

happy republic day

vande matram

26 January

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# News



## **SCOPE for uniform policy on sexual harassment**

SCOPE (Standing Conference of Public Enterprises) organized a workshop on Protection of Women against Sexual Harassment at Workplace. Mamta Sharma, Chairperson, NCW, inaugurated the workshop and released Code of Conduct for Zero Tolerance to Sexual Harassment at Workspace'. Arun Roy Choudhury, chairman, SCOPE and chairman and MD, NTPC; UD Choubey, director general, SCOPE; and Charu Wali Khanna, member, NCW also addressed the workshop.

## **Two directors of a refractory arrested for non-payment of workers dues**

Two directors of an Orissa, based refractory were arrested in Kolkata in connection with alleged non-payment of employees dues and brought to Rourkela on 30.12.2011.

A Rourkela police team had gone to Kolkata and arrested Surendra Kumar Jhunjhunwala and his father Jugal Kishore Jhunjhunwala, directors of ORIND, now rechristened Shaswat International Ltd, located at Lathikata near Rourkela.

The directors were arrested following a complaint lodged by some of the employees of the factory, where lockout was declared since July, police said.

## **IT employees constantly alive in fear on blacklisting**

Information communication and telecommunication (ICT) tools like Internet not only gives information but also it is considered a threat by the IT/ITeS employees. It is like 'surgical knife which can also be used otherwise', said Mr. A.K. Padmanabhan, President, Centre of Indian Trade Unions (CITU).

Speaking on the sidelines of CII Institute of Quality summit, Mr. Padmanabhan said "Work conditions in IT/ITeS may be bad but employees are unable to express it, they fear blacklisting or thrown out of the company".

Technology should not be looked at as means of cutting jobs. Adoption of technologies should suit the country. "Take requirement of the country or it would be disastrous when adopted recklessly", he explained.

Earlier, speaking on labour and employment issues in India, Mr. Padmanabhan said labour issue were yet to become key issues in any managements or government decisions. It is not discussed seriously either. Efforts should be made that the country's youth power be harnessed to achieve employability and growth.

## **Overseas Indians look homewards for employment**

Most recruitment firms say that the number of Indians coming home in search of work has risen sharply in the past three months. What is significant is that these Indian-origin executives who are now looking to return home are coming in at salaries similar to what they were getting abroad. There are, however, certain sectors which have generated more traction than others.

## **PF Defaults may now invite arrests-EPFO Nagpur**

Employees' Provident Fund Organization's (EPFO) office in Nagpur has adopted a stricter stance against defaulting employers by resorting to the last option of issuing arrest warrants against many of them. Last month, the office issued as many as 12 warrants that enable the police to arrest persons and produce them before EPFO's recovery officer. The officer can award them upto six month's simple imprisonment.

The action at Nagpur office is considered one of the biggest so far. Though EPFO has powers to make arrests, such orders are usually not issued. More such actions are likely as now there is a special focus on recovery, said a source. The biggest drive so far remains the one taken in Orissa in 2002, when 21 arrest warrants were issued in six months with each defaulter getting a six month prison sentence, said the source. In Nagpur there have been no jail terms so far. This is because the recovery officer also has the powers to let off the person on payment of the dues or on an undertaking to pay.

All 12 warrants are for employers in Vidarbha though the Nagpur office also covers Marathwada. The warrants continue to remain valid in many cases. The process of arresting is slower than in a criminal case as the police can execute warrant according to its own priority.

In December EPFO arrested a director of M/s. Navdurga Bamboo Craft Private Ltd., Chamorshi Tehsil, in Gadchiroli District. The firm had defaulted in PF contribution to the tune of Rs. 5.50 lakh from 2005 to 2011. He was later freed on depositing Rs. 50000 and furnishing a personal bond to deposit rest of the amount.

Arrests come after all the methods of recovery are exhausted. These include attachment of bank accounts and sale of assets. Even the courts advise using this power sparingly, said another senior official in the EPFO. Since last two years, EPFO has shifted to inspector raj, doing away with the computer-based system of tracking defaults. The earlier system used to highlight names of establishments whose contributions came below the normal level. Then notices were served.

However, this was not considered the right method for detection. Sources said it often led to false alarms as the contributions fell due to valid reasons like reduction in manpower or delay in crediting the amount by banks. The EPFO has now reverted to field inspection system under which officer gather intelligence about defaults. Most defaults relate to contractual employees or those outsourced, said sources.

## **Pay by cheques, not cash: Delhi Labour Department**

After receiving a number of complaints regarding underpayment from employees, the Labour Department has said that all wages will be released to the labourers only through the crossed cheques or ECS.

Delhi labour, Industries and Law and Justice Minister Ramakant Goswami said the Labour Department is committed to implement the provisions of the Minimum Wages Act, 1948, so that the interests of labours could be fully safeguarded. The order will be applicable to all shops and establishments. Industrial units, hospitals, education institutions, government and semi-government organizations operating in Delhi.

## **EPFO to issue contribution cards for subscribers**

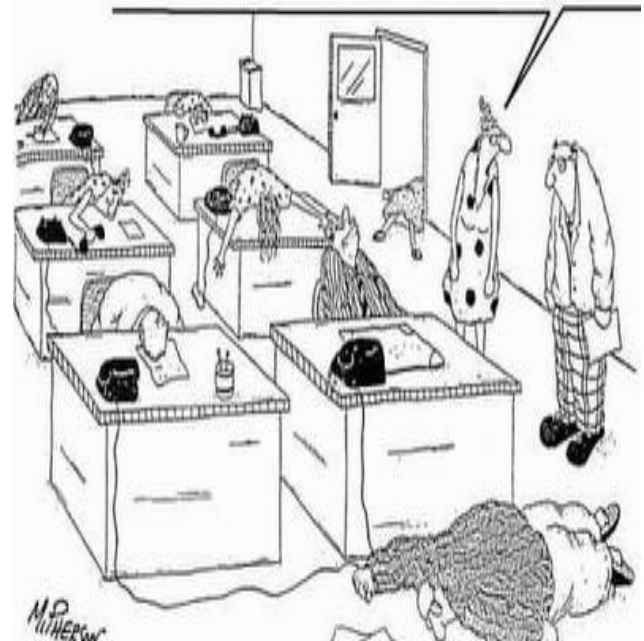
The retirement fund body EPFO's about 50 million subscribers may get 'Contribution Card', similar to a bank pass book which shall have details of account and will be updated every month, from April, 2012. At present, it is mandatory for the employer to prepare 'Contribution Cards' and update it every month as per the provisions of the Employees' Provident Fund Scheme, 1952. But such cards are not provided to subscribers. The proposal to provide Contribution Cards to subscribers from April 1, 2012, will be discussed at the meeting of the Employees' Provident Fund Organization's (EPFO) apex-decision making body – the Central Board of Trustees' (CBT) – on December 23, a source said. The card will also have additional information like date of birth, nomination and family details.



## **Office Humor**



*...the coffe machine is broken...*



## **IMPORTANT GLANCE ON CASE LAWS**

**Important**



**EPF Appellate Tribunal has to consider all relevant aspects instead of passing stereotype order.**

Reference :- Vyankatesh Shetkari Vinkari Sahakari Soot Girani Ltd. Vs Regional Provident Fund Commissioner and Recovery Officer and Others 2012 LLR 14 - Jan 2012

**A legal advisor on monthly retainership not a 'workman'.**

Reference :- Sonapat Central Co-operative Bank Ltd. Vs Presiding Officer, Industrial Tribunal-cum-Labour Court, Rohtak and Anr. 2012 LLR 26 - Jan 2012

**A shift supervisor is not a 'workman' and High Court, in writ jurisdiction, not to interfere in factual findings of the Labour Court.**

Reference :- P.B. Sivasankaran Vs The Presiding Officer, First Additional Labour Court, Chennai and Anr. 2012 LLR 30 - Jan 2012

**Determination of money towards damages for delayed payment of provident fund must be clear.**

Reference :- V.S. Murugan Vs The Regional Provident Fund Commissioner, Tamilnadu & Pondicherry, Royapettah, Chennai-14 and Others 2012 LLR 37 - Jan 2012

**Probationers are not entitled to demand reason for their termination.**

Reference :- Sarbjit Singh Vs Presiding Officer, Labour Court, Amritsar and Others 2012 LLR 46 - Jan 2012

**Deductions can be challenged before Authority under Payment of Wages Act only when wages are less than prescribed ceiling.**

Reference :- Singareni Collieries works' Union, Khammam and Others Vs Singareni Collieries Company Limited and Another 2012 LLR 48 - Jan 2012

# AMENDMENT & NOTIFICATION

## The Sales Promotion Employees (Conditions of Service) Act, 1976

Vide the Gazette of India Extraordinary, Pt.II Sec.3 (ii) issue No. 404, dated the 3<sup>rd</sup> March, 2011 at p.1

Dated: 24<sup>th</sup> Feb. 2011

**S.O. 471 (E).**- In the notification of the Government of India in the Ministry of Labour and Employment (Co-ordination Section) vide number S.O. 217 (E), dated 31st January 2011, published in the Gazette of India, Extraordinary, Part II, Section 3, sub-section (ii), dated the 1st February 2011, in line 12, for the word "cleaners", read "cleaner".

## The Contract Labour (Regulation and Abolition) Act, 1970

Vide the Gazette of India Extraordinary, Pt.II Sec.3 (ii) issue No. 971, dated the 25<sup>th</sup> May, 2011 at p.1

Dated: 25<sup>th</sup> May 2011

**S.O. 1170 (E).** – In exercise of the powers conferred by sub-section (1) of section 10 of the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Central Government, after consultation with the Central Advisory Contract Labour Board and having regard to the conditions of work and benefits provided for the contract labour and other relevant factors enumerated in clauses (a) to (d) to sub-section (2) of the said section, hereby prohibits the employment of contract labour in the job barrel filling and small can filling (up to one liter) in the establishment of Lube Oil Blending Plant of M/s. Indian Oil Corporation, Budge Budge, Kolkata, West Bengal.

## The Employee's State Insurance Act, 1948

Gazette of India, Part III, S.4, dt. 17.9.2011. p.5014, No.38

No.R-17/14/1/2011-Bft II

9<sup>th</sup> August 2011

The Employee's State Insurance Corporation in its 153th meeting held on 29.7.2011 has passed a resolution exercising its power under section 19 of ESI Act, 1948 that an insured person whose claim for any permanent disablement benefit has been admitted shall be paid Rs. 100 (Rupees One Hundred only) as conveyance allowance, in addition to his PDB payment, on each visit to Branch Office for submission of life certificate twice a year as required under Regulation 107 of ESI (General Regulations) 1950.

Corporation has further resolved that this amount shall be paid in cash by Branch office to only those persons who personally visit the Branch office to submit their life certificate and will be booked under "other benefit conveyance charges" head.

## Minimum Rates of Wages in State of Bihar w.e.f.

**1.10.2011**

Sr. No.	Categories of Workers	Rates of Minimum Wages
1	Unskilled	144.00 per day
2	Semi Skilled	150.00 per day
3	Skilled	183.00 per day
4	Highly Skilled	223.00 per day
5	Supervisory/Clerical	4134.00 per month

## Minimum wages in West Bengal

The following shall be the minimum rates of wages in the employment of Sweeping and cleaning excluding activities prohibited under the Employment of Manual Scavengers and construction of Dry Latrines (Prohibition) Act, 1993. In the state of West Bengal as per notification number 460-MW/2W-03/2005 Dated 22.09.2011. These rates are effective for the period from 1st January 2012 to 30th June 2012.

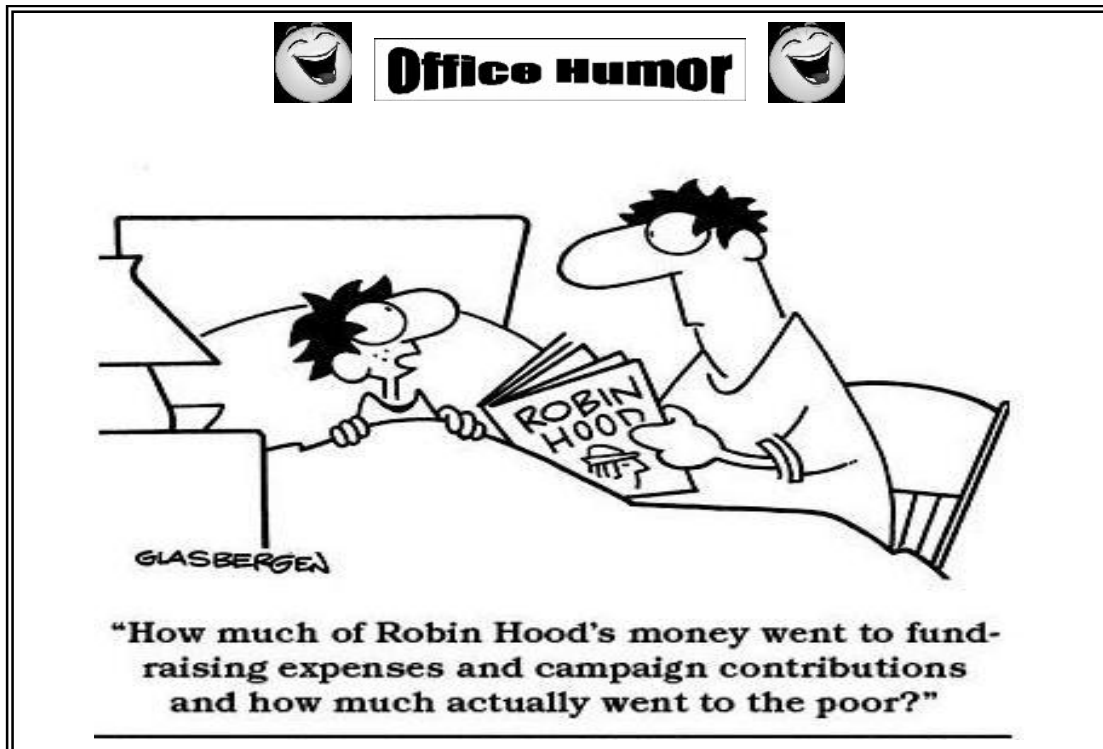
Categories of Employees	Monthly Minimum Rates of Wages	
	Zone A	Zone B
<b>(a) Unskilled</b>	Rs.5337.00	Rs.5054.00
<b>(b) Semi-Skilled</b>	Rs.5871.00	Rs.5559.00
<b>(c) Skilled</b>	Rs.6458.00	Rs.6115.00

The following shall be the minimum rates of wages in the employment of Security Services in the state of West Bengal as per notification number 457-MW/2W-14-2010 Dated 22.09.2011. These rates are effective for the period from 1st January 2012 to 30th June 2012. These rates in supersession of the previous rate published under memo no. 644/RW/76/266/2000/LCS/JLC Dated 15.09.2011.

Categories of Employees	Monthly Minimum Rates of Wages	
	Zone A	Zone B
<b>Unskilled</b>	<b>Rs.5337.00</b>	<b>Rs.5054.00</b>
<b>Semi-Skilled</b>	<b>Rs.5871.00</b>	<b>Rs.5559.00</b>
<b>Skilled</b>	<b>Rs.6458.00</b>	<b>Rs.6115.00</b>

The following shall be the minimum rates of wages in the employment of Construction or Maintenance of Roads or in Building Operations in the state of West Bengal as per notification number 439-MW/2W-11-2010 Dated 21.09.2011. These rates have become effective from 1st January, 2012 and shall remain valid upto 30th June, 2012.

Categories of Employees	Monthly Minimum Rates of Wages	
	Zone A	Zone B
Unskilled	Rs.5337.00	Rs.5054.00
Semi-Skilled	Rs.5871.00	Rs.5559.00
Skilled	Rs.6458.00	Rs.6115.00
Highly Skilled	Rs.7103.00	Rs.6727.00





## COMPLIANCE Checkup

NOTE: Employee made to work on 26<sup>th</sup> January 2012, should get wages twice the ordinary rate of wages or Compensatory off in lieu of wages. Except in Maharashtra the Employee is entitled to get twice the ordinary rate of wages and a compensatory off.

### Statutory Compliance February 2012

- ✓ *Submit Annual Return under the Minimum Wages Act, 1948 on or before 1.02.2012(Form NO.III)*
- ✓ *Submit Annual Return under the Contract Labour Act, 1970 on or before 15.02.2012(Form No.XXV)*
- ✓ *Submit Annual Return under the Payment of Wages Act 1936 on or before 15.02.2012(Form No.IV)*
- ✓ *Pay PF on or before 15.02.2012*
- ✓ *Pay ESIC on or before 21.02.2012*
- ✓ *Pay Professional Tax on or before 28.02.2012*
- ✓ *Submit Form No.5 & 10 under PF Act on or before 15.02.2012*
- ✓ *Submit Form No.12 A under PF Act on or before 25.02.2012*

\* *[Employers employing International Labour to submit the information to the EPFO]*

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