GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT

RAJYA SABHA

UNSTARRED QUESTION NO. 1069
TO BE ANSWERED ON 10.02.2021

RETRENCHMENT OF WORKERS DURING COVID-19

1069. SHRI P. WILSON:

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

(a) whether Government has conducted enquiry on amendments brought in labour laws during COVID-19 in different States affecting the interest of labours, if so, the details thereof;
(b) whether Government has held discussions with those States which have brought amendments in labour laws and sought to withdraw the anti-labour amendments ;
(c) if so, the details thereof, responses received and action taken by the Ministry;
(d) the steps taken by Government to implement laws of inter-State migration and welfare of migrant workers across the country; and
(e) the details of measures taken to safeguard retrenchment of workers of workers during COVID-19?

ANSWER

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

(a) to (c): The subject of 'labour' is in the Concurrent list of the Constitution of India where both the Central and State Governments are competent to enact legislation subject to certain matters being reserved for the Centre. The State Governments are required to refer the proposal to the Central Government for effecting changes in the existing Central Labour Laws enacted by the Parliament. During COVID-19 period, as far as, the Ministry of Labour and Employment is concerned, the amendment proposals of the various State Governments were examined in accordance with the policy and in no case any proposal having possibility of adverse impart on labour was recommended.

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(d): Following steps are taken by Government to implement laws of inter-State migration and welfare of migrant workers across the country:

(i) Ministry of Labour and Employment set up 20 Control Rooms all over the country to resolve the grievances of workers including migrant workers during lockdown which resolved more than 15000 complaints of the workers and due to the intervention of Ministry apparox. two lakh workers were paid their due wages amounting to about Rs.295 crore.(ii) Ministry of Labour and Employment had also issued comprehensive Advisory Guidelines on 27th July, 2020 to all the States/UTs for Covid safety and welfare of the migrant workers returning to their workplaces in the destination states. (iii) Various initiatives have been taken by the Ministry of Labour and Employment as part of Pradhan Mantri Garib Kalyan Yojana (PMGKY) and Atmanirbhar Bharat which, inter-alia, include (a) payment of 12% employers' share and 12% employees' share under Employees' Provident Fund (EPF), totalling 24% by the Government of India for six wage months from March to August, 2020 having up to 100 employees with 90% of such employees earning for all the establishments less than Rs.15,000 monthly wage; (b) reduction in PF contribution from 12% to 10% of wages for the wage months of May, June and July, 2020; (c) non-refundable Covid advance from the PF by amending the EPF Scheme, 1952; (d) extension in the date of filing of returns; (e) issuing advisory to promptly attend to distress calls of workers / employees and also guide them in temporary shelters; (f) using Building and Other Construction workers (BOCW) cess fund for transfer to adequate funds in the bank account of construction workers affected by Covid-19 outbreak; and (g) for taking preventive measures to contain the spread of Covid-19.

(e): Employment conditions including retrenchment of the workmen are dealt by the appropriate Government i.e. Central & State Governments in their respective jurisdictions. For those establishments wherein the appropriate Government is the Central Government, the matters pertaining to employment conditions including retrenchment is dealt by the Central Industrial Relations Machinery (CIRM) under this Ministry.

Ministry of Labour & Employment issued advisory to the States/UTs and the Employers' Associations on 20th March, 2020 asking them to extend their cooperation by not terminating their employees, particularly casual / contractual workers from job or reduce their wages.

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