

THE INSIGHT

Weekly Newsletter from
HR Vidyalaya Corporate Services LLP

Thought for the week

Of late, many Organizations have commenced specific strategies/initiatives called Diversity & Inclusion. Few revised it as Diversity, Equity, and Inclusion. The right Interpretation is something different and not what is being practiced.

Diversity is not only engaging women.. more than that it is ensuring employment for the following in any workplace:

- Transgender
- Persons from all geographical location
- Persons of any Race (Ethnicity)
- Persons with Spoken Language difficulties
- Persons with Physical Challenges
- Persons with Experience (Veterans)
- Persons with less IQ
- Persons from Religious minority
- Persons of Linguistic minority
- Persons who are qualified but could not be able to reach to you to get job (having infrastructure impediments are do not know how to reach you.....reach out and connect to them),
- And many others.....

Besides, **Equity** is to be practiced in Wages, Promotion, Training, Amenities, Rewards, Recognition, etc.

When Organizations are celebrating where the women employee strength has crossed 30 or more percentage, they just forget the **Inclusiveness**.

In a laymen language it is taking them along with you, in every growth of the Organization.... Allowing them to do/ perform in the areas they wanted to grow, explore their ideas & thoughts while performing. It just not ends with providing the employment.....

Does your establishment practice all Three Initiatives?

27th February 2022
Volume 105

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DISCLAIMER

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Employee Experience Assessment – a Retention Strategy

With the growing trend of “Engaging Employee” which is directly related to Achieving the Business Goal of an Organization, Employee experience assessment is one of the best tools in determining such engagement.

There are various tools and techniques utilized by the Employers to keep their Employees engaged. The most significant areas are:

- △ Rewards and Recognition programs
- △ Appreciation
- △ On-going trainings
- △ Celebrations (festivals, birthdays, occasions on achievements, etc)
- △ Two-way communication
- △ Skill enhancement programs
- △ Opportunity to learn and grow across segments

A periodical – minimum once in 6 months or maximum once in a year – assessment/ survey, based on the following metric shall be mandatory for a management to move forward next stage.

The major factors which influence the individual employee are:

1. Appreciation
2. Relationship with team and Manager
3. Development
4. Company culture / Outlook
5. Communication
6. Compensation vs. Market

Few of the above, like Company culture and Appreciation are very sensitive variables, where the Organization had to be more specific in consideration. If Communication is less favorable to an employee may not be an irritant factor as compared to worst Company culture or not getting appreciated.

Compensation too is a determining factor for any individual employee, but it may have an effect only if the financial burden of the individual has considerable increased in his personal life and affects. Where non-appreciation for hard work is demotivating, which influences the performance and belongingness fails if the culture is bad.

Human Resource planning helps the management in a bigger way, while it decides on expansion or structuring the size. This assessment/survey will make more visibility of “Intent to Leave” by any employee significantly, which is beneficial in manpower planning/ succession planning. Besides, if dissatisfaction of employee is more and evident, then the Employer may not invest on the individual.

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Metrics	Objective	What if agreed by the employee	What if disagreed by the employee
Appreciation	Whether the employees are motivated to perform with full potential. It matters most in Employees Satisfaction	Expect Improved performance from the employee	To identify the reasons for disagreement and review with the employee
Relationship with Team and Manager	Collaboration of the team is significant in meeting Business objectives. Organizational achievements are beyond personal assumptions and biases, if any	The flavour of such relationship will pass through other departments and reflect the company culture	The grounds such discontent should be addressed at fast phase
Development	Opportunities made available to everyone, in enhancing their skills which can better the performance in current and future capabilities	The individual is on the track and fit for capabilities of change. Further the capacity with related programs	If it is not happening because of the individual, then improvement plans should be initiated. Else, the appropriate skill shall be identified
Company culture	The way the Organization achieves its Mission. A set of code which it feels fit, where a team of individuals work in a group and produce the desired results	There is a sync between the employee and the organizational culture. Such consideration shall be disseminated among others	Prevalence of mismatch in the expectation between Company & and the individual or misunderstanding shall be probed and acted accordingly
Communication	A regular Two-Way information dissemination between the employee & Manager or Management will enrich bond amongst both which make more accountability either side	Openness and transparency will improve health of the Organization. This feedback will determine such positivity	Hidden information or surprises will demoralize the spirit of an individual employee while performing
Compensation paid vs. market	One of the key factors which influences the employee's performance. More is good for both and less can be compromised with other benefits	Employee may not complain if it is more than the market	Reasons for paying lesser than the market shall be substantiated with appropriate justification

Scope and process for Conciliation & Settlement under PoSH Inquiry

Conciliation can be regarded as a generic term for any non-adversarial dispute resolution process. As per the Section 10(3) of the Sexual Harassment of Women at workplace (Prohibition, Prevention and Redressal) Act, 2013, the Internal Committee or District Committee, before initiating an inquiry, may and at the request of the aggrieved woman, take steps to arrive at a settlement between the parties.

The Internal Committee shall consult with the aggrieved woman, upon receipt of the written complaint (if the same is in order & acceptable) and inform the option of Conciliation mechanism available, which can be chosen only by her. She may choose it if she doesn't want a lengthy process which will be stressful.

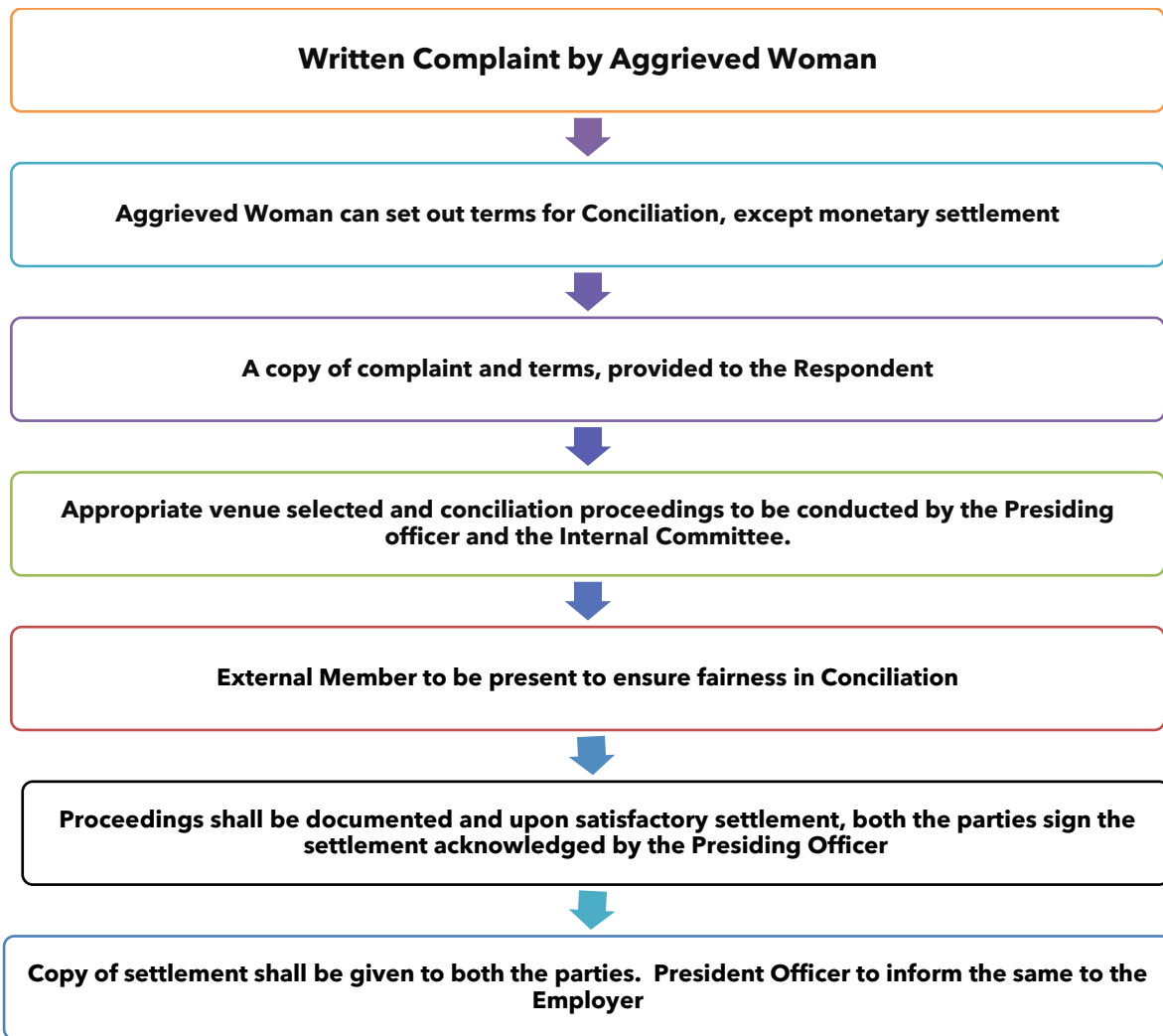
However, no monetary settlement can be made as the basis of such conciliation (Sec. 10(1) of the Act). Where such a settlement has been arrived at, the ICC or the LCC, record the settlement and forward the same to the employer or the District officer to take action as specified in the recommendation (Section 10(2) of the Act).

Procedure for Conciliation

1. Conciliation can be initiated upon request from the aggrieved woman and respondent cannot exercise this option
 2. Internal Committee shall record the proceedings of such Conciliation and any settlement arrived during the process
 3. Employer shall be informed of such settlement, which shall be duly acknowledged in writing by both aggrieved woman and the respondent
 4. A copy of settlement agreed by both parties is shared to them, as per the Section 10(3)
 5. Once a settlement is arrived, which is not a monetary settlement, both parties do not have right to appeal against
 6. Internal committee will not proceed further to inquire in that specific case
 7. Post Conciliation, in case of non-settlement of the complaint, Internal committee shall proceed to conduct the inquiry
 8. The timeline of 90 days to complete the Inquiry includes Conciliation process
 9. Hence the Internal Committee should be cautious in completing the Conciliation process at the earliest (possible, as there will not be any witness examination)
- An aggrieved woman will agree for a settlement if there is an admission of guilt by the respondent followed by an oral or written apology.



Process



Similar to other information of

- (a) contents of the complaint
- (b) identity & address of the aggrieved women
- (d) respondent
- (e) witness
- (f) inquiry proceedings
- (g) recommendations of Internal Committee
- (h) action taken by the employer,

the information related to Conciliation also shall not be published, communicated or made known to the public, press and media. However, information may be disseminated regarding the justice secured to the victim of sexual harassment without disclosing the name, address, identity or any other particulars. (as per Section 16 of the Act).

INTERNATIONAL WORKER in EPF & MP Act

Definitions

In any PF covered establishments in India, not all employees shall be covered under PF Act. Besides, not all employees are considered to be Domestic Workers. According to provisions of the EPF & MP Act, various types of Passport Holders or Nationalities/ Citizens who are divided into Domestic or International Worker.

DEFINITION

Section 83 (2) (ja) "International Worker" means,-

- » an Indian employee having worked or going to work in a foreign country with which India has entered into a social security agreement and being eligible to avail the benefits under a social security programme of that country, by virtue of the eligibility gained or going to gain, under the said agreement;
- » an employee other than an Indian employee, holding other than an Indian passport, working for an establishment in India to which the Act applies.

Illustration:

- (a) Rohit an Indian Employee working for an Indian company in India, goes to Japan (SSA Country) for employment (on the rolls of the Indian company registered under EPF & MP Act), will be considered as IW until he was there in Japan on employment
- (b) Stephen a US passport Holder, comes to India on Employment, to work in an establishment covered under EPF & MP Act

Types of Nationalities and consideration for PF:

Employee	Type of Worker
Employee who is employed in an EPF covered establishment » Who holds <u>only</u> Indian Passport (or having no Passport)	Domestic Worker
» Employee who is employed in an EPF covered establishment Who is either from Nepal (Treat of Peace and Friendship, 1950) or from Bhutan (India Bhutan Friendship Treaty, 2007)	Domestic Worker
» An employee, who is an International Worker, from an SSA Country, who had come with Certificate of Coverage issued by the Host Country, are considered as "Detached Worker".	Excluded from PF contribution

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» Singapore Nationals or Citizens, who come to India on a short-term Employment Visa are	Excluded from PF contribution
» Those who are from SSA signed countries but did not obtain Certificate of Coverage from the Host country and » Those who are from Non-SSA countries	International Workers

Besides, there is another type of Individuals, who are called as OCI (Overseas Citizen of India). These individuals do not come with Employment Visa but have a Passport other than the Indian Passport. Also, many will come on their own to work in India and not sponsored by an Establishment in the Home country to get the Certificate of Coverage.

Such persons who are holding an OCI Status, whether they have an AADHAR card or not shall be considered as an International Worker. (PIO – Person of Indian Origin status was abolished on 1-9-2015)

Definition of PAY:

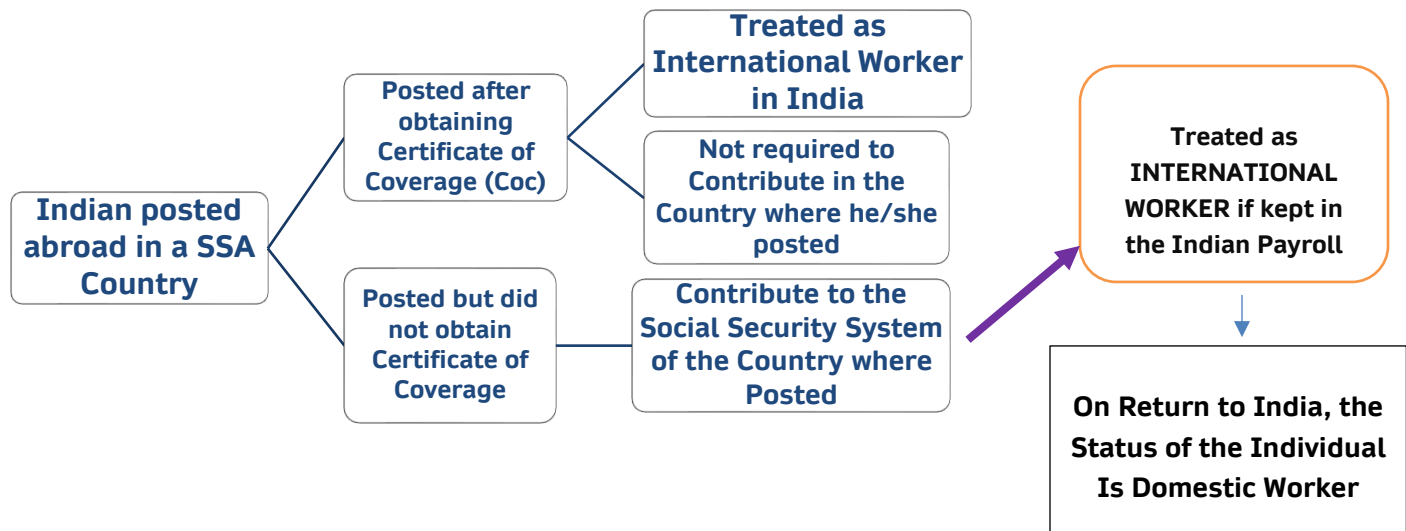
Pay means:

- » Gross Wages excluding HRA & and Overtime Allowance paid monthly
- » HRA (to the maximum as applicable to the City in which the employee is employed)
- » Overtime Allowance which is not paid across the board to all employees in a particular category or were being paid especially to those who avail the opportunity. And extra amount beyond the normal work which he was otherwise required to put

Contribution is made on:

- » total salary payable
on account of the employment of the employee employed for wages by establishment covered
- » in India even for responsibility outside India also

When Indian National becomes an International Worker?



Do you have a New Joinee?

Who is to be covered under ESI as well as PF?

- ⇒ Do cover those employees immediately, upon joining (generating ESI IP number or seeding the old ESI IP number).
- ⇒ Many employers miss out registering with ESI within 10 days (as specified by the ESIC)..... This will lead to challenge to EMPLOYER later.....how?
- ≡ **I have an employee who joins on 1st February 2022 (gross 14,000)**
- ≡ **I forget to register by 10th February 2022**
- ≡ **I register under PF and ESI on 25th February 2022**
- ≡ **The date of joining in PF can be 1st February 2022**
- ≡ **The Date of joining of ESI can only be 15th February 2022**
- ≡ **(most of the employers pay ESI for the whole month wages, not for 15 days)**

But they forget that they have to seed the UAN number in ESI IP number, which states the actual date of joining is 1st February 2022.... Which is different. This will lead to challenge to the Employer.

POSH TRAINING

**In and Around
Chennai only**

**To commemorate the
International Women's Day 2022**

We are planning special Training week

March 07 to 12, 2022

- 1. Employee Awareness Program**
- 2. Competency Development
Program for IC members
in one day**

Pay only for One program

**For Booking your Slot - write to
comply@hrvidyalaya.in**