



THE LABOURTORIALS

P. K. AGARWAL &
ASSOCIATES
9999009685

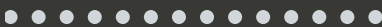
Monthly updates on Industrial and Labour Laws

JUNE 2021
VOL. I, ISSUE 11

WORK FROM
ANYWHERE!

Courtesy: Pradeep Gupta (Security
Engineer | Innovaccer)

Word of the month:



SABBATICAL LEAVE-

The sabbatical leave is a paid or an unpaid break from work during which employees can pursue their interests, like traveling, writing, research, volunteering or other activities (or even rest). The leaves can be for a period of six months to two years depending upon the policy of the Organization.

KEY HIGHLIGHTS

BEFORE THE QUASI-JUDICIAL AUHTORITY

- Appeal to withdraw the Circular about mandatory seeding of Aadhar numbers for filing of ECR issued by EPFO.

LATEST FROM THE CENTRAL GOVERNMENT

- Labour Ministry announces major social security relief to dependents of workers passing away due to COVID-19.
- EPFO allows its members to avail second COVID- 19 advance.
- Govt. announces mandatory seeding of Aadhar no. to avail Social Security benefits.

LATEST FROM THE STATE GOVERNMENTS

- Notice issued to Employers not to terminate or reduce wages of Employees during lockdown - Govt. of Karnataka.
- Delhi Govt. directs principal employers to mandatorily register their ISM workers through the e-district portal.

FROM THE VAULT

- A person's first responsibility is for the needs of their own, Charity begins at home.

BEFORE THE QUASI-JUDICIAL AUTHORITY

Appeal to withdraw the Circular about mandatory seeding of Aadhar numbers for filing of ECR issued by EPFO.

Association of Industries and Institutions has filed an appeal dated 2nd June 2021 before the Hon'ble Minister of Labour and Employment, Sh. Santosh Kumar Gangwar subjecting: **provisions of the EPFO's recent circular of mandatory seeding of Aadhar numbers for filing ECR are against the interest of employees during this pandemic situation thereby requesting withdrawal of the said directives.**

The Association submits that the above mandate has created troubles for the poor employees and has created innumerable hardships for both employer and employee in availing the benefits under the PF Scheme.



Courtesy: visualsstock.com

The Association brings in that since the Code on Social Security, 2020 has been notified but is yet to be implemented, the requirement of Aadhar for availing benefits, etc. (Section 142 of the Code) under the existing PF Scheme may not be made mandatory and the directives may be postponed for at least 3 to 4 months till the pandemic ends.

On the contrary, the ESIC through Sh. Madan Chaurasia, Under Secretary to GOI, MOLE has taken a holistic approach while directing "the Aadhar is not mandatory ... No IP shall be denied any benefit under the existing ESI Act, 1948". The Association calls it "**One Ministry, One Labour Code, One legal provision (Section 142), BUT TWO CONTRARY ORDERS from EPFO and ESIC**".

EPFO is rejecting the ECR for two reasons: **Aadhar not verified** and **Aadhar not seeded**. The Association highlights the problems stating that the Aadhar data of few employees mismatch with the EPFO database which could not be corrected presently due to the lockdown restrictions on the Aadhar centers. Further, the employees have amended their data in Aadhar without informing the employers which now result in Aadhar not being verified with the EPFO database.

"The Circular issued by EPFO would practically disable the establishments in uploading the ECR in one go and would also lead to delayed PF remittances and loss of ABRY benefit. The possibility of denial of employment to the employees who are not having correct Aadhar Numbers cannot be ruled out", concludes the Association and prays for postponement of the said directive.

[Click here](#) to read the full document.

LATEST FROM THE CENTRAL GOVERNMENT

Labour Ministry announces major social security relief to dependents of workers passing away due to COVID-19.

The Ministry of Labour and Employment has announced additional benefits through ESIC and EPFO schemes to address the fear and anxiety of the members for the well-being of their families due to an increase in incidences of death due to the COVID -19. Enhanced social security is sought to be provided to the workers without any additional cost to the employer.

Currently for the Insured Persons (IPs) under ESIC, after death or disablement of the IP due to employment injury, a pension equivalent to 90% of average daily wage drawn by the worker is available to the spouse and widowed mother for life long and for children till they attain the age of 25 years. For the female child, the benefit is available till her marriage. It has now been decided that **all dependent family members of IPs who have been registered in the online portal of the ESIC prior to their diagnosis of COVID disease and subsequent death due to the disease, will be entitled to receive the same benefits and on the same scale**, subject to the following eligibility conditions:

- The IP must have been registered on the ESIC online portal at least three months prior to the diagnosis of COVID disease resulting in death.
- The IP must have been employed for wages and contributions for at least 78 days should have been paid or payable in respect of deceased IP during a period of one year immediately preceding the diagnosis of COVID disease resulting in death.

The scheme will be effective for a period of two years from 24.03.2020.

[\(Click here](#) to read the notification.)

Further, the EPFO has amended its **Employees' Deposit Linked Insurance Scheme**.

The amendments are as follows:



- The amount of maximum benefit has been increased from 6 lakhs to 7 lakhs to the family members of the deceased employee.
- Minimum assurance benefit of ₹2.5 lakh to eligible family members of deceased employees who was a member for a continuous period of 12 months preceding his death irrespective of change of establishment during the said period. It will benefit contractual/casual labourers who were losing benefits due to the condition of continuous one year of employment in one establishment.
- Restoration of provision of minimum 2.5 lakh compensation retrospectively, i.e., from 15th February 2020.

[\(Click here](#) to read the notification.)

These welfare measures will provide much-needed support to the families of workers who have died due to this pandemic and will protect them from financial hardships in these challenging times.

For Your Information

➔ EPFO allows its members to avail second COVID- 19 advance.

To support its subscribers during the second wave of the Covid-19 pandemic, EPFO has now allowed its members to avail second non-refundable Covid-19 advance. Under this provision a non-refundable withdrawal to the extent of the basic wages and dearness allowances for three months or up to 75% of the amount standing to member's credit in the EPF account, whichever is less, provided. Members can apply for a lesser amount also.

The abovesaid provision of special withdrawal to meet the financial need of the members during the pandemic was introduced in March 2020 under the Pradhan Mantri Garib Kalyan Yojna(PMGKY).

[Click here](#) to read more.

➔ ESIC extends the date for filing of ESI contribution for the month of April, 2021.

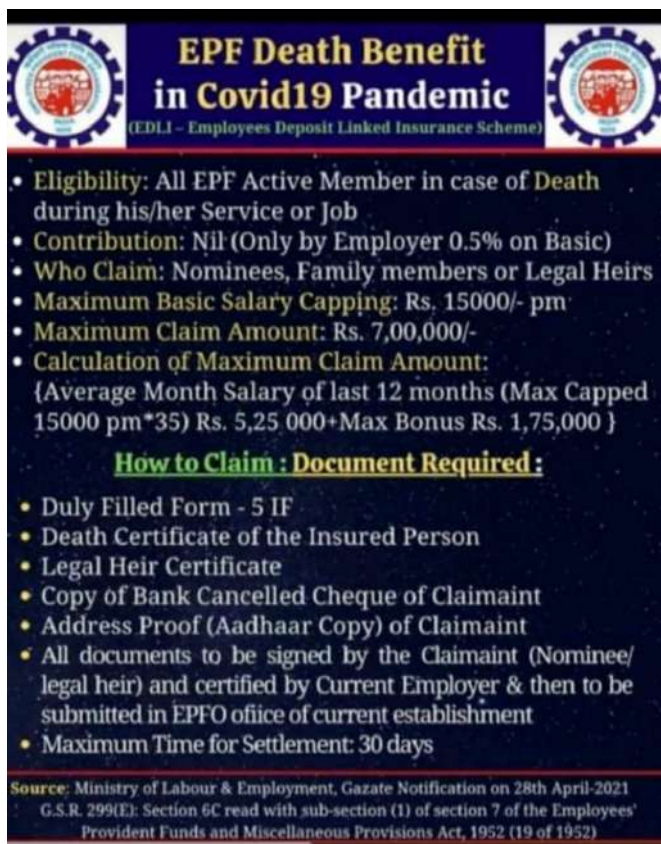
Keeping in view the pandemic and second wave of coronavirus (Covid-19) in the country, the director-general has relaxed the provisions as entered in regulation 31 of ESI (General) Regulations 1950 and allowed filing of contributions for the month of April 2021 up to 15th June 2021 instead of 15th May 2021.

➔ Govt. announces mandatory seeding of Aadhar no. to avail Social Security benefits.

Coming into force of section 142 of the Code on Social Security, 2020 the government mandates seeding of Aadhar to avail benefits under the Code. Further, the ECR shall be allowed to be filed only for those members, whose Aadhaar numbers are seeded and verified with the UANs, w.e.f 01.06.2021.

Therefore, **please link your Aadhaar number in UAN to avail uninterrupted services of the EPFO.** Members can validate their Aadhaar with UAN through the online e-KYC facility available on the member portal, as well as the UMANG App, in view of the impending mandatory provisions.

Click here to read the [notification](#) and the [Circular](#).



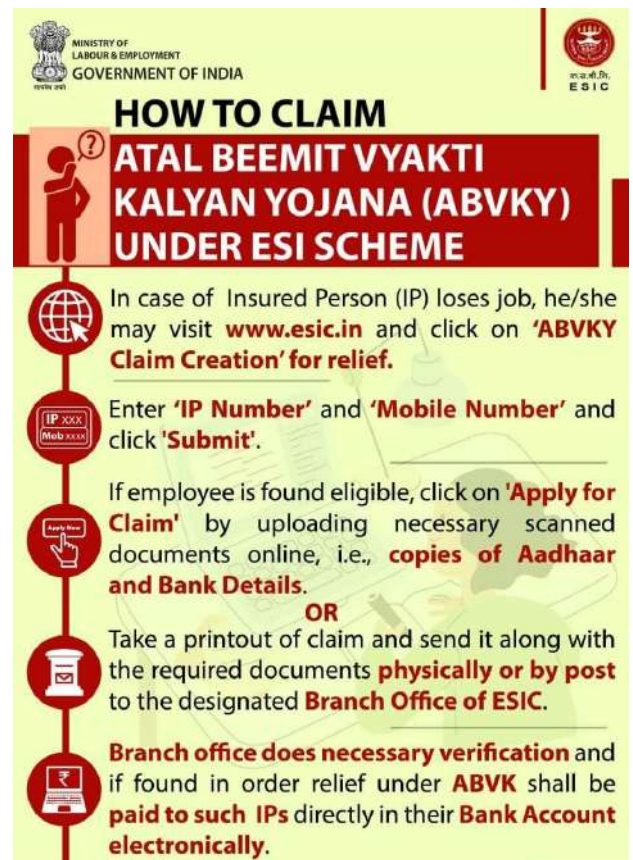
EPF Death Benefit in Covid19 Pandemic
(EDLI - Employees Deposit Linked Insurance Scheme)

- **Eligibility:** All EPF Active Member in case of Death during his/her Service or Job
- **Contribution:** Nil (Only by Employer 0.5% on Basic)
- **Who Claim:** Nominees, Family members or Legal Heirs
- **Maximum Basic Salary Capping:** Rs. 15000/- pm
- **Maximum Claim Amount:** Rs. 7,00,000/-
- **Calculation of Maximum Claim Amount:**
{Average Month Salary of last 12 months (Max Capped 15000 pm*35) Rs. 5,25,000+Max Bonus Rs. 1,75,000 }

How to Claim : Document Required :

- Duly Filled Form - 5 IF
- Death Certificate of the Insured Person
- Legal Heir Certificate
- Copy of Bank Cancelled Cheque of Claimant
- Address Proof (Aadhaar Copy) of Claimant
- All documents to be signed by the Claimant (Nominee/ legal heir) and certified by Current Employer & then to be submitted in EPFO office of current establishment
- Maximum Time for Settlement: 30 days

Source: Ministry of Labour & Employment, Gazate Notification on 28th April-2021
G.S.R. 299(E): Section 6C read with sub-section (1) of section 7 of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952)



MINISTRY OF LABOUR & EMPLOYMENT
GOVERNMENT OF INDIA

HOW TO CLAIM ATAL BEEMIT VYAKTI KALYAN YOJANA (ABVKY) UNDER ESI SCHEME

In case of Insured Person (IP) loses job, he/she may visit www.esic.in and click on **'ABVKY Claim Creation'** for relief.

Enter **'IP Number'** and **'Mobile Number'** and click **'Submit'**.

If employee is found eligible, click on **'Apply for Claim'** by uploading necessary scanned documents online, i.e., **copies of Aadhaar and Bank Details.**

OR

Take a printout of claim and send it along with the required documents **physically or by post** to the designated **Branch Office of ESIC.**

Branch office does necessary verification and if found in order relief under **ABVK** shall be **paid to such IPs** directly in their **Bank Account electronically.**

LATEST FROM THE STATE GOVERNMENTS

Delhi Govt. directs principal employers to mandatorily register their ISM workers through the e-district portal.

Govt. of NCT of Delhi on 14th May 2021 directed the principal employers employing or (have employed during the last 12 months) the workers through outsourcing to mandatorily register with the labour department through e-district portal of government of NCT Delhi on the link <https://edistrict.delhigovt.nic.in/>.

The Interstate Migrant Act is applicable to every establishment in which 5 or more interstate workmen are employed and they shall be issued a passbook by the contractor containing details of employment and shall be provided other benefits as provided in the Act. Noncompliance of the statutory obligations will attract appropriate legal action as mentioned in the Act.

[Click here](#) to read the Circular.

SPICE+ portal is now integrated with the Delhi S & E registration portal.

For ease of doing business, the SPICE+ portal is now integrated with the Delhi shops & Establishment registration portal. Anyoone who wishes to obtain registration under the Companies Act, 2013 and also taking first-time registration under Delhi Shops and Registration Act, 1954 shall approach SPICE+ Portal for the same. Subsequent registration for different branches offices of the establishment under Delhi Shop & Establishment Act, 1954 may be taken directly on Delhi Shops and Establishment registration portal: <https://labourcis.nic.in>.

States grant relaxation in the working hours under the Factories Act for the period of three months.

The Government of [Himachal Pradesh](#), [Madhya Pradesh](#), and [Maharashtra](#) have issued directions to the factories under the Factories Act, 1948 by exempting various provisions relating to weekly hours, intervals for adults, etc. of adult workers with certain conditions for the period of three months.

As per the condition, no adult worker shall be allowed or required to work more than 12 hours on any day and 72 hours in any week and shall be paid overtime wages.

However, the overtime work shall not be made compulsory or obliged for any worker and the period of work of adult workers in a factory each day shall be so fixed that no period exceed 6 hours and that no worker shall work for more than 6 hours before he has had an interval for rest of at least half an hour.

Govt. of Uttarakhand issued notification regarding working overtime in industries engaged in manufacturing of pharmaceutical products and essential commodities or in continuous production.

The state of [Uttarakhand](#) keeping in view the situation of Public Emergency due to widespread of Covid-19 has relaxed certain provisions under sections 51, 54,55, and 56 of the Factories Act, 1948. As per the notification, the factories can carry out the work in two shifts of 12 hours each where four hours will be overtime which shall be paid in accordance with the provisions of law. The workers in both shifts can work up to a maximum of 6 days in a week where overtime cannot be extended to more than 24 hours.

The said notification will be in effect for 60 days commencing from 25th May 2021.

REVISED RATES OF MINIMUM WAGES

Several State Governments in addition to the State of Uttarakhand, Madhya Pradesh, Jharkhand, Gujarat, Telangana, and Tamil Nadu (as published in the previous edition) have revised the Variable Dearness Allowance (VDA) resulting in an overall increase in the rates of Minimum wages given to different categories of employees. The chart hereunder shows the states issuing notices 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 Sphere Employees	01.04.2021	Government Notification
2.	Odisha	01.04.2021	Government Notification
3.	Union Territories of Daman & Diu and Dadra & Nagar Haveli	01.04.2021-30.09.2021	Government Notification
4.	Kerala	March, 2021	Government Notification
5.	Andhra Pradesh	01.04.2021	Government Notification
6.	Uttar Pradesh	01.01.2021-30.09.2021	Government Notification
7.	Uttar Pradesh (Bidi Industry)	01.04.2021-30.09.2021	Government Notification
8.	Uttar Pradesh (Sugar Industry)	01.04.2021	Government Notification
9.	Uttar Pradesh (Hotel and Restaurant Industry)	01.04.2021-30.09.2021	Government Notification
10.	Uttar Pradesh (Collin Industry)	01.04.2021-30.09.2021	Government Notification

EXTENSION OF DATES

- Govt. of Kerala Extends the validity period of licenses of commercial and Industrial establishments up to 31.08.2021 for the FY 21-22 without penalty.

[Click here](#) to read the notification.

- Due to the pandemic situation Telangana govt. hereby extends the date of furnishing of the integrated returns for FY 2020-21 by two months making it 30.06.2021 as a one-time measure.

[Click here](#) to read notification.



Courtesy: Vedanshi Jain Gupta
(Technical Support Engineer | UKG)

- ➔ **Notice issued to Employers not to terminate or reduce wages of Employees during lockdown - Govt. of Karnataka.**

[Click here](#) to read the notification.

Notification and SOP to be implemented under Child and Adolescent Labour (P&R) Act, 1986 - Govt. of Assam.

[Click here](#) to read the notification.

FROM THE VAULT

A person's first responsibility is for the needs of their own, Charity begins at home.

The Country in the second wave has lost its vital working population many of whom were the only bread-earners of the family. After somewhat fixing the healthcare sector the private and public organizations move towards uplifting the people who are working for them- the employees.

Indian Inc. like Reliance Industries, Radaco Khaitan Limited, OYO, etc. has announced COVID-19 bereavement support to the families of employees who lost their lives due to the COVID-19. They ensure payment of salaries, bear educational expenses, provide medical insurance to the family of the deceased.

"All the above measures or even more cannot compensate for the loss of a Radico family member but can only give some strength to the bereaved family to bear this irreparable loss", says Chairman and Managing Director of Radico Khaitan Limited.

HCL Technologies is offering a Rs 30 lakh insurance cover and an additional Rs 7 lakh employee deposit linked insurance cover to employees for Covid-19.



Infosys gives Employees, who have contracted or recovering from Covid-19, 21 days of additional paid leaves.

Accenture said they have built several resources including 24/7 telemedicine services, care-at-home services, enhanced insurance coverage, virtual childcare, mental health support, and support for testing and vaccinations to support its over two lakh employees and their families in India.

Tata Consultancy Services has announced a salary hike for its over 469,000 employees from April 2021. "We are extremely thankful to all our associates for demonstrating resilience, adaptability, and an innovative mindset to steer the company in these trying times. This step is a reflection of our steadfast commitment to our associates", it said.

This approach could well be adopted on a micro-economic level if everybody starts supporting their immediate. The Employees are the wealth of any organization; pertinent to mention, executives of your dreams and face to your idea. Social security develops confidence and a bond between the Management and the employees. Both can count on each other in these tough times.

Hence, A person's first responsibility is for the needs of their own, Charity begins at home.



Elbows to the good cause! Alternative handshake during coronavirus epidemic.

Disclaimer: This document is prepared and furnished for information and knowledge enhancement of all interested. You may choose to reproduce or redistribute this document for non- commercial purposes in part or full to any other person with due acknowledgement of the author. The opinions and analysis expressed herein are entirely those of the author. Even though the content of the document has been extracted or analysed from the government notifications, orders, circulars, news reports etc., it is not to be taken as complete and accurate in all respects.

“Take away my people, but leave my factories, and soon grass will grow on the factory floors. Take away my factories, but leave my people, and soon we will have a new and better factory.”

~ANDREW CARNEGIE

P.K. Agarwal & Associates deals in :

- Compliance under all labour related statutes;
- Drafting and vetting of appointment Letters, agreements, standing orders, notices, and such other documents required by the establishment in lieu of employer-employee relationship;
- Handling of court cases under all the labour statutes before Labour Inspectors, Officers, Commissioners, Tribunals, District Courts as well as High Court and Supreme Court; and
- Providing time to time consultancy on all labor-related matters.

P.K AGARWAL AND ASSOCIATES

