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### Legal Update

Are you an Employer with 10 or more persons engaged in your establishment, on rolls?

As per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act and Rules, 2013, it is mandatory that you have to Constitute in Writing – An Internal Committee (initially called as Internal Complaints Committee).

Where your establishment is having less than 10 persons (and not reached 10 before, from the date of commencement of business), then you need to notify the details of Local Committee (initially called as Local Complaints Committee).

An Employer has to forward the Sexual Harassment complaints received by him, to the Local committee on the following instances:

1. Where the head count is less than 10, and
2. Where the complaint is against the Employer himself, even if your establishment has constituted Internal Committee

As per the Daily Order (as available in portal) the Hon'ble Madras High Court, on 15-02-2024, (WP No.28264 of 2017), observed,

*“The learned Government Advocate has filed a communication dated 15.02.2024 issued by the Commissioner of Social Welfare. It is stated that Local Complaint Committee is functioning under the control of District Officers in all the districts as per the Act and are receiving complaints from the establishment where ICC could not be constituted due to less than 10 workers and if the complaint is against the employer himself. The instructions are also issued to constitute Local Complaint Committee and also ICC in all workplaces where more than 10 employees are on duty.”*

### Disclaimer

The views, opinions and information provided in this Newsletter are in no way to be considered as legal or consultative advice. We do not make any warranties on the information published. (Anandan Subramaniam – Author)

## Have you constituted Internal Committee?



कर्मचारी भविष्य निधि संगठन  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
धर्म एवं रोजगार मंत्रालय, भारत सरकार  
MINISTRY OF LABOUR & EMPLOYMENT, GOVERNMENT OF INDIA  
मुख्य कार्यालय/Head Office  
भविष्य निधि भवन, 14, भिकाजी कामा प्लेस, नई दिल्ली-110066  
Bhavishya Nidhi Bhawan, 14, Bhikaji Cama Place, New Delhi-110066  
Website: [www.epfindia.gov.in](http://www.epfindia.gov.in), [www.epfindia.nic.in](http://www.epfindia.nic.in)



No: **WSU/E-108547**

Date: **30/Jan/2024**

To,

**All ACC (HQ)/ACC (Zones)  
All RPFC-I/RPFC-II/APFC OICs**

**Subject: Implementation of the Digital Joint Request under Para 26 (6) of the EPF Scheme, 1952- reg.**

Madam/Sir,

The Joint Request and Permission under Para 26 (6) of the EPF Scheme, 1952 is a pre-requisite for an employee to contribute on a Pay more than the statutory limit. Accordingly, a format to prefer the Joint Request under Para 26(6) of the EPF Scheme, 1952 has been approved by the CBT in the 234<sup>th</sup> Meeting held on 31/10/2023.

- i. With a view to reduce time and paper consumption, the format as enclosed herewith shall be filed and processed in digital mode for all new cases prospectively.
- ii. All such cases where the employees had already contributed on Pay more than the statutory limit and the employer had also paid administrative charges on such contribution made on Pay more than the statutory limit but had left the employment or died **till 31/10/2023**, it is deemed that such cases had been allowed for contributing on Pay more than the statutory limit so as to avoid hassles for the concerned stakeholders.
- iii. All the existing members who are already contributing on Pay more than the statutory limit and their employers are also paying administrative charges on such contributions made on Pay more than the statutory limit will not be required to file their Joint Requests in the above format immediately.

It is re-iterated that the above measure is only for the cases under Para 26 (6) of EPF Scheme, 1952. The cases of Pension on Higher Wages under the Hon'ble Supreme Court Judgement dated 04.11.2022 are already covered under the earlier Head Office Circular No.Pension/PoHW/23/Circular-26(6)/139610/1648 dated 14.06.2023.

**[This has the approval of the CPFC]**

Yours sincerely,

  
**MSKV Satyanarayana  
ACC (WSU)**

**FORMAT FOR JOINT REQUEST UNDER PARA 26(6) OF THE EPF SCHEME 1952**

For Existing Employee

I .....am an existing member of the EPF Scheme having UAN

..... I have read and understood the provisions of Para 26(6) as well as the definition of 'Pay' under Para 2 of the Scheme. I wish to contribute towards my EPF on actual higher pay exceeding the statutory wage ceiling of Rs 15000/- per month w.e.f. ....and accordingly, submit my option to contribute on my actual higher pay.

**OR**

For a new Employee

I..... having read and understood Para 26(6) and the definitions of 'Pay' and 'excluded employee' as mentioned under Para 2 of EPF Scheme, 1952, hereby declare that I am an 'Excluded Employee' as per Para 2(f)(ii) of the Scheme and is not enrolled as a member to the Scheme as my 'P a y ' / 'PF wage' from the date of joining my establishment .....having PF Code.....has been above the statutory wage ceiling of Rs.15,000/-. Now, I wish to become a member of the EPF Scheme, 1952 w.e.f..... and accordingly hereby exercise my option for the same under Para 26 (6) of the EPF Scheme, 1952.

Undertaking by the Employer

I....., being the employer as per the provisions of Section 2(e) of the EPF & MP Act 1952, in respect of the above-mentioned employee, hereby undertake to pay the administrative charges payable at prescribed rates towards EPF/EPF contribution made by/ in respect of the said employee, including his/ her contribution on Pay more than the statutory limit. I also undertake to comply with all the statutory provisions under EPF & MP Act, 1952 and Schemes framed there under in respect of such employee with effect from.....

Copy of Form-11 submitted by the member at the time of his/ her joining and Salary Slip/ statement in respect of the member for wage month (both duly attested) is enclosed.

Signature of Employer

Name, Designation of the employer

Name & Signature of the employee

# Forklift Safety

## Injuries are Related to

Daydreaming

Distraction

Over Speed

Lack of Training

Poor ~ Very Poor Driving Habits



## Circumstances to Injury

Overloading in the Vehicle

Striking a Pedestrian

Unstable Loads in the Forklift

Obstructions in pathway  
- Travel/Lifting

## Required Competencies of Driver

Skill to know and maintain CLEARANCE.

Maintaining Balance (Vehicle Control)

Skill for smooth Steering / Maneuvering

Managing Visibility during driving/loading

Load Manipulation / Stacking / Unstacking

Managing composition of loads

Right Driving Skills to drive in – (a) Pedestrian Traffic, (b) Restricted Spaces, (c) Hazardous or Classified Material storage areas, (d) Closed Environments, (e) Poorly Ventilated areas (f) Ramps/Slopes, etc.

# If a Forklift Operator is not TRAINED – He/She/They are NOT AUTHORISED to Operate

## When Retraining is required for Forklift Operators

1. Every Three Years
2. There is a Suspicion in Operator's Proficiency
3. Workplace conditions changed
4. Re-modeling / New Attachment / Handling equipment in Forklift
5. Forklift Operator is going to try new type of vehicle
6. Accident or Near-Miss is reported
7. Repeated Unsafe operation is reported

## Best Industry Practice for Safe Forklift Operation (Following are few among the Best)

1. Obey Traffic signs and signals | Mirrors are positioned | Use Horns | Never Exceed Safe Working Speed | Keep Distance from other Forklifts
2. Extra Careful during TIGHT TURNS
3. Do not allow Pedestrian between you and the fixed object
4. Never assume Pedestrians know your position
5. Plan your route
6. Even Regular routes are challenging, during different times
7. Be Highly cautious where the Contractors are working
8. Be Alert during – Loading / Unloading and putting down Load & Stacking/Unstacking
9. Follow Manufacturers (of Forklift) Guidelines



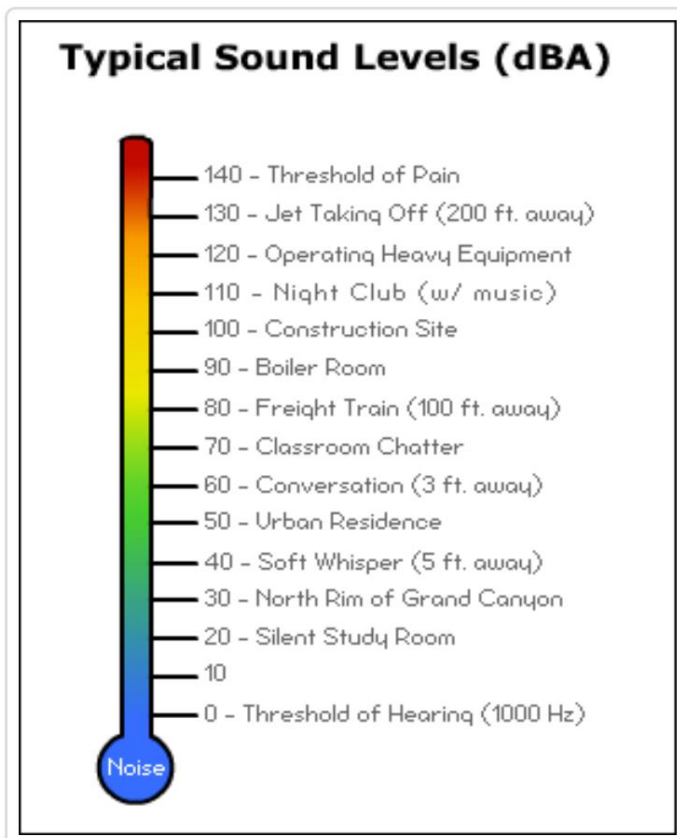




## Workers Safety in Noisy Environment



1. Know your Workplace NOISE Levels
2. Wear Hearing Protection in the Area where it is required – Ear Plug / Ear Muffs (properly)
3. Take precautions, if you or any of your colleagues experience the following:
  - a. Hear ringing or humming in your ears when you leave work.
  - b. Have to shout to be heard by a coworker an arm's length away.
  - c. Experience temporary hearing loss when leaving work.
4. Those who are continuously working in noisy environments shall be subjected to Audiometry test, periodically



It is recommended that all worker exposures to noise should be controlled below a level equivalent to 85 dBA for eight hours to minimize occupational noise induced hearing loss

If the workmen is to be exposed more noise level (for eg. 100dBA), such timings are also restricted for a day. Check with your Safety Team

# When an Employee can be dismissed?

## With Appropriate Reasons and After Domestic Inquiry

(reasons mentioned by the Hon'ble Bombay High Court in Sharda Prasad Onkarprasad Tiwari v. Central Rly)

- HR-V Where an act or conduct of the servant is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master;
- HR-V Where the act or conduct of the servant is inconsistent or incompatible with the due or peaceful discharge of his duty to his master;
- HR-V Where the act or conduct of a servant makes it unsafe for the employer to retain him in service;
- HR-V Where the act or conduct of the servant is so grossly immoral that all reasonable men will say that the employee cannot be trusted;
- HR-V Where the act or conduct of the employee is such that the master cannot rely on the faithfulness of his employee;
- HR-V Where the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly;
- HR-V Where the servant is abusive, or he disturbs the peace at the place of his employment;
- HR-V Where the servant is insulting and insubordination to such a degree as to be incompatible with the continuance of the relation of master and servant;
- HR-V Where the servant is habitually neglect in respect of the duties for which he is engaged; and
- HR-V Where the neglect of the servant though isolated, tends to cause serious consequences