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ABSTRACT OF EQUAL REMUNERATION ACT, 1976

OBJECT OF THE ACT

The act provides for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of sex, against women in matter of employment and for matters connected therewith or incidental thereto. (Now applicable to nearly every kind of establishments and employment)

SCOPE AND COVERAGE [Section 1 (2) and (3)]

The act extends to whole of India and applies to the establishments or employments notified by the Central Government or State Government.

DEFINITIONS [Section 2]

"Appropriate Government" means,—

(i) in relation to any employment carried on by or under the authority of the Central Government or a railway administration, or in relation to a banking company, a mine, oilfield or major port or any corporation established by or under a central Act, the Central Government, and

(ii) in relation to any other employment, the State Government;

"Employer" has the meaning assigned to it in clause (f) of section 2 of the Payment of Gratuity Act, 1972 (39 of 1972).

"Man" and "Woman" means male and female human beings, respectively, of any age. [Section 2(d)]

"Remuneration" means the basic wage or salary, and any additional emoluments whatsoever payable, either in cash or in kind, to person employed in respect of employment or work done in such employment, if the terms of the contract of employment, express or implied, were fulfilled. [Section 2(g)]

"Same Work or work of similar Nature" means work in respect of which the skill, effort and responsibility required are the same, when performed under similar working conditions, by a man or a woman and the differences, if any, between the skill, effort and responsibility required of a man and those required of a woman are not of practical importance in relation to the terms and conditions of employment. [Section 2(h)]

"Worker" means a worker in any establishment or employment in respect of which this Act has into force. [Section 2(i)]

OBLIGATIONS OF EMPLOYER TO PAY EQUAL REMUNERATION [Section 4]

The employer shall pay to any worker, employed by him in an establishment or employment, remuneration, whether payable in cash or in kind, at the rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex in such establishment or employment for performing the same work or work of a similar nature.

No employer shall, for the purpose of complying with the provisions of the above reduce the rates of remuneration of worker.

RIGHTS OF EMPLOYEES [Section 7]

To complain against the employer's contravention of the provisions of the Act.

To file claim arising out of non-payment of wages at equal rates to men and women workers for the same work. The claim should be filed in the prescribed form (Form A [Rule 3(1)] or Form B [Rule 4(i)] or Form C [Rule 5] as the case may be) by the worker himself or official of the trade union or through a legal practitioner.

To appeal against an order of the Authority in respect of a claim or complaint.

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within 30 days from date of such order. Employer can also appeal against the order or Authority within 30 days of the order.

DUTY OF EMPLOYER TO MAINTAIN RECORDS [Section 8 and Rule 6]

Every employer should maintain an up-to-date register at place of work in relation to the worker employed by him, in the prescribed register of Form 'D'.

OFFENCES AND PENALTIES [Section 10]

OFFENCES	PENALTIES
Failure to maintain the prescribed register or other documents or to produce them on demand in relation to worker	Imprisonment upto one month or fine upto ₹ 10,000/- or both
Failure or refusal to give an evidence or fine information required in relation to worker	Imprisonment upto one month or upto ₹ 10,000/- or both
Discrimination against women in recruitment, etc. or payment of unequal wages or remuneration to men and women workers	Fine upto ₹ 20,000/- (Minimum ₹ 10,000/-) or imprisonment upto one year (minimum 3 months) or both
Failure to carry out any direction of the Government u/s 6(5)	Fine upto ₹ 20,000/- (Minimum ₹ 10,000/-) or imprisonment upto one year (minimum 3 months) or both
Failure to produce before an Inspector, any register or document or record or information	Fine upto ₹ 500/-

EXEMPTION [SECTION 15 AND 16]

The provisions of this Act shall not apply under the following circumstances:—

- when special treatment is given to employment of women under any law or in connection with birth of a child, or in the terms and conditions relating to retirement, marriage or death of women.
- when the Central or State Government declares that in a particular establishment or employment the difference in regard to remuneration of men and women workers is based on a factor other than sex.

COMPLAINTS REGARDING CONTRAVENTION OF THE ACT [RULE 3]

A complaint may be made by the worker himself or anybody authorised under Section 7 (1) (a) to the Authority in prescribed Form 'A' in triplicate. (Authorisation is to be made in prescribed Form 'C' See Rule 6).


CLAIMS REGARDING NON PAYMENT OF WAGES, ETC. [RULE 4]

A complaint may be made by the worker himself or anybody authorised under Section 7 (1) (b) to the Authority in prescribed Form 'B' in triplicate. (Authorisation is to be made in prescribed Form 'C' See Rule 6).

REGISTERS TO BE MAINTAINED [RULE 7]

Every Employer shall maintain up-to date a register in relation to the workers employed by him, in Form '13' at the place where workers are employed.

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