ENQUERY: Are the definitions of 'worker' and 'employee' the same under the Code on Wages, 2019?

RESPONSE: No, the definitions of "worker" and "employee" under the Code on Wages, 2019 are not the same.

The **Code on Wages, 2019**, defines both "employee" and "worker," but these terms have different scopes and implications. Here's a detailed comparison in table form, followed by an explanation of how all workers are employees but not all employees are workers:

Comparison between "Employee" and "Worker"

Criteria	Employee (Section 2(k))	Worker (Section 2(z))
Definition	Any person employed on wages to perform skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical, or clerical work.	Any person employed in an industry to perform manual, unskilled, skilled, technical, operational, clerical, or supervisory work.
Inclusion	Includes people working in managerial, supervisory, administrative roles (with no wage limit) and technical and clerical roles.	Working Journalists as per the Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and Sales Promotion Employees as per the Sales Promotion Employees (Conditions of Service) Act, 1976.
Exclusion.	Members of the Armed Forces.	Members of the Armed Forces, employees under Air Force, Army, or Navy Act, police service, prison staff, managerial/administrative roles, supervisory roles above Rs. 15,000.
Broadness	Broader category covering a wide range of employees, including managerial and supervisory roles without wage limits.	Narrower scope focusing on manual and skilled workers, excluding higher managerial, administrative, and supervisory categories above a specific wage threshold.
Nature of Work	May involve managerial, supervisory, or clerical duties in addition to operational work.	Typically focuses on technical, clerical, or operational work, excluding high-level supervisory or managerial work.

All Workers are Employees, but Not All Employees are Workers:

1. **All Workers are Employees:**

A "worker" is a subset of the broader category of "employees." Workers, as per the definition in Section 2(z), are employed in manual, skilled, unskilled, technical, operational, clerical, or supervisory work (with wage limits for supervisory roles). Since they perform work in exchange for wages, they are by default "employees" under Section 2(k), which covers anyone working for wages.

2. **Not All Employees are Workers:**

The definition of "employee" in Section 2(k) is broader than that of a "worker." It includes people in managerial, administrative, and supervisory roles (without wage restrictions). On the other hand, "worker" excludes those in managerial or administrative capacities and supervisory staff earning more than 15,000. Thus, someone employed as a manager or in a high-level supervisory position is considered an "employee" but not a "worker" under the Code on Wages, 2019.

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