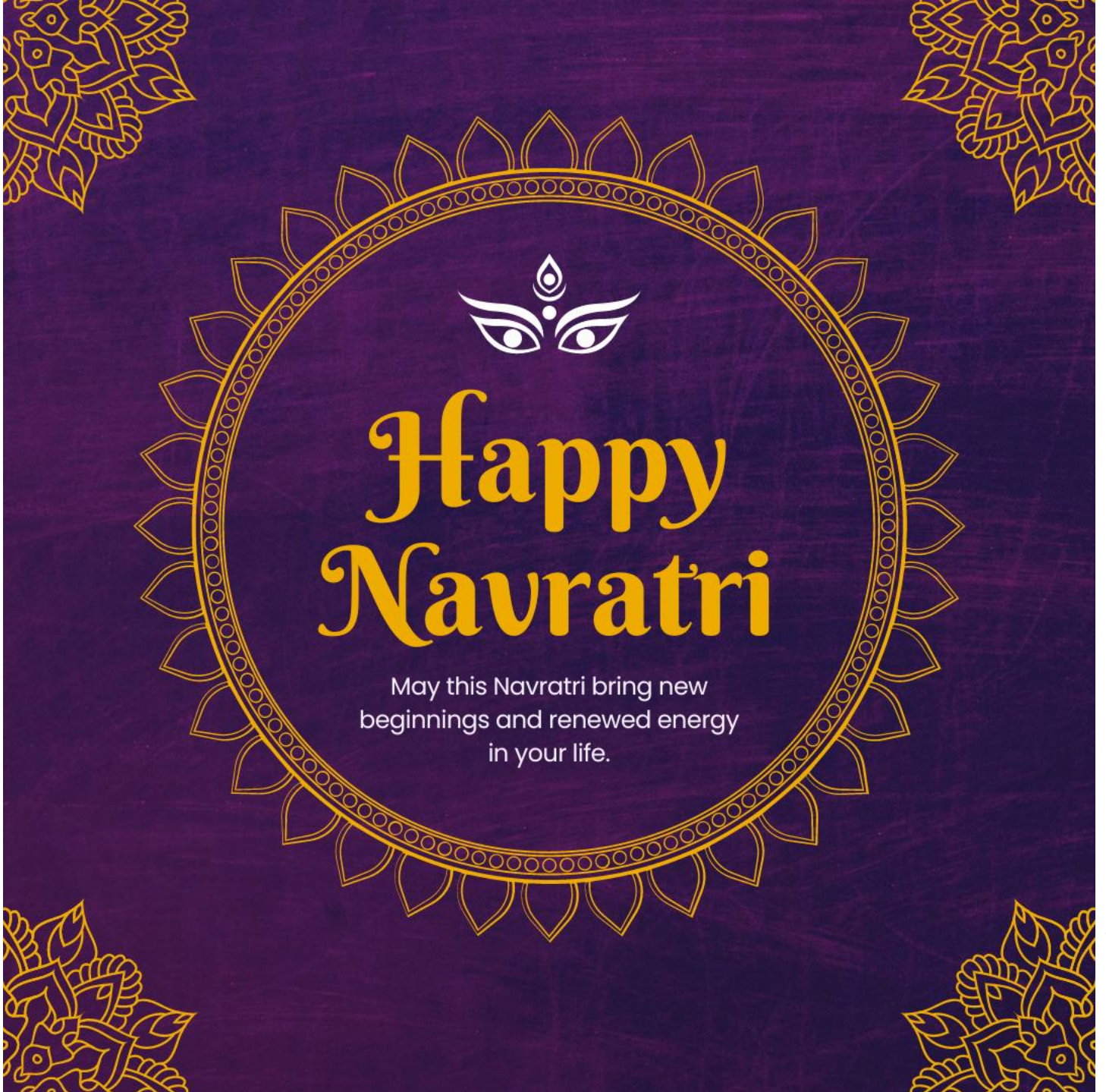


# HRV POST

## WEEKLY NEWSLETTER



## Discharge Simpliciter ..... a new type of Termination practised by the Employers

### What is Termination?

1. Either of the parties (Employee or Employer) to the contract employment (Offer/Appointment letter) ordinarily have the rights to terminate the contract. An agreed notice is to be served on the other party, if they wish, at any time.
2. Due to Misconduct/other similar reasons, if termination is made, then it is called **Stigmatic termination**. Its done after Domestic enquiry, based on Principles of Natural Justice.

### What is Discharge Simpliciter?

1. A Termination under the terms of the contract, without any Reason or without any single doubt on the ability, attitude, competency or integrity of the employee is called as Discharge Simpliciter. It is taken, not under any pecuniary effects.
2. Employer seeks to snap the relationship of employer and employee, but without any intention to penalise the employee.

### Example of Discharge Simpliciter

1. An employee, on probation, may not be found to be suitable and may not earn sufficient merit so as to be confirmed in service. Consequently, his probation may be terminated and an order of discharge simpliciter can be passed against him.
2. There may also be cases where an employee may become surplus and would no longer be required by the employer
3. And any other non-punitive discharge is called Discharge Simpliciter

### Letter format, can be....

Dear.....







Your services are no longer required by us. Therefore your services will stand terminated as per the terms of clause.... of Standing order / Offer Letter/ Appointment Letter, with effect from ..... (date). Your F& F will be processed soon and your account will be settled to your bank account directly.

Thanking you,

# PF

It is just not Deducting 12% from employee and 13% from employer

## One must look for

-  Act Apprentices not to be covered
-  First timers earning Basic wages more than PF ceiling are not mandatorily to be covered
-  Employer gets incentive while employing Benchmark disabled persons
-  One who is having more than Indian Passport are categorized into, as many types for coverage
-  Pension contribution is limited to Age of the employee where PF contribution is not
-  Timely remittance has more benefits for the Organization, etc.....

## Different types of Persons (engaged with the establishment) as defined under Code on Social Security:

1. Building worker (Sec 2(7))
2. Contract Labour (Sec 2(19))
3. Employee (Sec 2(26))
4. Gig Worker (Sec 2(35))
5. Home based worker (Sec 2(36))
6. Inter State Migrant Worker (Sec 2(41))
7. Platform Worker (Sec 2(61))
8. Sales Promotion employees (Sec 2(71))
9. Seamen (Sec 2(73))
10. Self Employed Worker (Sec 2(75))
11. Unorganised Worker (Sec 2(86))
12. Wage Worker (Sec 2(90))

There is one another Worker defined under the Code on Occupational Safety, Health and Working Condition, who is called as "Audio Visual Worker" (Section 2(f)), which was omitted in Code on Social Security..... but such industry definition was included.