



*"A day without laughter
is a day wasted."*

- Charlie Chaplin

Picture Courtesy: Office 365

**First Sunday
of May Month
is
World
Laughter
Day**

Don't Laugh it off... Celebrate

Health benefits of Laughing Some reasons to Laugh..... (but do not Laugh at someone)

It eases Anxiety.

It relaxes whole body.

**It releases Endorphins
and relieves pain.**



It improves memory.



DISCLAIMER: The views and opinions expressed herein, are in no way to be considered legal or consultative advice. The thoughts merely represent the author's opinion and for information purpose only. It cannot be treated as Legal Advice. Neither the Author nor HR Vidyalaya Corporate Services LLP makes any representation or warranties on the information published.

Mandatory Contents of Simple First Aid Kit

Duly replenish every day

• Antiseptic Liquid	1 Bottle
• Sterilized Cotton wool	1 roll
• Adhesive Plaster 6 cm x 1 m, 2 cm x 1 m	1 & 2 rolls respectively
• Paracetamol tablet	5
• Small dressing Bandage roll	1 roll
• Big dressing bandage roll	1 roll
• Scissors	1
• Snake bite lancet	1 lancet
• Sterilized eye pad	12
• Wash bottle for washing eyes	1
• Tourniquet	1
• Safety pins	2 dozen
• Triangular bandage	6
• Plain wooden splint	6
• Kidney tray	1

Unsafe Acts in a Factory

1. Operating without authority
2. Failure to use safety devices/listen to warning
3. Cleaning, oiling, repairing or adjusting moving machines
4. Careless throwing of materials on the floor
5. Operating at unsafe speeds
6. Using unsafe equipment
7. Removing or disconnecting safety devices
8. Lifting things improperly
9. Taking unsafe positions under suspended loads
10. Using unsafe procedure in loading & unloading
11. Teasing, quarrelling, day dreaming & horseplay

Cost involved due to Industrial Accidents

- ☞ Compensation /Medical aid to the employee
- ☞ Training new worker
- ☞ Lost time due to work stops due to accident
- ☞ Investigation to the accident
- ☞ Supervision & Inspections
- ☞ Involving Government machinery to find out the cause
- ☞ Spoilage of materials
- ☞ Damage to machinery
- ☞ Wages payable during injury
- ☞ Loss of morale
- ☞ Loss to the worker and family

Duties of Employer in case of Separation of International Worker (under EPF Act)

IW from SSA Country who was contributing getting separated?

- ▶▶ If you know the date of separation, you can arrange to get the claim settled on the day of separation or sooner than regular settlement. Within 3 days of start of Separation month of such IW, compute & remit the PF.
- ▶▶ File IW return separately. Apply for, by 6th day of such month – IW can get his withdrawal claim settled on the day of his/her separation.

For IW from a Non-SSA country, the employer can only complete the above formalities and the IW can apply for withdrawal claim, only after attaining 58 years of his/her age.

Identified Gap in the Performance? Why to do RCA?

Identified Reason	Action to be Taken.
It may be a mismatch in Talent & Job	Move to right job/department best suitable for the employee
Provision of poor infrastructure or support provided to execute the job	An appropriate infra/tool (or) support team, is to be made available
No clarity in accountability to job– Roles & Responsibilities	Clear distribution of roles and its responsibilities to be earmarked
Processes / SLA / TAT are vague	Develop metrics & get them trained

Where a Gap is identified, it is suggested to analyze the Root Cause, then immediately determining to Train/Enhance with skill programs. Hence, an analysis and apt changes may be helpful.

(Most of the) Organizations and Employers recognizes any Legal Compliance only when their BUSINESS is restricted, or they are penalized/punished.

They never bother to obey compliances which were simple and minor. They ignore it because there is no direct impact on their Business, or they are subjected to any penalty for the non-compliances.

Organizational Compliances which were given High Priority	Organizational Compliances which were given “some” Priority	Organizational Compliances which were (mostly) simply ignored
<ol style="list-style-type: none"> 1. GST Payment / Returns 2. Income Tax Returns 3. Ministry of Corporate Affairs 4. Reserve Bank of India 	<ol style="list-style-type: none"> 1. PF monthly payments 2. ESI monthly payments 3. Monthly TDS/Quarterly returns 4. Profession Tax (where it is applicable) 5. Gratuity/Maternity (Few) 	<ol style="list-style-type: none"> 1. PF – IW Returns 2. PF – EDLI Returns (where it is applicable) 3. ESI – Half year Returns 4. Gratuity/Maternity (Many) 5. LWF payments and returns 6. Employment Exchange notification / returns

An ESI (Half-Yearly) Return is a (as per sec 26 of ESI Regulations)

1. Legal Document
2. Proof of your Final Payment for the past Half-Year
3. Document, which authenticates that the Employer is responsible and declares that “no more remittances are due for the respective Half-Year”
4. Declaration, if not filed, within due date, you can be served with a notice (alike IT or GST)
5. A statement which quantifies the amount of Benefit which should be made available to any claim by the Insured Person – Sickness, Maternity, etc.
6. It takes 2 minutes of your time and now, the due date is 12th May
7. Be compliant and be delighted.

ESI – Tidbits

Whether Consultants are employees?

Consultants do not work on the premises of the establishment. Their work is carried out in their own places. They are engaged as consultants in the matter of carrying on the business of the respondent just as retaining tax consultants such engagement cannot create employer-employee relationship.

If you are engaging someone in your premises and the NOMENCLATURE is Consultant, he/she/they will be covered. Because there is a nexus of Employee-Employer

Does the Act apply to an Apprentice?

The definition of “employee” as amended in 2010. Even after the amendment the ESI Act **would not apply to** a person engaged as an **apprentice under the Apprentices Act**. But any Apprentice under Standing Orders is covered.

Besides, Any Act Apprentice is not counted for coverage of the establishment under ESI Act.

Is a Managing Partner of a partnership business or a Managing Director of a company an employee within the meaning of Section 2(9) of the Act?

A Managing Partner of a partnership business or a Managing Director of a company cannot be treated as an employee. The same person cannot occupy the position of both employer and employee

Does the Act apply to employees working in the Head Office or Branch Office of factories covered by the Act?

The Act does apply to employees working in the Head Office or the Branch Offices of factories covered by the Act if such employees are doing work connected with the administration of factories.

Is an employee, who was assaulted at the bus stop while he was waiting for the bus to his house, entitled to disablement benefit?

It cannot be stated that the injury sustained by the employee due to assault of some person will come under the purview of employment injury as defined in Section 2(8) of the Act. Unless an employee can establish that the injury was caused or had its origin in the employment, he cannot succeed in a claim based on Section 2(8) read with Section 46(1)(c) of the Act
