

## Corona virus lockdown | Industries cannot be forced to pay wages during lockdown - panel

Sobhana K. Nair NEW DELHI, APRIL 23, 2020 18:33 IST

- **Parliamentary panel on labour sees COVID-19 shutdown as natural calamity.**

The Parliamentary Committee on Labour in its report on the Industrial Relations Code, 2019, submitted on Thursday, has recommended that “in case of natural calamities, payment of wages to the workers until the re-establishment of the industry may be unjustifiable”. Committee Chairman and senior BJD leader Bhartruhari Mahtab added that the ongoing lockdown to check the spread of COVID-19 can be counted as one such calamity.

The Industrial Code makes it incumbent upon the employer to pay 50% wages to the workers/employees who are laid off due to shortage of power, coal, raw material etc for 45 days. The Committee has, however, expressed reservations for payment of the prescribed percentage of wages to the workers in the event of closure of an establishment due to “natural calamity”.

“In case of natural calamities like earthquake, flood, super cyclone etc. which often result in closure of establishments for a considerably longer period without the employer's fault, payment of wages to the workers until the re-establishment of the industry may be unjustifiable,” the report says.

The Committee has suggested that “clarity” be brought in so that employers “not responsible for closure or lay off, are not disadvantaged in case of such natural calamity of high intent”.

When asked if COVID-19 and the ongoing 40-day lockdown under which almost all industries have been shut, would also count as a natural calamity, Mr. Mahtab told The Hindu, that ‘it should’.

“The basic idea about our recommendations is that the industry should also not be forced when the situation is beyond their control. The law has to be reasonable. It is for the government to step in and extend a helping hand for the industries,” he added.

These recommendations were strongly opposed by three members — CPI (M) Rajya Sabha MP Elamaram Kareem, CPI Lok Sabha MP K. Subbarayan and DMK’s M. Shanmugam.

In his dissent note against the report, Mr. Kareem said the recommendations are unfortunate especially in the present context. “Given the present situation where the entire nation is fighting against monstrous attack of novel coronavirus and when every ordinary citizen has been shouldering the risk beyond his/her capacity, I am not able to understand the rationale behind these recommendations,” Mr. Kareem wrote.

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The Industrial Relations Code 2019 is an amalgamation of three laws — Industrial Disputes Act, 1947, Trade Unions Act, 1926, and Industrial Employment (Standing Orders) Act, 1946. It was introduced in the Lok Sabha in November last year and referred to the Standing Committee on Labour in December. With the ongoing lockdown, the draft report was circulated to the members on April 15 via e-mail and they were given eight days to respond. And the final adopted report was accepted by the Speaker Om Birla on Thursday.