

Top Post



The Lok Sabha and Rajya Sabha, both passed Women's Reservation Bill 2023 or Nari Shakti Vandan Adhiniyam.

A New Era of Inclusive Governance – Reservation for Women in Law Making.

- Reservation for Women in Lower House:
 - The Bill provided for inserting Article 330A to the constitution, which borrows from the provisions of Article 330, which provides for reservation of seats to SCs/STs in the Lok Sabha.
 - In the seats reserved for SCs/STs, the Bill sought to provide one-third of the seats to be reserved for women on rotational basis.
- Reservation for Women in State Legislative Assemblies:
 - The Bill introduces Article 332A, which mandates the reservation of seats for women in every state Legislative Assembly. Additionally, one-third of the seats reserved for SCs and STs must be allocated for women, and one-third of the total seats filled through direct elections to the Legislative Assemblies shall also be reserved for women.

Commencement of Reservation

- The reservation will be effective after the census conducted after the commencement of this Bill has been published. Based on the census, delimitation will be undertaken to reserve seats for women.
- The reservation will be provided for a period of 15 years. However, it shall continue till such date as determined by a law made by Parliament.

Rotation of Seats:

- Seats reserved for women will be rotated after each delimitation, as determined by a law made by Parliament.

HRV POST

Assortment of People Related Info, having impact on you & your Organization.
HR Vidyalaya Corporate Services LLP

Weekly Newsletter

Volume – 187 | 24 September 2023

Value Payable Post: ASKSREE

By Gayathiri Sridharan



Dear “The Insight” Readers,

We launched “**AskSree**” column to answer your questions regarding Work Life. Renowned Organizational Psychologist, **Gayathiri Sridharan** uses psychological research to answer your everyday dilemmas. She received her training from Loughborough University, UK, and a thorough HR professional with almost a decade of praxis in various realms of Strategic Human Resource Management. You may please send your queries to the email ID: itsmegayathiri@gmail.com. Solutions will be published in “HRV POST.”

Quest & Solution

Dear Sree,

My role at work feels impossible to keep up with, leaving me constantly focused on what I can drop rather than how I can excel. Could you please help - Nirmal

Dear Nirmal,

Events, behaviours or work requests like these that make us feel unqualified or unable to control. They are one of the major cause for microstresses.

Stress is big, visible, and obvious. But microstress are far less obvious. Microstress come at us so quickly, and we're so conditioned to just working through them, that we barely recognize anything has happened.

In a day, we are never coping with just one or two microstresses. We face dozens. We've probably come to accept that this hectic way of living is nothing special. "Just let me survive this one week," we promise ourself. But "every week" becomes another week and we find ourselves teetering on the edge of burnout almost all the time.

Unlike Stress, Microstress is pernicious because it is part of our everyday lives. We may not be consciously aware of these microstressors, but like stress they, too, increase our blood pressure and our heart rate, or trigger hormonal or metabolic changes.

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If you wonder if there is any way to batter these microstresses in our daily lives. Well, researchers through their study have found a simple but an effective way to batter it.

Through their study, researchers found that people who were best at coping microstress were the ones who had more diverse connections with people. Engaging with diverse people trains our brain to develop circuits for managing our own reactions, responses, and emotions.

The mere act of connecting with others, having informal conversations, sharing mutual interests, or seeing the world from another perspective is a powerful antidote to the daily toll of microstress. The researchers suggests that we need a variety of relationships (not only close friends) to help us get through the reality of living with microstress.

Ref: <https://hbr.org/2023/02/the-hidden-toll-of-microstress>

Post Card - Snippets

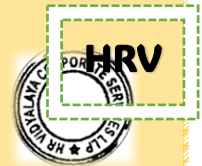
Voluntary Provident Fund

Snippet – 1

🎵 **What is Voluntary Provident Fund (VPF)**

- As per the Section 6 of EPF & MP Act, 1952 *”if any employee so desires, be an amount exceeding twelve percent of his basic wages, dearness allowance and retaining allowance (if any), subject to the condition that the employer shall not be under an obligation to pay any contribution over and above his contribution payable under this section”*
- Where an employee (PF member) wants to “save” more through Employee Provident Fund, he/she/they are allowed to do so, and the employer is not obliged to pay equal contribution.

Analysis



HRV Speed

Whether “Washing Allowance” paid to employees will attract ESI (under ESI Act) and PF (Under EPF & MP Act)?

1. Whether Washing Allowance will attract definition under Wages under ESI Act?

Refer section 2(22) (c) of the Act

As per the definition, “it is a sum paid to defray special expenses entailed by the nature of employment and as such **this amount does not amount to wages**” (issued by ESIC, in lieu of old instructions issued vide Memo No.INS III/2/1/65 dt.8.2.1967)

An employee who is on uniformed service, performing his/her duty can avail such exemption. The quantum should be nominal to his/her gross wages.

2. Whether Washing Allowance will attract definition under Wages under PF Act?

Reference 1: Surya Roshni Ltd. vs. Employee Provident Fund and others, Madhya Pradesh High Court

<u>Issue</u>	<u>Judgment</u>
Whether Transport allowance, HRA, Attendance incentive, Special allowance, Canteen allowance and Lunch allowance paid by the employer is covered under “basic wages” for the purpose of calculating provident fund contribution? The authority conceded that Washing allowance was not liable to PF	These allowances are universally necessarily and ordinarily paid to the employees across the board and hence form part of basic wage. Only where the payment is specially paid to those who avail of the opportunity is not the basic wages.

Reference 2: Date 28-02-2019; Hon'ble Supreme Court;

Should allowances be treated as wages for PF purposes? The Hon'ble Supreme Court has considered multiple appeals, given the commonality of issues. Decisions covered in the SC ruling – RPFC vs. the following:

1. Vivekananda Vidya Mandir and others
2. Surya Roshni Ltd
3. U-Flex Ltd
4. Montage Enterprises Pvt Ltd
5. Saint Gobain Glass India Ltd

The Hon'ble Supreme Court had “Reliance on earlier decisions”, where the above Judgment by Hon'ble Madhya Pradesh High Court. In the specific case (Civil Appeal Nos. 396566 of 2013), the Authority himself, under the Act held that only washing allowance was to be excluded from basic wage.

The SC ruling adjudicated that all allowances are to be included within basic wages for computation of PF contributions unless excluded on the following principles:

- Allowances which are variable in nature;
- Allowances which are linked to any incentive for production resulting in greater output by an employee; or
- Allowances which are not paid across the board to all employees in a particular category; or
- Allowance which are paid especially to those who avail the opportunity.

From the above Judgments, it is clear that “Washing Allowance”, payable to employees to particular category and which was not paid across the board to all employees was “NOT WAGES”.

Inland Letter (Maternity Benefit Act)

“A Woman Employee who is on Sabbatical Leave (on the rolls of the company but was ABSENT for duty for a long period), is ELIGIBLE for Maternity Leave or not?”

- No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected delivery (section 5(2) of the Act)
- Explanation.--For the purpose of calculating under this sub- section the days on which a woman has actually worked in the establishment, the days for which she has been laid off or was on holidays declared under any law for the time being in force to be holidays with wages during the period of twelve months immediately preceding the date of her expected delivery shall be taken into account.
- With the above definition, it is clear that the woman employee was not performing her duties for 80 days in the past 12 months and she is on a leave which was as per the Indian Legislation.
- Further she is not on leave with wages.
- Hence, as per the provisions of the Act, the employer is not obliged to pay Maternity Benefit to such woman employee, who has reported confinement but was not performing her duties (though she is still on the rolls of the company).