

THE INSIGHT

WEEKLY NEWSLETTER FROM HR VIDYALAYA CORPORATE SERVICES LLP

News update

On POSH Act, by Hon'ble Apex Court

The Hon'ble Supreme Court, on 12th May 2023, had expressed its displeasure on poor implementation of section provisions The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules. Though the Legislation was notified in 2013 and Rules were also notified in the same year, the implementation is not as expected.

The Hon'ble Supreme Court has issued fresh Directions to Central and State Governments on the following:

1. Governments to ensure Organizations/Institutions/Departments to formally constitute the Internal Complaints Committee / Local Complaints Committee / Internal Committee
2. Ensure Orientation programs / Awareness programs / Workshops / Seminars and Competency Development Programs for the ICC/LC/IC
3. Employers to disseminate the information of constituents of the ICC/LC/IC and publish the Contact details of the Members to receive complaints, including Online Complaints.
4. Publish such contact information in the Web Portals of the Organization.
5. With the help of NALSA / SLSAs, developed Workshop Modules, the employers need to have added the Awareness Programs in their Annual Calendar
6. Employers to Familiarize the member of ICC/LCC/IC, how to conduct an inquiry on receiving a complaint of sexual harassment at the workplace from the point it is received till the inquiry is finally concluded and the Report is submitted to the Management.

All Types of Employers - Please make note.... You have only 8 weeks' time.....

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Chat - 1

Objective and Key Results

A Goal setting methodology

A method to set clear and measurable objective.



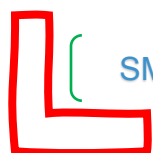
- 🏠 OKR helps Organizations to set Clear Goals
- 🏠 OKR helps Organizations track progress of the set Goals.
- 🏠 Organizations need to remain nimble and be responsive to changing market conditions.
- 🏠 Where OKR is set, employees know what is expected from each one of them
- 🏠 And those employees can experience their contribution is part of business's achievement.

OKR - A tool

Setting Ambitious Objectives
aligning with the Organization's Goal

Focusing and taking Accountability

Objective
Should be



SMART - Specific, Measurable, Achievable, Relevant & Time Bound



OKR ... A Sample

Strategic Goal: Sales Department had a OKR of “Enhance Sales in Quarter - January to March. Sales had achieved it and now there is a backlog of delivery of goods. The Organizational Objective is to provide Full Customer satisfaction by delivering quality goods by next Quarter.

Production Department

Objective: Increase Production by 20% in Quarter - April to June

Specific

(Specifies what exactly is to be achieved)

Measurable

(percentage to be increased is mentioned)

Achievable

(can achieve with current resources and capabilities)

Realistic

(Aligning with Organizational Goal and possible)

Time-bound

(Target of 1 quarter was fixed)

Key Result 1 of the TEAM

Availability of Machines

Key Result 2 of the TEAM

Maintenance of Machines

Key Result 3 of the TEAM

Ensuring Good Yield

Key Result 1 of Member

Decrease Cycle Time

Key Result 2 of Member

Increase Throughput Rate

Key Result 3 of Member

Attain Expected Production

Key Results of Departments	Key Results of Individuals
🎵 Key Results starts with a Verb	🎵 Key Results starts with a Verb
🎵 Identifiable	🎵 Aspirational (for the future)
🎵 Created / Backed by Team Head	🎵 Created and Executed / Delivered by the Team Member
🎵 Achievable metric resulting the target	🎵 A metric which is deliverable

Cycle of OKR



- 🎵 Limit 3 KR, respectively for Team and Team Member....
- 🎵 KR (Key Results) shall be RESULTS and not Activities...
- 🎵 OKR is a continuous process....
- 🎵 It is not restricted only to one department....
- 🎵 As per the above example, it has cumulative effect...
- 🎵 With the above example, Quality department, Supply Chain, Logistics, Invoicing Team and Accounting & Taxation will be impacted after the Production is completed....

Chat - 2

Determining Supervisory capacity in an Establishment



Worker
Supervisor
Manager

Any organization broadly, will have three categories of Employees:

- a) Worker
- b) Supervisor
- c) Manager

Currently the Supervisor category exists only in manufacturing industries and retail industries, where the same was replaced with a different nomenclature - Team Lead - in Service industry and other establishments.

Why we are discussing who is a Supervisor, in any establishment?

Reason:

- A Supervisor by designation is a workman
- A Supervisor by capacity is not a workman

Workman under few Statutory legislations have some privileges, whereas such privileges are not available for those who have Supervisory or Administrative or Managerial **CAPACITY**.

What is the difference between a Supervisor by designation or a Supervisor by capacity?

Section 2(s) of The Industrial Disputes Act defines workman as 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**, terms of employment be express or implied and includes any such **person who has been dismissed, discharged or retrenched in connection with, or as a consequence of dispute**. It excludes persons employed in army/Navy/Air Force/Police and those employed in *mainly managerial or administrative, supervisory capacity* and drawing wages of more than INR 15,000.

- » Any individual who is working in purely managerial and/or supervisory capacity does not fall within the definition of workman under the Industrial Disputes Act.
- » Where a person performs diverse functions, the nature of the main function performed by such individual must be considered to determine whether the individual is a "workman or not".
- » Mere designation of an individual does not determine the nature of work. Even if a person is designated as supervisor, the employer must prove that his work and his duties were in nature of a supervisor.

The Hon'ble Bombay High Court, in Union Carbide India Ltd vs Samuel case, summarized the tests laid down by the Hon'ble Supreme Court in various decision as follows.

"... The Principle, therefore, is, one must look into the main work and that must be found out from the main duties. A supervisor was one who could bind the company to take some kind of decision on behalf of the company. One who was reporting merely as to the affairs of the company and making assessment for the purpose of reporting was not a supervisor..."

The Hon'ble Supreme Court proceeded thereafter to observe,

In broad sense, one has authority over others, to superintend and direct. The term 'supervisor' means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay-off, recall, promote, discharge, assign, reward or discipline other employees or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine of clerical nature, but requires the use of independent judgment

In so far as the Apex Court is concerned, some of the tests laid down are:

1. Designation is not material but what is important is the nature of work
2. Find out the dominant purpose of employment and not any additional duties the employee may be performing
3. Can he bind the company/employer to some kind of decisions on behalf, of the company/employer?
4. Has the employee power to direct or oversee the work of his subordinates
5. Has he power to sanction leave or recommend it, and
6. Has he the power to appoint, terminate or take disciplinary action against workmen.

The emphasis is laid on the **nature of duties and powers conferred** on an employee rather than the designation.

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