

TL E-BULLETIN

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Welcome to the 4th Edition of Volume 1 of the TL E-Bulletin, brought to you by TeamLease Services. This E-Bulletin comprises of Labour Regulatory Updates, recent significant Judgments and Orders & insights into the Labour Code Updates.

1. LABOUR REGULATORY UPDATES

In this section, we aim to provide insights and recent updates on various Acts of Labour Laws, in the form of Official Notifications, Circulars, Amendments, etc., that have been published and notified in the past one month, governing on the impact and regulation of labour and employment laws.

DELHI LABOUR WELFARE BOARD ISSUES THE OFFICE ORDER ON CERTAIN SERVICES BEING HOSTED ON THE PORTAL TOWARDS TAKING ONLINE CONTRIBUTIONS FROM EMPLOYER / EMPLOYEE.

The Government of N.C.T of Delhi, has issued an Office Order dated 1st July, 2022, depicting that the online portal of Delhi Labour Welfare Board, is offering few enlisted services as hosted on the website of Delhi Labour Welfare Board, towards taking online contribution from Employer / Employee, w.e.f. 01st July, 2022.

The following services are hosted on the website of Delhi Labour Welfare Board, for taking online contribution from Employer / Employee:

- (1) Online Registration of Employer's Establishment as per the Bombay Labour Welfare Fund Act, 1953 extended to UT of Delhi.
- (2) Amendment / Updation in the details of Employer's Establishment including the details of number of Employees also.
- (3) Online submission / deposit of Employer / Employees contribution with details by the Employer.
- (4) Online submission / deposit of Unpaid Accumulation / Fine with details of Employees by the Employer.
- (5) Online closure of Employer Establishment.
- (6) Entry / Uploading of details of Employees employed by Employer contributing under Delhi Labour Welfare Fund Act.

Therefore, all the Employers / Establishments covered under the Bombay Labour Welfare Fund Act, 1953 as extended to UT of Delhi are directed to henceforth utilize the above-mentioned services available on the website of Delhi Labour Welfare Board.

ESIC ISSUES NOTIFICATION PRESCRIBING THE DATE OF ENFORCEMENT OF MEDICAL BENEFITS IN THOOTHUKUDI DISTRICT, TAMIL NADU.

The Employee State Insurance Corporation (ESIC) vide its Notification dated 7th July, 2022 has hereby fixed the 1st July, 2022 as the date from which the Medical Benefits as laid down in Regulation 95-A of the Employee's State Insurance (General) Regulations, 1950 and the Tamil Nadu Employee's State Insurance (Medical Benefits) Rules, 1955, shall be extended to the families of insured persons in the entire area of Thoothukudi District, State of Tamil Nadu.

GOVERNMENT OF TAMIL NADU ISSUES NOTIFICATION DECLARING THE NEWSPRINT & PAPER MANUFACTURING INDUSTRY AS A PUBLIC UTILITY SERVICE.

The Labour Welfare & Skill Development Department, Tamil Nadu vide its Notification dated 20th July, 2022, has declared the "Newsprint & Paper Manufacturing Industry" as a Public Utility Service, for the purposes of The Industrial Disputes Act, 1947. The said Notification shall remain in force for a period of 6 months with effect from 20th July, 2022.

ESIC ISSUES CIRCULAR ON THE PROVISION OF SEEDING OF UAN NUMBER IN THE INSURANCE MODULE.

Vide the ESIC Circular dated 6th July, 2022, the Regional Director has intimated that in order to have a synchronisation between ESI & EPF, a provision has been made in the Insurance Module by the ESIC Corporation, wherein the employers can enter the UAN of the Insured Person's (IP's) through the module to link with the Insurance Number of ESI beneficiaries.

Therefore, it is requested to use the Insurance / Panchdeep Module of ESI Corporation for entering the UAN data of the employees covered under the ESI Act by end of July, 2022.

GOVERNMENT OF ANDHRA PRADESH ISSUES DRAFT AMENDMENTS TO THE ANDHRA PRADESH MATERNITY BENEFIT RULES, 1966.

The Government of Andhra Pradesh has issued Draft Amendments to The Andhra Pradesh Maternity Benefit Rules, 1966 vide its notification dated 19th July, 2022.

The following are the Draft Amendments to the Andhra Pradesh Maternity Benefit Rules, 1966-

(1) Rule 6 which prescribes "Nursing Breaks", for the expression "two breaks", the expression "four expressions" shall be substituted.

(2) After Rule 6, the following new Rule 6A shall be inserted -

6A (1) Every establishment which has 50 or more employees shall establish a creche within 250 metre from the place of work.

(2) Every establishment to specify the details of availability of creche facility in the appointment letter issued to the women employees. The details of creche facility will also be displayed in the prominent place in the premises of the establishment and also be posted in the portal of the establishment.

(3) The creche shall be conveniently accessible to the mothers of the children accommodated therein.

(4) The building in which the crèche is situated shall be soundly constructed and all the walls and roof shall be of suitable heat-resisting materials and shall be water-proof. The floor and internal walls of the crèche to a height of 1.20 meter around shall be so laid or finished as to provide a smooth impervious surface.

(5) The height of the rooms in the building shall be not less than 3.65 meters from the floor to the lowest part of the roof and there shall be not less than 1.86 metres of floor area for each child to be accommodated.

(6) Effective and suitable provision shall be made in every part of the creche for securing and maintaining adequate ventilation by the circulation of fresh air.

(7) The creche shall be ordinarily provided with 1 cradle for every 30 women workers employed in the establishment, subject to a minimum number of 6 cradles.

- (8) A suitable fenced and shady open air play ground shall be provided for the older children.
- (9) The crèche shall be adequately furnished and equipped and in particular, there shall be one suitable cot or cradle with the necessary bedding for each child, at least one chair or equivalent seating accommodation for the use of each mother while she is feeding or attending to her child and a sufficient supply of suitable toys for the older children.
- (10) Form P has been inserted - A women employed in an establishment and entitled to maternity benefit shall give notice under this form to enable commissioning mother and adopting mother to claim maternity benefit.
- (11) Form Q has been inserted - A women employed in an establishment and entitled to maternity benefit shall give notice under this form intending to work from Home.

The said Draft Amendments to The Andhra Pradesh Maternity Benefit Rules, 1966 shall be taken into consideration by the Government on or after the expiry of 45 days from the date of publication of this Notification.

EPFO ISSUES CIRCULAR ON FILING THE E-NOMINATION & PROPOSES TO RENDER AWARD TO THE ESTABLISHMENT.

The Employee's Provident Fund Organization (EPFO) has issued a Circular dated 22nd July, 2022 detailing the requirement of filing the E-Nomination by all the EPF account holders through UAN, with the steps appended. Further, EPFO, Head Office has also decided to give award to one establishment from each region, i.e., North, South, West, East & NER.

Vide the said Circular, following points are highlighted :

- (1) EPFO has announced E-Nomination process for EPF account holders to ensure social security for their families and nominees. Members can file their E-Nomination online via Universal account Number (UAN) on the EPFO official website.
- (2) For members filing E-Nomination through UAN, requires only self-declaration and no need of submission of physical documents or approvals while filing or revising their E-Nomination.
- (3) E-Nomination enables expeditious settlement of Member Pension Claim through online and providing EPF / EPS / EDLI benefits to eligible nominees on death of member without visiting the EPFO offices or attestation by the Employer.
- (4) The steps for filing the E-Nomination is appended in the said Circular.
- (5) EPFO, Head Office, has decided to render award to one establishment from each region, i.e., North, South, East, West & NER who will complete highest number of filing of E-Nomination by 31st March, 2023.
- (6) Therefore, it is requested to complete E-Nomination for all the employees on or before 31st March, 2023.

GOVERNMENT OF GOA DECLARES PAID HOLIDAY ON THE DAY OF POLL -10TH AUGUST, 2022 ON ACCOUNT OF THE GENERAL ELECTIONS.

The Government of Goa vide its Notification dated 26th July, 2022 has declared a grant of "Paid Holiday" on the day of poll i.e., 10th August, 2022 (Wednesday) on account of the General Elections to 186 Village Panchayats, throughout the State of Goa.

The aforesaid holiday shall be a "Paid Holiday" to the workers of the following establishments, provided they are entitled to vote for the said Village Panchayat elections-

- (i) Industrial Workers of the State of Goa;
- (ii) Daily Wage Workers of the Government Departments and State Government Industrial Departments;
- (iii) Commercial and Industrial Workers of Private establishments in the State of Goa;
- (iv) Workers of all Private Establishments;
- (v) Daily wage / casual workers employed in any business, trade, industrial undertakings or any other establishments.

HARYANA GOVERNMENT ISSUES NOTIFICATION PRESCRIBING CERTAIN CONDITIONS FOR THE ADEQUATE SAFETY AND SECURITY OF WOMEN WORKERS WORKING IN THE NIGHT SHIFTS IN FACTORIES.

The Government of Haryana has issued a Notification dated 22nd July, 2022, prescribing certain conditions for the adequate safety and security of women workers engaged in Factory during the night shifts i.e., from 07:00 PM to 06:00 AM. The said Notification is issued in supersession of all other notifications issued in this behalf and shall be valid for 1 calendar year, effective from 22nd July, 2022.

Some of the Conditions for employing Women in Factories during Night Shifts, i.e., from 07:00 PM to 06:00 AM by the occupier are as follows:

- (1) No woman shall be sexually harassed at any workplace in Factories.
- (2) The provisions of the Sexual Harassment of Women at Workplace, 2013 or any other law issued in this regard shall be complied with by the Occupier of the Factory.
- (3) Every Occupier of the factory shall constitute by an order in writing, a Committee to be known as the Internal Complaints Committee (ICC). Where the offices or administrative units of the workplace are stationed at different locations or at the divisional or sub-divisional level, an Internal Committee shall be constituted separately at each of the administrative units or offices.
- (4) Every Occupier shall formulate a policy indicating its commitment to the prohibition of sexual harassment of women workers at the workplace and shall revise it as often as appropriate.
- (5) The order regarding constitution of ICC and Policy on prohibition of sexual harassment shall be displayed at conspicuous places at the workplace.
- (6) The Occupier shall provide proper lighting and CCTV cameras not only inside the factory, but also surrounding the factory and to all places where the female workers may move out of necessity in the course of her work.
- (7) The Occupier or Manager shall see that the women workers are employed in a batch not less than 10 and the total of the women workers employed in a night shift shall not be less than 2/3rd of the total strength.
- (8) The Occupier shall provide transportation facility to the women workers from their residence and back (for the night shifts), security guards (including female security guard) and each transportation vehicle shall also be equipped with CCTV cameras.
- (9) During night shift not less than 1/3rd of strength of the supervisors or shift -in-charge or other supervisory staff shall be women.

(10) Declaration / consent from each women worker including security guard, supervisors, shift-in-charge or any other women staff to work during night shift i.e., between 07:00 PM to 06:00 AM shall be obtained.

(11) The Occupier or Manager shall send a copy of Annual Report prescribed under Section 22 of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 on or before the 31st January of each year to the Labour Commissioner, Haryana and Assistant Director, Industrial Safety & Health of their jurisdiction about the details of women workers.

An express report shall also be sent to the concerned Assistant Director, Industrial Safety & Health and Local Police Station as well, whenever there is some untoward incident.

(12) The Occupier shall provide appropriate medical facilities by engaging a doctor / female nurse during night shift. Where more than hundred women workers are employed in the shift, a separate vehicle also will be kept ready to meet any emergent situation such as hospitalization, whenever there is a case of injury or incidental acts of harassment, etc. Telephone numbers like Police, Hospital and Members of Internal Committee, etc. shall be displayed at conspicuous places.

(13) In other respects, the provisions of the Factories Act, 1948 and the rules of other statutory provisions with respect to the hours of work, rest intervals, holidays, separate canteen or rest room facility for women workers, the provisions of Payment of Equal Remuneration Equal Remuneration Act and all other Labour Legislations shall be followed by the occupier of the factory.

(14) The women workers working in all shifts shall have a monthly meeting through their representatives with the occupier as grievance day and the occupier shall try to comply all just and reasonable grievances.

(15) The Occupier shall organize workshops, orientation programs and awareness programs at regular intervals for sensitizing the women workers about their rights to protection against sexual harassment at workplace and the provisions of the Sexual Harassment of Women at Workplace Act, 2013 and rules framed under.

(16) Any other condition as may be specified in this regard by the Central or State Government from time to time.

All the above said conditions shall be applicable to the management of the factories where women workers are working in the factories.

TAMIL NADU GOVERNMENT REVISES MINIMUM RATES OF WAGES FOR THE EMPLOYMENT IN TOBACCO INDUSTRY.

The Labour Welfare and Skill Development Department, Tamil Nadu on July 8, 2022 has revised Minimum rates of wages for the Employment in Tobacco (including Beedi making other than Beedi rolling). This has come into force on July 8, 2022.

The following has been stated namely: -

A. The following are the Minimum Rates of Basic Wages per Month:

1. Manager – Rs. 9384.00
2. Accountant/Computer Operator – Rs. 9054.00
3. Clerk/Typist/Salesman – Rs. 8724.00
4. Dust Leaves Supplier/Bag Stitcher/Packer – Rs. 8229.00
5. Other Workers – Rs. 6909.00

B. Dearness Allowance – In addition to the minimum rates of basic wages fixed above, the employees shall be paid dearness allowance namely: -

1. The Dearness Allowance is linked to the Average Chennai City Consumer Price Index Number for the year 2010, that is 161 points (with base 2001=100) and for every raise of one point over and above 161 points, an increase of ₹42.90 (Rupees forty-two and paise ninety only) per month shall be paid as dearness allowance.
2. The dearness allowance shall be calculated every year on the 1st April on the basis of the average of consumer price indices for the preceding 12 months, namely from January to December.
3. The first calculation shall thus be effective from July 8, 2022 based on the Average Chennai City Consumer Price Index Number for the previous year.

C. To arrive at the daily rates of wages, the monthly wages shall be divided by 26

D. To arrive at the monthly wages, the daily wages shall be multiplied by 30.

TAMIL NADU GOVERNMENT REVISES MINIMUM RATES OF WAGES FOR WORKERS EMPLOYED IN TIMBER INDUSTRY.

The Labour Welfare and Skill Department of Tamil Nadu on July 07, 2022 has issued a notification to revise the minimum wages for the worker employed in Timber Industry under Minimum wages Act, 1948.

A. The following classes of employees shall be covered:

- (i) Un-skilled – ₹393 per day
- (ii) Semi-Skilled – ₹403 per day
- (iii) Skilled – ₹414 per day

B. Dearness Allowance:-In addition to the minimum rates of basic wages fixed above, the employees shall be paid dearness allowance as specified below:

1. The Dearness Allowance is linked to the average of Chennai City Consumer Price Index for the year 2010, that is, 161 points (with base 2001=100) and for every raise of one point over and above 161 points, an increase of Rs.2.43 paise (Two rupees and forty three paise only) shall be paid as dearness allowance per day.
2. The Dearness Allowance shall be calculated every year on the 1st April on the basis of the average of the indices for the preceding 12 months that is from January to December.
3. The first calculation shall, thus be, effective from the date of publication of this Notification in the Tamil Nadu Government Gazette based on the average Consumer Price Index number for the previous year.
4. Where the nature of work is the same, no distinction in the payment of wages shall be made as between men and women employees.

C. To arrive at monthly wages, the daily wages shall be multiplied by 30.

D. Wherever the existing wages are higher than the minimum wages fixed herein, the same shall be continued to be paid.

2. LABOUR CODE UPDATES

In this section, we attempt to provide a brief understanding on the Labour Code Updates for an easy ready reference. This section mainly highlights on each of the 4 proposed Labour Codes and its recent updates and changes.

A significant progress towards notifying and publishing the Labour Code Draft State Rules could be discerned from a majority of states, in furtherance to the very prospective implementation of Labour Codes.

However the fact that, still 6 states: (Meghalaya, Nagaland, Dadra & Nagar Haveli, Daman & Diu, Lakshadweep, & West Bengal) have not yet even framed the respective Draft Rules, continues to ignite the rapid sensation.

At this juncture, a brief summary of the Publication status of States / UT's on their Draft Labour Code Rules is appended below:

1. Count of the Draft Wages Rules – 31 States / UT's
2. Count of the Draft Occupational Safety, Health and Working Conditions Rules – 25 States / UT's
3. Count of the Draft Industrial Relations Rules – 27 States / UT's
4. Count of the Draft Social Security Rules – 27 States / UT'S

3. JUDGMENTS

In this section, we aim to highlight all relevant imperative judicial decisions rendered in the recent months in the area of Labour and Employment Law.

1. GRASIM INDUSTRIES LIMITED V. EMPLOYEES UNION AND OTHERS (GRASIM INDUSTRIES) [WRIT APPEAL NUMBER 100250 OF 2021]

The High Court of Karnataka recently ruled in this case, that the employer must adhere to the model standing orders' similar stipulation regarding the retirement age of 60 years for employees as stated in the certified standing orders of the appellant (which were modified as a result of that stipulation). Because private sector businesses have often been able to maintain flexibility in determining the retirement age for their employees, the ruling is still relevant today.

“WHEN A BOOK RAISES YOUR SPIRIT, AND INSPIRES YOU WITH NOBLE AND MANLY THOUGHTS, SEEK FOR NO OTHER TEST OF ITS EXCELLENCE. IT IS GOOD, AND MADE BY A GOOD WORKMAN.”

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