**Industrial Relations & Labour Laws**

**NMIMS Centre for Distance and Online Education (NCDOE)**

**Internal Assignment Applicable for April 2025 Examination**

**1. ABC Textiles, a mid-sized manufacturing company, has been facing disputes between its management and workers over issues like wages, working conditions, and overtime policies. The workers' union has requested a meeting to discuss and resolve these disputes through collective bargaining. The management, however, is hesitant, citing concerns over transparency and control.**

**As the newly appointed HR Consultant at ABC Textiles, propose a structured framework for resolving disputes between management and workers over wages, working conditions, and overtime policies through collective bargaining. Your response should include: a detailed approach to collective bargaining, key differences between collective bargaining and cooperation, conditions for successful negotiations in the Indian context, and an outline of roles and responsibilities for negotiation teams.**

**Answer:**

**Introduction:**

ABC Textiles is experiencing disputes between management and workers regarding wages, working conditions, and overtime policies. The workers' union has called for collective bargaining to address these issues, but management is hesitant due to concerns over transparency and control. As the HR Consultant, it is crucial to establish a structured framework for dispute resolution through collective bargaining, ensuring a fair and effective negotiation process. This framework will outline the collective bargaining approach, differentiate it from cooperation, and define key conditions for successful negotiations in the Indian context. Additionally, it will specify the roles and responsibilities of negotiation teams, fostering a balanced dialogue that benefits both parties while maintaining industrial harmony and productivity.

**This is partially solved sample answer**

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**2. Priya, a manager at a manufacturing company, informs her employer about her pregnancy and requests maternity leave benefits under the Maternity Benefit Act. However, the employer refuses, citing a lack of clarity on the conditions of payment and claiming that her recent absenteeism disqualifies her. Priya argues that she meets all the conditions stipulated by the Act.**

**Analyze the provisions of the Maternity Benefit Act concerning conditions of payment, prohibition of employment, and maternity benefits, discuss how the objects of the Act and key definitions apply to Priya's case, and recommend a course of action for her to assert her rights and ensure compliance by her employer.**

**Answer:**

**Introduction:**

Priya, a manager at a manufacturing company, has requested maternity leave benefits under the Maternity Benefit Act, but her employer has denied the request, citing unclear payment conditions and her recent absenteeism. However, Priya insists that she fulfills all legal requirements. The Maternity Benefit Act, 1961, aims to protect the employment and financial security of women during maternity by ensuring paid leave, prohibiting discrimination, and safeguarding health. This analysis will examine the Act’s provisions concerning conditions of payment, prohibition of employment, and maternity benefits. It will also discuss key definitions and objectives relevant to Priya’s case and recommend a course of action for her to assert her rights and ensure her employer’s compliance.

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**3a. XYZ Manufacturing employs a significant number of daily-wage workers. Recently, during a compliance audit, it was discovered that certain workers were being paid less than the minimum wage prescribed by the state government. The management claims this was due to a lack of clarity on minimum wage laws.**

**As the HR Compliance Officer, explain the obligations of an employer under the Minimum Wages Act to ensure compliance and outline the penalties for non-compliance with the Act.**

**Answer:**

**Introduction:**

XYZ Manufacturing, which employs many daily-wage workers, was found during a compliance audit to be paying some workers below the state-prescribed minimum wage. The management attributes this violation to a lack of clarity on minimum wage laws. However, under the **Minimum Wages Act, 1948**, employers are legally bound to pay workers at least the prescribed minimum wage, ensuring fair compensation and preventing exploitation. This answer will outline an employer’s obligations under the Act, including wage fixation, timely payment, and record-keeping, while also detailing the penalties for non-compliance to ensure strict adherence to labor laws and prevent legal repercussions.

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**3b. A worker at ABC Construction suffered a severe injury while operating machinery on-site. The management argues that they are not liable to provide compensation as the worker did not follow safety instructions. However, the worker claims the injury occurred due to faulty equipment provided by the employer.**

**As a legal advisor, evaluate whether the employer is liable under the Workmen’s Compensation Act, 1923, for a worker's injury caused by machinery on-site, considering the worker's claim of faulty equipment and the employer's defense of non-compliance with safety instructions. Additionally, discuss the relevance of the 2009 amendments to the Act in this context.**

**Answer:**

**Introduction:**

A worker at ABC Construction sustained a severe injury while operating machinery, leading to a dispute over liability under the **Workmen’s Compensation Act, 1923**. The employer denies responsibility, citing the worker’s failure to follow safety instructions, while the worker attributes the injury to faulty equipment. This analysis will evaluate the employer’s liability based on the Act’s provisions, including compensation for injuries arising out of and in the course of employment. It will also examine the **2009 amendments**, which expanded coverage and benefits for workers, determining their relevance in this case and providing legal clarity on employer obligations and worker rights.

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