

HRV POST

WEEKLY NEWSLETTER



Wishing you a very happy Onam



Photo courtesy: Canva

PF Portal Proces change

News – 1

- 🎵 PF Unified Portal Two Factor Authentication
- 🎵 A new process which was suddenly introduced on 17th August 2024, seems to be withdrawn on 13th September 2024.

Analysis



- HR-V This may be temporary for the employers to facilitate pay August to be paid in September.
- HR-V As ESI also looking to introduce 2FA, PF may re-introduce, again.
- HR-V This gives a breathing time for Employers to make appropriate insertion of RIGHT MOBILE NUMBER in the PF Code Contact.

Is BGV a Statutory requirement?

News – 2

- 🎵 Is Background Verification (BGV) statutorily mandatory for every organization
- 🎵 Is it required to be done before the person joins or after the person joins?

Analysis



- HR-V Background verification is not a statutory requirement, but it is Legal (can be done before or after appointment).
- HR-V It is to protect the interests of the Employer - A specific clause shall be included in the Offer/Appointment letter.... If the information provided are not true or the conduct of the employee is not conducive to the Organizational Atmosphere, the offer becomes Null and Void.

Fresh Faces & Sexual Harasment

News – 3

- 🌟 Having more fresh Campus-out's pose few increased task for the Employer, to an extent, in the area of Sexual Harasment @ workplace.
- 🌟 Though such Campus-out's do move-out of the job, in a very short period, most of the establishments do prefer them over others, for many reasons

Analysis



- HR-V Campus-out's feel that their employers "do dominate" them in the name of many "Policies"
- HR-V The core policy they dislike is "Dress Code Policy", which may or may not, be a significant influence on Sexual Harasment at workplace
- HR-V Being Campus-out, many feel that they should not "still be treated as Students" to come in Time, adhere to policies, etc.
- HR-V They feel reading Policies is a TASK to them
- HR-V Employers were clueless whether the "message" has been received by them to ensure the workplace "Safe" (as prescribed in POSH Policy)

News – 4

The judge's role is to objectively interpret and apply the law, free from any form of gender bias or predisposition. Gender-specific legislation exists to address the unique concerns and challenges faced by particular genders within society. However, this does not imply that the judge is to be influenced or swayed by gender-related factors when administering justice unless specific presumptions are legislated in favour of a particular gender in law. In essence, judicial neutrality is an indispensable cornerstone of the legal system, ensuring that all parties, regardless of gender, are treated fairly and equitably.

Varun Bhatia vs. State and another, New Delhi; Hon'ble Delhi High Court; 28 August 2023

Analysis



- The Delhi High Court, ruled that calling a woman 'gandi aurat' or being rude to her will not attract an offence under section 509 of the Indian Penal Code (IPC)
- The court considered the case and Section 509 of the IPC and ruled that calling a woman 'Gandi Aurat' without contextual words indicating an intent to outrage her modesty does not constitute an offense under Section 509 of IPC. Moreover, insulting or being rude or not behaving in a chivalrous manner is not covered under the definition of outraging a woman's modesty; and set aside the trial court's order

MASTER CLASS PROGRAMS



क.रा.वी.नि.
E. S. I. C.



BONUS

21-SEPT-2024

CHENNAI
MADRAS
MANAGEMENT
ASSOCIATION
ANNA SALAI,
CHENNAI

25-SEPT-2024

COIMBATORE
COIMBATORE
PRODUCTIVITY
COUNCIL,
RACE COURSE
ROAD

28-SEPT-2024

CHENNAI
HOTEL KALYAN GRAND
VANDALUR
KILAMBAKKAM BUS STOP

SOCIAL SECURITY BENEFITS

- PF - All Challenges & its Appropriate Solutions - Budget Incentives
- ESI - Benefits, Challenges & Resolves and clarifications
- Gratuity - Essentials, Definitions, Compliances & Solutions
- Maternity - Challenges & Solutions
- LWF - Benefits & Unpaid Accum.
- Employee Compensation - Solutions
- Payment of Statutory Bonus - Defined
- Templates
- Session Material/Certificate

FACTORY HR COMPLIANCE

- Compliances for 03 types of Factories
- Greenfield/Brownfield
- Comprehensive compliance under impacting Acts
- Regulatory challenges and Resolutions
- Employer Responsibilities
- Checklists / MIS
- Session Material/Certificate



By Anandan S
HR Vidyalaya CS LLP



HRV Speed

Query: PROBATION – is it Mandatory for all types of Employment? Is Notice period different from Confirmed employees? Is leave allowed to Probationers?

Answer:

1. It is suggested that an Employer need to have Probationary period even for Senior Management Employees. It is phase where both employee and employer know each other. It is a period of Adjustment and Adaptation.

Employee understands the Culture and Job. The Employer recognizes the attitude of the person (employee) on job and his/her deliverables.

If there is no Probation period, then separation Management/Senior Management employees by Employer will lead to a financial burden because of the longer notice period.

2. The Notice period during Probationary Period is usually lesser than (can even 7 days or 15 days) the notice period for Confirmed employees. It is easier for both parties to get separated easily and speedily.

Post Probation period, an employee can be,

- a) Confirmed on successful performance on the job.
 - b) Extended for specific period for not meeting the Objective.
 - c) Deemed to be Confirmed on expiry of Probation, whether there is a performance measurement or not.
 - d) Separated, for poor performance.
3. Any Probationer is an on-roll employee. He/She is eligible for all types of leave applicable to Confirmed employees. A Probationer can even avail the pro-rated leave applicable to be him/her for the period they served.

It is wrong in not considering leave entitlement or not allowing leave for Probationers.

DPDP Act - Digital Personal Data Protection Act - An Overview

Data

representation of information, facts, concepts, opinions or instructions in a manner suitable for communication, interpretation or processing by human beings or by automated means;

Digital Personal Data

means personal data in digital form.

Data Principal

is an individual whose personal data (relates) is collected.

Data Fiduciary

means any person who alone or in conjunction with other persons determine the purpose and means of processing of personal data.

Data Processor

means to any person who processes personal data on behalf of the Data Fiduciary.

Rights of Data Principal

encompassing access, correction, and erasure of their personal data once consent is withdrawn. Companies need to establish an effective mechanism to redress all grievances of Data Principals

Consent

that is free, specific, informed, unconditional, and unambiguous, from data principals for data collection. They must also provide a mechanism for individuals to withdraw their consent easily.

Consent Withdrawal

Data Fiduciary may continue to process the personal data until and unless the Data Principal withdraws her consent.

- Every request for Consent must be accompanied by a Notice to the Data Principal, stating the purpose of using the Data
- Appropriate security measures shall be taken to prevent data breaches.
- Data is to be retained for as long as it is required to.
- Penalties may be imposed - upto Rs.250 crores based on the gravity of the offence.

SAMPLE DATA CONSENT NOTICE

Dear (Data Principal)

This Data Processing Consent Notice describes how HR Vidyalaya Corporate Services LLP, collects, process, store the personal data of yours for the purpose mentioned below.

Kindly sign this consent notice to acknowledge that you have read and understood the details below:

Anandan S
Data Protection Officer
HR Vidyalaya Corporate Services LLP
Date:

Data processor	HR Vidyalaya Corporate Services LLP Salamangalam, Pin:601301
Data Fiduciary	Anandan S, DATA Protection Officer HR Vidyalaya Corporate Services LLP
Purpose of Data Processing	PF, ESI Membership and remittances after processing Payroll
Data to be collected	<ol style="list-style-type: none"> 1. AADHAR details (PF and ESI) 2. PAN details (PF) 3. Bank Account Details (PF and ESI) 4. Employees Personal Details (PF and ESI) 5. Employees Family Details (PF and ESI) 6. Personal Mobile number (PF and ESI) 7. Personal Email ID (PF and ESI)
Legality of collecting the Data	<p>It is mandatory for the Employee/Member to share such details to</p> <ol style="list-style-type: none"> 1. become Member and 2. avail Benefits
Recipients of Data	EPFO ESIC
Duration for Data Storage	Until the Employee / Member separates from the Organization
Rights of Data Principals (Employee)	<ul style="list-style-type: none"> - Access your shared data. - Obtain a copy of shared personal data. - Modify inaccuracies in your data. - Request for deletion of your data under certain circumstances. - Restrict to the processing of your data.

To Exercise the Right, please contact	Anandan S, Data Protection Officer service@hrvidyalaya.in
Declaration by Data Fiduciary	<ol style="list-style-type: none"> 1. We, HR Vidyalaya Corporate Services LLP, recognize and value your privacy. We are committed to protecting confidentiality of your personal data. 2. As stated above we will receive, process and store your personal Data. We wish to get your Consent.
Consent	By Signing up below, you consent to Collection, Processing and storage of your Personal Data, as stated in this Consent Notice
Withdrawal of Consent	<ol style="list-style-type: none"> 1. Withdrawal of Consent is your Right and it is easy. You can do the same at any time, provided it is not legally required for processing of your PF and ESIC remittances. 2. Upon your separation from the employment, it is deemed that the Consent is ended and Data will be deleted from our storage.
Process to withdraw	Please write an email stating withdrawal of your consent to: Anandan S, Data Protection Officer service@hrvidyalaya.in You will get an acknowledgement of consent withdrawal within 24 hours of receipt of the same.
How your Personal Data is Protected	<ol style="list-style-type: none"> 1. We have restricted access to our workplace 2. We use genuine IT software and Tools 3. The IT infrastructure has limited and restricted access, given only to authorized persons 4. The Data is stored in the Cloud 5. The Data can be accessed for processing only after multiple authentication
Contact details of Data Fiduciary and Jurisdiction	Anandan S, Data Protection Officer HR Vidyalaya Corporate Services LLP Salamangalam, Pin 601301 Service@hrvidyalaya.in
Consent by Data Principal Name: Employee Code: Date of Consent	
<u>Declaration:</u>	
I,..... (Data Principal), do hereby give my consent after duly acknowledging that I have read and understood this Consent Notice. I agree to the processing of my personal data for the purpose specified.	
Name:	Signature;

Inland Letter for the Month – September 2024 (for Establishment Compliance)

Profession Tax Payment in Tamil Nadu

April to September 2024 – I/2024-25

Due is – September 15, 2024

The Deduction should have happened in August 2024 wage month.

For those who had joined in the month of September and if they fall in respective Slabs of the PT, then the same must be paid separately within 15 days of close of September month.

Other Compliances for September 2024 month

1. PF and ESI due dates – 15th of September
2. PF – IW return (All Establishments to file) – 15th of September - IW-1
3. PF – EDLI return (exempted establishments – 25th September – 7(IF)

Worker Welfare Fund

1. Kerala – 5th of September

Profession Tax – State/Due Date of monthly remittance

1. Andhra Pradesh, Telangana, Madhya Pradesh – 10th of September
2. Assam – 28th of September & Annual Enrolment due on 30th September
3. Gujarat – 15th of September & Annual Enrolment due on 30th September
4. Karnataka – 20th of September
5. Maharashtra, Odisha, Punjab – 30th of September
6. West Bengal – 21st of September
7. Nagaland, Tripura, Sikkim – 30th of September
8. Meghalaya, Mizoram – 28th of September