

The factory act 1948: legislation utilized for quality of work life establishment

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ABSTRACT: Globalization and technical advancement has created a competitive, tougher & stressed professional and personal life for the employees. To reduce their work place tension and to provide the balance in professional and personal life, Quality of work life plays a paramount role. There is no specific enactment with a view to establish Quality of work life at work place. The objective of this research is to examine, review and re-search Indian laws and find acts containing provisions which enforce a standard Quality of work life norms at work place. Also, this study will find out provisions which help employees raise their concerns, grievances and complaints against their employers and legal remedies available to them. Keywords: Quality of Work Life; Waltson's Eight factors; Factory Act 1948.

1. INTRODUCTION

Every industry whether public or private, profitable or non-profitable is run by combination of five resources called as 5M's: Man, Machine, Material, Money, and Management. Man power is the only living resource by which other four non-living resources are driven and utilized to achieve the organization's objectives. So, there is no doubt that man power is prime resource and its significance cannot be ignored by any organization. Employees' contribution and performance is increased if they are satisfied in their professional and personal life which is majorly dependent on work life within the organization. There are three major actors or players in any industry who make the relationship strong within human resources in any organization

- Employees
- Employer and
- Government

Government plays a major role to regulate a fair relationship between employee and employer. Over the past one decade, there has been increasing globalization of Indian economy. As competitiveness increased, the liability of government has also increased. There has been an increasing demand for employee's welfare in order to increase efficiency, effectiveness, competitiveness and productivity of workers so as to face the onslaught of global competition. There are various laws enacted in India for ensuring good work life of employees, also to prevent any unfair practice related to working condition, issues related to payment of wages, health and other safety norms etc.

Industrial Act have been constituted such as the Workman compensation Act 1923, Maternity benefit Act 1961, Factory act 1948, Contract labour Act 1970, Bonded labour act 1976, Equal remuneration act 1976, Interstate migration act 1979, Child labour act 1986, Minimum wages act 1948, Payment of wages act 1936, Beedi & Cigar workers act 1966, Buildings and other constructions workers act 1996, The payment of bonus act 1965, The payment of gratuity act 1972 and Industrial Dispute act 1948.

Above all the Factory act 1948 is one of the most important act which covers all the concerns related to better life of an employee's like health, safety, working hours, leaves and wages, so called as umbrella of all labour act. There are 11 chapters in Factory act 1948 which covers all the issues as well as penalties and procedure against breach the law.

The 1999 International Labour Organization in 1999 brings a new thought –decent work which focuses toward filling the gap between the environment in which the people work and the environment it hopes for a better life. This gap can be fulfilled through the implementation of the Quality of Work Life programmes. QWL covers all the factors to enhance the work life of employees in an organization.

QWL is in evolutionary stage in India. Though the phrase of –Quality of Work Life is not really new, but it is a fact that QWL is of high importance nowadays. QWL is one of the motivating factor to meet the employees need to make a balance in their working life and personal life. QWL is applied differently to the different employees so it is way to create democracy in any organization. QWL is a concept which brings a win - win strategy for employees as well as for employer. Quality of Work Life analyses the employee's positive and negative approach towards the job and provides the probable and feasible solutions through which the employee's performance as well as organizational profit is increased.

In this revolutionary changed environment there is a requirement to make more flexible work life so that an employee may do justice with his personal and professional life. Quality of work life is a –mantrall for the employer and organizational management to do so. A healthier work environment is not only need of an employee, it is a requirement of organization and society because a dissatisfied employee creates tension for him, his own organization and the society which reduces work performance, harms health and safety, increases grievances, strikes, lockouts, lower down growth rates of country and creates bad impact on social economic condition of country and the world. Factory act 1948 is one of the most important act which protects and prevents the unfair activities of management and vigorously protested management attempts to make a positive work life. The chief characteristics of Quality of Work Life are summarized in chapter 3 to 8 of Factory act 1948. Factory act 1948 is an instrument which enforces obligation on employer to implement the QWL's constructs to humanize the work place as well as employee's life.

2. REVIEW OF LITERATURE

The evolution of QWL began in late 1960's emphasizing the human dimensions of work by focusing on the quality of the relationship between the worker and the working environment.

Walton (1975) has suggested eight programs to humanize the work place: Adequate and fair compensation, Safe and healthy work environment, Development of human capacities, Growth and security, Social integration and work environment, Constitutionalism (rule of law), Work and life space, Social relevance of work life.

Hackman and Oldham (1976) drew attention to what they described as psychological growth needs as relevant to the consideration of Quality of working life. Several such needs were identified: Skill variety, Task Identity, Task significance, Autonomy and Feedback. They suggested that such needs have to be addressed if employees are to experience high quality of working life.

Taylor (1979) more pragmatically identified the essential components of Quality of working life as; basic extrinsic job factors of wages, hours and working conditions, and the intrinsic job notions of the nature of the work itself. He suggested that relevant Quality of working life concepts may vary according to organization and employee group.

Mirvis and Lawler (1984) suggested that Quality of working life was associated with satisfaction with wages, hours and working conditions, describing the —basic elements of a good quality of work life as; safe work environment, equitable wages, equal employment opportunities and opportunities for advancement.

Baba and Jamal (1991) listed what they described as typical indicators of quality of working life, including: job satisfaction, job involvement, work role ambiguity, work role conflict, work role overload, job stress, organizational commitment and turn-over intentions.

Bertrand and Scott (1992) in their study —Designing Quality into Work Life found that improvements in the quality of work life are achieved not only through external or structural modifications, but more importantly through improved relations between supervisors and subordinates.

Normala and Daud (2010) in their study —Investigating the Relationship between Quality of Work Life and Organizational Commitment Amongst Employees in Malaysian Firms say that the quality of work life of employees is an important consideration for employers interested in improving employees' job satisfaction and commitment.

Jessica Li, Roland K. (2011) has examined four major themes emerged as domains of tensions within which employees operated to construct meanings around their work life. These include: internal and external tension, private and public tension, self and other tensions and present and future tension.

Peru-Pirotte (1996) observed that labour legislation is quickly evolving in order to take into account the impacts of technologies on working conditions and on human resources within firms.

In the Indian context, research conducted by Upadhyaya (2003) in Garment & Hosiery industry of Noida points out that although The Factories Act, 1948 makes very elaborate and unambiguous provisions regarding the minimum welfare (also health and safety) standards to be followed, but laying down the standards alone is not enough. It is also to be ensured that these provisions are actually implemented.

Pierre and Scarpetta (2006) drawing from harmonized surveys of firms around the world compared employer's responses with actual labour legislation and found that employer's concerns about labour regulations are closely related to the relative stringency of labour laws. Medium and large firms, as well as innovating firms, were those most negatively affected by onerous labour regulations.

Bhavani and Bhanumurthy (2007) in their study observed that the economic policy reforms of 1991 were expected to instil competitive forces in the Indian industry. They emphasized that it is essential to revamp complex and comprehensive labour legislation to further competition.

Papola and Pais (2007) resonates the same sentiments when they argue that reforming labour laws has become necessary to make Indian industry efficient, cost effective and internationally competitive in the face of globalization.

Sahu (2008) says that besides rationalization of labour laws, emphasis must be given on the improvement of labour administrative machinery.

Advocate Kumar (2009) observes that "it is true that existing labour laws in India cannot be changed or removed by a fiat as it could be easily done in China but the fact lies that unless the laws are changed drastically, it would not be possible to obtain desired results. Continuing to 'protect' a small aristocracy of industrial labour means hurting the prospects of prosperity for the mass of India's labour. It is time to repeal this imperial legacy." Thus, reforming labour legislation on working conditions is imperative for us in order to meet the demands of modern industrializing society

D. R. Adhikari, D. K. Gautam (2010), in his research paper —Improving Quality of Work life through Labour Legislation introduces how QWL can be improved through labour laws. And how in 1999 International Labour Organisation (ILO) put forward a new agenda of —decent work defined as decent work deficits caused by a gap between the world that we work in and the hopes that people have for a better life (ILO, 2001) in order —to improve the situation of human beings in the world of work (ILO, 1999, 3). From the perspective of decent work, the —gaps which exist between people's aspirations regarding their work and their current work situations can be viewed as —decent work deficits. Although —decent work' movement is recently developed concept that is different from the QWL initiatives it has not discarded the main issue of labour rights, problem arising due to the gap in the aspirations and real work situation at workplaces. In other words, the issues of QWL are also considered while framing —decent work concept.

3. DEFINE FACTORY ACT 1948

In the beginning of industrialization era employees used to work in poor conditions, misused and exploited by their employer and management which affected them mentally and physically very bad. In India various acts came into force to prevent the employees' rights, Factory Act 1948 is one of important act which came into force on date 1.4.1949 to ensure the healthier and safer work atmosphere for the workers, and for improving the general welfare of workers. Factory act is one of the important tools to protect worker's interest against unfair practice, injustice and prevent the problems relating to human resource in any Industry. Factory Act 1948 deals with various dimensions for the improvement of the workers' rights and for the betterment of working condition of employees in industry.

3.1 Objectives

To ensure adequate safety measures and to promote the health and welfare of the workers employed in factories. To prevent haphazard growth of factories through the provisions related to the approval of plans before the creation of a factory.

To regulate the working condition in factories, regulate the working hours, leave, holidays, overtime, employment of children, women and young persons etc.

3.2 Scope and coverage

- ❖ Regulates working condition in factories.
- ❖ Basic minimum requirements for ensuring safety, health and welfare of workers.
- ❖ Applicable to all workers.
- ❖ Applicable to all factories using power and employing 10 or more workers, and if not using power, employing 20 or more workers on any day of the preceding 12 months.

3.3 Main provisions

Compulsory approval, Licensing and registration of factories. Health measures. Safety measures. Welfare measures. Working hours. Employment of women and young persons. Annual leave provision. Accident and occupational diseases. Dangerous operations. Penalties. Obligations and rights of employees.

4. DEFINE QWL

In the last few decades there is tremendous change in the need of the human beings due to rapid technological growth and globalization. The increased educational level of human beings results in betterment in life. Men are not the only earning member in a family, women are also bread winners so coping up with family and professional life is very difficult. Fulfilling all the needs of the life starting from physical to self-esteemed need is quite tough. Job affects people's work life and personal life. The huge impacts of these conditions had a profound impact on every socio-economic aspects of the country. Quality of Work Life is a fairy-tale which helps in making employees work life easy and ultimately this will upturn towards individual performance, organizational performance and both will improve socio-economic condition of any country and world.

There are numerous definitions stated for the QWL:

-Quality of work Life is the product of the relationship among social, well-being, economic and environmental conditions which affect human and social development. |

-Quality of work life means different things to different persons. |

According to J.Lloyd Suttle -Quality of work life is the degree to which members of organization are able to satisfy important personal needs through their experiences in the organization. |

Walton has suggested eight programs to humanize the work place: adequate and fair compensation, safe and healthy work environment, development of human capacities, growth and security, social integration and work environment, constitutionalism (rule of law), work and life space, social relevance of work life. The factors that influence and decide the

Quality of work life are, attitude ,environment ,opportunities ,nature of job, people, stress level, career prospects, challenges, growth and development ,risk involved and reward .

In this socio- technical environment Quality of Work Life is a –Mantrall for management to motivate employees and for the success of industry. It provides a vision for employees to recognize their job above just a job and give the importance & centre their job in their life. Importance of QWL is increased day by day because of increase in the educational level of employees, relationship with workers, importance of human resource management, increasing knowledge of human behaviour , extensive organizational conflict etc.

Like other motivating factors QWL do not only affect employees work life, it focuses and improves their personal and professional life both. Seeing its importance and need, government, industry and welfare agencies focus towards QWL programmes and recognize various sections of various labour laws which support QWL’s dimensions.

The Constitution of India contains specific provisions for fair wages, promotion, equal payment for men and women, good working condition, health and safety, medical facility, career development, solving grievances, strikes and lockout, dispute, collective bargaining, workers participation are also covered by Quality of Work Life’s. In 1970’s all over world industry make their –Quality of Working Life Councilll, Indian industry was also one of them.

Quality of Work Life raises physical, mental, emotional, morale, emotional well-being of an individual (Aswathappa; 2004). QWL programmes do not affect only present life, they affect future of an employee so it is a long run process. Implementation of QWL programs and suggestions led the workforces work with full zeal and robust behaviour which results in the upsurge in employees’ satisfaction, employees’ physical and psychological health, improve organizational and individual productivity to build an image of an industry in front of employees and society. So adequate QWL body is essential to ensure the betterment of human life at work in every industry which may vary from industry to industry.

5. OBJECTIVE OF QWL

- ❖ How Factory act 1948 is enforced to implement the QWL?
- ❖ What are the various sections to cover the QWL?
- ❖ How Walton’s eight factors correlate with Factory Act 1948?
- ❖ To suggest suitable measures to improve the quality of work life through Factory Act 1948

6. FACTORY ACT BOLSTERS QWL

Walton’s eight factors are the best and suitable criteria of measuring and explaining the Quality of work life. Factory act 1948 majorly supports the Walton’s eight factors below.

I. Adequate and fair compensation

Motivation experts believe that money is still an important motive, which makes people work on the job. However, people also want to see fairness and adequacy in their pay rewards. Equal pay for equal work and pay that is linked to responsibility, skill, performance and individual accomplishment are viewed with great importance. Pay must also be competitive with the external labour market and should be responsive to prevailing practices and changing economic conditions.

Under Factory Act 1948 sec.51 to 82, there are provisions of payment of wages, working hours, leave with wages, women’s job criteria all enforcing to ensure an adequate and fair compensation to the workers.

II. Safe and healthy working conditions

An organisation must create working conditions that are physically and psychologically safe for its workers. The emergence of ergonomics in the 1950s has significantly improved equipment design and plant layout to enhance the physical as well as psychological comfort and safety of the workers.

Factory Act 1948 is one of the strongest legislation which enforces safe and healthy work environment. Section 7A(1) imposes a duty upon occupier by stating –Every occupier shall ensure, so far as is reasonably practicable, the health, safety and welfare of all workers while they are at work in the factory. Apart from this, Chapter III of the Act covers health widely from Section 11 to 20. Norms related to cleanliness (Section 11), Disposal of wastes and effluents (Section 12), Ventilation and temperature (Section 13), Dust and fume (Section 14), Artificial humidification (Section 15), Overcrowding (Section 16), Lighting (Section 17), Drinking water (Section 18), Latrines and urinals (Section 19) and Spittoons (Section 20) are prescribed in detail in concerned sections, also provisions for inspection and control by State authorities has been furnished. Under section 21 to 41 rules framed on safety measures as Sec. 21 Fencing of machinery, Sec. 22 Work on or near machinery in motion, Sec. 23 Employment of young persons on dangerous machines, Sec 24. Striking gear and devices for cutting off power, Sec. 25. Self-acting machines, Sec. 26. Casing of new machinery, Sec. 27 Prohibition of employment of women and children near cotton-openers, Sec. 28 Hoist and lifts, Sec. 29 Lifting machines, chains, ropes and lifting tackles, Sec. 30 Revolving machinery, Sec. 32 Floors, stairs and means of access, Sec. 34. Excessive weights, Sec.35 Protection of eyes, Sec. 36 Precautions against dangerous fumes, gases, Sec. 37 Explosive or inflammable dust, gas, etc., Section 38. Precautions in case of fire, Sec.40 Safety of buildings and machinery, Sec 40A Maintenance of buildings are given.

Conclusively, we find that health and safety measures at work places have been kept in mind while making legislation. Where a State control is necessary, the same is provided effectively to ensure healthy quality of work life.

III. Opportunity to use and develop human capabilities

Development of its workers involves training, skill developments, recognition, and promotion. Work assignments should be made challenging enough to expand skills, abilities, and knowledge. They should create a positive effect on self-esteem, autonomy, involvement and motivation. QWL is improved to the extent that the worker can exercise more control over his or her work, and the degree to which the job embraces an entire meaningful task but not a part of it. Further, QWL provides for opportunities like autonomy in work and participation in planning in order to use human capabilities like Autonomy, Relative self-control, Multiple qualities, Information on the total process.

Section 41G of the Factory Act stipulates that –The occupier shall, in every factory where a hazardous process takes place, or where hazardous substances are used or handled, set up a Safety Committee consisting of equal number of representatives of workers and management to promote co-operation between the workers and the management in maintaining proper safety and health at work and to review periodically the measures taken in that behalf.

Also, Section 111A (2) about Right of workers · (ii) get trained within the factory wherever possible, or, to get himself sponsored by the occupier for getting trained at a training centre or institute, duly approved by the Chief Inspector, where training is imparted for workers' health and safety at work, So, provision of Workers' participation in safety management in Factory Act also ensures use and development of human capabilities in decision making processes.

IV. Opportunity for career growth

There must be employment, which provides for continual growth and job & income security. Opportunities for training and advancement should be considered. QWL provides future opportunity for continued growth and security by expanding one's capabilities, knowledge and qualifications.

As we see, provision of Extra wages for overtime under section 59 intends not only to compensate the worker's strenuous efforts with appropriate wages but assist him make his personal and economic growth in his career.

V. Social integration in the work force

The work environment should provide opportunities for preserving an employee's personal identity and self-esteem through freedom from prejudice, a sense of community interpersonal openness and the absence of stratification in the organization. Social integration in the work force can be established by creating freedom from prejudice, supporting primary work, garb a sense of community and inter-personnel openness, egalitarian and upward mobility.

Section 42 to 49 of Chapter V deals with welfare of the workers. Section 49 imposes a liability on occupier to appoint sufficient number of welfare officers who will take care of each and every aspect of worker's welfare. So, legislation is taking care of social integration in the work force.

VI. Constitutionalism in the work organization

There should be the right to personal privacy, free speech and equitable treatment, in the workplace. QWL provides constitutional protection to the employees only to the level of desirability as it hampers workers. It happens because the management's action is challenged in every action and bureaucratic procedures need to be followed at that level. Constitutional protection is provided to employees on such matters as privacy, free speech, equity and due process like Rights of protection to the worker. Personal privacy, Labour laws, Freedom of expression, impartial treatment.

Sec 66. Further restriction on employment of women, Sec 87. Dangerous operations, Sec 91A. Safety and occupational health surveys, Section 87A. Power to prohibit employment on account of serious hazard, Sec 41H. Right of workers to warn about imminent danger, and under sec. 92 to 106 there are Penalties and Procedures to implement the factory act laws which enforces industry to safe guard the interest of employees.

Section 107 of the Act provides for Appeal. So, it can be said that the Act guarantees right to personal privacy, free speech and equitable treatment in the workplace.

VII. Work and Quality Of Life

A person's work should not overbalance his life. Ideally, work schedules, career demands and travel requirements should not take up too much of his leisure and family life. QWL provides for the balanced relationship among work, non-work and family aspects of life. In other words, family life and social life should not be strained by working hours including overtime work, work during inconvenient hours, business travel, transfers, vacations, balanced paper in the work, stability of schedules, few geographic changes, and time for leisure of the family.

Under sec.42 to 48 of Factory Act 1948 mentioned the welfare provisions which increase the quality of life as Sec 42. Washing facilities, Sec 43. Facilities for storing and drying clothing, Sec 44. Facilities for sitting, Sec 45. First-aid-appliances, Sec 46. Canteens, Section 47. Shelters, rest-rooms and lunch-rooms, Sec 48. Creches.

Also, in the Chapter VIII, there is provision of annual leave with wages. Not only this, Section 81 makes rule for payment in advance in certain cases before leave. So, family and social aspects of a worker are well taken care of under provisions of the Factory Act, 1948.

VIII. Social relevance of work

The standing of an organization in society can influence an employee's value of his work and career. The workers perceive the organization to be socially responsible in its products, waste disposal, marketing techniques, employment practices and so forth. QWL is concerned about the establishment of social relevance to work in a socially beneficial manner. The workers' self-esteem would be high if his work is useful to the society and the vice versa is also true.

Sec.11, 12 Cleanliness and Disposal of wastes and effluents, Section 111A. Right of workers. Section 67. Prohibition of employment of young children, Section 69. Certificate of fitness, Section 71. Working hours for children, Section 75. Power to require medical examination, all of these provisions intends to contribute to social relevance of the workplace.

7. CONCLUSION

In the developing country like India where globalization, FDI investment, and economic reforms impacting the growth and development of the nation, it is the responsibility of the government to make laws which enforce the organization to establish a positive and better Quality of work life environment to balance their personal and professional life.

Factory Act 1948 is the law supporting the Walton's factor by various sections utilized for the establishment of the Quality of work life but this law fails at some extent of point. The organizations and managements misuse the loops holes by draw

inference from factory act for their own benefit and do not show any interest to resolve the problems, grievance and complain of their employees.

However, we suggest that there should be an open debate among employers, the government and employees' unions upon the need of strong and new QWL legislations to meet the challenges of 21st century QWL issues.

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