

# HRV POST

## WEEKLY NEWSLETTER



*Happy*  
**Raksha  
Bandhan**



## Why industry is apprehensive on Labour Codes?

Once the Code on Wages is going to Implemented, there are possibilities that the “Wages” becomes DYNAMIC, every month.

Even if, only exclusions are enhanced in a specific month, it may have impact on “Wages”, in case the exclusion exceeds 50% of total remuneration

Even if the Basic is fixed at less than 50%, then the Wages is going to be 50%..... So it is fixing ‘Wages’ and not ‘Basic’






So once the Labour Codes are implemented..... Anything and everything is based on one single component called “Wages” and that is neither Gross nor Take home nor Basic

Major worry for the Employers are:

1. PF, if it is considered on Actual Basic
2. Gratuity fund allocation
3. F&F within 2 working days

CTC concept is set to GO....

It is going to be the monthly fixed Remuneration.....

-  Entire HR Policy is set to be re-worked .....
-  Worker separate and Employee separate (where worker is also an Employee.....
-  All individuals in an establishment becomes Employee.....
-  But only some are going to be Workers and as many provisions are application in OSH Code and IR Code are applicable only to Workers.....
-  OSH Code is going to be applicable for Shops and Commercial establishments also.



## THE COIMBATORE PRODUCTIVITY COUNCIL

(Affiliated to National Productivity Council of India)

"Vyshnav Building" (4<sup>th</sup> Floor), 95-A Race Course, Coimbatore - 641 018, Tamilnadu, India

Phone : 0422 - 2215727, Email : cpc@cpccbe.org Website: www.cpcbe.org



**One Day Training Programme on**

### **MASTER CLASS - POSH**

**Interactive Workshop on POSH Awareness & Inquiry**

**COIMBATORE**

**Date**

22.08.2024, Thursday

**Time**

09.00 am to 05.30 pm

**Venue**

Council's Conference Hall

**Faculty**

Mr. S. Anandan  
Corporate Consultant, Chennai

**Fee**

Rs.1500/- + GST 18%

**Take-Away**

- > Train The Trainer Awareness
- > Skill to Conduct a Legal Inquiry
- > Session Material
- > Draft Templates
- > Constituting IC
- > POSH Policy
- > Enquiry Templates
- > Report Templates
- > Certificate

**Who can Attend?**

Presiding Officers,  
Internal Committee Members,  
HR Professionals, Managers,  
Senior Management Personnel,  
POSH Trainers, Advocates

**Subject Acquaintance**

Various Workplace Harassments Definition of Sexual Harassment  
Quid-pro-quo & Hostile Environment  
Sexually Colored Remarks  
Inquiry Proceedings  
Report Writing/Recommendations  
Recent Case Citations Latest Case Studies

**R. RaviKumar**  
Honorary Secretary

**Dr. S. Sudhakar**  
President
















For More Details Please Contact

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# Do you have 'Complied' Payroll Process for your Establishment?

Various Factors which determine a Complied Payroll is discussed in the section

## Challenges

-  **New joinee data**
-  **Change in Salary/Wage Structure (due to various factors)**
-  **Promotion /Increment**
-  **LOP/Absence**
-  **Joining or Separation of Attendance closure**
-  **Employees working in multiple locations (PT and LWF computation)**
-  **Notice period pay / waiver**
-  **Appropriate Attendance before closing attendance**
-  **LOP reversal if any**
-  **Statutory deductions on arrear wages/salary**
-  **Leave approvals before closing attendance**
-  **PF consideration - Identification of Domestic worker / International worker / Computation of working days & LOP**
-  **Tax liability - requests through manual processes of Investment declaration/ Reimbursements**
-  **Statutory amendment in Tax, PF, PT, LWF etc.**
-  **F&F, Notice pay deduction/payment**

**More challenges faced by the Organizations are change in Compliances, poor infrastructure facilities at the remote working places of the**

# CONSTITUTION OF GRIEVANCE REDRESSAL COMMITTEE UNDER ID ACT

## Grievance @ Workplace

### Feedback - An Employee engagement Tool

Ω Feedback approach has replaced traditional models of measuring & managing employee engagement.

Ω It should be taken from the individual & all other stakeholders involved, as well

Ω More complex demands will be met through this approach and address the operation challenges

### Employee referral -Another tool

Only those employees who have strong understanding and commitment to the organisational culture will refer. It shows they recognise and respect the employer

### How

Create a Benchmark on the current available best practices of global employee engagement practices

### What is grievance

- A feeling of Discontent or Discomfort or Dissatisfactor or Distress or Suffering
- A feeling of injustice in connection with Employment Condition which may or may not brought to the notice the Employer

### How it will be

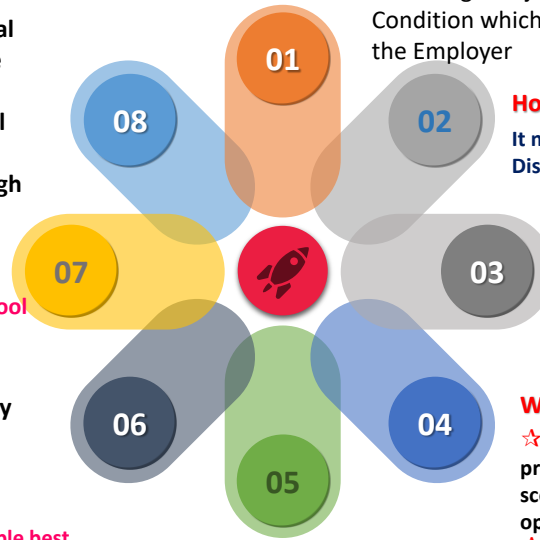
It may Factual, On Assumption (imaginary) or Disguised

### Who

Leadership and Human Resources are responsible for engaging employees to perform for Higher productivity and profitability

### Why

- ☆ It is needed for best performance, better productivity & retention, in this changing scenario, where an employee has multiple options, outside.
- ☆ Employee engagement makes enthusiastic about their job, having strong desire to be part of organization and motivated to go above



### Where

- ✂ On the job (performance enhancing)
- ✂ Over the job (development) and
- ✂ After the job (work life balancing)

## Persuasion and its (probable) change impact on a person

- ☆ In any Organization – A Key skill, that any Supervisor or a Manager need to have or develop is Persuasion
- ☆ One can achieve this by learning how to control and change the attitudes of other people.
- ☆ Then their actions & their behavior will automatically come under your control & most likely to comply with your wishes, agree with your opinions and ideas.
- ☆ There are 3 types of changes one can expect after persuasion

### Cognitive Change

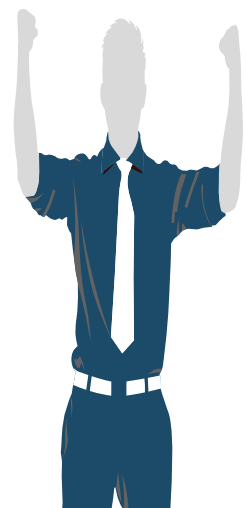
Such a change in attitude takes place when a person receives new information from others or media

### Affective Change

Such a change in a person's attitude takes place through a direct experience with the attitude object

### Behavioral Change

Such a change in attitude takes place when a person is forced to behave in a (expected) way different than normal



'Persuasion' is the process of communication that is intended to induce belief or action and of moving others by argument to a position or a particular course of action either temporarily or permanently.

## Payment of Gratuity - Important TIMELINES for Processing

(This may not change even if the Code on Social Security is going to be implemented)

Action	By whom	Within (days)	Remarks
Notice of Payment of Gratuity	Employer (in Form L)	30 days of occurrence (separation)	1 copy to Employee & 1 copy to Labour authority).
Application for Gratuity	Employee (in Form I)	30 days of gratuity become payable	If date of separation or superannuation is known for the eligible employees, he/she can apply before 30 days
Application for Gratuity	Nominee (in Form J)	30 days of gratuity becomes payable	The Nominees as per the Form "F" submitted to Employer
Application for Gratuity	Legal Heir (in Form K)	1 year of gratuity becomes payable	Certified Legal Heir in case of death of an employee
Application to Controlling authority for Direction	Employee, Nominee, Legal Heir (in Form N)	90 days of gratuity becomes payable	The claimant employee/ legal heir/nominee to apply to Controlling Authority for direction
Direction of Payment of Gratuity	Controlling authority (in Form R)	30 days of upon a finding of entitlement recorded	The Controlling authority will issue the notice to the Employer

👉 The Principles of Natural Justice is derived from the expression "Jus Natural" of the Roman Law

👉 It is laid down by the Hon'ble courts as being the minimum protection of the rights of the individual against the Arbitrary procedure that may be adopted by Judicial, Quasi-Judicial and Administrative authority

👉 Natural Justice recognizes three principles

1. **Nemo Debet Essc judex in Propria Causa** (nobody shall be a Judge in his own cause or a cause which he is interested)
2. **Audi Alterem Partem** (To hear the other side)
3. **Speaking Orders or Reasoned Decisions**

Natural Justice is the essence of fair adjudication, deeply rooted in tradition and conscience, to be ranked as fundamental. The purpose of following the principles of natural justice is the prevention of miscarriage of justice.

### 1. Nemo Debet Essc Judex in Propria Causa

The Principle is more popularly known as the Doctrine of Bias. That the authority sitting in Judgment should be impartial and act without bias. To instill confidence in the system. Types of Bias :

- (1) Pecuniary Bias
- (2) Personal Bias
- (3) Official Bias

**MANDATORY in Domestic Enquiry & PoSH Inquiry**

### 2. Audi Alterem Partem

It is necessary for providing a fair hearing. "He who shall decide anything without the other side having been hear, although he may have said what is right, will not have been what is right" or in other words "Justice should not only be done but should manifestly be seen to be done"

### 3. Issuance of Speaking Orders or Reasoned Decision

It is now universally recognized that giving reasons for a certain decision is one of the fundamentals of good administration and safeguard against arbitrariness