

The Building and Construction Industry
Workers (Regulation of Employment
Working Conditions, Health, Safety and
Welfare, Social Security and Industrial
Relations) Bill, 1986

An Act to consolidate and codify all existing
legislation on Employment, Working and Service Conditions,
Health, Safety and Welfare, Social Security and Industrial
Relations in the Building and Construction Industry and to
make provision for certain other related and incidental
matters;

Whereas it has become expedient and necessary to
consolidate and comprehensively codify all existing
legislation pertaining to Employment, working and service
conditions, health, safety, welfare, social security and
Industrial relations between the employers and the workers
in the Building and Construction Industry and to make
provision for certain related and incidental matters, it is
hereby enacted by Parliament in the thirty-seventh year of
the Republic of India as follows :

CHAPTER -- I

Preliminary

1. Short title, extent, commencement and application:

- 1) This Act may be called the Building & Construction
Industry Workers (Regulation of Employment,
Working and Service Conditions, Health, Safety

and Welfare, Social Security and Industrial Relations) Act, 1986.

- 2) It extends to the whole of India.
- 3) It shall come into force on such date as the Central Government or the State Government, as the case may be by Notification in the Official Gazette, appoint and different dates may be appointed for bringing into force the different provisions of the Act in different areas.
- 4) It applies to all places of works in the Building and Construction Industry.
 - i) Whereon ten or more workers are working or were working on any day of the preceding twelve months and in any part of which any operation is or was being carried on with the aid of power, or is or was ordinarily so carried on; or
 - ii) Whereon twenty or more workers are working or were working on any day of the preceding twelve months and in any part of which any operation is being or was being carried on without the aid of power, or is or was ordinarily so carried on.

Explanation:

For computing the number of workers for the purpose of this sub-section, all the workers working under the employer, i.e. the principal employer himself, or his

Contractors, sub-contractors or agents, in different relays in a day shall be taken into account, whether called permanent, temporary or substitute {"badli"} or casual or apprentice trainee.

2. Definitions

In this Act, unless the context otherwise requires:

- i) 'Adolescent' means a person, who has completed his fifteenth year of age but has not completed his eighteenth year of age;
- ii) 'adult' means a person, who has completed his eighteenth year of age.
- iii) 'Adjudicator' means any judicial member of a Central or a State Board, as the case may be, who is appointed as such by the Board, for the purposes of adjudicating and finally determining a labour dispute.
- iv) 'apprentice trainee' means a person, who is undergoing training, for a specified period, in a designated trade, in pursuance of a contract of apprenticeship with his employer provided that there shall be no apprentice trainee in an unskilled designated trade;
- v) 'Appropriate Government' means in respect of a place of work in the Building and Construction Industry under the control of the Central Government or a Railway Administration or in a major port, mine, oil

field or plantation or in a Cantonment or in a Corporation or Company constituted under a Central Law, the Central Government, and in all other cases, the State Government;

vi) 'Award' means an interim or a final decision of an industrial dispute or any question relating thereto by a judicial member of a Central or State Board, as the case may be, constituted under this Act, and includes a supplementary award;

vii) 'Building and Construction Industry' means any place where the work of construction of buildings, houses, roads, canals, dams, bridges or the work of engineering construction or the like is carried out;

viii) 'Central Board' means the Central Building and Construction Industry Workers' Board, constituted by the Central Govt. under Section 3 of this Act;

ix) 'child' means a person, who has not completed his fifteenth year of age;

x) 'Closure' means the permanent closing down of any place of work in the Building and Construction Industry;

xi) 'contractor' in relation to any place of work in the Building and Construction Industry means the person who undertakes to produce for the employer a given result at the said place of work, other than the mere supply of goods or articles of

manufacture to such place of work, through contract labour and includes a sub-contractor as well;

- xii) 'contract labour' means any person engaged or employed at any place of work in the Building and Construction Industry by or through a contractor whether with or without the knowledge of the principal employer;
- xiii) 'day' means a period of twenty four hours beginning at mid-night;
- xiv) "employer" means the person or the body who has the ultimate control over the affairs of a place of work in the Building and Construction Industry or the person or body to whom such powers have been delegated, whether expressly or impliedly, and includes the principal employer as well as the contractor;
- xv) 'Fund' means a fund constituted under Section of this Act and vested in the Central or State Board, as the case may be, set up under Section or Section or Section of this Act, as the case may be;
- xvi) 'inspector' means any person appointed by the Central or the State Board, as the case may be, under Section of this Act.

- xvii) 'judicial member' of a Central or a State Board means a person who is or who has been in the Central or State judicial service or is qualified to be in such service.
- xviii) 'labour dispute' means any dispute or difference between employer and workers or between employer and employer or between workers and workers, which is connected with the employment or non-employment or terms of employment or conditions of work of any person employed in the Building and Construction Industry and includes any such dispute in respect of an individual worker whether in the employment at any place of work in the Building and Construction Industry or not;
- xix) 'lay-off' (with its grammatical variations and cognate expressions) means the failure, refusal or inability of an employer, on account of shortage of power or raw materials or break-down of machinery or for any other reason to give employment to a worker, whose name is borne on the muster-rolls at any place of work in the Building and Construction Industry and who has not been retrenched.

Explanation:

Every worker whose name is borne on the muster-rolls at any place of work in the Building and Construction Industry and who presents himself for work at the place of work at the time appointed for the purpose, and is not

given employment by the employer within two hours of his so presenting himself shall be deemed to have been laid-off for that day within the meaning of this clause;

Provided that if the worker, instead of being given employment at the commencement of any shift for any day is asked to present himself for the purpose during the second half of the shift for the day and is given employment, then he shall be laid-off only for one half of that day;

Provided that if the worker is not given any such employment even after so presenting himself, he shall not be deemed to have been laid-off, for the second half of the shift and he shall be entitled to full wages for that part of the day.

xx) 'lock-out' means the closing of a place of work, or the suspension of work, or the refusal by any employer to continue to employ any number of workers employed by him in consequence of a labour dispute;

xxi) 'Mediator' of a Central or a State Board means any member of such Board, who is not a judicial member of the Board, and who is appointed as such by each Board for the purposes of mediating in and promoting a settlement of a labour dispute.

xxii) 'officer' means a person appointed by the Central or the State Board, as the case may be, for ~~xxx~~ performing such of the duties of the Board, as may be

assigned to him by the Board in respect of the areas that may be allotted to him by the Board;

xxiii) 'order' means the decision of an Adjudicator during the course of the proceedings before him on any interlocutory matter or a decision rendered in implementation, execution, recovery or penal proceedings under this Act;

xxiv) 'power' means electrical energy or any other form of energy, which is generated by using mechanical appliances or machinery and is not generated by human or animal agency;

xxv) 'prescribed' means prescribed by Rules made under this Act;

xxvi) 'remuneration' means all earnings or emoluments however designated or calculated, which are capable of being expressed in terms of money, through a written or implied contract of employment, which are payable by any employer to a worker for work done or to be done or for services rendered or to be rendered and includes wages, allowances, payments to be made to the workers to defray expenses, commission, bonus, incentive payments, contributions, compensation and terminal benefits.

Explanations:

a) "Wages" means that part of remuneration, which is payable as a basic wage, a dearness or cost of living

allowance, house rent allowance, sickness allowance, food subsidy or other monetary or non-monetary benefit regularly received by a worker, which go to defray his living expenses and which are capable of being computed in terms of money whether paid as a consolidated sum or otherwise, but does not include allowances, expenses, commission, bonus, incentive payments, contributions, unemployment compensation and terminal benefits;

b) "allowance" means that part of remuneration, which is payable for occasional services or a fixed allowance or a commuted payment made for a specific purpose other than the allowances or payments included in the term "wages";

c) "expenses" means all payments made to a worker to defray expenses in connection with the work or business of the employer;

d) "commission" means payment made to any person in relation to sale of goods or for rendering any services in connection with the work or business of an employer;

e) "bonus" means any amount payable to a worker, under Section of this Act, and includes any customary, festival or other types of bonus not related to profits;

F "contributions" means payments made or to be made by the employer or the worker to the fund under this Chapter.

- h) "terminal benefits" means that part of the remuneration which is payable to a worker by an employer on his ceasing to be in employment with such employer, such as Provident Fund, retrenchment compensation and gratuity;
- xxvii) "retrenchment" means the termination by the employer of the services of a worker for the reason that he is surplus to requirements of any place of work in the Building & Construction Industry;
- xxviii) "rules" means rules made under this Act;
- xxix) "scheme" means any scheme framed under any of the provisions of this Act or the Rules made thereunder;
- xxx) "settlement" means a settlement arrived at in the course of mediation proceedings & includes a written agreement arrived at between the parties, in the prescribed manner, otherwise than in the course of mediation proceedings;
- xxxi) "stoppage" means total or partial cessation of work by the workers at any place of work in the Building & Construction Industry, acting in combination or a concerted refusal under a common understanding of workers to continue to work or to accept work, whether such cessation or refusal is or is not in consequence of a labour dispute;

xxxii) "strike" means a total or partial cessation of work by a body or group of workers employed at a place of work in the Building and Construction Industry, acting in combination or a concerted refusal or a refusal under a common understanding of the workers to work, where such refusal is in consequence of a labour dispute;

xxxiii) "trade unions" means any combination, whether temporary or permanent, formed for the purposes of regulating the relations between workers and employers or between employers and employers or between workers and workers, which is duly registered under the Trade Unions Act, 1926;

xxxiv) "week" means a period of seven days beginning at the mid-night of Saturday night; and

xxxv) "work" means work of building construction or work of engineering construction or both.

xxxvi) a "worker" means any person employed at a place of work in the Building and Construction Industry, whether directly or through a contractor, for hire or reward, to do any manual - whether unskilled, semi-skilled or unskilled, clerical, technical operational, supervisory or administrative work, whether the terms of employment are expressed or implied, and draws wages not exceeding Rs,2500/- p.m.