

# HRV POST

## WEEKLY NEWSLETTER



### Master Class in Factory HR Compliance

#### TAKE-AWAY

- GREEN FIELD/BROWN FIELD/OPERATIONAL FACTORIES
- COMPREHENSIVE COMPLIANCE UNDER FACTORIES ACT / CODE ON OSH &WC
- SUBSIDIARY ACT (LABOUR, EMPLOYMENT, HAZARDOUS)

CHECKLISTS  
SESSION MATERIAL  
CERTIFICATE



By : Anandan Subramaniam

For Registration:  
<https://forms.gle/7ZL2noVzgSuHiWDq6>

HR VIDYALAYA CORPORATE SERVICES LLP

HOTEL KALYAN  
GRAND, VANDALUR

28TH SEPTEMBER 2024  
9 AM TO 5.30 PM

#### TYPES OF FACTORY

ORDINARY  
DANGEROUS  
HAZARDOUS



#### COMPLIANCES

HEALTH  
WELFARE  
SAFETY



#### EMPLOYER RESPONSIBILITIES IN SAFETY

POTENTIAL HAZARDS, HAZARDOUS CHEMICALS  
FIRE, FIRST AID, PPE, VARIOUS COMMUNICATIONS  
THROUGH DISPLAY

#### EMPLOYER RESPONSIBILITIES IN WELFARE

WELFARE OFFICER, CANTEEN (INSIDE KITCHEN,  
FOOD FROM OUTSIDE), SHELTER, REST ROOMS,  
CRECHES

#### EMPLOYER RESPONSIBILITIES IN HEALTH

TEMPERATURE, DUST & FUME, LIGHTING AND  
OVERCROWDING, WASHROOM, DRINKING WATER

### News – 1

**In the Budget 204-25, a new insertion was made stating that any Indian Citizen traveling abroad, need an Income Tax Clearance Certificate (ITCC), before such travel.**

### Analysis

It is now clarified that it is required only for specific Exceptional cases:

- Individuals involved in Major Financial irregularities
- Those who own more than Rs.10 lakhs (unpaid) as Taxes which was not stayed



**News – 2****Haryana – EE(CNV) Act  
compliance****HRV****EMPLOYMENT DEPARTMENT, HARYANA**  
रोजगार विभाग, हरियाणा

Letter No :- EMI/ER-II/2024 / 979

Dated :- 02-09-24

To

MDs / Director / HR Manager/ Principal  
All Industrial Units, Schools , Colleges & Hospitals of District  
Gurugram.**Subject:- Submission of EMI ER-II Returns as on 30 Sept. 2023.**

उपरोक्त विषय के सन्दर्भ में रोजगार महानिदेशक श्रम और रोजगार मंत्रालय, नई दिल्ली के निर्देशानुसार तथा रोजगार निदेशालय, हरियाणा पंचकूला के पत्र क्रमांक EMI/DGE/2024/10294-316 दिनांक 30.08.2024 के आदेशानुसार सभी जिला ईकाईयों को आदेश दिये जाते हैं कि निजी क्षेत्र की सभी संस्थापनाओं को 30.09.2023 की सांख्यिकीय विवरणी ER-I के आधार पर द्विवार्षिक विवरणी ER-II अधिनियम 1960 के निर्धारित प्रोफॉर्मा पर भरकर दिनांक 30.09.2024 तक इस कार्यालय को भेजना सुनिश्चित करें। अपनी संस्थापना की ER-II रिपोर्ट निर्धारित प्रोफॉर्मा पर भरकर इस कार्यालय की ई-मेल आईडी- [dlegurugram@gmail.com](mailto:dlegurugram@gmail.com), By Post तथा By Hand भी भेज सकते हैं।

इससे सम्बन्धित किसी भी प्रकार की सहायता के लिये आप इस कार्यालय के व्यक्तिगत रूप व दूरभाष नं० 0124-2322030 पर किसी भी कार्यदिवस में सम्पर्क कर सकते हैं।

संलग्न- ER-II प्रोफॉर्मा

रीतू हुड्डा  
मण्डल रोजगार अधिकारी  
गुरुग्राम

Divisional Employment Exchange, Gurugram

Office :- Room No. 513-514, 5<sup>th</sup> floor, Mini Secretariat, GurugramEmail - [dlegurugram@gmail.com](mailto:dlegurugram@gmail.com), Phone No. 0124-2322030

**Format of ER-II**  
**State of Haryana – EE(CNV) Act compliance**  
**All Establishments**  
**(with 25 or more persons engaged on-roll)**

**FORM ER-II**

Occupational return to be submitted to the local Employment Exchange once in two years (on a date to be specified by notification in the Official Gazette)

{Vide the Employment Exchanges (Compulsory Notification of Vacancies) Rules, 1960}

Name and address of the employer

Nature of business

(Please describe what the establishment makes or does as its principal activity)

1. Total number of persons on the pay rolls of the establishment on (specified date).....

(This figure should include every person whose wage or salary is paid by the establishment.)

2. Occupational classification of all employees as given in Item I above. (Please give below the number of employees in each occupation separately.)

Occupation Use exact terms such as engineer (Mechanical); teacher ( domestic Science); Officer on Special Duty (Actuary); Assistant Director (Metallurgist); Scientific Assistant( Chemist ) ; Research Officer( Economist); (Carpentry); Supervisor( Tailor); Fitter ( Internal combustion engine) Inspector( Sanitary); Superintendent( Office) Apprentice ( Electrician)	Number of employees			Please give as far as possible approximate number of vacancies in each occupation you are likely to fill Instructor during the next calendar year due to Retirement, expansion or Re-organisation.
	Men	Women	Total	
1	2	3	4	5
.....				
.....				
Total				



**News – 3**  
**(Resolve to your  
challenge)**

**2FA by EPFO Process**



**कर्मचारी भविष्य निधि संगठन**  
**EMPLOYEES' PROVIDENT FUND ORGANISATION**  
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)  
(MINISTRY OF LABOUR & EMPLOYMENT, GOVT. OF INDIA)



**INFORMATION DOCUMENT**

**on**

**THE RECENT CHANGE IN EPFO UNIFIED PORTAL  
ESTABLISHMENT SIGN-IN PROCEDURE**

**INTRODUCTION OF**  
**2-FACTOR AUTHENTICATION FOR**  
**ENHANCED SECURITY**

**EXISTING PROVISION**

Earlier, employers could login directly to EPFO Unified Portal with ID & Password alone, without any additional layer of security

**NEW PROVISION**

Now, *2-Factor Authentication* system has been introduced as an additional layer of security, at par with most other financial transaction portals, which shall cause an OTP to be sent to the establishment's mobile number registered with EPFO

## WHAT TO DO IN CASE THE REGISTERED MOBILE NUMBER IS NOT AVAILABLE/OUT OF SERVICE/LOST?

### PART-I : GENERATION OF REQUEST LETTER

- Go to EPFO Unified Portal Establishment Sign-In (<https://unifiedportal-emp.epfindia.gov.in/epfo/>)
- Click on **Forgot Password**
- Click on **#Generate request letter in case of loss of registered mobile number** and enter the required details
- Submit the details and print the PDF of the request letter generated on the establishment's official letterhead

**REQUEST LETTER FOR GETTING THE ESTABLISHMENT USER ID AND PASSWORD IN CASE OF LOSS OF REGISTERED MOBILE NUMBER**

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Reference Number: C001548 Date: 22-08-2024

To  
The Regional P F Commissioner  
[Redacted]

Sub: Request for intimation of the user id and password for the log in to the EPFO Unified Portal for the establishments in respect of [Redacted] M/s regarding.

Sir/Madam,

This is to inform that I am the Employer/Authorised Signatory of the establishment [Redacted] M/s and my signature is available in your records.

I am not able to login to the portal as I have forgotten the user id and/or password and also:

- I have lost the mobile number registered on the Portal

It is therefore requested to update the mobile number [Redacted] in my establishment profile and also intimate me the user id and password on aforesaid mobile number.

Yours

Seal Signature \_\_\_\_\_  
Name \_\_\_\_\_

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**For Office use**

Signature of Employer/Authorised signatory verified from the records

DA Accounts SS Accounts

Sample Request Letter

## WHAT TO DO IN CASE THE REGISTERED MOBILE NUMBER IS NOT AVAILABLE/OUT OF SERVICE/LOST?

### PART-II : SUBMISSION OF REQUEST LETTER

- Sign the request letter and send the same to EPFO, RO, Your jurisdiction office through either of the three modes – in hard copy or through email to [ro.YOUR\\_RPFC@epfindia.gov.in](mailto:ro.YOUR_RPFC@epfindia.gov.in) Your jurisdiction office \* or post (*\*in case of email, kindly send the same only through the email ID registered with EPFO*)
- EPFO, RO, Your jurisdiction office, shall process the request online, provided the signature on the request letter match with the specimen signature available in EPFO records
- Once the request is approved, you shall receive the ID & password on the new mobile number provided in the request letter
- Continue to login with the OTP received on the new mobile number

## HOW TO CHANGE THE EXISTING NUMBER AFTER LOGGING IN?

- Go to EPFO Unified Portal Establishment Sign-In (<https://unifiedportal-emp.epfindia.gov.in/epfo/>)
- Click on the tab – **Establishment** >>> **Contact Details**
- Click on **Change Mobile Number** and submit the request
- The mobile number shall get updated within maximum 48 working hours

## IN CASE OF ANY OTHER QUERY REGARDING THE PROCESS, YOU MAY:

- Write to [ro.YOUR\\_RPFC@epfindia.gov.in](mailto:ro.YOUR_RPFC@epfindia.gov.in) .... Your jurisdiction office
- Lodge your grievance on <https://epfigms.gov.in>

**HRV Speed****Compliances by Establishments under****The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to a Workmen) Act, 1981 and****The Tamil Nadu Industrial Establishments (Conferment of Permanent Status to a Workmen) Rules, 1981**

1. Please confer permanent status to a workman who is in continuous service for a period of 480 days in a period of 24 calendar months in an industrial establishment.
2. Please maintain a Register of workmen in Form 1 ( no separate register required if such details are maintained in any other labor law register)
3. Please compile an up-to-date list in Form 1 except for column 9 (Signatures of workmen with date) at the end of each year on the 31st of December and exhibit the list at any part of the industrial establishment.
4. Please send an upto date compiled list to the inspector within fortnight from the expiry of the half year ending with December of every year. The employer shall also send particulars for each half year in Form 2 along with particulars in Form 1 and then shall obtain an acknowledgment for furnishing the particulars in Form 1 and 2.
5. Provided that no annual return in Form 2 need be sent by the employer of an industrial establishment, if a combined annual return in Form No.22 as required in sub-rule (2) of rule 100 of the Tamil Nadu Factories Rules, 1950 is furnished
6. Please maintain Registers, Forms and Statements in Tamil or in English.
7. This is mandatory for all establishments, but Nothing contained in this Act shall apply to workmen employed in an industrial establishment engaged in the construction of buildings, bridges, roads, canals, dams or other construction work whether structural, mechanical or electrical.

## HRV Speed

### Whether “Washing Allowance” paid to employees will attract ESI (under ESI Act) and PF (Under EPF & MP Act)?

1. Whether Washing Allowance will attract definition under Wages under ESI Act?

**Refer section 2(22) (c) of the Act**

As per the definition, “it is a sum paid to defray special expenses entailed by the nature of employment and as such **this amount does not amount to wages**” (issued by ESIC, in lieu of old instructions issued vide Memo No.INS III/2/1/65 dt.8.2.1967)

An employee who is on uniformed service, performing his/her duty can avail such exemption. The quantum should be “nominal” to his/her gross wages.

2. Whether Washing Allowance will attract definition under Wages under PF Act?

**Reference 1:** Surya Roshni Ltd. vs. Employee Provident Fund and others, Madhya Pradesh High Court

Issue	Judgment
<p>Whether Transport allowance, HRA, Attendance incentive, Special allowance, Canteen allowance and Lunch allowance paid by the employer is covered under “basic wages” for the purpose of calculating provident fund contribution? <b>The authority conceded that Washing allowance was not liable to PF</b></p>	<p>These allowances are universally necessarily and ordinarily paid to the employees across the board and hence form part of basic wage.</p> <p><b>Only where the payment is specially paid to those who avail of the opportunity is not the basic wages.</b></p>



## HRV Speed

**Query:** Half yearly for Payment of Profession Tax in the State of Tamilnadu is April to September (1<sup>st</sup> Half) and October to next year March (2<sup>nd</sup> Half).

In such case how can we determine wages for September (current and new joinees) before September 15 and even before Payment of Wages for the month of September, how can we pay Profession Tax by or before September 15<sup>th</sup>?

**Answer:** The due date fixed for the 1<sup>st</sup> Half year is 15<sup>th</sup> September 2024. Employers need to assume earned wages in the August month itself and consider deduction for the half year and make PT remittance by September 15.

For those who joined in the month of September, consider appropriate slab and deduct PT in the month of September and pay by or before 15<sup>th</sup> of September.

***“A Woman Employee who is on Sabbatical Leave (on the rolls of the company but was ABSENT for duty for a long period), is ELIGIBLE for Maternity Leave or not?”***

- No woman shall be entitled to maternity benefit unless she has actually worked in an establishment of the employer from whom she claims maternity benefit, for a period of not less than eighty days in the twelve months immediately preceding the date of her expected delivery (section 5(2) of the Act)
- With the above definition, it is clear that the woman employee was not performing her duties for 80 days in the past 12 months and she is on a leave which was as per the Indian Legislation.
- Further she is not on leave with wages.
- Hence, as per the provisions of the Act, the employer is not obliged to pay Maternity Benefit to such woman employee, who has reported confinement but was not performing her duties (though she is still on the rolls of the company).



# 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@cpcbe.org Website: www.cpcbe.org



## A Full Day Master Class on Social Security Benefits

**Date:** 25-09-2024 **Time:** 09.30 am ~ 5.30 pm

**Venue:** Council's Conference Hall

**FEE**  
RS.1,500/- PLUS 18% GST

**Faculty**  
**Mr. S Anandan**  
Corporate Consultant, Chennai



- EPF | EPS | EDLI Challenges - Joint Declaration, UAN, KYC, NPS, All Claims, EPS challenges, etc.
- Definitions - applicability, wages, coverage, exclusion exemption | International Workers
- Budget 2024 - THREE Incentive Schemes - Defined | What is new in Social Security Code?
- Principal Employer | Contractor compliances



क.रा.बी.नि.  
E. S. I. C.

- Definitions - applicability, wages, coverage, exemption
- Various Benefits available to Insured Persons | Family | Contractors
- Current Challenges & Apt Solutions | What is new in Social Security Code?

### The Maternity Benefit Act

- Coverage, Eligibility, Adoption, Payments, Medical Bonus, Miscarriage, MTP, etc.
- Little known provisions of MB Act | Current Challenges & Apt Solutions
- What is new in Social Security Code?

### The Payment of Gratuity

- When it is payable? How it is paid? Can Gratuity be deducted from Employee's Wages?
- Duties of Employers | 03 Types of Gratuity Savings
- Current Challenges & Appropriate Solutions | What is new in SS Code?

### Employee Compensation Act

- To whom it is Applicable? Is it mandatory? | Employers obligations, comparison with ESI
- Current Challenges & Apt Solutions | What is new in Social Security Code?

### LWF Act

- To whom it is Applicable? Is it mandatory? | Employers obligations
- Benefits available to Employees / Dependents | Unpaid Accumulation

### Payment of Bonus Act

- Applicability, Eligibility, Payments | Monthly Bonus and compliance
- Comparison with other Incentives | Recent amendments and challenges
- What is new in Code on Wages

**We Heal Challenges with Knowledge & Right Processes**

R.Ravikumar  
Hony.Secretary

Dr.S.Sudhakar  
President

For More Details Please Contact

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