

HRV POST

Weekly Newsletter

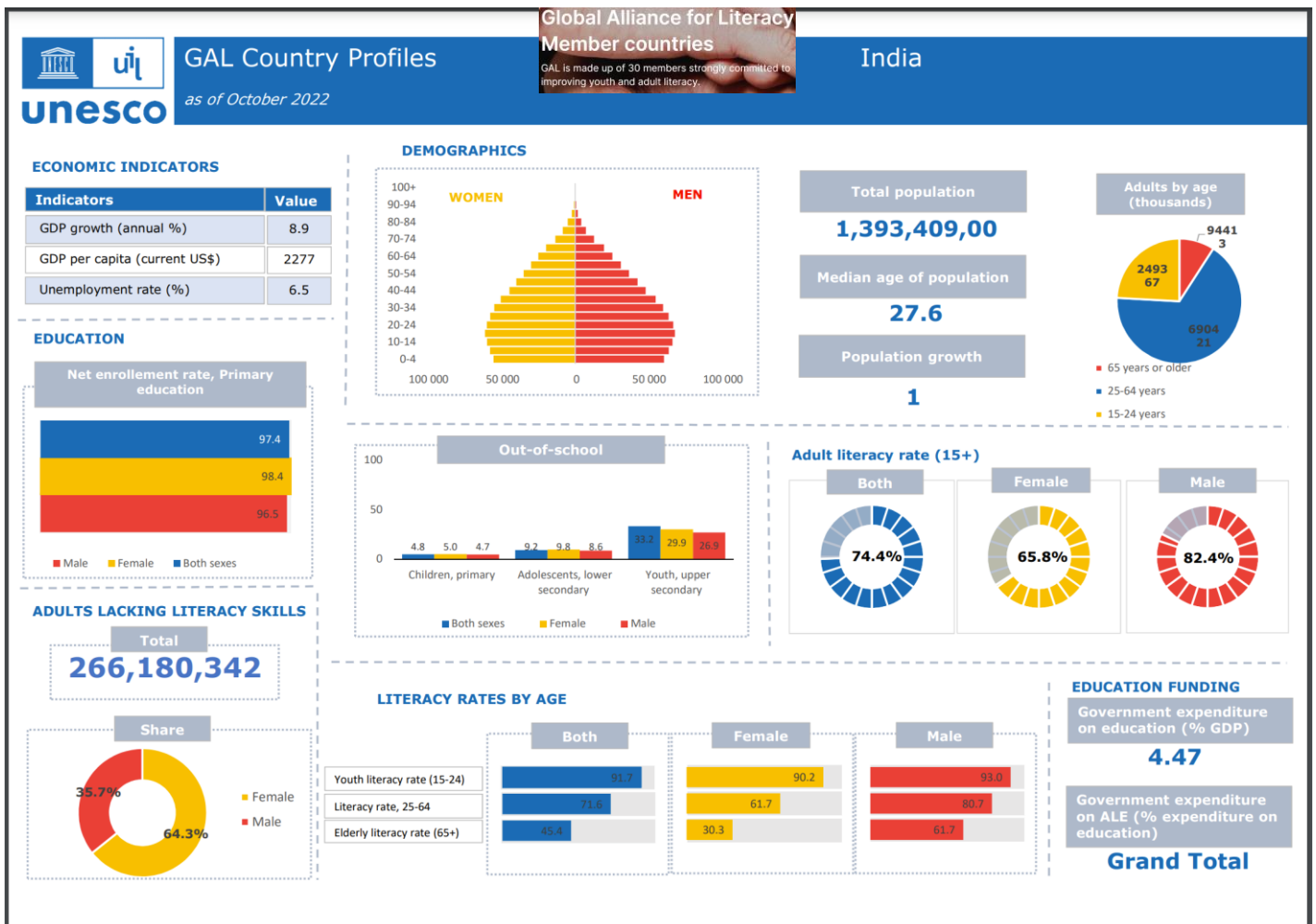
HR Vidyalaya Corporate Services LLP

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September 08, 2024

International Literacy Day

Literacy is a fundamental human right for all. It opens the door to the enjoyment of other human rights, greater freedoms, and global citizenship. Literacy is a foundation for people to acquire broader knowledge, skills, values, attitudes, and behaviours to foster a culture of lasting peace based on respect for equality and non-discrimination, the rule of law, solidarity, justice, diversity, and tolerance and to build harmonious relations with oneself, other people and the planet.....UNESCO



Courtesy: UNESCO

UNESCO report – October 2022, shows Female Literacy rate is diminishing by age....
 Hope it has enhanced by now...
 Even otherwise, let us join to make Literacy Rate is equal amongst All Genders...
 Literacy is one of the Rights to Education....

Snippets in Labour Laws

Planning to invest in National Pension Scheme (NPS)? Private Individual can claim Tax Benefit under 3 sections:

Section 80CCD (1) – within the limit of Rs.1.5 lakhs under Section 80C

80CCD (1b) – Rs.50,000 additional, over & above the limit under Section 80C;

80CCD (2) - employer's contribution (limited to 10% of employee's Basic + DA) – This deduction is available in the New Tax Regime also

In ESI, Insured Persons (IP) can avail treatment facilities (hospitalization) as per the following:

- Admission in to ESI's own Hospitals
- Admission to ESI referral Hospitals for Cashless treatment, where the IP is admitted for
 - Employment injuries,
 - Road traffic accident, or
 - any other Life-threatening emergencies
- Admission to any other hospital due emergency situation for medical or surgical & get reimbursement

Nursing Break for Women delivered child:

Every woman delivered of a child who returns to duty after such delivery shall, in addition to the interval for rest allowed to her, be allowed in the course of her daily work FOUR breaks of the prescribed duration for nursing the child until the child attains the age of fifteen months.

- Any person engaged as a "Individual Contractual Agreement" is covered under Indian Contracts Act
- Any person or persons engaged through a Contractor (Vendor) is covered by CLRA Act
- Directors are not covered under any Labour Laws. But by the Companies Act only.

Section 4(5) of Payment of Gratuity Act: Nothing in this section shall affect the right of an employee to receive better terms of gratuity under any award or agreement or contract with the employer.....But.....

"Section 4(5) of the Payment of Gratuity Act, 1972, will apply only when there are alternative options for employee under the Act and under the terms of contract with the employee. There cannot be "combination" of terms under both the alternatives "

BCH Electric Limited vs Pradeep Mehra on 29 April, 2020- Hon'ble Supreme Court

Deemed Worked days in The Payment of Gratuity Act

If any women employee extends maternity leave more than the specified 12 weeks or 26 weeks, as applicable under the Maternity Benefits Act – 4 weeks for illness related to Pregnancy as certified by the attending Medical Practitioner, such days are not considered for calculation of Payment of Gratuity..... if the employee avails such leave as Earned leave or Sick leave, it shall be considered.

1. Except overtime allowance no other allowance are statutorily mandatory
2. Night Shift Allowance and Hardship Allowance, are sum paid to defray special expenses entailed by the nature of employment
3. Where Washing allowance is considered as an amount does not amount to wages under the ESIC Act, there is no fixed percentage for such allowance but conservatively - authorities will allow it around 5~8 % of the Basic + DA
4. If any company has an agreement with Trade union/s for providing the uniform to the employee, then washing allowance can also be part of compensation structure
5. As per the recent Hon'ble Supreme Court order, Transport/Conveyance allowances are also considered in compensation structure (for ESI)

Paid wages for Festival Holidays: Any employee who has not completed 30 days of service in an establishment is not eligible for Paid Wages Holiday for Festival Holiday..... This is not a case for National Holiday.

For eg. an employee joins on 1st January 2022, is not (mandatorily) to be paid for Wages for Pongal (Festival Holiday).... Whereas the same employee has to be considered for Payment of Wages for Republic Day Holiday (January 26)

PF deducted but not paid by Employer??

What Employee can do?

- Check your Member passbook & ensure that the deducted PF wasn't remitted by Employer
 - Write to Employer to remit immediately | Write to Enforcement Officer
 - Make a compliant furnishing your details to Chief Vigilance Officer @ cvo@epfindia.gov.in | File a Criminal Case in Police Station
 - While making a complaint the Employee (PF Member) shall state the following details, without fail
- △ Name UAN & PF Number Attach Copy of salary slip
- △ Employer's name, address & PF Code registration number

Full-Day Workshop

Social Security Benefits



Saturday, 21st September 2024
09.00 am - 5.30 pm



Madras Management Association
240-Pathari Road, Anna Salai, Chennai-6



Anandan S
HR Vidyalaya CS LLP

Takeaway

- Updated Knowledge
- Physical Certificate
- Session material & Templates

01 - Highly Challenging

EPF & MP Act

All Challenges & its Appropriate Solutions - Budget Incentives

02 - Moderately tough

ESI Act

Benefits, Challenges - Resolves & Clarifications

03 - More Tricky

Payment of Gratuity

Essentials, Definitions, Compliances, Solutions

04 - Tough Enough

Maternity Benefit

Definitions, Challenges, Solutions & Compliances

05 - Highly Sensitive

Payment of Bonus Act

Applicability, Eligibility, Payment, Clarifications and Compliances

06 & 07

Employee Compensation & LWF



Registration
<https://forms.gle/ZRi8BWu6LvriA75N7>



Dear Chennai

Looking an absolute Resolution to your Social Security benefit



1. Challenges
2. Disputes
3. Difficulties
4. Notices
5. Clarifications
6. Conflicts

and
What is new in SS Labour Code?

Don't miss the Workshop...



BONUS



Thought for the week

Of late, many Organizations have commenced specific strategies/initiatives called Diversity & Inclusion. Few revised it as Diversity, Equity, and Inclusion. The right Interpretation is something different and not what is being practiced.

Diversity is not only engaging women.. more than that it is ensuring employment for the following in any workplace:

- Transgender
- Persons from all geographical location
- Persons of any Race (Ethnicity)
- Persons with Spoken Language difficulties
- Persons with Physical Challenges
- Persons with Experience (Veterans)
- Persons with less IQ
- Persons from Religious minority
- Persons of Linguistic minority
- Persons who are qualified but could not be able to reach to you to get job (having infrastructure impediments are do not know how to reach you.....reach out and connect to them),
- And many others.....

Besides, **Equity** is to be practiced in Wages, Promotion, Training, Amenities, Rewards, Recognition, etc.

When Organizations are celebrating where the women employee strength has crossed 30 or more percentage, they just forget the **Inclusiveness**.

In a laymen language it is taking them along with you, in every growth of the Organization.... Allowing them to do/ perform in the areas they wanted to grow, explore their ideas & thoughts while performing. It just not ends with providing the employment.....

Does your establishment practice all Three Initiatives?