



Learning Series

The things every HR & IR Professional should know in India

Issue - 07 | Jul -22

LABOUR LAW PRACTICE TEST - 03

- 1 **As per the Occupational Safety, Health, and Working Conditions Code, 2020, the letter of appointment does not apply to fixed-term workers.**
a) True b) False
- 2 **In case of any sudden increase in the volume of work in the core activity which needs to be accomplished in a specified time, the principal employer is allowed to engage contract labour through a contractor.**
a) True b) False
- 3 **The two months wage period is allowed in the Occupational Safety, Health, and Working Conditions Code, 2020.**
a) True b) False
- 4 **In case of the newly employed contract worker does not have a bank account to disburse wages through bank transfer or electronic mode, he can be paid wages in cash for certain months as per the provisions of the code.**
a) True b) False
- 5 **According to the Occupational Safety, Health, and Working Conditions Code, 2020, wages must be paid on or before the 10th day after the wage period.**
a) True b) False
- 6 **An employee from Andhra Pradesh is working in the factory located in Karnataka and getting a salary of Rs.18,500/- per month. As per the Code, this employee is an Inter-State Migrant Worker.**
a) True b) False
- 7 **The Inter-State Migrant Workers Chapter of the Occupational Safety, Health, and Working Conditions Code, 2020 apply to every establishment with 5 or more inter-state migrant workers.**
a) True b) False
- 8 **An Inter-state Migrant Worker is entitled to an annual Journey Allowance to meet the travelling expenses of the "to & fro" journey from his place of employment to his native place.**
a) True b) False

| Refer to the detailed answers in Learning Series Issue 06 |

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Learning Series

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Q1 How much Journey Allowance is payable to an Inter-State Migrant Worker as per the Occupational Safety, Health, and Working Conditions Code, 2020?

As per rule 85 of the draft rules of the Occupational Safety, Health and Working Conditions (Central) Rules, 2020, Inter-State Migrant Worker is eligible for Journey Allowance.

As per the said rule, the employer should pay a lump sum amount on account of fare for the "to & fro" journey to an Inter-State Migrant Worker by....

Train (not less than II Class Sleeper)

or

Bus

or

Any other mode of passenger transport.

The Occupational Safety, Health, and Working Conditions (Karnataka) Rules, 2021 also retained the same provision. Refer to the respective state rules for further details on this.

Q2 On what criteria, Inter-State Migrant Workers are eligible for Journey Allowance?

As per rule 85 of the draft rules of the Occupational Safety, Health, and Working Conditions (Central) Rules, 2020, the workers who fulfill the following criteria are eligible for Journey Allowance:

The workers of other states work in the destination state and draw wages not exceeding the amount of Rs.18,000 per month.

The Inter-State Migrant Workers, who worked for a period of not less than 180 days in the preceding 12 months.

Q3 How often do Inter-State Migrant Workers get Journey Allowance as per the OSHW Code?

- The Inter-state Migrant Workers are eligible to get Journey Allowance once in **12 months**.
- To avail of this facility, the Inter-state Migrant Workers must complete a **minimum of 180 days of service** in the concerned establishments.

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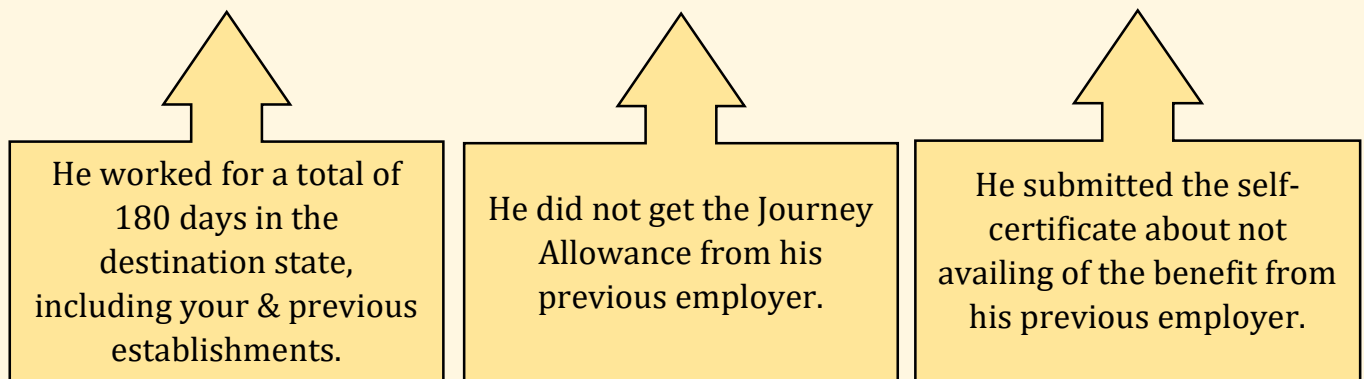
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Issue - 07 | Jul -22

Q4 An Inter-State Migrant Worker has completed 150 working days in our establishment and submitted the request for Journey Allowance. Is he eligible for the same as per OSHW Code?

→ Yes.

→ He will be eligible for Journey Allowance on meeting the following conditions:



Q5 Is any specific document to be maintained by the employer with respect to providing the benefit of Journey Allowance to the Inter-State Migrant Workers as per the OSHW code?

→ Yes.

→ The Appropriate Government is responsible to prescribe the **Journey Allowance Register**.

→ As per rule 85 (2) of the draft rules of the Occupational Safety, Health, and Working Conditions (Karnataka) Rules, 2021, **“every employer or contractor who employs interstate migrant workers should maintain a Journey Allowance Register in Form XXV.”**

Q6 An Inter-State Migrant Worker is not travelled to his hometown but submitted the request for Journey Allowance. Is he eligible for the same as per OSHW Code?

→ He is not eligible.



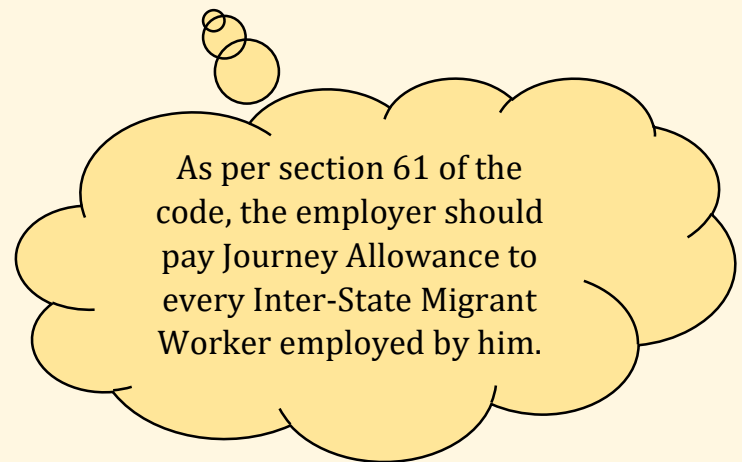
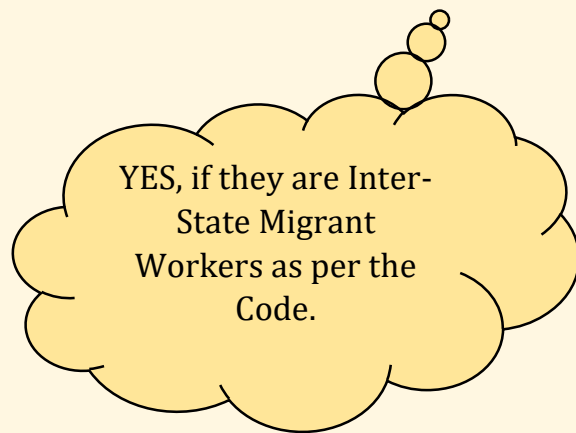
Learning Series

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- Section 61 of the code clearly indicates that the employer should pay a **lump sum amount of fare for to and fro journey** to Inter-State Worker's native place from the place of employment.
- Based upon this, the Inter-State Worker is eligible to claim the journey allowance on **travelling to his native place from the place of employment, only.**

Q7 Are contract labour and fixed-term workers eligible for Journey Allowance as per the OSHW Code?



08 Who has to pay Journey Allowance to the concerned Contract Labour as per the OSHW Code?

- As per section 61, the **employer** should pay Journey Allowance to every inter-State migrant worker employed in his establishment.
- For Contract Labour, the **Employer is the Contractor.**
- In line with this, **the Contractor** is liable to pay Journey Allowance to all concerned **Inter-state Migrant Contract Labour** employed by him.

09 Apprentices engaged under the Apprentices Act, 1961 are from Tamil Nadu and are undergoing apprentice training at an establishment in Karnataka. Are they entitled to Journey Allowance as per the OSHW code?



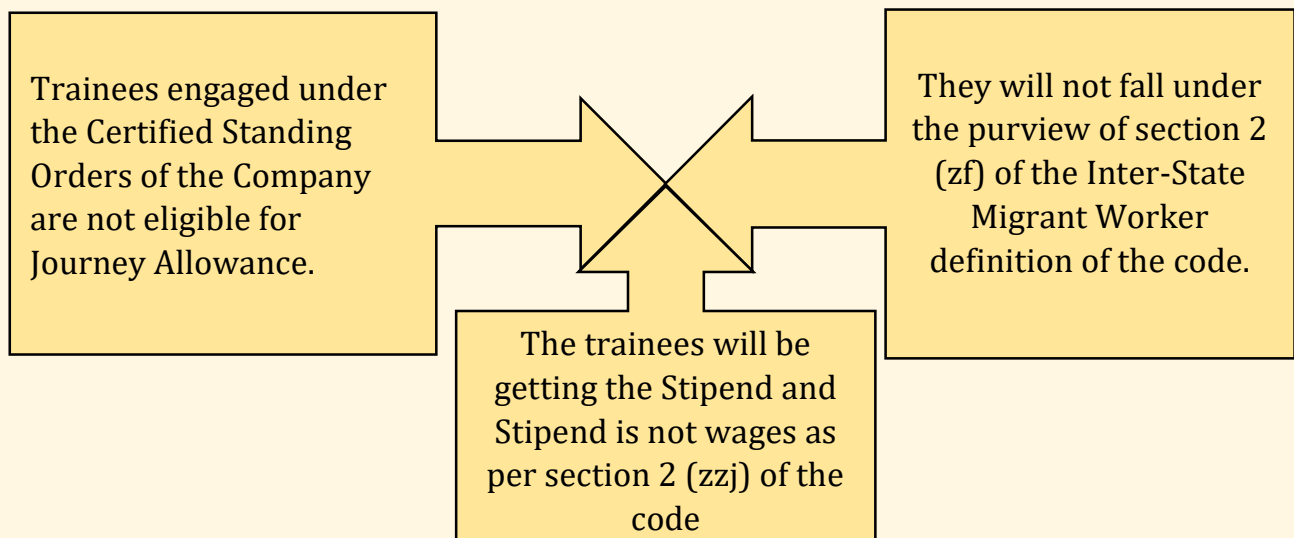
Learning Series

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- Apprentices engaged under the Apprentices Act, 1961 **are not eligible for Journey Allowance.**
- They will not fall under the purview of section 2 (zf) of the Inter-State Migrant Worker definition of the code.

10 Trainees engaged under the Certified Standing Orders of the Company are from Tamil Nadu and are undergoing apprentice training at an establishment in Karnataka. Are they entitled to Journey Allowance as per the OSHW code?



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