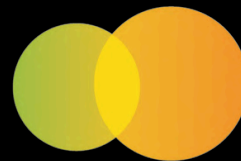


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UCS POV: A Compilation of Key Judgments & Envisaged Changes Under Labour Laws

SHAIJU MATHEW
CHIEF OPERATING OFFICER

(1) Maternity Benefits Beyond Terms of Employment Contract

As per the Hon. Supreme Court judgment on (Dr. Kavita Yadav vs. Ministry of Health & Family Welfare) dated 17th August 2023, Fixed-Term employees are entitled to maternity leave even if the period for which an employee claims such benefits exceeds the contractual period. Section 12(2) (a) of the Maternity Benefit Act 1961, contemplates entitlement to the benefits under the Act even for an employee who is dismissed or discharged at any time during the pregnancy who would have been entitled to maternity benefit or medical bonus (unless on the ground of misconduct). Based on the said clause, the Supreme Court stated that such benefits can extend beyond the terms of employment. Companies must be aware of this judgment to avoid any exposure in relation to maternity benefits for Fixed-Term Employment.

(2) Hiring Contract Workers for Establishments' Primary Work

Referring to the Hon. Supreme Court judgment on (Mahanandi Coalfields Vs Brajrajnagar Coal Mines Worker's Union) dated 12th March 2024 regarding regularizing contract employees who were in perennial or core nature of work. In the said matter, the Hon. Supreme Court observed it as a case of wrongful denial of employment and regularisation for no fault of workmen as they were continuously working with the same principal employer. As per Section 10 of the Contract Labour Act, deployment of contract employees for the core nature and perennial nature of work is prohibited. The appropriate governments are yet to issue a definitive list of core activities in IT/ITES and commercial establishments. However, the licensing officer will have the authority to determine whether the employment is of a core or perennial nature based on the nature of work engagement. An earlier ruling by the Supreme Court on Equal Pay for Equal Work for contract workers likewise takes into account contract employment for the core nature of work of the establishment.



(3) Removal of Wage Ceiling for International Workers

The Karnataka High Court judgment on (Stonehill Education Foundation Vs Union of India Ors W.P. No.18486/2012) dated 25th April 2024 struck down the special provision for International Workers (IWs) under Para 83 of the EPF Act. The Court held that removing the wage ceiling under EPF for International Workers is unconstitutional and violates the provision of Article 14 of the Indian Constitution.

In response to the High Court ruling, EPFO has chosen to appeal to the Hon. Supreme Court. The industry will be greatly relieved if the Hon. Supreme Court upholds the Karnataka High Court judgment and implements a wage ceiling for IWs. Currently, employers bear a heavy financial burden as the contribution for IWs must be remitted on gross salary excluding the House Rent Allowance (HRA). Adding to this challenge is also that the EPFO is yet to streamline the claim settlement process for IWs.

(4)e-Shram Portal: A Registration Platform for Gig Workers

The Central Government activated the registration for Gig workers through the e-Shram portal where Gig workers can register for Social Security. However, the Central government is yet to decide on the percentage of Social Security to be contributed. Similarly, the process to be followed by the industry to contribute under Social Security for the respective Gig workers engaged is also to be finalised. There is a possibility of implementing Social Security for Gig workers by early next financial year and this may lead to additional costs for the companies that engage Gig workers.

(5)Labour Codes: Floor Wage to Bring Uniformity in Wage Structure

Under the Code on Wages 2019, the Central Government has made provision for the 'Floor Wages' (living wages) concept, though the Labour Codes are yet to be implemented. Certain provisions of the Labour Codes may be implemented by early next financial year. Additionally, Floor Wages may be implemented. Currently, the Central Government minimum wage notification is only limited to certain scheduled employments/industries and does not cover Shops & Commercial establishments/IT/ITES companies. The Floor Wage is the minimum wage structure that can be extended to all industries for all locations. Furthermore, the respective states will have to revise the minimum wages to align with the Floor Wages implemented by the Central Government.

Companies need to take cognisance of the above and may need to modify their current policies or make required alterations in the future to ensure full compliance.

EPF, EPS wage ceiling hike likely in Union Budget 2025! Rs 6000 jump in limit expected – How will this impact pension?



The Centre will probably make an announcement to raise the wage ceiling under the Employees' Provident Fund Organisation (EPFO) in the next year's Union Budget to be presented on February 1, according to experts. At present, the EPFO wage limit stands at Rs 15,000, which was revised from Rs 6,500 in 2014, and is expected to be hiked to Rs 21,000. Earlier this year, the finance ministry reportedly received a proposal from the labour ministry to consider raising the wage limit for employees covered under the EPFO.

The monthly contribution to EPF and pension scheme under Employees' Pension Scheme (EPS-95) is linked to wage ceiling, which means employees will retire with higher retirement corpus and pension on retirement if the limit is increased to Rs 21,000, as expected.

Impact on retirement corpus and pension amount for retirees under EPS-95.

"Raising the wage ceiling to Rs 21,000 will likely increase the retirement corpus and pension amount for employees covered under the EPS-95. As an immediate impact it will also increase employers' cost and will decrease the monthly take salary for employees.



Currently, contributions towards the EPS are calculated based on the wage ceiling of Rs 15,000. With the ceiling raised to Rs 21,000, both the employer's contribution to the Employees' Provident Fund (3.67% going to EPF) and the pension contribution (8.33% of the salary towards EPS) would increase," says Sandeep Agrawal, Director and Founder of Teamlease Regtech. For employees, a higher EPF wage ceiling would significantly increase their retirement corpus as EPF contributions (12% of the salary from both employer and employee) would rise, leading to more savings over time, he adds. Additionally, if the ceiling is raised to Rs 21,000, the pensionable salary would increase, says Agrawal, adding that this change would result in a larger monthly pension, though the exact impact would vary based on factors such as the employee's duration of service and contributions during their employment.

For instance, under the current wage ceiling of Rs 15,000, the maximum EPS pension is calculated as Rs 7,500 per month, using the formula: $\text{Rs } 15,000 \times 35 / 70$. If the wage ceiling is increased to Rs 21,000, the new pension would be calculated as $\text{Rs } 21,000 \times 35 / 70$, resulting in a monthly pension of Rs 10,050. This represents a boost of Rs 2,550 per month in the EPS pension, significantly increasing the retirement income for eligible employees and providing greater financial security post-retirement.

Labour unions demanding the wage limit to be raises to Rs 25,000

Labour unions have been requesting the government to raise the EPF wage ceiling to Rs 25,000 from the current Rs 15,000, primarily to address rising living costs and inflation. "As salaries and expenses have steadily increased over the years, the current ceiling of Rs 15,000 is considered insufficient to ensure adequate post-retirement income for workers. Many employees, particularly in the organized sector, earn well above this limit, and unions argue that higher wages should be reflected in their retirement benefits," says Agrawal



For example, with the ceiling at Rs 15,000, a large portion of workers' wages remains outside the purview of pension calculations, leaving them with lower-than-expected pensions. By raising the limit to Rs 25,000, a larger percentage of their earnings would be considered for both EPF and EPS contributions, ensuring better retirement security, he adds. Unions also highlight that the Rs 15,000 ceiling was set in 2014, and a significant hike is pending to match economic conditions. A higher ceiling would extend retirement and pension benefits to a broader section of the workforce, particularly those in the middle-income bracket, thus providing better social security for millions of employees across India.

EPF wage ceiling revisions over the years

The EPF wage ceiling has seen several revisions over the years, starting from Rs 500 in 1962. It increased to Rs 1,600 in 1976 (220%), Rs 2,500 in 1985 (56%), Rs 3,500 in 1990 (40%), Rs 5,000 in 1994 (43%), Rs 6,500 in 2001 (30%), and Rs 15,000 in 2014 (130%). With the rising inflation averaging 6-8% annually and wage growth, it is expected that the ceiling would be increased to Rs 21,000 or higher.

In 2023, India saw an inflation rate of 5.1%, driven by rising prices in food and energy sectors. The inflation rate in 2024 spiked to 6.21% in October, mainly due to sharp increases in food prices. These inflationary pressures suggest that the purchasing power of workers has eroded, making a revision of the wage ceiling necessary to maintain social security benefits in line with current economic conditions.

“Given this context, along with the historical trend of wage ceiling hikes in response to inflation, it is highly likely that the government will increase the EPF ceiling in the next Union Budget session, potentially raising it to Rs 21,000 or more. This would address the inflation and the rising wage levels in the economy, ensuring that workers continue to benefit from adequate social security coverage,” says Agrawal.

Source - MSN

Two years after SC order, only 1 per cent receive higher PF pension

Two years after the Supreme Court ordered higher EPF pensions to be allocated in proportion to salary, less than 1 per cent of applicants in Kerala have received their revised pensions. An RTI response from the Employees' Provident Fund Organisation (EPFO) reveals that only about 2 per cent of applicants from Kerala have been granted a higher pension. Nationwide, Pension Payment Orders (PPO) have been issued to 8,401 out of the 17,48,775 people who opted for the higher pension.



Employers are yet to approve 3,14,147 options submitted to the EPFO. Of the remaining 14,34,628 applications, the EPFO has rejected 1,48,434, while demand notices have been sent to only 89,235 people. In Kerala, 90,919 people opted for the higher pension. However, employers did not approve 15,596 of these applications. As the submission deadline has passed, these are now ineligible for consideration. Among the remaining 75,323 applications, 4,648 were rejected by the EPFO. Demand notices for additional contributions to the pension scheme have been issued to 10,151 applicants in Kerala, yet only 1,910 have received the revised pension as of October 4. The key reasons for these procedural delays include staff shortages in PF offices and a lack of efficient software for pension calculation. For example, the Kochi Regional Office, which has to handle over 32,000 joint options, has only two officers available to handle the workload. These officials are required to manually enter data into the system. At this rate, pension applications will likely remain incomplete for several months.

Extended delays for pre-2014 retirees

The delay is even more severe for those who retired on or before August 31, 2014. Instead of receiving new options, the EPFO directed this group to submit applications to confirm the original pension options they submitted. While 4,10,043 individuals across India complied, employers approved only 2,70,346 applications. The EPFO then rejected 1,12,770 of these, and of the remaining 1.5 lakh applications, demand notices were sent to only 16 individuals. Worse still, just two individuals have received their PPO. In Kerala, 11,084 retirees belong to the pre-2014 group. Out of these, employers approved the options of 8,127, but the EPFO subsequently rejected the options of 3,739 individuals. As of October 4, none of these retirees have received a demand notice.

Source : OnManorama



The chaotic leave scenario of Indian employees working at MNCs

Restricted holidays usually refer to the optional holidays that employees can take at their discretion to celebrate days that align with their personal beliefs or traditions without impacting the official holiday schedule of the organisation. However, in certain organisations, restricted holidays just mean that employees are totally restricted from taking those holidays!

Most people working in abroad-headquartered MNCs always raise a concern that they don't get those common holidays that most employees working at Indian companies avail of. The same goes for most celebrated festive occasions in the country. A person working at a prominent US-based financial services firm felt bad that she was not even getting a holiday for Diwali! She was also not allowed to apply for personal leave because of the reason that other four colleagues from her team (comprising 20 people) requested leave for Diwali last month itself.

Though this might seem like a small concern, missing out on most of the cherishing moments with family and friends does have a significant impact on a person's work-life integration in the long run. In this context, ETHRWorld interacted with the HR leaders from MNCs headquartered in different countries to know their take on this scenario and explore if a practical HR solution could be possible.



International companies need cultural sensitivity

Manika Awasthi, Chief People Officer, Compass Group India, says, "In today's globalised workforce, it's essential for MNCs to recognise the cultural diversity of their employees. Festivals like Diwali are not just personal celebrations, they hold significant emotional and social value for people in India or for Indians in different countries. When these holidays aren't recognised, it can lead to feelings of isolation and low motivation, and the employee's engagement factor (especially in happiness with an organisation) can take a significant hit." "While international companies may have uniform holiday policies, a more inclusive approach would be to consider flexibility and cultural sensitivity when it comes to such celebrations. It is very heartening to know that countries where there are a large number of Indians too declare Diwali as a holiday – Singapore being one. It is prudent for organisations to realise the sentiments of their people and where they would like to spend their time on important occasions, as in any case most people will likely take a holiday which will have an impact on productivity and business on those days. To plan it in advance is more wise even as you run a business in India," Awasthi adds. According to Awasthi, HR policies should evolve to better accommodate cultural diversity. "A flexible holiday policy could be a practical solution, where employees can either take an additional day off for cultural or religious celebrations, or be allowed to choose from a list of government holidays which are 'floating' that are personally meaningful and suit their needs. A one-size-fits-all policy cannot be applied in such cases. Ensuring that we have a kitty of casual leaves being offered to employees in case we can't accommodate all kinds of leaves is also mandatory so that people have the means via a policy to meet their needs. This flexibility helps promote inclusivity and fosters a positive work environment," she says.

Entitlement to Public Holidays is a human right

Nousheen Khan, Director - HR, Hexagon R&D India, points out that the Indian labour legislation grants various rights to employees. "One of them is entitlement to Public Holidays. If employees work on public holidays, they should get compensatory leave or additional pay. The context of each industry and organisation is different. However, working on public holidays for employees in essential services industries like health service, public transport, etc is a necessity. In other industries, HR leaders need to work closely with the business team to understand the situation," she says. According to Khan, different solutions can be offered depending on the context. "*Global counterparts should also be a part of the solution.* With multiple global locations, it is possible for employees in other locations to step in for India when we are celebrating festivals. Leaders need to make employee wellbeing a top priority. If employees are unable to take time off on public holidays to celebrate festivals due to ineffective planning on the part of the manager or the employee, then this needs to be corrected," she says.



Holiday policy should be a subset of the main philosophy of inclusivity

Rachna Taranath, Interim Head - Human Resources, MassMutual India, says it's important to make employees feel included irrespective of their customs, culture and race. "When organisations address this need of an employee by *letting them celebrate their roots*, their culture and festivals, it makes them feel valued and included. MassMutual India lists out all the important holidays. Some of these holidays also overlap with holidays in other regions and it's up to the employees to choose from the bucket of holidays that they are eligible to avail themselves of. The key is to ensure that our benefits meet employees' diverse needs at each stage of life," she adds. Taranath opines that having a policy in place makes the practice seamless for HR. "The need for having a policy should essentially root from a bigger picture of inclusion. Drafting a holiday policy should be a subset of the main philosophy of inclusivity. You could still have a certain number of holidays that one can avail but those days can be left to the employee to decide. Letting employees choose their holidays is the best way to keep them happy, empowered and included," she says.

Need to balance operational continuity with cultural inclusivity

Anitha Sarathy, Head - People & Culture, Encora, says, "As a global company with 9,000 professionals across 17 countries, we deeply understand the importance of cultural celebrations in our employees' lives. The scenario you describe touches on a fundamental aspect of today's global workforce - the need to balance operational continuity with cultural inclusivity. Our experience shows that *cultural celebrations are more than just holidays* - they're essential moments that connect people with their heritage, families and communities."

According to Sarathy, when organisations acknowledge and support these celebrations, they strengthen their cultural fabric and create an environment where people can bring their authentic selves to work. "Addressing cultural celebrations isn't just about policy - it's about recognising that our strength lies in our diversity. The ability to celebrate one's culture contributes directly to employee wellbeing, engagement and a sense of belonging, and leads to better outcomes at work. We have created a flexible, inclusive approach to holidays that reflects our global identity. We believe practical solutions should be both scalable and meaningful," she says.



Sarathy further shares some concrete approaches that they have found effective:

- Implementing floating holiday policies that give employees the autonomy to choose their significant cultural celebrations.
- Creating flexible scheduling frameworks that allow teams to plan around important cultural dates.
- Fostering open dialogue about cultural celebrations to build understanding across global teams.
- Establishing clear protocols for 'holiday requests' that balance individual needs with team responsibilities.
- Supporting virtual or hybrid celebration formats that connect the global workforce during significant cultural moments.

"The key is to create frameworks that are both practical and respectful of cultural diversity. When organisations approach cultural celebrations as opportunities rather than challenges, they create stronger, more cohesive teams. It's not about just creating policies - it's about creating environments where every Encorian feels valued and understood," Sarathy says.

It's extremely critical for any MNC to provide localised holidays

Debalina Chatterjee, HR Head - India and APAC, Mitgo, agrees that missing out on festival celebrations with family and friends is concerning for a person's work-life balance and might affect their mental wellbeing. She stresses that it is extremely critical for any MNC to provide localised holidays to allow the employees to feel cared for by the company. "Mitgo is headquartered in Germany and has offices in more than 10 countries, but all of us always live in great harmony. We take pride in providing a well-balanced work-life to our employees without impacting the business goals. The global HR team of Mitgo works in a cohesive way to ensure that there is no discrimination in regional celebrations. We provide holidays at all the major local festivals in all countries. This ensures that employees are able to celebrate their relevant festivities while also working for an MNC," she says.

"Some industries require a 24-hour shift, so in those cases, it is important to create an effective rostering system that identifies the employees' availability or non-availability on the festival days. India, being a diverse country, there are different regional festivals celebrated by different groups of employees. To appreciate their contribution on the festival days, the employees should be fairly incentivised. This compensation will go a long way in motivating the employees to work during festivals and not feel neglected," Chatterjee adds.

Source : HR Economic Times

Secretary (Labour & Employment) Reviews Performance of Attached Offices and Future Plan of the Ministry

A comprehensive review of the various attached offices and autonomous institutions of the Ministry of Labour and Employment was held today, chaired by the Secretary (L&E), Ms. Sumita Dawra, in Shram Shakti Bhawan, New Delhi. During the review, an update on the functioning of Offices of Chief Labour Commissioner (Central), Employees' Provident Fund Organization (EPFO), Employees' State Insurance Corporation (ESIC), Directorate General of Mines Safety (DGMS), Directorate General Factory Advice Service and Labour Institutes (DGFASLI), etc., along with that of training institutions, namely, V.V. Giri National Labour Institute (VVGNI) and Dattopant Thengadi National Board for Workers Education and Development (DTNBWED) was taken up.

It was reiterated that the Ministry, with the Chief Labour Commissioner (Central), will continue the drive for (i) review and resolution of pending cases of Industrial Disputes and Claim Cases, (ii) timely onboarding of inspection reports on Shram Suvidha Portal, besides (iii) undertaking review of inspection formats, with a view to streamlining processes. Review of pendency in the Central Government Industrial Tribunal-cum-Labour Courts (CGITs) and bringing reforms through e-Courts was emphasized. Judicial training of Central Labour Service (CLS) officers with respect to development needs of tripartite constituents, i.e. the Central and State officers, Trade Union Members, and Members of Employment organizations, etc.

Both training institutes of the Ministry i.e., DTNBWED and VVGNI, were directed to review, rationalize and monitor the existing training modules in a time bound manner, so as to align with contemporary requirements related to labour welfare and employment. The Capacity Building Commission will also be consulted in the process. Further, EPFO was asked to focus on preparations for the launch of Employment Linked Incentive (ELI) Scheme, with respect to preparedness of IT infrastructure and aspects related to capacity building, etc. For the upcoming Central Board of Trustees (CBT) meeting on 30th November, 2024, EPFO was directed to be ready with various important aspects to be reported to the CBT members. The Ministry's work in Labour Bureau with respect to finalization of various surveys including the All India Quarterly Establishment-based Employment Survey (AQEES), progress of Minimum Wage Committee was discussed. In the area of employment, upgradation of National Career Service (NCS) portal and convergence of National Career Service Centres for Differently Abled with the Ministry of Social Justice and Empowerment was emphasized.

ESIC was asked to focus on their priorities related to construction, establishment of new medical colleges, procurement, Human Resources (HR) related work, strengthening audit cell and bringing about improvement in both ESIC and ESIS Hospitals. Policy related to tie up of ESIC with Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PM-JAY) was also emphasized. The Chair highlighted that strengthening social security for workers including unorganized workers with respect to healthcare, retirement benefits, pension, schemes of the Government will improve the health and productivity of the employees, contributing to nation building and Viksit Bharat.

Source : Press Information Bureau

Scrutinise draft rules for PoSH Act and publish them, HC tells State

Taking into account that the State has not yet framed rules for the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act – generally known as PoSH Act – the Madurai Bench of the Madras High Court has directed the State Commission for Women to submit a copy of the draft rules to the government, which shall scrutinise the rules and approve them, after necessary changes. Justice R.N. Manjula observed that under the PoSH Act, the employer had a responsibility of not only providing a safe working environment but also organising workshops and awareness programmes to sensitise the employees and imparting orientation programmes for the members of the Internal Committee. Women had to balance career and family; career and health; career and personal choices. Working women try to balance all these challenges with utmost agility. However, everything came to a standstill and her dreams got shattered, if she suffered sexual harassment at work place, the court said.



The State had promptly amended its conduct and disciplinary rules, but had not framed its rules for the PoSH Act. All women welfare projects were entrusted with the Social Welfare and Women Empowerment Department, which was also inclusive of child welfare.

It could be difficult for the department, which was saddled with many other functions, to check whether all departments implemented the Act. An exclusive department to care about women development could be better served in the area of women empowerment, the court observed. The court issued a slew of directions in a 140-page common order it passed while hearing cases of sexual harassment at workplace. It directed the State to create an official website with reference numbers of Complaints Committees and upload the details on the website, to create a dashboard to provide information about the committees, details of the members, number of complaints received and resolved, number of reports submitted by the Internal Committee and details of the action taken.



The court also directed the State to file a report on whether sufficient funds were being spent for these functions under Section 24 of the Act and in case of paucity of funds, about the steps taken to generate funds. Further, the court directed the State to file a report on whether gender budget allocations were made every financial year and whether they were properly utilised. The State Commission for Women could check the ground realities by making visits to educational institutions, hospitals, etc., and file its report to the government. The court asked the government to form a State-level Technical Committee including professionally qualified persons.

The government, the State Commission for Women and the National Commission for Women were directed to offer suggestions on gender sensitisation and awareness. The court posted the matter after four weeks to get compliance report.

Source : The Hindu

41% workers on contract in formal manufacturing sector in FY23: ASI data

Every two in five workers employed in the formal manufacturing sector were on contract in FY23, thus showing an increasing trend of contractualisation in the country's labour force, according to the additional Annual Survey of Industries (ASI) data released recently by the Ministry of Statistics and Programme Implementation (MoSPI) . According to the data, in FY23, a total of 14.61 million workers were employed by 253,000 factories across India. Of them, 5.95 million workers (40.7 per cent) were on contract – the highest ever – as compared to only 40.2 per cent in the preceding financial year. Contract workers are employed by an industrial establishment through contractual agreements for a specified period or task.

These workers are distinct from regular employees who have permanent or long-term employment status with social security benefits. Meanwhile, in the pre-Covid year of FY20, the share of contract workers stood at 38.4 per cent – only 5.02 million of the total 13.05 million workers were employed through contractors. Besides, data also showed that among the remaining directly employed workers in these factories, the share of women stagnated at 18.42 per cent in FY23. This is the same as the preceding financial year.



A state-wise analysis of the data shows that the share of contract workers among total workers in FY23 exceeds the national average in 10 out of 21 major states and union territories (UTs). States like Goa and the Northeastern region, except Assam, have not been taken into consideration. The share of contract workers is highest in Bihar (68.6 per cent) and Telangana (64.5 per cent) followed by Uttarakhand (57.7 per cent), Odisha (57.3 per cent) and Maharashtra (53.04 per cent).

On the other hand, Kerala (23.8 per cent) has the lowest share of contract workers in the workforce, followed by Tamil Nadu (24.5 per cent), Punjab (29.8 per cent), Himachal Pradesh (32.5 per cent) and Karnataka (33.9 per cent). The share of contract workers in Delhi stands at 12.2 per cent. The “total persons engaged” in an enterprise, which is defined as the sum of directly employed workers, contract workers, supervisory or managerial workers, and the unpaid family members, had risen by 7.4 per cent to 18.5 million in FY23 from 17.21 million in FY22. It typically represents the overall employment generated by the formal manufacturing sector in the economy. The ASI survey by MoSPI provides crucial insights into the changing dynamics of India’s formal manufacturing sector in terms of output, employment, and capital formation. It primarily covers factories registered under the Factories Act, 1948, as well as beedi and cigar manufacturing establishments and electricity undertakings not registered with the Central Electricity Authority. It also covers establishments with over 100 employees registered in the Business Register of Establishments (BRE), prepared and maintained by state governments.

Source : Business Standard

EDLI Second Amendment Scheme 2024

The Ministry of Labour and Employment has notified second amendment to the Employees' Deposit-Linked Insurance (EDLI) Scheme, 1976, through the G.S.R. 715(E) notification dated 18th November 2024.

The minimum and maximum benefits under the EDLI Scheme were enhanced from Rs. 1.5 Lakh to Rs. 2.5 Lakh and Rs. 6 Lakh to Rs. 7 Lakh respectively in 2021 and the benefits were valid for a period of three years, which came to an end on Apr 27, 2024. Central Govt. has extended the insurance benefits to all PF members under EDLI scheme retrospectively from 28th Apr 2024.

Further, the condition of continuous service of 12 months in an establishment is also relaxed so as to cover even those employees who changed jobs during that period. For part-time employees serving in multiple establishments continuously for 12 months, the benefit is calculated based on the aggregate average wages drawn from all establishments, subject to the wage ceiling of Rs.15,000.

Current EDLI benefits are summarised below:

- Average monthly wages of last 12 months (maximum of Rs. 15000/-) X 35 times + 50% of the Average balance of last 12 months to the maximum ceiling of Rs. 1,75,000/-.
- Provided that the assurance benefit shall not be less than 2.5 lakh rupees.
- Provided further that the assurance benefit shall not exceed 7 lakh rupees.

To be eligible for EDLI benefits, the deceased employee must have been:

- A member of an unexempted or exempted provident fund.
- Continuously employed for at least 12 months prior to their death.

Source : Govt. Notification

Haryana Bill providing job security to over 1 lakh contractual employees to be tabled today: Who will be eligible, how much will they get

The Haryana government is all set to introduce a Bill – The Haryana Contractual Employees (Security of Service) Bill, 2024 – which upon enactment will provide job-security to over 1.2 lakh contractual employees engaged in various government departments. The Bill is likely to be tabled in the Haryana Assembly's winter session. Upon enactment, the Haryana Contractual Employees (Security) Act, 2024, will be “deemed to have come into force with effect from August 14, 2024”.

Who all will be eligible?

The eligible contractual staff will be an employee who – (i) (a) has been engaged on contract by the government organisation and is in the service of such government organization on the appointed date and receive remuneration up to Rs 50,000 per month; or (b) is deployed by the Haryana Kaushal Rozgar Nigam under the Deployment of Contractual Persons Policy, 2022, and is in the service of a government organisation on the appointed date; (ii) has completed at least five years service in the government organisation on full-time basis as on the appointed date”. The draft explains that the period of service will be considered as the period for which remuneration was made, directly or indirectly, by the government organisation to the eligible contractual employee and will include the period of any leave approved by the competent authority.

For the purposes of calculation of the number of years of engagement, a contractual employee who has received remuneration for at least 240 days in a calendar year will be deemed to have worked for the entire year, but will not include an employee who – (i) has been engaged under Centrally Sponsored Schemes paid in part or full by the central government; or (ii) has been engaged on honorarium basis; or (iii) has been paid remuneration for service rendered on a part time basis by the government organisation; or



(iv) has attained the age of fifty-eight years on the appointed date; or (v) has been terminated or removed by the appropriate authority on or before the date of commencement of this Act. The eligible contractual employee shall continue to work in the government organisation till he attains the age of superannuation.

Which organisations are covered?

“Government organisation” means a department, board, corporation or authority under which the eligible contractual employee was working on the date of the commencement of this Act.

What will be the remuneration?

The eligible contractual employee shall receive a consolidated monthly remuneration “equal to the entry pay in the pay level of the corresponding post along with additional remuneration as specified in the First Schedule based on the year of service rendered in the government organisation. The consolidated monthly remuneration including the additional remuneration specified in the First Schedule shall not be less than the remuneration drawn by the eligible contractual employee on the appointed date. The consolidated monthly remuneration shall be increased with effect from the first day of January and the first day of July every year corresponding to the increase in DA. The government may notify an increment on the consolidated monthly remuneration on the completion of the first year from the date of commencement of this Act and every year thereafter.

What will be the government’s powers to implement this Act?

The Bill’s draft reads – “If any difficulty arises in giving effect to the provisions of this Act, the government may, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be necessary or expedient for the purpose of removing the difficulty. However, no order shall be made under this Section after expiry of two years from the date of commencement of this Act. Every order made under this section shall, as soon as may be after it is made, be laid before the State Legislature. No suit, prosecution or other legal proceeding shall lie against the Government or any officer or employee of the Government or any other person or authority authorized by the Government for anything which is in good faith done or intended to be done in pursuance of this Act or of any rules or orders made thereunder”.

What will be the additional remuneration and how will it be calculated?

The additional remuneration given to these employees shall be calculated on the number of years for which they had been working with the state government. According to the Bill’s draft – for over 10 years of service – 15 per cent of entry pay in the pay level shall be considered as additional remuneration. For 8-10 years, it shall be 10 per cent of entry pay; for 5-8 years, it shall be five per cent of the entry pay. The employees shall also receive healthcare benefits as notified under Pradhan Mantri-Jan Aarogya Yojna (PM-JAY) CHIRAYU Extension Scheme or as revised by the Government. They will also receive death-cum-retirement gratuity, maternity benefits and benefit of ex-gratia compassionate financial assistance or compassionate appointment in Haryana Kaushal Rozgar Nigam in accordance with such policy as may be notified by the government.

Source : Indian Express



Ministry of Labour and Employment and TeamLease EdTech sign MoU to enhance employment opportunities for National Career Service (NCS) registered job seekers



The Ministry of Labour & Employment signed a Memorandum of Understanding (MoU) with TeamLease EdTech in New Delhi today, marking a significant milestone in promoting employment opportunities across multiple sectors. The MoU was signed by Shri. Amit Nirmal, Deputy Director General (Employment), Ministry of Labour and Employment and Shri Jaideep Kewalramani, COO and Head of the Employability Business, TeamLease EdTech.

This collaboration underscores a shared commitment to leveraging the National Career Service (NCS) portal to expand job opportunities for jobseekers of NCS. The partnership with TeamLease EdTech will mark a major step in broadening employment prospects for jobseekers registered on NCS, empowering them to find roles that align with their career goals and fostering growth and potential. Under the MoU, more than 15,000 open jobs available with TeamLease EdTech on daily basis, will be shared with NCS portal through integration. The collaboration will also introduce work-linked degree programs, combining academic learning with practical experience to boost youth employability and align education with industry needs.

Salient Points of the MoU

The MoU is set for an initial period of two years, outlines that TeamLease EdTech and its affiliated agencies will post job vacancies and conduct hiring drives on the NCS portal. TeamLease EdTech will share work integrated degree programs and job opportunities on the NCS portal.

As part of MoU, Career lounges will be established in the identified Model Career Centers, staffed with dedicated counselors to guide job seekers on career options and programs. Additionally, TeamLease's Digiversity skill programs will be accessible to job seekers on NCS, enhancing skill development opportunities. It was agreed that two Career Lounges will be set up by the end of December, 2024.



NCS Portal: A Game Changer in Employment Services

The National Career Service (NCS) portal, operational since July 2015, has been a transformative platform in the employment landscape. Managed by the Ministry of Labour & Employment, it provides a wide range of services, including job search, career counselling, vocational guidance, and skill development resources. The portal serves millions of users, including job seekers, employers, and educational institutions.

This year, the NCS portal crossed the milestone of 2 million active vacancies on a single day, with on an average 15 -20 lakh job opportunities listed on the portal. The portal has already registered more than 1 crore vacancies during the current financial year. Currently, the platform has more than 35 lakh employers, making it a vital platform in bridging the gap between talent and opportunities.

Integrated with 30 States/UTs employment portals and several private job portals, the NCS portal continues to enrich its database and connect job seekers with the right roles. Its contribution to employment accessibility and career growth has made it a critical resource for India's workforce.

Source : Press Information Bureau

Latest Notifications & Updates

- > EPF - Settlement Of Physical Claims Without Seeding Of Aadhaar For Certain Classes Of Members
- > EPFO circular UAN Activation direction
- > Instructions for regulating joint requests under Paragraph 26(6) of EPF Scheme 1952
- > West Bengal - Implementation of Labour laws for Welfare and Social Security of the workers
- > Two year Exemption Granted To IT & ITES Establishments Under Sec 6 & 7 of Dookan Aur Vanijya Adhistan Adhiniyam,1962
- > Annual Report Submission under POSH Act, 2013_Gurugram
- > Uttar Pradesh BOCW (Employment Regulation and Service Conditions) (Sixth Amendment) Rules, 2024
- > Holiday List



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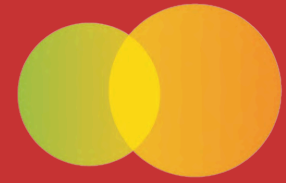
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With over 30 years of existence and with more than 200 professionals the firm provides robust compliance services and solutions on complex requirements under Labour law. The information shared in the newsletter is on the basis of Government notifications 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.

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