

**GUIDELINES ON IMPLEMENTATION OF THE SUPREME COURT'S ORDER DATED 12.06.2020 PERTAINING TO WAGES REDUCTION DURING LOCKDOWN PERIOD**

**FOR WORKMAN CATEGORY:**

The Settlement procedure for workman which falls within the definition of 2(s) of the Industrial Disputes Act,1947

- (i) The Employer must talk directly to their employees/workers/workers' union, depending upon the financial capacity of the establishment and negotiate the payment of wages for above 50 days of the lockdown period and settle this dispute of wages amicably.
- (ii) If the employer fails to settle the dispute, then Central/State/UTs' Labour authority i.e. Assistant Labour Commissioner, Conciliation Officer can also be involved for settlement of wages for period of the lockdown period and try to settle this dispute of wages amicably.
- (iii) If any settlement is arrived at the first step or second step during conciliation proceedings, in both stages of negotiation, the settlement (MOS) must be documented in writing as per prescribed Form –H (Memorandum of Settlement) (Under Rule 58 of the Industrial Dispute Rules, 1957).
- (iv) The employer must ensure that the Memorandum of Settlement must be registered and entered in Register of settlement (Form-O, under Rule 75 of the Rules, 1957). Prescribed State Form of Memorandum of Settlement and its procedures can be used by the employer while settlement of wages for the lockdown period.
- (v) If the settlement is not possible due to financial capabilities of the establishment or for any reasonable cause, then such establishment must wait for the final judgment of the Supreme Court. Till that time, no coercive action will be taken by the competent authority.

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### **FOR NON-WORKMAN CATEGORY:**

The Settlement procedure for Supervisory/Managerial and above category (other than workman category):

- (i) The Employer /management can also settle the salary issue for the lock-down period by discussing one to one or by sending the email to the employee, mentioning the terms and conditions for payment of salary for the lock-down period.
- (ii) The Employer must take consent in writing from each employee or take acceptance through email whatsoever but these terms and conditions should be documented in writing
- (iii) If the employees do not give acceptance, Await final judgement by the SC.

In case The Employer is unable to arrive on a settlement/consensus, There cannot be any cohesive action taken on the Employer until final orders.