

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

RAJYA SABHA

**STARRED QUESTION NO. 103
TO BE ANSWERED ON 10.02.2021**

FIXED TERM EMPLOYMENT

103. SHRI SUSHIL KUMAR GUPTA:

Will the Minister of Labour and Employment be pleased to state:

- (a) whether it is a fact that fixed-term employment proposed by Government will be at par with permanent work, and salaries must be paid within seven days of a wage period;**
- (b) whether it is also a fact that trade unions have been against it, claiming that it goes against the concept of job security; and**
- (c) if so, the steps being proposed to address the concerns in this regard?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a) to (c): A statement is laid on the Table of House.

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION NO. 103 FOR 10.02.2021 RAISED BY SHRI SUSHIL KUMAR GUPTA REGARDING FIXED TERM EMPLOYMENT.

(a) to (c):- Fixed Term Employment as a category in the Schedule of the Industrial Employment (Standing Order) Act, 1946 and Rules made thereunder was extended to all sectors vide notification dated 16.03.2018 after tripartite consultation. The Industrial Employment (Standing Order) Central Rules, 2018 provide that the Hours of work, wages, allowances and other benefits of a fixed term employment workman shall not be less than that of a permanent workman. He shall be eligible for all statutory benefits available to a permanent workman proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute.

The notification also provided that No employer of an industrial establishment shall convert the posts of the permanent workmen existing in his industrial establishment on the date of commencement of the Industrial Employment (Standing Orders) Central (Amendment) Rules, 2018 as fixed term employment thereafter.

The Industrial Employment (Standing Order) Act, 1946 along with its Schedule has been subsumed in the Industrial Relation Code, 2020 as follows:

(o) "fixed term employment" means the engagement of a worker on the basis of a written contract of employment for a fixed period:

Provided that—

(a) his hours of work, wages, allowances and other benefits shall not be less than that of a permanent worker doing the same work or work of similar nature;

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- (b) he shall be eligible for all statutory benefits available to a permanent worker proportionately according to the period of service rendered by him even if his period of employment does not extend to the qualifying period of employment required in the statute; and**
- (c) he shall be eligible for gratuity if he renders service under the contract for a period of one year;**

The Payment of Wages Act, 1936 has been subsumed in the Code on Wages, 2019 wherein Payment of Wages in Chapter III provides as under:

The employer shall pay or cause to be paid wages to the employees, engaged on—

- (i) daily basis, at the end of the shift;**
- (ii) weekly basis, on the last working day of the week, that is to say, before the weekly holiday;**
- (iii) fortnightly basis, before the end of the second day after the end of the fortnight;**
- (iv) monthly basis, before the expiry of the seventh day of the succeeding month.**

The Code on Wages, 2019 and the Industrial Relations Code, 2020 have been notified but various provisions have not come into force.
