

Examrace

Competitive Exams: Labor Laws

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As per workmen's compensation act-1923 what are the privileges and benefits those are included in wage, also state employer's obligation and rights towards employees.

The following are the privileges and benefits included in the wages:

- Free accommodation
- Maternity benefit payable to women delivering a child
- Dearness allowances
- Overtime allowance
- Overtime pay
- Benefits in the form of food or clothing
- Value of any other concessions, benefits or privileges capable of being estimated in money
- Gratuity payable to a workman on retirement
- Bonus earned in the date of accidents
- Employer's obligations and rights towards employees:
- The obligation and rights of employers and employees under the workmen's compensation act given below

Section 3: Employer's Liability for Compensation

If personal injury is caused to a workman by accident arising out of and. In the course of his employment, his. Employer shall be liable to pay compensation in accordance with the provisions of this Chapter: Provided that the employer shall not be so liable-

1. in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding three days
2. 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 the wilful 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

- the wilful 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 workmen

Provided that if it is proved.

- that a workman whilst in the service of one or more employers in any employment specified in Part C of Schedule III has contracted a disease specified therein as an occupational disease peculiar to that employment during a continuous period which is less than the period specified under this sub-section for that employment, and Provided further that if it is proved that a workman who having served under any employer in any employment specified in Part B of Schedule III or who having served under one or more employers in any employment specified in Part C of that Schedule, for a continuous period specified under this subsection for that employment and he has after the cessation of such service contracted any disease specified in the said Part B or the said Part C, as the case may be, as an occupational disease peculiar to the employment and that such disease arose out of the employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section.
- Save as provided by 37 sub-sections (2) (2A) , and (3) , no compensation shall be payable to a workman in respect of any disease unless the disease is 38 * * * directly attributable to a specific injury by accident arising out of and in the course of his employment. Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury if he has instituted a claim to compensation in respect of the injury before a Commissioner; or if an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Act.

Section 4: Amount of Compensation

1. Subject to the provisions of this Act, the amount of compensation shall be as follows, namely: Where death results from the injury an amount equal fifty per cent of the monthly wages of the deceased workman multiplied by the relevant factor; or an amount of 39b eighty thousand rupees, whichever is more
2. where permanent total dis- an amount equal to sixty per cent ablement results from the in-of the monthly wages of the injured jury workman multiplied by the relevant factor; or an amount of ninety thousand rupees, whichever is more. Explanation I: For the purposes of clause a and clause b, “relevant factor” in relation to a workman means the factor specified in the second column of Schedule IV against the entry in the first column of that Schedule specifying the number of years which are the same as the completed years of the age of the workman on his last birthday immediately preceding

the date on which the compensation fell due; Explanation II: Where the monthly wages of a workman exceed 39e four thousand rupees, his monthly wages for the purposes of clause a and clause b shall be deemed to be 39e four thousand rupees only

3. where permanent partial dis-ablement results from the injury
 - a. in the case of an injury specified in Part II of Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and Explanation I: Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries; Explanation II: In assessing the loss of earning capacity for the purposes of sub-clause
 - b. the qualified medical practitioner shall have due regard to the percentages of loss of earning capacity in relation to different injuries specified in Schedule I
4. Where temporary disablement, whether total or partial, results from the injury a half monthly payment of the sum equivalent to twenty-five per cent of monthly wages of the workman, to be paid in accordance with. The provisions of sub-section (2) .
 - a. Notwithstanding anything contained in sub-section (1) , while fixing the amount of compensation payable to a workman in respect of an accident occurred outside India, the Commissioner shall take into account the amount of compensation, if any, awarded to such workman in accordance with the law of the country in which the accident occurred and shall reduce the amount fixed by him by the amount of compensation awarded to the workman in accordance with the law of that country.
 - b. The half-monthly payment referred to in clause a of sub-section (1) shall be payable on the sixteenth day
 - i. from the date of disablement where such disablement lasts for a period of twenty-eight days or more, or
 - ii. after the expiry of a waiting period of three days from the date of disablement where such disablement lasts for a period of less than twenty-eight days; and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter: