

CHAPTER V.

Terms of Employment.

30. Fixation of Wages.

1. Every worker shall be entitled to an adequate wage for the work he does, when employed at a place of work in the Building and Construction Industry.

2. The Central or the State Board, as the case may be shall, in the prescribed manner, fix minimum wages for the workers employed in the Building and Construction Industry and the minimum wages so fixed may be different for different places of work or a group of places of work or for different categories of workers, depending on the nature and type of work, the skill and the hazards involved, etc.

3. The minimum wage so fixed may be on the basis of a minimum time-rate or on the basis of a piece-rate, with a guaranteed minimum time-rate.

4. Such minimum wage, whether based on time-rate or a piece-rate or a combination of both, may also be so fixed so as to provide for adjustments in the variations of the Consumer Price Index Numbers for the Centre nearest to the place of work.

5. The minimum wages so fixed shall be subject to review by the Central or the State Board, as the case may be, every three years but not exceeding five years.

6. Contracting from the payment of minimum wages fixed by the appropriate Board shall be prohibited and any such contract between the employer and the worker shall be void and invalid.

31. Fixation of wages above the minimum wage.

Wages above the minimum wage may be fixed by agreement between the employers and the workers as their authorised representatives in the prescribed manner, failing which by mediation and/or adjudication proceedings under this Act. Such wages may be on a time-rate or on a piece rate basis, with a minimum guaranteed time-rate, whether with or without a provision for adjustment in the variations of the Consumer Price Index Numbers for the nearest Centre in respect of a place of work for which wages above the minimum wages are being fixed.

Explanation: The expression "wage" may include "scale of wages" as well.

33. Incentive Payment.

1. To increase the economic effectiveness in the Building and Construction Industry, the wages based on time-rate or piece-rate or a combination of both, as aforesaid, may be supplemented by the grant of incentive payment for the fulfilment of targets to be jointly determined by the parties and, failing which, to be determined by mediation or adjudication proceedings, which shall then determine not only the targets to be fulfilled but also the rate and quantum of incentive payment to be paid; and

2. Whenever there is a significant change in the targets fixed, due to rationalisation, modernisation or technological developments, then the revised targets and the revised rates and quantum of incentive bonus be determined in the same manner, as provided for in sub-section (2).

32. Annual Bonus.

An annual minimum bonus equivalent to 8.33% of his total annual wages or Rs.60/-, whichever is higher, shall be paid to every worker, who has been in service of an employer for not less than 30 days in an accounting year of the employer.

Provided that where such a worker has not completed his fifteenth year of service at the beginning of the accounting year, the provisions of this section shall have effect in relation to such a worker, as if for the words "Rs.60/-", the words "Rs.40/-" were substituted.

33. Payment of Remuneration.

1) Every person responsible for payment of remuneration to the workers under this Act shall fix wage-periods, not exceeding one month, in respect of which such remuneration shall be payable.

2) The dates on which the wages XXXXXXXXXXXXXXXXXXXX XXXXXXX will be made in respect of each group or category of workers shall be duly notified by the employer at the place of work, so, however, that wages of all the workers at the place of work are paid within the first seven days of each calendar month.

3) All amounts payable to a worker by way of annual bonus shall be paid to the worker in cash by his employer, within a period of eight months from the close of the accounting year, provided, however, that in case there is a dispute regarding the amount of the bonus payable, the undisputed amount shall be paid within the period aforesaid

and the amount in dispute, when resolved, shall be paid within a period of one month after the dispute is resolved, either by agreement between the employers and the workers or in mediation or adjudication proceedings.

4) The employer shall also notify, as soon as practicable, the manner and periods of payment of all forms of remuneration; and

5) All payments of remuneration shall be made on a working day and during working hours and such remuneration shall be paid without any deductions, excepting such authorised deductions as may be prescribed.