

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT**

LOK SABHA

**UNSTARRED QUESTION NO. 1961
TO BE ANSWERED ON 30.07.2018**

EQUAL WAGES FOR EQUAL WORK

†1961. SHRI JANAK RAM:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether the Hon'ble Supreme Court has directed that the principle of equal wages for equal work should be implemented and if so, the details thereof;**
- (b) whether the Supreme Court has also stated that if a regular and contractual workers do same kind of work then there should be no anomaly in the wages of both classes in a welfare State and if so, the details thereof and the reaction of the Government thereto; and**
- (c) whether the Government is aware of the fact that employees working on contractual basis are deprived of equal wages for equal work by their employees and if so, the details thereof along with the redressal mechanism developed/proposed to be developed by the Government in this regard?**

ANSWER

**MINISTER OF STATE (IC) FOR LABOUR AND EMPLOYMENT
(SHRI SANTOSH KUMAR GANGWAR)**

(a) to (c): The principle of "equal pay for equal work" was examined by the Hon'ble Supreme Court in the civil appeal number 213 of 2013. The issue before the Hon'ble Supreme Court was that:

".....whether temporarily engaged employees (daily-wage employees, ad-appointees, employees appointed on casual basis, contractual employees and the like), are entitled to minimum of the regular pay-scale, alongwith dearness allowance (as revised from time to time) on account of their performing the same duties, which are discharged by those engaged on regular basis, against sanctioned posts...."

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The Hon'ble Supreme Court held that:

“...There can be no doubt, that the principle of ‘equal pay for equal work’ would be applicable to all the concerned temporary employees, so as to vest in them the right to claim wages, at par with the minimum of the pay-scale of regularly engaged Government employees, holding the same post....”

It is mandatory for the employer/principal employer to comply with the various statutory provisions/Court Orders/Government Instructions including instructions on wage related issues of various categories of employees and apply the principle laid down by the Hon'ble Supreme Court regarding “equal pay for equal work” while paying wages to its workers/labourers.

In so far as the contract labour is concerned, the Contract Labour (Regulation & Abolition) Central Rules, 1971 provides for wage parity as stipulated in rule 25(2)(v)(a) which is reproduced below:

“in cases where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work.....”

In order to ensure compliance of labour laws there is separate enforcement machinery available in the Central and the State Sphere to which an aggrieved worker can approach for redressal of its grievances.

In the Central sphere there is a well-established Central Industrial Relations Machinery (CIRM) having country-wide network of Dy. Chief Labour Commissioners (Central) and Regional Labour Commissioners (Central) under the control of the Chief Labour Commissioner (Central) for enforcement of labour laws and redressal of grievances/settlement of claims arising out of labour disputes. In the State Sphere, there is a similar setup in the respective State Governments/UT Administrations.
