minimize the incidences of unauthorised absence of workers. The term ‘industry’ infuses a contractual relationship between the employer and the employee for sale of products and services which are produced through their cooperative endeavor.

This contract together with the need to put in efforts in producing goods and services imposes duties (including ancillary duties) and obligations on the part of the employees to render services with the tools provided and in a place and time fixed by the employer. And in return, as a quid pro quo, the employer is enjoined to pay wages for work done and or for fulfilling the contract of employment. Duties generally including ancillary duties, additional duties, normal duties, emergency duties which has to be done by the employees and payment of wages therefore. Where the contract of employment is not fulfilled or work is not done as prescribed, the principle of ‘no work no pay’ is brought into play.

Unauthorised absence in periods of strike

Unauthorised absence of a group of workers such as during a strike is required to be dealt more firmly. The rules in India provides for stern action by disciplinary authorities in such cases. Most of these actions taken by disciplinary authorities are upheld by courts also.

According to fundamental rules (FR 17A) of the civil service of India, a period of unauthorised absence-

(i) in the case of employees working in industrial establishments, during a strike which has been declared illegal under the provisions of the Industrial Disputes Act, 1947, or any other law for the time being in force;

(ii) in the case of other employees as a result of action in combination or in concerted manner, such as during a strike, without any authority from, or valid reason to the satisfaction of the competent authority;

Shall be deemed to cause an interruption or break in the service of the employee, unless otherwise decided by the competent authority for the purpose of leave travel concession, quasi-permanency and eligibility for appearing in departmental examinations, for which a minimum period of continuous service is required. [\[12\]](#)

Secondly, the youth should remember that an employer may terminate his services also, but there is a procedure for it :

VI. PROCEDURE FOR TERMINATING THE SERVICES OF AN EMPLOYEE:-

(I) No employer shall terminate the services of an employee unless an enquiry is held against the employee concerned in respect of any alleged misconduct in the manner set forth in sub-rule -(2).

(2) An employee against whom an enquiry has to be held he shall be given a charge-sheet clearly setting forth the circumstances appearing against him and requiring explanation. He shall be given an opportunity to answer the charge and shall also be permitted to produce witnesses in his defense and cross-examine any witness on whose evidence the charge rests.' Act concise summary of the evidence led on either side or the employee's plea shall be recorded and signature of the parties obtained.

(3) In awarding punishment under this Rule, the employer shall take into account the gravity of the misconduct, the previous record, if any of the employee and any other extenuating or aggravating circumstances that may exist:

Provided that no punishment shall be awarded based on the previous record and other circumstances that may exist unless the employee has been given an opportunity of making representation in respect of those charges.

VII. INDUSTRIAL SECTORS IN WHICH ESTABLISHMENTS AER SITUATED:

The Act establishments may belong to the following sectors:

Automobile---Aviation---Biotechnology—

Construction---Cosmetic Industry---Dairy—

Electronic Industry---Media and Entertainment

Fashion Industry---Food Processing—

Garment Industry---Health Industry—

Information Technology— I T e S--Jewellery---

Leather Industry---Mining Industry—

Music--- Pharmaceutical industry ---

Power (Electrical Power) Industry—

Printing Industry---Real Estate—

Shipping Industry---Steel Industry---

Sugar Industry---Telecom Industry---Tourism.

What you have to understand is that all these Industries serve the felt needs of the consumers and provide the necessary products and services to them. This establishes the producer – consumer relationship between you and the citizens.

VIII. CONSUMER PROTECTION:

Consumer is the real deciding factor for all economic activities.

It is now universally accepted that the extent of consumer protection is a true indicator of the level of progress in a nation.

The growing

- size and complexity of production and distribution systems,
- the high level of sophistication in marketing and selling practices
- And forms of promotion like advertising etc. have contributed to the increased need for consumer protection.

Recognizing this fact, the Government has created a well-placed set-up at the Central and State level.

At the Central level, Department of Consumer Affairs ,Food and Public Distribution is nominated as the nodal agency for the protection of rights of consumers, redressal of consumer grievances and promotion of standards of goods and services etc

The Consumer Protection Act, 1986 is the most important legislation enacted to provide for effective safeguards to consumers against various types of exploitations and unfair dealings, relying on mainly compensatory rather than a punitive or preventive approach.

The Act has set up three-tier, quasi-judicial, consumer disputes redressal machinery at

the National,

the State,

and District levels,

For expeditious and inexpensive settlement of disputes.

It must therefore be remembered that where you are required to serve the Consumer or Customer or Clients, you must be careful in rendering the service. Otherwise the company has to face consequences of paying compensation.

All India Organisation of Employers points out that there are more than 55 central labor laws and over 100 state labor laws.

- The Contract Labor Act (1970) aims at regulating employment of contract labor so as to place it at par with labor employed directly. Women are now permitted to work night shifts too (10pm to 6am).
- Minimum Wages Act 1948

- Weekly Holidays Act 1942
- Beedi and Cigar Workers Act 1966
- The Payment of Wages Act, 1936
- The Workmen's Compensation Act, 1923
- The Factories Act, 1948
- The EPF Act
- The Bonus Act
- The ESI Act

IX. THE SONS OF THE SOIL:

The question of preference to local population in the matter of employment within the local area was not as complex before independence as it is today. The Rage Committee referred to this question in relation to the observation made in the Bihar Labor Enquiry committee that the "Sons of the Soil" should be given their rightful share. The Committee took note of this issue in the context of similar claims as might arise from other provinces. It referred to the allegations of the discrimination made before it and hoped that and hoped that such evils as were associated with recruitment in general would be remedied when recruitment was based on scientific principles and effected through an impartial agency like the Employment Exchange.

In those days there was no Agitation in area against outside persons if they could make the grade, though in some princely States, "mulki" qualification, i.e. the qualification of being a

domicile in the concerned State, was required for employment but only in Public services. Public opinion was inclined to accept the logic that among persons with equal efficiency and skill, an Employer should prefer local persons. In the early years of the Sixties, the situation was not much different.

Currently the demand for the Sons of the soil has acquired political overtones in many States mainly because economic development has not been commensurate with rising local expectations.

X. RECRUITMENT METOD:

The hiring market in India has witnessed dramatic changes in the past decade with companies facing an increasing talent crunch. While the number of people joining the workforce is still high, "employable" brains are in short supply.

Employees are now calling the shots, with companies ready to offer excellent "benefits" packages that promise superb "work-life balance."

The main sector hit by these changes has been the IT-ITES sector which is also considered to be the most lucrative from an employee's point of view. It has become an ultra-competitive market, with soaring employee turnover and a widening supply-demand gap. This has forced the industry to become very aggressive and made it necessary to **try more innovative recruitment tactics.**

Job fairs

Online talent auctions,

Talent referral programs,

Job sites and

Walk-in tours of employer campuses are just some of the popular means to bring home the best talent being used by various Multi-National Corporations.

Private sector firms are also poaching heavily into public sector companies and the armed forces. Given the supply-demand gap in the market, firms are devising multi-prong strategies to beat competition

This includes campus recruitments

Internal job postings,

Employee referrals,

Availing the services of placement consultants,

Participating in job fairs and

Advertising in newspapers

And job portals.

Newspaper advertisements were given preference five years' back. For the past few years, however, we are starting to witness a slow but steady shift to web portals to help increase ROI. There has been a significant shift in online recruiting, with the first wave seeing the emergence of job portals such as naukri.com.

While job portals continue to play a major role in the recruitment process, the second wave (Web 2.0) has been unleashed by social networking websites such as LinkedIn, Orkut, Facebook, etc.

In 2004, the contribution of portals in the recruitment mix was 2% whereas it is now close to 12% and is being done through job portals. However, although this is huge growth in terms of market share in India, this is low compared to the western markets and the print media

market in India is still the strongest in the market with a firm grip on the majority share.

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