



# LABOUR LAW UPDATES

SEPTEMBER 2020



# AGENDA

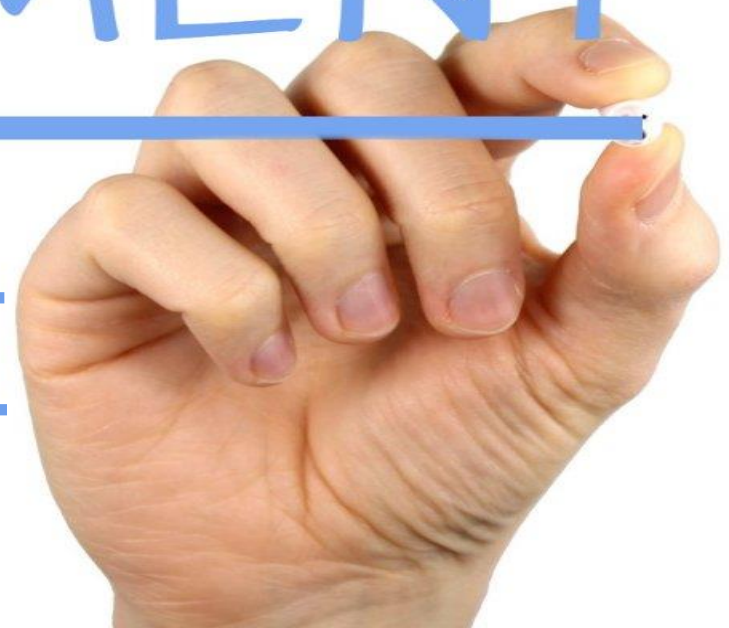


- Amendments & Ordinance
- Circular & Notifications
- News
- Did you know?
- Case Law
- Compliance for the Month of October 2020
- FAQ's



# AMENDMENT

# ORDINANCE





# **The Industrial Disputes (Himachal Pradesh Amendment) Act, 2020**

**Notification 05 of 2020 dated 09 September, 2020**



# The Industrial Disputes (Himachal Pradesh Amendment) Act, 2020

- Strikes and Lockouts would be prohibited under Section 22 not only in public utility services, but also non-public utility services.
- Chapter VB applicability enhanced from 100 to 200 workmen.
- Retrenchment compensation has been enhanced from 15 days to 60 days.



# **The Contract Labour (Regulation And Abolition) Himachal Pradesh Amendment Act, 2020**

**Notification no 06 of 2020 dated 09 September, 2020**



# The Contract Labour (Regulation And Abolition) Himachal Pradesh Amendment Act, 2020

- As per the amendment, the applicability of the Act would be for establishments employing **thirty or more workmen.**



# **The Labour Laws (Madhya Pradesh Amendment) Ordinance, 2020**

**Ordinance No.8 of 2020 dated 20.08.2020**





# The Labour Laws (Madhya Pradesh Amendment) Ordinance, 2020

- The Labour Laws Ordinance has made amendments to the Factories Act, 1948 and the Contract Labour (Regulation and Abolition) Act, 1970.
- The threshold limit for applicability to the Factories Act, has now been increased from **10 or more workers to 50 or more workers for factories operating with the aid of power.**
- The applicability of the Contract Labour (Regulation and Abolition) Act, 1970 for establishments has been increased from **20 or more workmen to 50 or more workmen.**



# Circular & Notification





# **The Employees' State Insurance Corporation**

**Notification dated 7th September, 2020**



# The Employees' State Insurance Corporation

- The Employees' State Insurance Corporation notified extension of the scheme Atal Beemit Vyakti Kalyan Yojana which for the period 01.07.2020 to 30.06.2021.
- Relaxation on conditions have been granted for the period 24.03.2020 to 31.12.2020 only.



# **Employees' Provident Fund Organization**

**Circular dated 14 September, 2020**



# Employees' Provident Fund Organization

- Instances have been noticed in which the officers conducting inquiries u/s 7A have issued orders to attach/freeze bank accounts of the establishments/ personal accounts of the employers for alleged non-appearance in such inquiries.
- The power to attach and sell property for non-appearance is subject to limitations in rule 10 of Order XVI of the CPC.
- The power to make attachments or to freeze operation of bank accounts is not relatable to any provision of the Act or Code of Civil Procedure. Such actions are evidently illegal and amount to blatant misuse of authority besides causing unwarranted harassment to the employers concerned.
- Any violation will invite strict disciplinary action.



# **Tamil Nadu Construction Workers Welfare Board**

**G.O.Ms.No.147**



# **Extension Of Period For Renewal Of Registration Of Workers Under Various Boards In Tamil Nadu**

- The Government of Tamil Nadu has extended the period of renewal of registration for workers and cut-off date for submission of life certificate, to 31st December 2020.
- The extension is applicable to all the workers registered under Tamil Nadu Construction Workers Welfare Board and Tamil Nadu Manual Workers Social Security and Welfare Board.





# **The Labour Department of Tamilnadu**

## **Submission of forms**



# The Labour Department of Tamilnadu

- The Labour Department of Tamil Nadu has decided to implement online submission of Form I (Proposal for the specification of festival Holidays) and Form III approval issued by authority online under Tamil Nadu Industrial Establishments (National, Festival And Special Holidays) Act, 1958 and Rules, 1959.
- This implementation would come into effect from August 16, 2020. However, the Authority would not accept the hard copy of the application
- The Employee may login to labour portal and fill the necessary details.



# **The Maharashtra State Tax On Professions, Trade, Callings, And Employments Act, 1975**

**Notification dated 02 September, 2020**



# The Maharashtra State Tax On Professions, Trade, Callings, And Employments Act, 1975

- As per notification the Government of Maharashtra has further extended the due date to pay tax or submit/filing of annual return on or before **30th September 2020**.
- The tax and interest can be paid on the website of the Maharashtra Goods and Service Tax Department.
- Tax and interest shall be paid before filing of return for the month of June 2020



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- Personal hearing of cases under Section 45AA of the ESI Act will be held through video conference till 31.12.2020
- All documents to be received by way scanned copies via mail or hard copy by post



- The central board of the Employees' Provident Fund Organisation (EPFO) said it will pay 8.5% interest to its subscribers for the year ended 31 March, 8.15% from debt investments and 0.35% from equity.
- The labour ministry-controlled EPFO said the central board of trustees has recommended an 8.5% payout without specifying whether the payments would be in staggered.



- In Order to help the employees amid coronavirus pandemic, the Employees' Provident Fund Organisation (EPFO) has increased the maximum assurance benefit under the Employees' Deposit Linked Insurance (EDLI) scheme to ₹7 lakh from the existing cover of ₹6 lakh.
- The EDLI scheme is mandatory insurance cover provided to all subscribers of EPF Scheme.





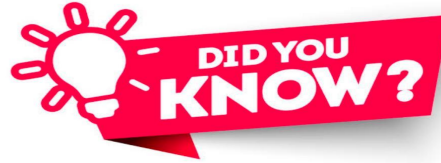
- Companies will **not be allowed hereinafter to use smaller fonts for disclaimers** as compared to the text of an advertisement.
- Any violation would be treated as “misleading advertisement” under the Consumer Protection Act, 1986.
- The consumer affairs ministry had issued draft norms regarding ads and for advertisement targeted towards children.



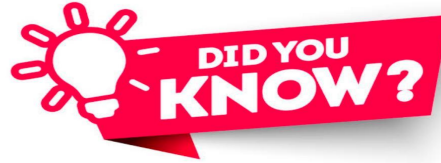
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- Qatar has brought about a change in its labour laws.
- Migrant workers requires to take their employers' permission before changing jobs.
- The reforms, which were announced by the Emir of Qatar in October 2019, were signed into law on September 6,2020.
- The reform involves increasing the minimum wage by 25 per cent to \$274 or 1000 Qatari riyals & an additional 300 QAR for food and 500 QAR for accommodation in case not provided by the company.
- Applicable to workers of all nationalities and in all sectors, including domestic workers who were previously excluded.



- The Central government has been working to concise 44 central labour laws into four broad codes on wages, industrial relations, OSH and social security. The codes were introduced in Lok Sabha last year and then sent for scrutiny of the Parliamentary Standing Committee on Labour.
- The Union cabinet on 08.09.2020 (Tuesday ) approved amendments to the labour codes on social security, industrial relations, and occupational safety and health (OSH), which could include pension and medical benefits to gig workers.



What is **Atal Beemit Vyakti Kalyan Yojana** Scheme?

- The Insured Person should have been in insurable employment for a minimum period of two years immediately before his/ her unemployment and should have contributed for not less than 78 days in the contribution period immediately preceding the unemployment and minimum 78 days in one of the remaining three contribution periods in two years prior to unemployment.
- Claim shall be due 30 days after date of unemployment.
- The claim for relief may be submitted by an IP online in the prescribed claim form duly completed. The payment shall be made in the bank account of the IP within 15 days from the receipt of the duly completed claim. Aadhaar shall be used for identification of the Insured Person.



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CASE LAW



# **Right of Workmen to Demonstrate/Protest vs. Reasonable restrictions**

Chennai Yetrumathi Valaga Uzhiyargal Matrum Podhu Thozhilalar  
Sangam

Vs.

Commissioner of Labour  
Decided on 19 June, 2019



# **Can employee stay inside the Factory premises and strike after working hours.**

Hindustan Motor Finance Corporation Ltd. Vs The Superintendent of Police and Others

2019 LLR 869





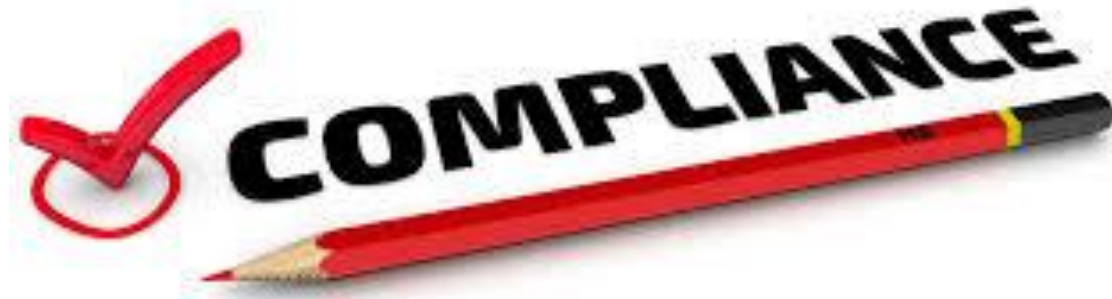
# Is a Homemaker entitled for compensation in the event of a Road Accident ?

Bhuvaneswari v. Mani,  
2020 SCC Online Mad 2163  
decided on 01-09-2020



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**REPORTING PERIOD - OCTOBER-2020**

Act	State	Due Date	Activity
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	15-Nov	PF Remittance
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	15-Nov	IW Returns
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	25-Nov	Monthly Returns-For Exempted Employer Under EDLI Scheme (FORM 7(1F))
Employees State Insurance Corporation Act	Pan India	15-Nov	ESIC Remittance
Employees State Insurance Corporation Act	Pan India	11-Nov	ESIC Half Yearly Returns
Professional Tax Act	Andhra Pradesh	10-Nov	Professional Tax Remittance cum Return
	Telangana	10-Nov	Professional Tax Remittance cum Return
	Madhya Pradesh	10-Nov	Professional Tax Remittance
	Gujarat	15-Nov	Professional Tax Remittance
	Karnataka	20-Nov	Professional Tax Remittance cum Return



	West Bengal	21-Nov	Professional Tax Remittance
	Maharashtra	30-Nov	Professional Tax Remittance cum Return
	Odisha	30-Nov	Professional Tax Remittance cum Return
	Assam	30-Nov	Professional Tax Remittance cum Return
	Nagaland	30-Nov	Professional Tax Remittance
	Meghalaya	30-Nov	Professional Tax Remittance
	Mizoram	30-Nov	Professional Tax Remittance
	Sikkim	30-Nov	Professional Tax Remittance
	Manipur	30-Nov	Professional Tax Remittance
	Tripura	30-Nov	Professional Tax Remittance
Kerala Shops & Commercialized Establishments Workers Welfare Fund Act	Kerala	05-Nov	WWF Remittance
Kerala Shops & Commercialized Establishments Workers Welfare Fund Act	Kerala	15-Nov	WWF Return



Full salary was not paid during the Lockdown period. Do we still need to pay full contribution towards PF?



Is ESI Contribution payable on leave encashment paid at the time of Retirement ?



Can Gratuity be forfeited of an employee, who has been found guilty of Sexual Harassment?



# Disclaimer

This Presentation is intended for educational purpose only and does not replace any independent opinions. All the informations shared here are not owned by the presenter.





*Thank  
you*



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