

HRV POST

WEEKLY NEWSLETTER

When an Employee can be dismissed?

(reasons mentioned by the Bombay High Court in Sharda Prasad Onkarprasad Tiwari v. Central Rly)

- Where an act or conduct of the servant is prejudicial or likely to be prejudicial to the interests of the master or to the reputation of the master;
- Where the act or conduct of the servant is inconsistent or incompatible with the due or peaceful discharge of his duty to his master;
- Where the act or conduct of a servant makes it unsafe for the employer to retain him in service;
- Where the act or conduct of the servant is so grossly immoral that all reasonable men will say that the employee cannot be trusted;
- Where the act or conduct of the employee is such that the master cannot rely on the faithfulness of his employee;
- Where the act or conduct of the employee is such as to open before him temptations for not discharging his duties properly;
- Where the servant is abusive, or he disturbs the peace at the place of his employment;
- Where the servant is insulting and insubordination to such a degree as to be incompatible with the continuance of the relation of master and servant;
- Where the servant is habitually neglect in respect of the duties for which he is engaged; and
- Where the neglect of the servant though isolated, tends to cause serious consequences.

ALERT - Get Ready employers.....

1. EPFO may notify Employee Incentive Scheme as announced in the Budget 2024, mostly in the coming week. It may be effective from December 1, 2024 (may be with effective date of April 1, 2024)
2. In the coming months or in the Budget in February 2025 the EPF Ceiling Wages **maybe** enhanced to a minimum of Rs.21,000 from current Rs.15,000, get ready to touch up the CTC.

In this week, in the following pages...

1. Spittoon
2. Course of Employment Defined
- 3.. LWF Death Benefits in States
4. PF - e-nomination process

Where Compliance of Spittoon is part of Factories Act, it was consciously omitted in OSH Code

Many, use to RIDICULE, a specific provision in the Factories Act, 1948. Though many amendments happened in the Act, this provision was not amended or omitted. Hope (from 2020 April) everyone realises the importance of having such provision in the Act and State specific Rules for the Occupier to comply with. It is Section 20 of the Act - SPITTOONS

1. In every factory there shall be provided a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.
2. The State Government may make rules prescribing the type and the number of spittoons to be provided and their location in any factory & provide for such further matters relating to their maintenance in a clean & hygienic condition.
3. No person shall spit within the premises of a factory except in the spittoons provided for the purpose and a notice containing this provision & the penalty for its violation shall be prominently displayed at suitable places in the premises
4. Whoever contravenes shall be punished with a penal charges

Types of Spittoons: The spittoons shall be of either of the following types:—

1. A galvanized iron container with a conical funnels-shaped cover. A layer of suitable disinfectant liquid shall always be maintained in the container, or
2. a container filled with dry, clean sand & covered with a layer of bleaching powder, or
3. any other type approved by the Chief Inspector

Cleaning of Spittoons: The spittoons shall be emptied, cleaned & disinfected at least once every day and the spittoon mentioned in clause (b) shall be cleaned by scrapping out the top layer of spittoon as often as necessary or at least once every day

Spittoons shall not be situated near (within 6 metres of) Drinking Water dispensers

Knowledge Update : Course of Employment - Defined**Source : Judgment by Hon'ble Bombay High Court (1954)****Highlights : difference between**

the accident arose in the course of his employment
and
the accident did arise out of the employment

An Employee who is on duty in the Railway Station.... Stabbed to Death in the Railway Station and died... No personal motive for the murder....

Commissioner for Workmen's Compensation held that the accident did not arise out of the employment and therefore dismissed the claim made by the applicant.

“ if the employee in the course of his employment has to be in a particular place and by reason of his being in that particular place he has to face a peril and the accident is caused by reason of that peril which he has to face, :then a causal connection is established between the accident and the employment. It is now well settled that the fact that the employee shares that peril with other members of the public is an Irrelevant consideration.

It is true that the peril which he faces must not be something personal to him; the peril must be incidental to his employment. It is also clear that he must not by his own act add to the peril or extend the peril. But if the peril which he faces has nothing to do with his own action or his own conduct, but it is a peril which would have! been faced by any other employee or any other member of the public, then if the accident arises out of such peril, a causal connection is established between the employment and the accident

In this particular case what is established is that the employee while in the course of his employment found himself in a spot where he was assaulted and stabbed to death.

Hon'ble High court set aside the Order of Welfare Commissioner and pass an order directing to pay the claim to the applicant (deceased persons wife)

Update : Death Benefits available to Workers/Employees
Legislation : Benefits under Labour Welfare Fund of various States
 In few States, the Benefit is available with Condition. Except in few States, in most of the States the application is to be submitted **physically**.

State	Funeral Expenses	Death Benefit
Tamilnadu (eligibility Basic+ DA shall be less than Rs.25,000/month)	Rs.5,000/-	Rs.25,000/- (normal death) Rs.1 lakh (death due to accident)
Karnataka	Rs.5,000/-	Nil
Andhra Pradesh	Rs.10,000/-	Rs.20,000/- (normal death) Rs.3 lakhs (death due to accident)
Delhi	Nil	Nil
Telangana	Rs.5,000	Rs.10,000 (normal death) Rs.30,000 (death due to accident)
Madhya Pradesh	Rs.3500 or more	Nil
Maharashtra	Nil	Rs.1 Lakh in case of the Employee commits SUICIDE due to Economic conditions, etc. (not personal problems) with few more conditions...
Gujarat	Nil	Nil
Chandigarh	Rs.5,000	50,000
Goa	Nil	Nil
Kerala WWF - S&E	Rs.1000 (for those who contributed 3 years)	Death due to accident or illness... Rs.5000 (for first 3 years and 1000 after each year to the max 20,000)
Kerala LWF-Factory	Rs.2000	Rs.5000 (normal death) Rs.25000 (death due to accident)
Chhattisgarh	Nil	Nil
Odisha	Nil	Nil
Punjab	Rs.20,000	1,50,000 (normal death) 2,00,000 (death due to accident)
Haryana	Rs.15,000	2,00,000 (normal death)
West Bengal	Nil	Nil

Few States are offering Pension also, to the dependents.

So, in case of unfortunate demise of a covered employee (under PF, LWF & ESI), the financial security of the family is ensured. This apart from Gratuity, F&F.

EDLI – 2.5 to 7 lakhs

ESI – 15k as Funeral Benefit (for Insured Persons)

Disclaimer: Above is collated from various State Govt. Labour websites... (verified by us) which is just for Info. Reach out to the respective Labour department office for validated information on the benefits available and conditions, if any.

EMPLOYEES' PROVIDENT FUND ORGANISATION

(श्रम मंत्रालय, भारत सरकार)/(Ministry of Labour & Employment, Govt. of India)

क्षेत्रीय कार्यालय / REGIONAL OFFICE: TAMBARAM, 3, राजाजी सालै, चेन्नै- 600045 / 3, Rajaji Salai, CHENNAI-600045
PHONE: 2226 1925 / 2297 / 4397/4398 / 4376. e-mail: ro.tambaram@epfindia.gov.in

How to file e-Nomination through Online

On becoming a member of EPF/EPS, it is mandatory for the members to nominate their nominees conferring the right to receive the PF amount that stands to their credit and the Pension benefits in the event of death. In order to facilitate the filing of nomination instead of submission of Form 2 (physical) the members can file their nomination through online for which EPFO has launched one more e-initiative i.e., **Aadhaar based e- nomination.**

The steps to be followed by the EPF/EPS members to furnish their nominees details through online:

Kindly use Desktop version of Mozilla Firefox 58.0+ browser for using this facility.

1. Member's mobile number should be linked with his Aadhaar.
2. Log on to EPFO's website, <https://unifiedportal-mem.epfindia.gov.in/memberinterface/> and enter your UAN (Universal Account Number) and password to login.
3. Click on "View" tab and then click on "Profile" option to upload your profile photo (less than 100 kb) in jpg/jpeg format and update the required details including permanent/current address.
4. Then go to click on "Manage" tab and then click on "E-nomination" option.
5. Details like UAN, Name, Date of birth, Gender, Father's/Husband's Name, Marital Status, Permanent/ Current Address, Date of Joining in EPF and Date of Joining in EPS appear on the screen. On verification of the said details, click "Proceed" option.
6. Now, click on "yes" to update family declaration. Members can nominate more than one nominee and also distribute the amount in (%) percentage that may stand to his credit in the Fund amongst his/ her nominees at his/her own discretion.
7. Go to "add family details" and add the details of people you want to nominate. You need to enter the Aadhaar Number, Name & date of birth as per Aadhaar, Relationship, Address of the nominee, Bank account details and upload the photo (less than 100 kb) of the nominee, then click "Save family details." If the nominee is a minor, please furnish the details of the Guardian i.e., name of the guardian, relationship and address. You can also add more than one nominee by clicking on "Add Row".
8. Go to "nomination details" and declare the total amount of share in percentage (%) among your nominees. In case, you would like to nominate only one person as your nominee then you can declare 100% as share.
9. Click on "save EPF nomination" box.
10. Now, click on e-sign button and enter your Virtual id number (VID) of Aadhaar to generate OTP, which will be sent to the registered mobile number, which is linked to your Aadhaar card.
11. The Aadhaar e-sign facility helps in approving the e-nomination form. Enter the OTP (one-time password).
12. After this the e-nomination gets registered with the EPFO. A readily available nomination in the system enables to easily file the Pension Claim and in the event of the demise to the member his/her nominee will be able to file online claim based on the OTP on his/her Aadhaar Linked Mobile. One doesn't need to apply any physical document to the employer or ex-employer after the online nomination is done.

Please remember that the following banks are designated for disbursing EPS pension in Tamilnadu:

State Bank of India, Indian Overseas Bank, Indian Bank, HDFC Bank, ICICI Bank & Axis Bank.

Eligible Nominees in EPF/EDLI & EPS

Nominees are very important in all Savings & Insurance Schemes. In EPFO also, nominees are very important to get their share of PF accumulations/EDLI and the Pension benefits in case of any calamity i.e., after the death of Member.

There are two types of Nominees for EPF/EDLI and Pension Schemes based on member's marital status.

If the member is a Bachelor or Spinster "having Family" :

GENDER	EPF / EDLI SCHEME	EPS SCHEME
MALE or FEMALE	Dependent Parents (or) Any one of the family members (Nomination can be made for one or more persons belonging to his family duly mentioning the Percentage of Share)	Dependent Parents (or) Any one of the family members

If the member is a Bachelor or Spinster and "no Family" :

GENDER	EPF / EDLI SCHEME	EPS SCHEME
MALE or FEMALE	Any person or persons (Nomination can be made for one or more persons duly mentioning the Percentage of Share)	Any person

If the member is a Married Person:

GENDER	EPF / EDLI SCHEME	EPS SCHEME
MALE	-his Wife -his Children (whether married or unmarried) -his dependent parents -his deceased son's widow and children	His Wife, sons and daughters (including legally adopted children)
FEMALE	-her Husband -her children (whether married or unmarried) -her dependent parents -her deceased son's widow and children	Her Husband, sons and daughters (including legally adopted children)
	(Nomination can be made for one or more persons belonging to his family duly mentioning the Percentage of Share)	

- If a member has a family at the time of making a Nomination, the nomination shall be in favour of one or more persons belonging to his family for EPF/EDLI Schemes and any nomination made by such member in favour of a person not belonging to his family shall be **invalid**.
- A fresh nomination shall be made by the member on his marriage and any nomination made before such marriage shall be deemed to be **invalid**.
- At the time of making a nomination, if the member has no family, the nomination may be in favour of any person or persons but if the member subsequently acquires a family, such nomination shall forthwith be deemed to be **INVALID** and the member shall make a fresh nomination.

"Members may nominate their nominees any number of times through e-Nomination in member portal and the latest nomination only will be valid"

For latest initiatives & updates connect with us on our social media platforms:

 <https://www.facebook.com/EPFOTambaram> &  <https://twitter.com/epfotambaram>

Launching Soon,

A Digitized and Confidential Complaint Tool for aggrieved woman to make a Sexual Harassment Complaint.

Employer can install the Tool in the Company Intranet or in a Exclusive System in the workplace for aggrieved woman to make a confidential complaint.

First step in ensuring Smooth and Respectful Workplace....

Reach us @ saro@hrvidyalaya.in



Sexually Harassed
Aggrieved Woman's
Redressal
Outlet

POSH - A Confidential & Digitized Complaint Tool

HR Vidyalaya Corporate Services LLP

63833-80112

saro@hrvidyalaya.in