Purbanchal University
MBA IV Semester
LH:-48

Nature of Course: Specialization HRM
Course Title: Industrial and Labour Legislation
Code No: HR 545
Credit: 3

Course objectives:
This course is designed to impart knowledge to the students about the various dimensions of industrial and labour legislations so as to make them capable to understand the legal limitations in Human Resource Management and thereby handle the issues of human relations properly in organizations. The objective of this course is to acquaint the students with special laws pertaining to human resource management and establishment and operation of organization. This course also focuses on the wages, working conditions, health, hazards and accidents and special laws pertaining to special groups like contract labour, apprentice, plant workers.

Course detail:

Unit I: Introduction **LH. 4**

Concept, Nature, Function, Forms (supreme/delegated), sources and History of industrial and labour legislation; Legislation as an effective source of law and it's overall working in Nepal; Duty to comply with the laws. Labour Administration: Concept, functions and systems; labour administration in Nepal, ILO and its influence on labor legislation; legal framework of HRM, International labour standard and Nepal.

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Unit II: Industrial Enterprises **LH. 8**

Classification, establishment, operation and regulation of various enterprises under prevailing laws; Roles of contract, Firm, Agency, Partnership and Companies Law as Vehicles of Industrial Enterprises; Contract: Meaning, nature, formation, termination of contract and remedies for breach of contract; Firm: Meaning ,nature, formation and termination of Firm; Agency: Meaning, nature, formation, termination of Agency. Partnership: Meaning, nature, formation and termination of partnership; Company: Meaning, nature, formation, working and winding up of companies

Unit III: Labour Legislations **LH. 8**

Concept, need, nature, scope and principles of labour legislations; Development of labour legislations at the backdrop of first labour law and successive Labour Acts of Nepal together with Labour Policy of Nepal; Trade unionism: Concept, procedure for registration of a trade union, cancellation of registration, appeal, rights and Privileges of a registered TU, duties and liabilities of trade union in Nepal in light with Trade Union Act and rules,

Labour Act: Labour Act and ILO standards, features and provisions of present Labour Act, different committees and their roles.

*Jurisdiction of specialized laws***:** Tea estate, contract Labour, child labour

Unit IV: Labor- management relations **LH. 8**

Industrial peace: Industrial Peace and Collective Bargaining in light with relevant Nepalese Laws and ILO standards; role of different committees and authorizes in maintaining peace and harmony in enterprises; Labour Relations Committee and WPM; Industrial Dispute: Right to strikes and lock-outs, nature and kinds of disputes, consequences of industrial disputes, statutory measures of dispute settlement, power and functions of various regulating bodies towards the settlement of disputes; Grievance handling: Meaning, procedure and role of proper grievance handling. Discipline:

Meaning, objectives, approaches, offences and penalties, procedure for disciplinary action, code of discipline in labour and civil service Act in Nepal

Unit V: Administration of wages, welfare and security LH. 12

Wage and salary: Concept of wages; Legislative provision for wages, incentives, provident fund, fringe benefits, bonus and perks; Legal provision for retirement benefits; Concept of gratuity and pension; Eligibility for payment of gratuity, determination of gratuity/ pension under Labour Act and Civil Service Act.

Labour Welfare and security: Employment and security of service; Concept, scope, theories/approaches and principles; Types, provisions and practice of labour welfare measures: Intra mural and extra mural, statutory and non-statutory, working hours, annual leave, provident fund, rights and duties of employees and employers in establishing work place; *Welfare Officer*: Statutory position, role and functions of Welfare Officer; *Health and safety*: Meaning, objectives, provisions for health and safety under Labour Act.

Social Security: Concept and meaning of social insurance and social assistance; Schemes, provision and practice for social security; Social security against employment injury, accident and death, disablement (total and partial disablement); Quantum and method of distribution of compensation and other contingencies provision relating to workmen's compensation.

Unit VI: Challenges of the administration of industrial and labour law LH. 8

Challenges and legal provision for appointment, conditions of service, transfer, retrenchment and layoff, termination of employment, discharge, dismissal, resignation, compulsory retirement, retirement, justified dismissal and closure, merger and acquisition, privatization of PEs; protection of weaker sections of labour: women and children, , sexual harassment; Corporate social responsibilities(CSR) , provisions fo special type of enterprise under Labour Act

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References:

Legislative Procedure: Concerned Articles of the Interim Constitution of Nepal, 2063.

Acts: Nepal Agency Act, 2014; Private Firms Registration Act, 2014 ; Industrial Enterprises Act, 2049; Industrial Trainee Training Act, 2039; Labour Act,2048; Trade Union Act,2049; Child Labour (Prohibition and Regulation) Act,2056 ; Bonus Act,2034; Contract Act,2056; Partnership Act,2020; Arbitration Act: Companies Act, 2063, Foreign Employment Act, 2064 , Civil service Act; Privatization Act

S.N.Misra, ***Labour and Industrial Laws***, Central law Publication, Allahabad

BD Singh, **Labour Laws for Managers**, Excel Books, Delhi

Giuseppe Casale and Alagandram Sivananthiran, **Fundamentals of Labour Administration**, ILO, 2010

Robert Heron, **Labour Administration: An Introduction**, ILO, 1998

Labour Administration Series of ILO

Arun Monappa, Ranjeet Nambudiri, Patturaja Selvaraj, **Industrial Relations and Labour Laws**, Tata McGraw-Hill Publishing Company Limited New Delhi, 2012

Bisheshwar Man Shrestha, **Industrial Relations Management**

CK Allen, **Law in the Making**, *Chapter 6*(Legislation), Indian Reprint 2002, Universal Law Publications, Delhi,

ILO, ***Labour Administration: A profile on Nepal***, ILO Kathmandu