

**[AS INTRODUCED IN THE SENATE]**

**A  
Bill**

*further to amend the Industrial Relations Act, 2012*

**WHEREAS** it is expedient further to amend the Industrial Relations Act, 2012 (X of 2012) for the purposes hereinafter appearing;

It is hereby enacted as follows:-

**1. Short title and commencement.** - (1) This Act may be called the Industrial Relations (Amendment) Act, 2017.

(2) It shall come into force at once.

**2. Amendment of section 2, Act X of 2012.-** In the Industrial Relations Act, 2012 (X of 2012), hereinafter referred to as the said Act, in section 2, in paragraph (XXXIII), the following explanation shall be inserted, namely:-

**“Explanation:-** A workman working in an establishment in a permanent nature of work and having completed three months satisfactorily shall be workman of that establishment irrespective of his hiring directly, through a contractor or otherwise.”

**3. Amendment of section 33, Act X of 2012.-** In the said Act, in section 33, in sub-section (4), for the proviso, the following shall be substituted, namely:-

“Provided that nothing in this section shall be construed to prohibit a worker from taking the matter to the Commission at any time within ninety days of the day on which the cause of such grievance arises.”

**STATEMENT OF OBJECTS AND REASONS**

The Industrial Relations Act, 2012 is the prime legislation which defines the rights and obligations of worker, his relation with the employer and the establishment. The existing Industrial Relations Act, 2012 has some lacunas due to which the workers suffers and cannot get justice. The definition of the worker is not all encompassing and those workers who are provided to an establishment by any other establishment not in the manner as provided in the definition of worker, cannot get their rights protected because they cannot be covered under the definition of the worker provided by the Industrial Relations Act, 2012. Similarly the lengthy procedural process in the binding provisions of section 33, sub-sections (2), (3) and (4) are major hurdles in acquiring remedy and protective measures on time. By adopting this process, the worker has no protective measures if the employer takes strict action against the worker including his termination. Through this amendment, both these issues are addressed.

The Bill has been designed to achieve the aforesaid objectives.