

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
RAJYA SABHA
UNSTARRED QUESTION NO. 566
TO BE ANSWERED ON 07.12.2023**

UNFAIR TRANSFER PRACTICES BY VARIOUS IT COMPANIES

566. MS. DOLA SEN:

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

- (a) whether Government is aware of the reported complaints against various IT companies regarding employee transfers;**
- (b) if so, the action taken to address the concerns raised by the affected employees and to ensure the protection of employees' rights;**
- (c) if not, the reasons therefor;**
- (d) whether Government intends to take up investigation of the transfer practices within the IT sector to ensure compliance with existing labour laws and to protect the rights of the affected employees; and**
- (e) if so, the details thereof, if not, the reasons therefor?**

ANSWER

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT
(SHRI RAMESWAR TELI)**

(a) to (c): Employee transfers are regular phenomenon in industrial establishments including IT companies. In the central sphere, transfers of workmen are governed by Schedule IB of the Industrial Employment (Standing Orders) Central Rules, 1946. State Governments are also empowered to make rules under the Industrial Employment (Standing Orders) Act, 1946.

As per the Fifth Schedule of the Industrial Disputes Act, 1947, transferring a workman mala fide from one place to another under the guise of following management policy is treated as 'Unfair Labour Practice'.

(d) & (e): "Labour" as a subject falls in the Concurrent List. Based on their respective jurisdiction as demarcated in the ID Act, Central and State Governments take actions to address the issues of the workmen and protect their interest. In the establishments that lie in the jurisdiction of Central Government, the Central Industrial Relations Machinery (CIRM) is entrusted with the tasks of maintaining good industrial relations and protecting the interest of workers including matters relating to transfer and its prevention.
