



THE LABOURTORIALS

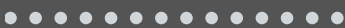
P. K. AGARWAL &
ASSOCIATES
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Monthly updates on Industrial and Labour Laws

NOV. 2020
ISSUE NO. 4



Word of the month:



CONFINEMENT- Childbirth

CONFINEMENT EXPENSES-

*Confinement Expenses is lump sum payment made to an insured woman or an insured person in respect of his wife if the confinement occurs at a place where necessary facilities under the ESI Scheme are not available. The confinement expense has been recently upgraded to Rs. 7,500/- from Rs. 5000/- per confinement. It is admissible for two confinements only.

KEY HIGHLIGHTS

LATEST FROM THE CENTRAL GOVT.

- The Central Govt. has passed The Union Territory of Jammu and Kashmir Reorganisation (Adaptation of Central Laws) Second Order, 2020 to extend the applicability of various labour laws to Jammu and Kashmir.
- Government of India welcomes objections and suggestions on draft Industrial Relations Code, 2020.

LATEST FROM THE STATE GOVT.

- The State Governments are coming up with Business Reform Plans to maintain higher rankings in EASE OF DOING BUSINESS. They have switched to online method to foster competitive and cooperative federalism.
- Several State Govts have revised VDA resulting in overall increase in the rates of Minimum wages given to different categories of employees.

FROM THE VAULT

- What are the benefits for Building and Other Construction workers ?

LATEST FROM THE CENTRAL GOVERNMENT

ESI & PF UPDATES

- The ESIC vide its notification dated 16th September 2020 has extended the scheme Atal Beemit Vyakti Kalyan Yojana for another one year from 1st July 2020 till 30th June 2021. [Click here](#) to view notification.
- The Pension Fund Regulatory and Development Authority of India vide Circular dated 01.10.2020 has launched the facility under which NPS subscribers will be able to directly remit voluntary contributions using Virtual-Id. The Virtual Id linked to Permanent Retirement Account Number can be generated through CRA System. [Click here](#) to view notification.
- ESIC has omitted Rule 51B of The Employees' State Insurance (Central) Rules, 1950 which states that in areas where the act is implemented for the first time, the contribution for the initial twenty-four months from such date of implementation for an employer is 3 % and employee is 1 %. Now, the contribution rates will be continued at 3.25 % as employer contribution and 0.75 % as employee contribution for all newly implemented areas. [Click here](#) to view notification.
- The Ministry of Labour and Employment vide its notification dated 27th October 2020 has published the Employees' State Insurance (Central) Amendment rules, 2020. Through this amendment, ESIC has decided to enhance the monetary grant paid to pregnant women from Rs. 5,000 to Rs. 7,500 in case they cannot avail maternity services in ESIC dispensaries. [Click here](#) to view notification.

श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
भारत सरकार (Government of India)

EPFO

Recent initiatives by EPFO

- Virtual Hearing Facility in quasi-judicial cases
- Maximum Assurance Benefit increased to Rs.7 Lakh under EDLI Scheme
- Scheme Certificate on UMANG App
- Bulk transfer of PF by Exempted Trusts
- WhatsApp based helpline-cum-grievance redressal
- EPFiGMS on UMANG App

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Employees' Provident Fund Organisation

श्रम एवं रोजगार मंत्रालय
Ministry of Labour & Employment
भारत सरकार (Government of India)

EPFO

New Facility

Bulk Transfer of PF by Exempted Trusts to EPFO

- Shri Apurva Chandra, Secretary, Labour and Employment Launched **facility for Bulk Transfer** of PF by Exempted Trusts to EPFO
- Enables exempted trusts to upload bulk data and transfer funds as a **single payment**.
- Earlier, Trusts used to transfer funds member wise, one at a time.
- Ease of business** as it speeds up transfer process.

epfindia.gov.in @socialpfo @socialpfo
Employees' Provident Fund Organisation

The Union Territory Of Jammu And Kashmir Reorganisation (Adaptation Of Central Laws) Second Order, 2020



Indian Parliament | Legal bites.in

The Central Government vide ordinance dated 5th October 2020 has passed an order to be known as The Union Territory of Jammu and Kashmir Reorganisation (**Adaptation of Central Laws**) Second Order, 2020 to amend The Building And Other Construction Workers (Regulation Of Employment And Conditions Of Service) Act, 1996, The Industrial Disputes Act, 1947, The Factories Act, 1948, The Contract Labour (Regulation and Abolition) Act, 1970, The Industrial Employment (Standing Orders) Act, 1946, The Trade Union Act, 1926, etc

Below mentioned are the brief description on the changes

brought in by the order:

a) Provisions relating to layoffs, retrenchment, closure of the certain establishment, under Section 25K of The Industrial Disputes Act, 1947 will now be applicable to an industrial establishment where the number of workmen employed is not less than three hundred workmen instead of the existing provision of one hundred workmen.

Further, the time limit for submission of the application to Labour Court or Tribunal, in case of dismissal of an individual workman which may be deemed to be an industrial dispute, has been reduced from three years

to one year from the date of dismissal, retrenchment, discharge or termination of service as per provisions of the Act.

(b) The threshold limit for applicability to the Factories Act, 1948 has now been increased from ten or more workers to twenty or more workers for factories operating with the aid of power and from twenty or more workers to forty or more workers for factories operating without the aid of power.

In addition, prior consent of the women worker shall be obtained by the employer for working before 6 am and beyond 7 pm subject to such conditions relating to safety, holidays and working hours or any other condition as prescribed.

(c) The applicability of The Contract Labour (Regulation and Abolition) Act, 1970 for establishments has been increased from twenty or more workmen to forty or more workmen.

[Click here](#) to view notification.



**T
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After 35 years, India has assumed the Chairmanship of the Governing Body of International Labour Organization, marking a new chapter in the 100 years of a productive relationship between India and ILO.

Shri Apurva Chandra, Secretary (Labour and Employment) has been elected for the post, for the period October 2020- June 2021. It is a position of international repute. The Governing Body (GB) is the apex executive body of the ILO which decides policies, programmes, agenda, budget and elects the Director-General.

Government of India welcomes your objections and suggestions of draft Industrial Relations Code, 2020.



The Ministry of Labour and Employment vide its notification dated 29th October 2020 has published the Draft Industrial Relations Code, 2020 to further amend the Industrial Tribunal (Procedure) Rules, 1949, Industrial Tribunal (Central Procedure) Rules, 1954, Industrial Disputes (Central) Rules, 1957, Industrial Employment (Standing Orders) Central Rules, 1946.

Key Highlights from the code:

- The draft rules for the Industrial Relations Code, has proposed changes in the conditions for workers to strike, alongside a rise in the threshold relating to layoffs

and retrenchment in industrial establishments to 300 workers from 100 workers earlier without any government nod.

- The definition of the strike has been expanded which shall include the casual leave of more than 50% workers from the industrial establishment.
- The draft rules have also detailed conditions for functioning of the proposed re-skilling fund for retrenched workers. "Every employer who has retrenched a worker or workers under this Code, shall, within ten days, at the time of retrenching a worker or workers shall electronically transfer and

amount equivalent to fifteen days of last drawn wages of such retrenched worker or workers in the account to be maintained by the Central Government.

- Further, the code provides simplified steps and mechanism for dispute resolution.

Objections and suggestions, if any in the above code, may be addressed to Shri Sanjeev Nanda, Under Secretary to the Government of India, Ministry of Labour and Employment, Room No. 17, Shram Shakti Bhawan, Rafi Marg, New Delhi-110001 or by email – sanjeev.dom@nic.in.

[Click here](#) to view notification.

LATEST FROM THE STATE GOVERNMENTS

ONLINE COMPLIANCE WITH LABOUR REGULATIONS

The State Governments are coming up with Business Reform Plans to maintain higher rankings in EASE OF DOING BUSINESS. They have switched to online method to foster competitive and cooperative federalism.



Maintenance of records in electronic form.

As per the provisions under various Central Labour legislations and the Rules made thereunder, establishments/business units have to maintain various registers and documents. Digitization of these Registers and other related documents has the potential to achieve economy and efficiency in working environment. With introduction of Information Technology Act 2000, the maintenance of such registers is also being accepted in electronic format.

In view of the above, after careful consideration Government of **Gujarat**, **Haryana** and **Himachal Pradesh** have allowed digitalization of labour related records and to move towards a regime of online maintenance of all labour-related records by establishments/ Industrial units.

Implementation of auto renewal system.

In compliance of Business Action Plans (BRAP) 2020 of the Department of Promotion of Industries & Internal Trade (DPIIT), Ministry of Commerce & Industry, Government of India, for renewal of licenses under various labour laws, the State Government of **Haryana**, **Rajasthan** and **Karnataka** have approved the auto-renewal of the licenses subject to certain conditions. The provision for payment of fees is made through online portals only.

Online inspection

The Govt. of **Meghalaya**, to simplify business regulations and ease of compliance of labour laws, and bring in transparency and accountability has introduced online based inspection system called Central Inspection system.

Other compliance over messages.

The Govt. of **Telangana** vide news update on the official website of department of factories has decided to provide the following facilities through online messages for sharing status of:

- Approval of new Factory plans and existing factory revised plans.
- Grant of Licence, Amendment and Transfer of factory Licences.
- Payment of Annual Licence fees upto 10 years.
- Filing of single Integrated annual return by Factories managements which shall be applicable for both Factories and Labour departments.
- Sending Messages to the factories managements regarding Inspections, Communication of Inspection reports, Inspections Orders/Notice and Show cause notices through online.

REVISED RATES OF MINIMUM WAGES

Several State Governments have revised Variable Dearness Allowance (VDA) resulting in overall increase in the rates of Minimum wages given to different categories of employees. The chart hereunder shows the states issuing notifications to amend VDA and the dates from which these rates are coming into effect.

S. NO.	STATE	W.E.F.	CLICK HERE TO VIEW NOTIFICATION
1.	Central Government	01.10.2020	Government Notification
3.	Uttarakhand	01.010.2020	Government Notification
4.	Uttar Pradesh	01.10.2020	Government Notification
5.	Chhattisgarh	01.10.2020	Government Notification
6.	Madhya Pradesh	01.10.2020	Government Notification
7.	Gujarat	01.10.2020	Government Notification
8.	Odisha	01.10.2020	Government Notification
9.	Telangana (Industrial workers)	01.10.2020	Government Notification
10.	Andhra Pradesh (Industrial and Agricultural workers)	01.10.2020	Government Notification
11.	Kerala (Industrial and Agricultural workers)	01.10.2020	Government Notification
12.	Rajasthan (Five Scheduled employments)	01.10.2020	Government Notification
13.	Rajasthan (Tobacco and Beedi workers)	01.10.2020	Government Notification

OTHER UPDATES

Application of the Payment Of Bonus Act to the Establishments under the BOCW Act in Tamil Nadu.

The Governor of Tamil Nadu has issued an order to make the Payment of Bonus Act, 1965 applicable to the establishments within the meaning of clause (j) of sub-section (1) of Section 2 of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 in which less than twenty workers and not less than ten workers are employed or were employed on any day during the accounting year 2019.

[Click here](#) to view notification.

Maharashtra amends the applicability under the ESI Act 1948.

The Maharashtra Public Health Department has extended the applicability of the Employees' State Insurance Act, 1948 to establishments having ten or more persons with effect from October 01, 2020 against its earlier limit of 20.

Further, the Act shall now be applicable to Shops, Hotels, Restaurants, Road Motor Transport Establishments, Cinema including preview theatres, Newspaper establishment as defined in Section 2 of the Working Journalists (Condition of Services) and Miscellaneous Provision Act, 1995.

[Click here](#) to view notification.

Govt. of Uttar Pradesh notifies Factories (Uttar Pradesh Amendment) Act, 2020.

The State Government of Uttar Pradesh vide its notification dated 20th October 2020 has published the Factories (Uttar Pradesh Amendment) Act, 2020.

Through this amendment, a new section 5A has been inserted which has given the power to the state government to exempt a factory from the provisions of the Act in the public interest.

The State Government by notification may temporarily exempt new factory or class of new factories whose commercial production starts within a period of one thousand days after the commencement of Factories (Uttar Pradesh Amendment) Act, 2020 from all or any provisions of the Act for a period of 1000 days from the date on which such production starts.

[Click here](#) to view notification.

Governor of Punjab has promulgated The Factories (Punjab Amendment) Ordinance, 2020.

As per the notification, the threshold limit for applicability to the Factories Act, 1948 has been increased from ten or more workers to twenty or more workers for factories operating with the aid of power and from twenty or more workers to forty or more workers for factories operating without the aid of power.

The notification also amends the number of hours allowed to work overtime in any quarter from seventy-five hours to one hundred and fifteen hours.

[Click here](#) to view notification.

TN directs employers to register the details of their interstate migrants workers.

The State Government has directed the employer who hires interstate migrant workers to furnish their details to the concerned officer and the government has created a website (labor.tn.gov.in/ism) in order to facilitate the registration details.

A separate login credentials for factories and building contractors shall be provided. The employers are advised to register proper details, failing which legal action against the factories/building contractors will be taken.

[Click here](#) to view notification.



What are the benefits for Building and other construction workers ?

Around 50 million skilled and unskilled workers are engaged in the construction sector in India. The sector is labour-intensive and most of the labourers are unskilled, unorganized and tend to work under inhuman and pitiful conditions. To address such inhuman working conditions and poor health and safety standards in the real estate industry, the Government of India enacted the Building and Other Constructions Workers (Regulation of Employment and Conditions of Service) Act, 1996 (hereinafter referred to as the "BOCW Act"). Apart from this there is a BOCW Welfare Cess Act of 1996.

The Acts provide for a welfare fund for workers, which states create by levying a cess of 1-2% on construction projects. They are applicable to any establishment employing 10 or more workers and to projects costing more than Rs 10 lakhs. The State welfare boards collect the cess and pay social security benefits to workers who register with them. The benefits include pension, assistance in case of accident, housing loan, education, group insurance premia, medical expenses, maternity benefits, and so on.

STATES/ UTs	Social security	Education	Health Care	Financial
DELHI	<ol style="list-style-type: none"> 1. Pension benefit- Rs. 3,000/- 2. Family pension – 50% of pensioner’s benefit. 3. Disability pension – Rs. 3,000/- 4. Ex- gratia payment- Rs. 1 lakh. 	<ol style="list-style-type: none"> 1. 1st to 8th – Rs. 6,000/- p.a. 9th to 10th – Rs. 8,400/-p.a. 11th to 12th- Rs. 12,000/-p.a. Graduation- Rs. 36,000/-p.a. ITI Course- Rs.48,000/- p.a. Polytechnic diploma- Rs. 60,000/- p.a. Technical courses such as engineering, medicine and MBA- Rs. 10,000/- p.a. 2. Vocational Training to member and his/her family. 3. Setting up of construction academy for skill development. 	<ol style="list-style-type: none"> 1. Medical Assistance – Rs. 10,000/- for hospitalisation. 2. Maternity benefit- Rs. 30,000/- to female member and male member for his wife. 	<ol style="list-style-type: none"> 1. Marriage Assistance – <ul style="list-style-type: none"> • Female member- Rs. 51,000/- • Male member- Rs. 35,000/- • Daughter of member- Rs. 51,000/- • Son of member- Rs. 35,000/- 2. Death due to accident – Rs. 2 lakhs. 3. Normal death – Rs. 1 lakh. 4. Funeral Assistance – Rs. 10,000/- 5. Loan for Purchase of tools – Rs. 20,000/- 6. Grant for purchase of tools- Rs. 5,000/- 7. Advance for construction of house- Rs. 3 lakhs. 8. Providing items of utility.
UTTAR PRADESH	<ol style="list-style-type: none"> 1. Mahatma Gandhi Pension Sahayta Yojna- Rs. 500/- p.m. 2. Family pension – Rs. 500/- p.m. 3. Kamgar Gambhir Bimari Sahayta Yojna- SACHIS – State Agency for Comprehensive Health Insurance and Integrated services. 4. Accidental death – Rs. 50,000/- 5. Disability - Rs. 2 Lakhs 6. Temporary disability – Rs. 1 lakh. 7. Disability due to serious disease pension- up to Rs. 1,500/- p.m. (Nirman Kamgar Mrityu, Viklangta Sahayta Evam Akshamta Pension Yojna) 8. Nirman Kamgar Rashtreey Svasthy Beema Yojana 9. Aapda Rahat Sahayta Yojna- Rs. 1,000/- subsistence allowance for livelihood. 	<ol style="list-style-type: none"> 1. 1st to 5th – Rs. 150/- p.m. 6th to 10th – Rs. 200/- p.m. 11th to 12th- Rs. 250/- p.m. U.G- Rs. 1000/- p.m. P.G.- Rs. 2,000/- p.m. ITI- Rs. 1,200/- p.m. Engineering/ Medical degree- Rs. 8,000/- p.m. P.H.D.- Rs. 12,000/- p.m. (Cycle to travel to the education centre may be provided). (Sant Ravidas Shiksha Sahayta Yojna) 2. Prize money for meritorious students. (Medhavi Chhatra Puraskar Yojna) 3. Residential School Scheme. 4. (Kaushal Vikas Takniki Unnayan Evam Pramadan Yojna) – Skill Development 	<ol style="list-style-type: none"> 1. Maternity Assistance to Male member Rs. 6,000/- for wife. <ul style="list-style-type: none"> • On birth of male child- Rs. 20,000/- • Female child- Rs. 25,000/- 2. Maternity Assistance to female member- amount equal to wages of three months. <ul style="list-style-type: none"> • On birth of male child- Rs. 20,000/- • Female child- Rs. 25,000/- • On birth of handicapped child- Rs.50,000/- 3. Abortion- Amount equal to wages of 6 weeks. 4. Vasectomy- wages of 2 weeks (Matritava, Shishu Evam Balika Madad Yojna) 5. Chikitsa Suvidha Yojana- Rs. 3,000/- 	<ol style="list-style-type: none"> 1. Construction of house- Rs. 1 lakh. 2. Renovation of house – Rs. 15,000/- (Nirman Kamgar Awast Sahayta Yojna) 3. Inter caste marriage- Rs. 61,000/- 4. Daughters Marriage- Rs. 55,000/- (Kanya Vivah Sahayata Yojana) 5. Saur Urja Sahayta Yojna- Installation of Solar Plants 6. Funeral Assistance- Rs. 8,000/- 7. Interim Assistance to the family of the deceased member- Rs. 30,000/- (Nirman Kamgar Antyesti Sahayta Yojna) 8. Construction of toilets- Rs. 12,000/- 9. Pandit Deen Dayal Upadhyay Chetna Yojna

STATES/ UTs	Social security	Education	Health Care	Financial
UTTARAKHAND	<ol style="list-style-type: none"> 1. Pension benefit- Rs. 1,000/- p.m. for those who have completed 60 years of age and for 65 years and above – Rs. 1,500/- p.m. 2. Disability pension- Rs. 1,000/- p.m. 3. Disability Assistance – Rs. 40,000/-. 4. Accidental Death- Rs. 5 Lakhs. 5. Natural Death – Rs. 2 Lakhs 6. Funeral Assistance – Rs. 10,000/-7 7. National Health Insurance Policy. 	<ol style="list-style-type: none"> 1. 1st to 5th – Rs. 200/- p.m. 6th to 8th-Rs. 300/- p.m. 9th to 10th – Rs. 400/- p.m. 11th to 12th- Rs. 1,200/- p.m. U.G./ P.G. such other similar courses- Rs. 8,00/- p.m. ITI- Rs. 1,200/- p.m. Polytechnic- Rs. 1,000/- p.m. Higher Studies- Rs. 2,500/- p.m. 2. Skill development Scheme. 	<ol style="list-style-type: none"> 1. Maternity benefit- Rs. 10,000/- 	<ol style="list-style-type: none"> 2. Purchase/ construction of house – Rs. 50,000/- 3. Purchase of tools- Rs. 10,000/- 4. Marriage Assistance for female member and two daughters of a member- Rs. 51,000/- 5. Cycle support scheme- workers of plain areas. 6. Sewing machine- Workers of Hilly areas. 7. Umbrella Scheme. 8. Sanitary napkin Scheme for female members. 9. Construction of washrooms- Rs. 12,000/- 10. Solar Energy support scheme.
MADHYA PRADESH	<ol style="list-style-type: none"> 1. Old age pension. 2. Family Pension- Equivalent to Old Age Pension 3. Disability Assistance and Pension. 4. Marriage Assistance. 5. Group Insurance 6. Assistance for payment of Insurance premium. 7. Funeral Assistance 8. Ex- gratia payment. 	<ol style="list-style-type: none"> 1. Skill Training for workers. 2. Assistance for being selected for Union and State Civil Service Exams, Medical college or Engineering college. 3. Scholarship 4. Education Loan 5. Interest subsidy for education loan. 6. Cash award to meritorious students. 	<ol style="list-style-type: none"> 1. Medical Assistance. 2. Maternity Assistance. 	<ol style="list-style-type: none"> 1. Subsidy for purchase of house- Rs. 70,000/- 2. Loan for purchase or construction of house. 3. Subsidy for housing loan. 4. Loan for purchase of tools & small machines. 5. Interest subsidy for supplementary income generating activities. 6. Peetha Workers shades/shelters.
CHATTISGARH	<ol style="list-style-type: none"> 1. Pradhan Mantri Shram Yogi Maan-dhan- <ul style="list-style-type: none"> • Min. assured pension– Rs. 3,000/- • Family Pension – 50 % of the Min. Assured pension. • Disability pension either paid lumpsum or on monthly fixed rates. 2. Group Insurance 3. Assistance for payment for Insurance Premium. 	<ol style="list-style-type: none"> 1. Scholarship 2. Educational loan. 3. Interest subsidy for education loan. 4. Cash Award for meritorious students. 	<ol style="list-style-type: none"> 1. Medical assistance- <ul style="list-style-type: none"> • Difference between- actual expenditure on treatment and claim receivable under an insurance policy or assistance received from employer. • 50% of actual expenditure of treatment. • Rs. 50,000/- 2. Maternity Assistance 	<ol style="list-style-type: none"> 1. Loan for purchase or construction of house- up to 1 lakh. 2. Interest subsidy for housing loan 3. Purchase of tools 4. Marriage Assistance 5. Funeral Assistance 6. Ex- gratia payment lump sum grant in case of death.

NOTE :

- This is in continuation to the BOCW benefits shared in Issue 2 of The Labourtorials. This month we got you benefits provided to the Building and other construction workers by the Board of the states in NORTHERN AND CENTRAL INDIA. Likewise, the benefits provided by remaining states will be shared in the consecutive editions.
- Click on the states mentioned in the first column of the table to read extensively about the benefits for Building and other Construction workers.



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" To win in the Marketplace you must first win in the Workplace "

P.K. Agarwal & Associates deals in :

- Apprentices Act
- Contract Labour (R&A) Act
- Employees' Compensation Act
- EPF & MP Act
- Employee State Insurance Act
- Factories Act
- Industrial Disputes Act,
- Industrial Employment (Standing Orders) Act
- Maternity Benefit Act
- Minimum Wages Act
- Payment of Bonus Act
- Payment of Gratuity Act
- Payment of Wages Act
- Sexual Harassment of Woman at Workplace (Prevention, Prohibition & Redressal) Act
- Trade Union Act, and
- all other labour related statutes.

Drafting of Appointment Letters, Agreements, Charge sheets, Domestic Enquiry, Notices, Office Orders , Warning letters, Court cases, HR compliance audit etc .

P.K AGARWAL AND ASSOCIATES

