

ENEQUERY: Are "Worker" under the Factories Act, 1948 and "Workman" under the Industrial Disputes Act, 1947 the same?

RESPONSE: No, the definitions of "worker" under the Factories Act, 1948 and "workman" under the Industrial Disputes Act, 1947 are not exactly the same, even though they share similarities.

They differ in scope and specific exclusions, which affects who falls under each category.

1. Worker under the Factories Act, 1948:

According to **Section 2(1) of the Factories Act, 1948**, the term "worker" is defined broadly:

"worker" means a person employed, directly or by or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not, in any manufacturing process, or in cleaning any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with, the manufacturing process, or the subject of the manufacturing process, but does not include any member of the armed forces of the Union.

Key Points:

- The definition of "worker" is **very broad** and includes **any person** engaged in manufacturing processes or related work, even if the person is not directly involved in the manufacturing itself (e.g., cleaning machinery, maintenance work).
- It includes employees who may not necessarily be involved in manual labour but are still part of the overall manufacturing process.
- It covers employees employed through contractors as well.
- The definition of "worker" in the Factories Act is not limited to manual or skilled labour but includes a wide range of employees, including supervisors, provided they are engaged in factory-related work.
- Managers and executives who are connected with the manufacturing process or work incidental to it could also fall under the definition of "worker" here.

Example:

- A **machine operator** directly working in the production line is a "worker".
- A **maintenance supervisor** who oversees machinery repairs in the factory could also be considered a "worker," as they are involved in work related to the manufacturing process, even though they have supervisory duties.

2. Workman under the Industrial Disputes Act, 1947:

The definition of "workman" under **Section 2(s) of the Industrial Disputes Act, 1947** is narrower and focuses on **manual, skilled, unskilled, technical, operational, clerical, or supervisory work**, but with important exclusions.

"workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied... but does not include any such person- (i) who is subject to the Air Force Act, 1950, the Army Act, 1950, or the Navy Act, 1957; (ii) who is employed in the police service or as an officer or other

employee of a prison; (iii) who is employed mainly in a managerial or administrative capacity; (iv) who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem..."

Key Points:

A **workman** includes people in a variety of roles (manual, technical, clerical, etc.) but **excludes certain categories:**

Managerial or administrative employees.

- Supervisory employees earning above a specified wage limit.
- Employees involved in **armed forces, police, or prison services.**
- The definition also includes **apprentices** and employees dismissed or retrenched in connection with an industrial dispute.

Example:

- A **production line worker** (manual labour) would be considered a "workman" under the Industrial Disputes Act.
- A **clerk** working in the office of a factory would also be considered a "workman."
- A **supervisor** overseeing production work, provided they do not exceed the wage limit fixed by the government, would also fall under the definition.
- A **manager** or **executive** responsible for strategic decisions and earning a high salary would **not** be considered a "workman" under this Act.

Key Differences:

Scope of Definition:

The **Factories Act** has a **wider definition** of "worker," including those involved in manufacturing or related work (even supervisors and managers).

The **Industrial Disputes Act** has a **narrower definition** of "workman" and specifically excludes those in **managerial, administrative, or high-wage supervisory roles.**

Supervisors and Managers:

Under the **Factories Act**, **supervisors** and even certain **managers** who are involved in the manufacturing process or related work may be classified as "workers."

Under the **Industrial Disputes Act**, **managers** and employees in **administrative roles** or **supervisory roles** earning above a certain wage limit are **excluded** from the definition of "workman."

Inclusions/Exclusions:

The **Factories Act** includes **all employees connected with manufacturing processes** in any capacity (even contractors), while the **Industrial Disputes Act** focuses more on disputes and excludes certain categories, especially managerial staff.

Conclusion:

While both "worker" under the Factories Act and "workman" under the Industrial Disputes Act refer to employees working in factories or industries, their **scope** and **exclusions** differ. A **worker** under the Factories Act may include a broader category of employees, including managers and supervisors involved in factory-related activities. In contrast, a **workman** under the Industrial Disputes Act is more restricted, especially in terms of excluding managerial and high-salary supervisory roles.

Thus, not all "workers" under the Factories Act qualify as "workmen" under the Industrial Disputes Act, though all "workmen" under the ID Act are covered under the broader definition of "worker" in the Factories Act.

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