

# THE COMPLIANCE WATCH

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SEP 2023

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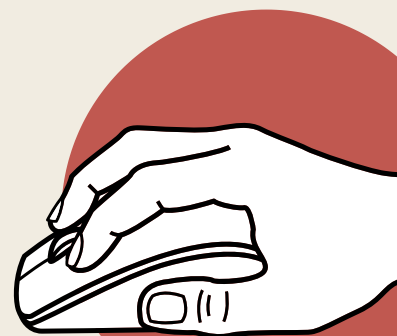
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## POV

On August 28, 2023, the Supreme Court upheld the earlier judgment of the Punjab & Haryana High Court in response to a petition filed with the Supreme Court by the Assistant Provident Fund Commissioner (APFC) challenging the earlier judgment of the Division Bench of the Punjab & Haryana High Court regarding minimum wages to be considered at least for the "Basic Wages" definition for EPF contribution. The Supreme Court has clarified that the minimum wages specified in Sec. 4 of the Minimum Wages Act, 1948 need not be equated with the "Basic Wages" prescribed under Sec. 2(b) of the EPF Act.

According to the observation by the Petitioner (APFC)'s in his petition, the Employer (Respondent) had incorrectly split the minimum wages and reduced the basic wages to evade maximum PF contribution. Therefore, the Petitioner (APFC) had claimed that the basic wages for the purpose of PF contribution should be at least at par with the minimum wages prescribed in Sec. 4 of the Minimum Wages Act. However, the Punjab & Haryana High Court ruled that the Basic Wages defined under Sec 2(b) of the EPF Act do not correlate with Sec. 4 of the Minimum Wages Act. The Supreme Court upheld the Punjab & Haryana High Court judgment and ascertained the same clarification in this regard.

According to the Supreme Court judgment on 28th Feb 2019 (EPFO vs. various Employers), various allowances that are being provided monthly as fixed wages and extended to employees without any conditions shall be part of "Basic Wages" for computing PF Contribution. Therefore, PF contribution shall be applicable on all such allowances that are being paid to the employees on monthly fixed gross wages (except HRA) irrespective of whether the basic wages are as per the state minimum wages. The Haryana State Government issued the minimum wages notification in November 2015 stating that 'the basic and DA payable to an employee should be at least as per the minimum wages prescribed by the State Government'. In this regard, The Punjab & Haryana High Court has qualified the Haryana State Government's minimum wage notification. However, the Faridabad Employer Association challenged the High Court order in the Supreme Court. Furthermore, the Supreme Court issued the judgment on 27 April 2019, stating that, if the Employer pays minimum wages as gross, there is no illegality (considering an earlier Supreme Court Judgment on the same matter Karnataka State vs. Airfreight (SC 1999)).

Given the preceding Supreme Court judgments, there may be an ambiguity regarding the retention of salary structure and the social security contribution under EPF. The PF contribution shall be levied on all fixed monthly gross allowances (except HRA) up to a maximum of ₹15,000 per month. However, there is no impact for those employees whose PF contribution is already on wages of ₹15,000 and above. It is highly advisable to keep the basic wages at par with the state minimum wages as the Payment of Bonus Act Section 12 specifically states that, statutory bonus is to be calculated on the State minimum wage or ₹7,000 (whichever is higher) for all eligible employees.

Shaiju Mathew  
Chief Operating Officer

# Redefining Hiring In 2023: Need For Rethinking Hiring Models In India

In 2023, the landscape of the hiring sector in India has transformed into a complex network of digital platforms, advanced analytics, and intelligent algorithms. Traditional hiring models are proving insufficient in meeting the dynamic demands of the evolving job market.

## DUAL CHALLENGE

The challenge that India faces is two-fold. On one hand, we grapple with the vast and diverse talent pool seeking rewarding employment, while on the other, we struggle with the evolving requirements of businesses looking for personnel that fit their specific needs. To bridge this gap, our hiring practices must be reassessed, redefined, and realigned.

## EMBRACING PROACTIVE HIRING MODELS

The traditional hiring model is primarily reactive- a company announces a vacancy, and hiring agencies or internal HR departments sift through resumes, shortlist candidates, and conduct interviews. This model worked in a job market where opportunities were scarce and the candidates abundant. However, in the present scenario, where companies are in a relentless race for the best talent, this approach is increasingly inadequate.



## LEVERAGING DATA AND TECHNOLOGY

The time has come to introduce proactive hiring models, which leverage data and technology to identify potential candidates before a vacancy arises. Businesses need to adopt strategies such as talent mapping and pipelining to prepare for future needs. Hiring managers must learn to use advanced analytics to understand talent trends, skills in demand, and candidate preferences. Predictive analytics can help companies anticipate and prepare for future talent needs.

## CREATING A POSITIVE CANDIDATE EXPERIENCE

An additional element to reconsider is the candidate's experience. Today's candidates value transparency, engagement, and the potential for personal growth. Therefore, businesses need to design hiring processes that reflect these values. Hiring managers must use communication tools and digital platforms effectively to maintain candidate engagement and provide clarity about the job role and the company's culture.

## HARNESSING THE POWER OF SOCIAL MEDIA

The power of social media in hiring is another factor that cannot be ignored. Social media has proven to be a valuable tool for understanding candidate behavior, assessing cultural fit, and promoting job vacancies. Companies need to tap into this resource more effectively, moving beyond LinkedIn to platforms such as Facebook, Twitter, and Instagram. By using these platforms strategically, companies can attract a broader range of candidates and engage them in meaningful ways.

## EMBRACING REMOTE WORK OPPORTUNITIES

Moreover, the rise of remote work in the post-pandemic world has made geographical boundaries irrelevant. This shift allows companies to source talent from across the country or even globally. Thus, businesses need to remodel their hiring practices to facilitate remote hiring and onboarding, providing the necessary support and resources for remote workers.

## RETHINKING SELECTION PROCESSES

Hiring managers must also rethink their selection processes. While qualifications and experience remain important, it is increasingly crucial to assess cultural fit and soft skills such as creativity, adaptability, and problem-solving. Companies need to invest in assessment tools that can effectively evaluate these aspects of a candidate.

## LEVERAGING HR TECHNOLOGY

The HR technology market in India is expanding rapidly, offering a plethora of tools and platforms that can assist in implementing these changes. From applicant tracking systems and AI-based screening tools to platforms for video interviews and skill assessments, technology can significantly streamline and enhance hiring processes.

Source : IndiaToday

## Contribution Of Technology In Transforming Labour Law Compliance Landscape In India

What images are evoked in one's mind when there is mention of labour laws and compliances: books, papers, different coloured forms in bi-lingual formats, excel sheets, box files with records. Fortunately, this is becoming the truth of the past due to the joint efforts of government departments, institutions and service providers. The initiatives of these entities have brought the labour law compliance domain into the digital era.



When it comes to Labour Law Compliances, we have a plethora of Laws, Acts, Notifications, Circulars, Court judgments with further break up into those governed by the Centre, State, Municipal Corporations and even Village Panchayats. Needless to say, all of these require the same information to be submitted multiple times since any enterprise would require licenses, registrations and periodic compliances to be done to different authorities in these governing bodies in different formats.

We have to acknowledge the Government's efforts in simplifying and consolidating the Labour Laws. But technology solutions are needed to bring improvement to the ecosystem in all parts of the country.

The examples of government's initiatives in this area would include Shram Suvidha which is a unified portal catering to four major organizations under the Ministry of Labour: EPFO, ESIC, Chief Labour Commissioner (Central) and Directorate General of Mines Safety. Single Online Common Annual Return, Labour Inspection Scheme based on Risk Criteria, Online EPFO and ESIC portal are classic examples of digitizing the labour compliances with transparency, ease for end user and appropriate grievance redressal mechanism.

Samadhan portal for monitoring and managing industrial disputes is another example. The major step towards simplification and consolidation would be the New Wage Code which amalgamates 29 prevailing labour laws into 4 codes, and is expected to be implemented anytime with almost 30 States having prepared the draft rules. It was heartening to listen to the Finance Minister in the budget speech. She informed about the steps taken to increase inclusion in the unified portal, auto renewal of licenses and standardized returns, all of which would go a long way in eliminating multiple submissions and the costs.

The industry is not too far from adopting the Government's line of thought and initiatives towards digitizing labour law compliances. There are exclusive Labour Law Compliance Service Providers in our country today who are operating at national level providing digital solutions to companies ranging from large enterprises to start-ups and MSME/SME's in a cost effective manner. These solutions are capable of integration with client software such as HCM Suites and Accounting ERP to provide seamless transmission of tamper proof information from source to labour authority portals. These solutions also provide tools using Robotic Process Automation to process and transmit the same information across multiple destinations in a matter of seconds.

Reconciliations across data sources and destinations have been made possible real time by these software thereby increasing transparency, governance and confidence to the Enterprises and Authorities of better compliance adherence. The other major initiative taken by such Labour Law Compliance Software providers is to offer their solutions not just to the Companies but also to regional consultants and service providers who will be key to rapidly scaling the digital transformation across our country.

India possesses world-class capabilities in the area of using advanced technology solutions for improving financial and tax compliances using advanced technology solutions. The day is not far when India will be recognised as a leader in technology driven labour law compliances, promoting ease of doing business and achieving very high standards of governance.

**Sources : ETGovernment**

## Kejriwal Approves 29 Shops In Delhi To Operate 24x7



Chief minister Arvind Kejriwal recently granted approval for 29 shops and commercial establishments in Delhi to operate 24x7, a move that will likely boost the night time economy of the Capital. The files will now be sent to lieutenant governor VK Saxena for a final stamp of approval, the Delhi government said in a statement.

“After examining the applications received, the labour department of the Delhi government made a proposal and placed it before CM and the Delhi CM gave his approval,” the statement said. Earlier in June, Kejriwal granted approval for 155 shops and establishments to operate round-the-clock. With recent set of approvals, a total of 552 establishments have been granted approval in the last two years. The shops and establishments in the Capital can legally operate 24x7 only when they are allowed exemptions under sections 14, 15, and 16 of the Delhi Shops and Establishment Act, 1954. These exemptions enable commercial establishments to operate on a 24x7 basis, subject to certain conditions. “The file will be sent to the LG for a decision,” said a Delhi government official.

Saxena, in October last year, approved the largest group of 314 applications for 24x7 operation, directed the departments to speed up the approval process, and flagged that some of these 314 applications were pending since 2016. The 29 shops and establishments include food shops in Uttam Nagar, Paschim Vihar, Urdu Bazaar, and Jama Masjid while the retail trade category includes FMCG grocery stores in Dwarka, Prashant Vihar, Vikaspuri, Punjabi Bagh, Kotla Mubarakpur, Hauz Khas, and Dwarka Sector 19. The labour department received had received 35 applications from people interested in running 24x7 businesses. The labour department found 3 applications incomplete and three were duplicate applications. “After examination of the documents the authorities cleared 29 applications and put them up to the CM,” said a labour department official.

Source : HindustanTimes

## Investment Of EPFO Fund

Employees’ Provident Fund Organisation (EPFO) invests Funds as per the Investment Pattern notified by the Government. Total corpus of various funds managed by EPFO as on 31.03.2022 was Rs. 18.30 lakh crore, which has been invested as under:

Debt Investments (including Public Account of India)	ETF Investments
91.30%	8.70%

EPFO does not invest directly in individual stocks including stocks of any blue chip company. EPFO invests in Equity markets through ETFs replicating BSE-SENSEX and NIFTY-50 indices. EPFO has also invested from time-to-time in ETFs constructed specifically for disinvestment of shareholding of the Government of India in body corporates. The details of investments made by EPFO in ETFs during the last five years and current year are as below:-

Year	Amount Invested (Rs. in crore)
2018-19	27,974
2019-20	31,501
2020-21	32,071
2021-22	43,568
2022-23	53,081*
2023-24 (till July, 2023)	13,017*

Source : PressInformationBureau

## Physical Centres To Register GIG Workers On E-Shram Portal

In August 2023, more than 28.99 crore unorganised workers have registered on e-Shram portal. The data of gig workers is not separately captured on the eShram portal. State/UT-wise count of the unorganised workers registered on eShram portal is annexed. E-Shram portal provides multiple modes of registration, through self-registration as well as assisted mode registration to facilitate smooth registration process. Self-registration includes registration through eShram portal and Unified Mobile Application for New-age Governance (UMANG) mobile app. Assisted mode registration includes registration through Common Service Centre(CSC) and State Seva Kendras (SSKs). The registration facility is available at over 4 lakh CSC centers across the country. State Seva Kendras have also been on boarded.

Further, CSC organizes awareness camps at various places for mobilization of workers. The eShram portal has been integrated with National Career Service (NCS) Portal. An unorganised worker including gig workers can register on NCS using his/ her Universal Account Number (UAN) and search for suitable job opportunities. An option/ link has also been provided to registrant on eShram portal to seamlessly register on NCS.

For the first time, the definition of 'gig worker' or 'platform worker' has been provided in the Code on Social Security, 2020 (the Code). The Code envisages setting up of helpline, facilitation centre, etc. for gig workers and platform workers by the appropriate Government to assist them to obtain registration, to facilitate their enrolment in the social security schemes, etc. The Government has taken several measures to safeguard the privacy of registered workers' data on eShram portal such as consent based secure data sharing, in-transit data protection, at-rest data protection, firewall, API management, cloud portal, database security, Aadhaar Data Vault, VPN tunnel, encrypted of data using Digital Rights Management (DRM) software etc.

**Source : PressInformationBureau**

## BOCW SCHEME

As per the extant provisions of Section 12 of Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 [BOCW (RE&CS) Act, 1996], which is in force, there is no restriction for worker to get registered and avail himself/herself intended benefits in a State after fulfilling the quantified conditions, which inter-alia, mentions that every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction for not less than ninety days during the preceding twelve months shall be eligible for registration as a beneficiary in the State Welfare Boards under this Act and the same provisions for the Act continue. In order to simplify the registration/enrolment process, detailed provisions were given as Machinery for Registration of workers in the aforesaid Model Welfare Scheme, by way of allotting Unique Identification Number to the registered BOC workers, delegation/appointment of competent officers at local/municipal/panchayat level, allowing self-certification, holding regular camps/creation of facilitation centers at prominent labour chowks/addas, issuance of ID cards to BOC workers etc.



Moreover, by invoking Section 60 of the BOCW (RE&CS) Act, 1996, a Mission Mode Project (MMP) was also forwarded to all the States/UTs and they were advised to ensure that all the left-out BOC workers are registered with the State Welfare Boards and their records updated in a time bound manner which relies on easing out the process of registration, doing away with the physical presence of workers for registration and renewals, reposing trust on workers by self-certification and giving due benefits to all eligible construction workers in terms of universal social security and welfare schemes of the Central/State Governments.

The Central Government is committed to protect and promote the welfare, social security, safety and health of labourers. It has enacted the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 [BOCW (RE&CS) Act, 1996], now subsumed in the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code, 2020), to regulate the employment and conditions of service of building and other construction workers and to provide for their safety, health and welfare measures and for other matters connected therewith or incidental thereto. These provisions are enforced by the Central and State Governments in their respective spheres.

The implementation of Welfare schemes relating to life and disability cover, health and maternity cover, transit housing, skill development, financial assistance for education of wards etc. of Building and Other Construction Workers has been entrusted upon State/UT BOCW Welfare Boards under Section 22 of the Act.

**Source : PressInformationBureau**

## Minimum Wages To Workers In Private Sector

The Minimum Wages Act, 1948, provides for fixing minimum rates of wages in scheduled employments including those in the private sector. Both the Central Government and the State Governments are appropriate Governments to fix, review and revise the minimum wages in scheduled employments in their respective jurisdiction and the minimum rates of wages so fixed are equally applicable to both public and private sector. Under the Code on Wages, 2019, minimum wages fixed by the appropriate Governments are applicable across all employments in public and private sectors, and organized and unorganized sectors. The provisions of the Code on Wages Act, 2019, relating to minimum wages have not come into force. The Government is implementing the Unorganised Workers social security Act (UWSS), 2008, to provide social security to unorganized workers by formulating suitable welfare schemes on the matters relating to: (i) life and disability cover; (ii) health and maternity benefits; (iii) old age protection; and (iv) any other benefit as may be determined by the Central Government.



Life and disability cover is provided through Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY) based on contribution made by subscriber. PMJJBY is available to the people in the age group of 18 to 50 years and it provides for risk coverage Rs. 2.00 lakh in case of death, due to any reason, at an annual premium of Rs. 436/-. The Pradhan Mantri Suraksha Bima Yojana (PMSBY) is available to the people in the age group of 18 to 70 years with risk coverage of Rs 2.00 lakh in case of accidental death or total permanent disability and Rs. 1.00 lakh for partial permanent disability on payment of annual premium of Rs. 20. The Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (ABPMJAY) provides an annual health cover of Rs. 5 lakhs per eligible family for secondary and tertiary care hospitalization corresponding to 1949 treatment procedures across 27 specialties. In order to provide old age social security cover, the Government of India launched Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM) pension scheme in 2019. It provides monthly pension of Rs. 3000/- after attaining the age of 60 years. The unorganized workers in the age group of 18-40 years whose monthly income is Rs.15000/- or less and who are not a member of EPFO/ESIC/NPS (Govt. funded) can join the PM-SYM Scheme. Under this scheme 50% of the monthly contribution is payable by the beneficiary and equal matching contribution is paid by the Central Government.

The Government has launched e-Shram portal in August, 2021 to create National Database of Unorganised Workers and to facilitate delivery of social security schemes/welfare schemes to the unorganised workers. As on August 2023 more than 28.99 crore unorganised workers have been registered on e-Shram portal.

**Source : PressInformationBureau**

## EPFO Amends Standard Operating Procedure (SOP) For Updating Members' Profile

The Employees' Provident Fund Organisation (EPFO) has introduced 11 changes to the Standard Operating Procedure (SOP) related to updating members' profiles in the Employees Provident Fund (EPF) accounts. EPFO's recent circular pertains to details in the Universal Account Number (UAN), such as name, gender, date of birth, father's name, relationship, marital status, joining date, the reason for leaving, date of leaving, nationality, and Aadhaar number. EPFO has also restricted the number of times these changes can be done. The SOP update aims to make the system robust with correct details in the records to reduce rejection for personal details mismatches and minimise fraud due to identity change. It was noticed that there had been a mismatch in members' details in the database due to incomplete information or the updation process taking a long time. While the UAN's launch in 2014 has helped reduce these issues to an extent, the SOP is expected to make it more robust.

Currently, members make changes and file a joint declaration to the employer, which approves it. The declaration is then sent to the EPFO's regional office to approve or reject it within a timeframe. The EPFO has also prescribed the list of documents required for such requests. The circular says, "The online tracking of JD (joint declaration) is also proposed so that the member can know the status of his application easily."

### Types of Changes In The SOP:

The changes are related to 11 personal details, which can be categorised into major and minor changes, and based on that, the required documents will differ, as per the circular.

**Minor Changes:** According to the circular, the minor updation request in the EPF member details will be made within T+7 days. It will be considered from the day the JD request is received at the field officer (FO) online interface login of the dealing assistant (DA).

**Major Changes:** For any major changes in the member's details, the time limit is T+15 days from the date of receipt to the FO interface login of the DA.

If the JD is returned for any reason to the employer, the time limit will be considered again from the day the request is received in the interface login of the concerned official. The corrections or the updation in details is also limited to specific numbers. According to the circular, in a typical case, the member can make changes in five out of 11 parameters in a single or multiple requests. However, if changes are to be made in more than five parameters, which can entirely change the member's identity, the approved authority will examine the JD request and "only after duly recording the reasons in the file such cases should be processed".

### How To Apply For The Change/Update In The Account?

As per the circular, the member must log in to the member interface of the unified portal <https://unifiedportalmem.epfindia.gov.in/memberinterface/> and update their details and upload the required documents. Once the member submits the request, it will appear in the employer's login. The employer will also get an email regarding this. The employer will check the information and the documents uploaded by the member, and if everything is proper, it will upload any other required document and submit the request. Then, the request will reach the specified competent authority's login in EPFO (the verifier). There will be three levels of verification: initiator, verifier, and approver. The request can be returned at any stage for correction, and when everything is properly checked and found to be in place, and the verifier is satisfied, the request will be approved. Members can make changes only in accounts generated by the current employer. Also, the employers will not have the right to modify details of the members' previous organisations.







### If The Member Has No Aadhaar And Dies:

According to the circular, if the member dies without an Aadhaar, the “nominee’s Aadhaar will be saved in the system”, and the nominee can sign the JD form, while the rest of the updation process will remain the same. In case of no nomination, a legal heir or a family member will be allowed to do so.

### Documents Required:

The circular mentions the list of documents for each parameter that must be uploaded. For example, to request a change in name and gender, the person will need the following: an Aadhaar, passport, birth certificate, death certificate, PAN card, ration card, voter ID, pensioner photo card, etc. If it is a minor change, the two documents from the list will be required, and Aadhaar is mandatory for name and gender updates. For a major change, three documents will be required from the list as prescribed for each parameter.

### The Number Of Times Corrections Are Allowed:

S. No.	Parameter	Number of Times Allowed for Changes
1	Member name	1
2	Gender	1
3	Date of birth	1
4	Father/Mother Name	1
5	Relationship	1
6	Marital status	2
7	Date of Joining	1
8	Date of leaving	1
9	Reason of leaving	1
10	Nationality	1
11	Aadhaar number	1

Source : RetirementOutlookIndia

## Jayaprada Gets Six-Months Imprisonment Over ESI Dues

Actor and former MP Jayaprada, a partner of Jayaprada Cinema, was sentenced to six-months imprisonment by a Metropolitan Magistrate Court in Egmore for failing to comply with the statutory obligations of payment of contributions due to the Employees State Insurance (ESI) Corporation. Ms. Jayaprada, her brothers Ramkumar and Raj Babu were partners of Jayaprada Cinema, which went defunct. Under Section 40 of the ESI Act, the Principal Employer should pay both the contributions - employer’s share of contribution, and employees’ share of contribution in respect of every employee in the first instance and the principal employer is entitled to recover from the employees, their share of contribution from their wages relating to the period in respect of which the contribution is payable.

Filing a complaint with II Metropolitan Magistrate Court against the cinema and partners, the ESI Corporation said the firm and partners failed to comply with the statutory obligations of payment of contributions due to the ESI in exercise of powers conferred under Section 45-A, determined the contribution due of ₹8,17,794 from January 1, 1991 to September 30, 2002.

T.N.C. Kaushik, standing counsel for ESI, submitted that the partners of the cinema, who were in charge and responsible for the conduct of the business at the time of the commission of offence and so were vicariously liable for the said offence. The II Metropolitan Magistrate C. Sundarapandian convicted Ms. Jayaprada and Mr. Raj Babu and sentenced them to six months imprisonment besides imposing a fine of ₹5,000. The court sentenced them to undergo six month simple imprisonment in four more cases filed ESI corporation against them for non-payment of contributions.



Source : TheHindu

## Success Story - ESIC provides cashless and comprehensive medical care to its beneficiaries towards “Healthy Workforce – Prosperous India”

Smt. Premlata, wife of Sh. Sunil Sharma, an ESI Insured Person working as a watchman at PVR Mall, Faridabad, was diagnosed with advanced stage breast cancer. Getting hopeless & helpless after consulting many doctors in Haryana and fearing the enormous amount of money required for the treatment of cancer, she finally visited ESIC Medical college & hospital, Faridabad where the team of expert doctors at the oncology department started her treatment. After a cashless treatment comprising of surgical procedure of mastectomy and rigorous cycles of chemotherapy, by the team of Dr. Vivek Agarwal, Dr. Hemant Atri, Dr. Nisha and Dr. Maitri, today Smt. Premlata is leading a healthy life. Union Minister for Labour & Employment and Environment, Forest & Climate Change, Shri Bhupendra Yadav in a tweet shared the successful treatment of Smt. Premlata, an ESI beneficiary from the Panera Kalan Village in the state of Haryana, at the ESIC Medical college and hospital, Faridabad, Haryana.



ESIC, an organisation under the administrative control of Ministry of Labour & Employment, provides social security benefits including host of cash benefits and comprehensive medical care to Insured Workers and their family members and is contributing towards “Healthy Workforce – Prosperous India”.

**Source : PressInformationBureau**

## Central Government Schemes For Labourers

Government is implementing various schemes for the welfare of the labourers. In this regard, Ministry has developed eShram portal for creating a comprehensive database of unorganised workers. The Life and Disability cover is provided through Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY) and Pradhan Mantri Suraksha Bima Yojana (PMSBY). The Ayushman Bharat-Pradhan Mantri Jan Arogya Yojana (ABPMJAY) provides health cover. In order to provide old age protection to unorganised sector workers the Government of India launched Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) Pension Scheme in 2019.

Other schemes such as public Distribution System through One Nation One Ration Card Scheme under National Food Security Act, Mahatma Gandhi National Rural Employment Guarantee Act, Deen Dayal Upadhyay Gramin Kaushal Yojana, Pradhan Mantri Awas Yojana, Gareeb Kalyan Rojgar Abhiyan, Mahatma Gandhi Bunkar Bima Yojana, Deen Dayal Antyodaya Yojana, PMSVANidhi, Pradhan Mantri Kaushal Vikas Yojana etc. are also available for the unorganized workers including labourers depending upon their eligibility criteria. Apart from these schemes, a few more schemes available are Atmanirbhar Bharat Rozgar Yojana (ABRY), Unemployment benefit under Atal Beemit Vyakti Kalyan Yojana (ABVKY), Pradhan Mantri Garib Kalyan Rojgar Abhiyan (PMGKRA), National Social Assistance Program, Deen Dayal Upadhyay Gramin Kaushalya Yojana (DDU-GKY), Pradhan Mantri Garib Kalyan Rojgar Abhiyan (PM-GKRA), Pradhan Mantri Kisan Maan-Dhan Yojana (PM KMDY), Pradhan Mantri Kisan Samman Nidhi etc. Data matching exercise of eShram data with other schemes' data has been done. It has been found that of the eShram data (more than 28.97 crore) 20.63 crore are already availing One Nation One Ration Card (ONORC), 11.26 crore are registered in Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (AB-PMJAY), 3.82 crore are registered in PM-Kisan Samman Nidhi scheme (PM-KISAN) and 4.63 crore beneficiaries are registered in PM-Ujjwala Yojana.



## Social Security For Unorganized Workers

For the first time, the definition of 'gig worker' or 'platform worker' has been provided in the Code on Social Security, 2020 (the Code). The Code envisages setting up of helpline, facilitation centre, etc. for gig workers and platform workers by the appropriate Government to assist them to obtain registration, to facilitate their enrolment in the social security schemes, etc. The issues related to their employment are addressed by the respective State Government as per the provisions of labour laws.

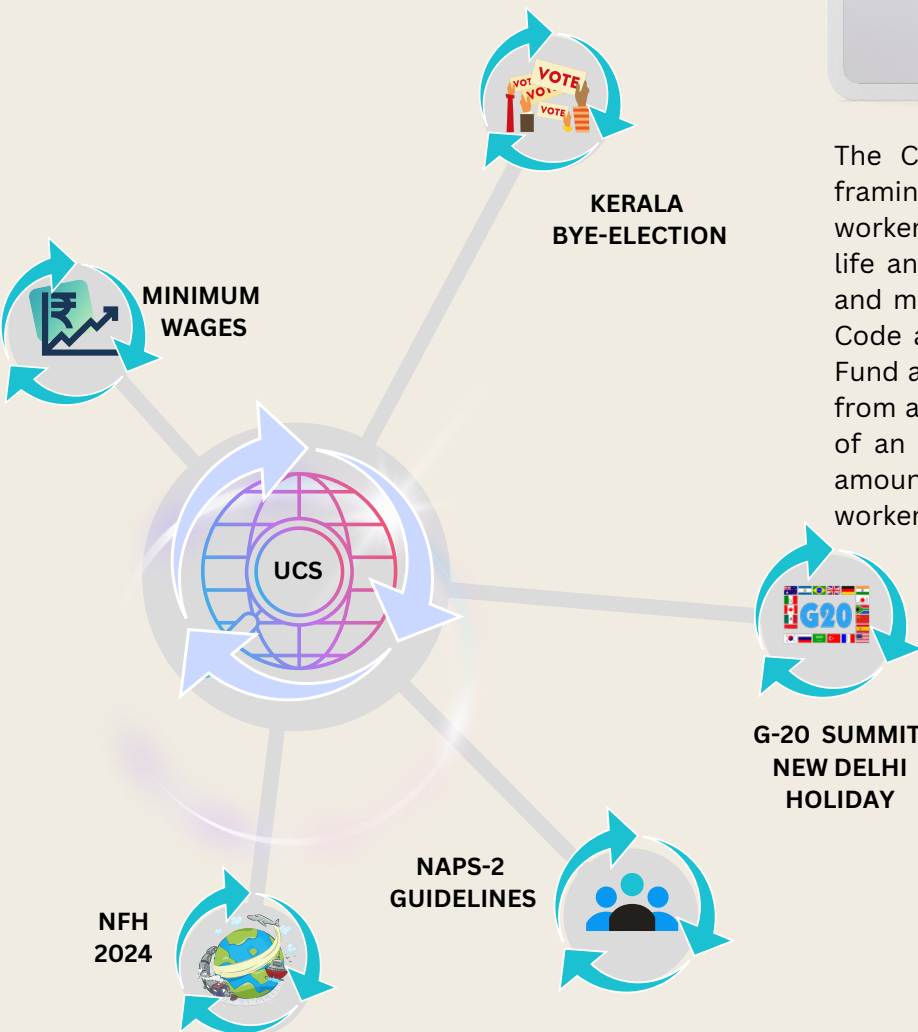
During the last financial year a total of more than 1.77 crore of unorganised workers have been registered in the eShram portal in 31 different occupations.

Source : PressInformationBureau



The Code on Social Security, 2020 provides for framing of suitable social security schemes for gig workers and platform workers on matters relating to life and disability cover, accident insurance, health and maternity benefits, old age protection, etc. The Code also provides for setting up a Social Security Fund and one of the sources of fund, is contribution from aggregator between 1 to 2% of annual turnover of an aggregator subject to the limit of 5% of the amount paid or payable by an aggregator to such workers.

Source : PressInformationBureau





UCSCompliTool is a technology to ease the complexities of navigating through the changing Labour laws. With our past experiences and feedbacks, we have developed an in-house Software solution and have created this robust mechanism which represents our motto – Compliance simplified. It provides a real time and 360-degree view of compliance status for the Principal employer (CompliTool - Compliance) and with risk matrix to monitor the contractors (CompliTool - Audit). We have developed a Role Based Access Control model and being a cloud-based system, we are offering an absolute security and protection of data.

Following are some of the major benefits of the Tool:

- Real Time Statistical Data
- Informative Tool
- Transparency
- Ease of Documentation
- Ease of Monitoring
- Highlighting of Critical Points
- Security and Data Confidentiality
- Centralization of Data
- Readily Available Documents
- Data Integrity
- Extensive Reporting
- User friendly Dash Boards
- Overall compliance review from front end maneuver

For Demo, Please write to us at [enquiry@ucsdcl.com](mailto:enquiry@ucsdcl.com) or Call us @ 0124 2656864

[UCSCompliTool.com](http://UCSCompliTool.com)



# ABOUT US

United Consultancy Services is one of the leading consulting firms in India providing compliance, advisory and audit services in the field of Labour Laws, Human Resource Development and Legal matters pertaining to Industrial Relations. We provide meaningful, forward looking and compliance oriented solutions to help organizations grow while being compliant under labor laws. Proactive teams led by domain experts, use insight, experience and best practices to understand complex issues of publicly listed and privately owned clients and simplify compliance.

With over 30 years of existence and with more than 200 professionals the firm provides robust compliance services and solutions on complex requirements under Labour law. The information shared in the newsletter is on the basis of Government notifications and newspaper articles. This is for general information purposes only and does not constitute legal advice. Please reach out to your UCS contact or the Company legal counsel before taking any action.

**We Simplify Compliance For You.**



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