

**EFI Announces its Flagship Event
"EFI National HRM Summit - 2017"**

EFI announces its flagship event - "EFI National HRM Summit" scheduled on 6-7 December, 2017 at Centrum I, 1st Floor, World Trade Centre I, Cuffe Parade, Mumbai 400005.

The Theme of the Summit is
"Sustainable Business Competitiveness through Employee Relations".

Sustainability has been a big challenge for businesses all over the world during last few years. Sustainability implies a strong long-term orientation. The notion of sustainability provides a way to assess societal challenges over a much broader time horizon. As a result, it promotes importance of interdisciplinary and trans-disciplinary practices.

Maintaining sustainable competitiveness is utmost important, in which, employee participation is a key factor. Encouraging employees' engagement, recognizing their contribution, encouraging relationship, help to improve productivity, which is helpful to maintain sustainable competitiveness.

Salient features of EFI national HRM Summit 2017 are -

- Distribution of National Awards for Excellence in Employee Relations
- Business School Competition

Participation Fees

(Inclusive of 18% GST)	One (Rs)	2-3 (Rs)	4>(Rs)
Members*	9440	8260	7080
Non Members	11800	10620	9440
Others @	4720	4720	4720

@ Others include Trade Union Representatives, students, faculty members of Management Institute, Self Employed and Professionals aged 60 years and above.

* Members include members of EFI, EFSI, OGDCCI, Bengal Chamber of Commerce, AIOE, SCOPE and CII.

Bank Details for NEFT / RTGS

Account Name	The Employers' Federation of India
Bank Account Number	1721340156
Bank Name	Centra Bank of India
RTGS / NEFT Code	CBIN0280621

Venue : Centrum I, 1st Floor, World Trade Centre I, Cuffe Parade, Mumbai 400005. 022-66387272 / 7344

For more detail Contact - EFI - 022-22151726 / 1747, email - efisolar@gmail.com

Key Schedule of the HRM Summit :

Day 1 : 6.12.2017 : Welcome & Inaugural 9.30 a.m. To 11 a.m. :

Welcome Address : Mr. Pradeep Bhargava, President - EFI and Director - Cummins India Ltd. Pune

Inaugural Comments : Ms. Panudda Boonpala, Director - ILO, DWT, India, New Delhi

Guest of Honour : Mr. Arun Maira, Former Member, Planning Commission, Govt. of India, Gurgaon.

Vote of Thanks : Mr. Vijay Padate, Director General, The Employers' Federation of India, Mumbai.

11.30 am - 01.00 pm : Distribution of National Awards for Excellence in Employee Relations 02.00 pm - 02.15 pm : Introduction of Theme By Mr. Pradeep Bhargava, President, EFI & Director, Cummins India Limited, Pune

02.15 pm - 03.30 pm : Technical Session I : ER Challenges - IT/ITES Industry 'Visioning and Executing Employee Relations -

Mr. Vivek Govilkar - Consultat

Mr. Sameer Bendre - Head HR - Persistent Systems Ltd. Pune
Mr. B. S. Nanjappa, VP & Head - ER, Infosys Limited, Bangalore

Mr. Rajendra Kembhavi, Head - HR, Tech Mahindra, Pune

03.45 pm to 05.00 pm : Technical Session II : The Impact & Effects Of Globalization On Employee Relations - CEOPanel

Mr. Pradeep Bhargava, President - EFI & Director, Cummins India Limited, Pune

Mr. Suhas Baxi - M D - Konecranes India Ltd., Pune

Mr. Homi Khusrokhhan, Former Managing Director, Tata Chemicals Ltd., Mumbai

Mr. Visty Banaji, Chief Executive Officer, Banner Global Consulting, Mumbai

Day 2 : 7th December, 2017

09.45 am to 11.15 am : Technical Session III : "Ethics in Employee Relations"

Mr. Rajeev Dubey, Group President (HR & Corporate Services) & CEO (After Market Sector) Member of the Group Executive Board, Mahindra & Mahindra Ltd., Mumbai, ILO-Governing Body Member

Mr. Vineet Kaul - Advisor - Group HR, Aditya Birla Group, Mumbai

Mr. Swarup Panda, Head - HR, ITC Tobacco Division, Kolkata
Mr. Anand Tripathi, General Manager - ER/HR, Hindustan Unilever Ltd., Mumbai

Mr. Ravindra Peiris, Senior Specialist on Employers Activities Ltd - DWT - India, New Delhi

Technical Session IV :

A) 11.45 a m to 12.30 p m -

Mckinsey Global Institute India's Labour Market - A New Emphasis on Gainfull Employment

Ms. Anu Madgaonkar - Partner - McKinsey & Company and McKinsey Global Institute

B) 12.30 p.m. to 1.00 p.m.

ILO - Way Forward With Employers in India - Mr. Ravindra Peiris - Senior Specialist on Employers Activities, ILO - DWT - India, New Delhi.

02.00 pm to 03.30 pm : Technical Session V : "ER Challenges in Large Units in Private Sector"

Mr. Yogi Sriram, Senior Vice President Corporate HR, Larsen & Toubro Ltd., Mumbai

Mr. M. S. Unnikrishnan - MD & CEO, Thermax Ltd, Pune

Mr. B. Das, Executive Vice-President, Blue Dart Express Ltd.,

Mr. Ritesh Joshi, HR Leader Components Segment India & Labour Relations Leader, Cummins Indi Ltd., Pune

Mr. Sanjay S. Vadavkar, General Secretary, HMS, Maharashtra

Decoding the Code on Wages

Presently, there are around 40 state and central laws regulating different aspects of labour, such as resolution of industrial disputes, working conditions in factories, and wage and bonus payments. Over the years, some experts have recommended that these laws should be consolidated for easier compliance. Since the current laws vary in their applicability, consolidation would also allow for greater coverage.

Following these recommendations, the Code on Wages was introduced in the Lok Sabha in August 2017. The Code consolidates four laws related to minimum wages, payment of wages and bonus, and a law prohibiting discrimination between men and women during recruitment.

Promotion and Wage payment.

The Code was subsequently referred to the Standing Committee on Labour for examination. The Committee has met some experts and stakeholders to hear their views. In this context, we explain the current laws, key provisions of the Code, and some issues to consider.

Who can receive minimum wages?

Currently, the Minimum Wages Act, 1948 lists the employments where employers are required to pay minimum wages to workers. The Act applies to the organised sector as well as certain workers in the unorganised sector such as agricultural workers.

The Centre and the States may add more employments to this list and mandate that minimum wages be paid for those jobs as well. At present, there are more than 1700 employments notified by the central and state governments.

The Code proposes to do away with the concept of bringing specific jobs under the Act, and mandates that minimum wages be paid for all types of employment - irrespective of whether they are in the organised or the unorganised sector.

The unorganised sector comprises 92% of the total workforce in the country. A large proportion of these workers are currently not covered by the Minimum Wages Act, 1948. Experts have noted that over 90% of the workers in the unorganised sector do not have a written contract, which hampers the enforcement of various labour laws.

Will they be uniform? No, different states will set their respective minimum wages. In addition, the Code introduces a national minimum wage which will be set by the central government. This will act as a floor for state governments to set their respective minimum wages.

The central government may set different national minimum wages for different states or regions. For example, the Centre can set a national minimum wage of Rs 10,000 for Uttar Pradesh and Rs 12,000 for Tamil Nadu. Both of these states would then have to set their minimum wages either equal to or more than the national minimum wage applicable in that state.

The manner in which the Code proposes to implement the national minimum wage is different from how it has been thought about in the past. Earlier, experts had suggested that a single national minimum wage should be introduced for the entire country.

This would help in bringing uniformity in minimum wages across states and industries. In addition, it would ensure that workers receive a minimum income regardless of the region or sector in which they are employed.

The concept of setting a national minimum wage exists in various countries across the world. For instance, in the United Kingdom one wage rate is set by the central government for the entire country. On the other hand, in the United States of America, the central government sets a single minimum wage and states are free to set a minimum wage equal to or above

this floor.

How wages will be fixed Currently, the central government sets the minimum wage for certain employments, such as mines, railways or ports among others. The state governments set the minimum wage for all other employments.

These minimum wages can be fixed based on the basis of different criteria such as type of industry or skill level of the worker. For example, Kerala mandates that workers in oil mills be paid minimum wages at the rate of Rs 370 per day if they are unskilled, Rs 400 if they are semi-skilled and Rs 430 if they are skilled.

The Code also specifies that the centre or states will fix minimum wages taking into account factors such as skills required and difficulty of work. In addition, they will also consider price variations while determining the appropriate minimum wage. This process of fixing minimum wages is similar to the current law.

Overtime regulations

Currently, the Central or the State government define the number of hours that constitute a normal working day. In case an employee works beyond these hours, he is entitled to an overtime rate which is fixed by the government. As of today, the central government has fixed the overtime rate at 1.5 times normal wages in agriculture and double the normal wages for other employments.

The Code proposes to fix this overtime rate at twice the prevailing wage rate. International organisations have recommended that overtime should be 1.25 times the regular wage.[10]

Gender discrimination

Currently, the Equal Remuneration Act, 1976 prohibits employers from discriminating in wage payments as well as recruitment of workers on the basis of gender. The Code subsumes the 1976 Act, and contains specific provisions which prohibit gender discrimination in matters related to wages. However, unlike in the 1976 Act, the Code does not explicitly prohibit gender discrimination at the stage of recruitment.

How will it be enforced ?

The four Acts being subsumed under the Code specify that inspectors will be appointed to ensure that the laws are being enforced properly. These inspectors may carry out surprise checks, examine persons, and require them to give information.

The Code introduces the concept of a 'facilitator' who will carry out inspections and also provide employers and workers with information on how to improve their compliance with the law. Inspections will be carried out on the basis of a web-based inspection schedule that will be decided by the central or state government. (Courtesy: <http://www.prsindia.org>)

By Vinayak Krishnan - HansIndia 29.11

EPFO seeks transfer of pending cases on higher pension to SC

The Employees' Provident Fund Organisation (EPFO) has sought the transfer of all cases relating to applicability of higher pension under the Employee Pension Scheme (EPS) 1995, to the Supreme Court.

The cases, filed by employees of exempted establishments, are pending in various High Courts. In October 2016, the Supreme Court passed an order directing the EPFO to revise the pension of 12 employees under the EPS scheme.

The EPS was launched in 1995. Employers and employees contribute 12% each of the sum that is the total of the basic wage plus dearness allowance to the Employee Provident Fund Account. The employers' contribution has a twin component: 8.33% goes to the Employee Pension Scheme and the balance 3.67% to the Provident Fund Account. This was originally subject to a salary ceiling of Rs 5,000. The

ceiling was revised to Rs 6,500 in 2001, and further to Rs 15,000 in 2014. Taking Rs 15,000 as ceiling, Rs 1,250 (8.33% of employer's contribution) went to each employee's EPS account. Any employee who completes 10 years of service is eligible to get pension.

Though the ceiling is at Rs 15,000 at the moment, employees who retired prior to this increase in ceiling sought relief, citing an earlier amendment. In 1996, there was an amendment. This had provided an option to contribute to EPS based on one's full salary (comprising basic pay and dearness allowance) over and above the ceiling amount fixed at that time. The contribution to EPS over and above the statutory ceiling was to be opted by the employee. Citing this amendment, in 2016, 12 employees approached the apex court. They sought the implementation of the 1996 amendment, and the Supreme Court directed the EPFO to implement the change after collecting the arrears along with interest, which facilitated an increase in their pension corpus, and, therefore, monthly disbursement to them.

EPFO notice in May last

In May 2017, the EPFO issued a notice clarifying that the Supreme Court ruling is applicable only to 'not exempted' organisations (i. e. organisations whose provident funds are managed by the EPFO) and not for the exempted organisations (where the provident funds are managed by trusts).

The Hindu Dated : 30-11-2017

EPFO denies higher pension to all

The Employees' Provident Fund Organisation's (EPFO) stand refusing pension on full salary to employees of Exempt Companies despite a Supreme Court order on October 4, 2016.

Those companies, whose employees' fund is managed by private trusts are called Exempt Organisations and whose fund is managed by the EPFO's trust are Un-Exempt ones. After the SC order, the EPFO agreed to give pension on full salary to the members of Employees' Pension Scheme (EPS) without specifying whether they were from Exempt or Un-Exempt organisations with retrospective effect. But later, it decided to give it to employees' of Un-Exempt Organisations only.

At present, the EPFO accepts contribution to EPS at 8.33% of salary with a ceiling at Rs 15,000 only and the pension is also given on the basis of Rs 15,000 per month. The ceiling was earlier at Rs 6,500. If the contribution is accepted on full salary, pension will also be given on the full average monthly salary at the time of retirement. Pension payout on full salary is many times more than that calculated on the basis of the ceiling amount.

The EPFO, so far, has refused to accept contribution on full salary, saying that employees and employers should have taken permission from it within 6 months of salary crossing the given ceiling.

The SC had directed the EPFO to do away with the cap of 6 months to accept consent to contribute to EPS on full salary. A number of board members were critical of the EPFO's move in denying a higher pension to all EPS members.

In its 215th meeting on December 8, 2016, the CBT had decided that members of Exempted Organisations will be given pension on full salary provided they transfer the differential of contribution on the full salary and the ceiling amount with interest from the EPF account to the EPS account, which is managed by the EPFO trust. If the person has already retired, he will have to deposit the money with interest at the rate fixed by the EPFO every year.

On the basis of the CBT's decision, the EPFO moved the ministry of labour and employment (MOL&E) for its approval, which it received on March 16 this year.

After receiving the government's approval, the EPFO issued

a circular on March 23 to give pension on full salary to EPS members. In the circular, it said, "Accordingly a proposal was sent to MOL&E to allow members of the Employees' Pension Scheme, 1995 who had contributed on higher wages exceeding the statutory wage ceiling of Rs 6,500/- in the Provident Fund to divert 8.33% of the salary exceeding Rs 6,500/- to the Pension Fund with up to date interest as declared under EPF Scheme, 1952 from time to time to get the benefit of pension on higher salary on receipt of joint option of the Employer and Employee."

TOI Dated : 23-11-2017

Labour reforms : Ministry drops plan to allow companies with up to 300 staff to sack them

The Narendra Modi government has decided to whittle down its ambitious labour reforms agenda. A key proposal to allow firms employing up to 300 people - against 100 now - to retrench/lay off workers and/or close down without government approval has been removed from the Industrial Relations Code (IR Code). The labour ministry is also having second thoughts on barring outsiders from becoming office-bearers of trade unions in the organised sector and a few other proposals intended to make unions with negotiating powers more representative, like a stipulation that at least 10% of workers are needed to form a union. The Centre has developed cold feet on these proposals even as eight states including Madhya Pradesh, Rajasthan and Andhra Pradesh have already implemented all or most of them.

Another major proposal in the IR Code is to introduce fixed-term employment - which was made applicable in the textile and garment industries last year. If these proposals are implemented, job creation will get a fillip as businesses will be encouraged to hire workers for seasonal and other jobs. The code, on which tripartite consultations (trade unions, employers and the government) are over and is in the final stages of drafting, will soon be sent to a group of ministers headed by finance minister Arun Jaitley for consideration. It could be tabled in the budget session of Parliament. The government had introduced in the last session of Lok Sabha the code on wages that proposes a universal minimum wage for the entire working population, including unorganised sector workers.

The wage code will subsume four existing central labour legislations - the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. Another draft code on social security has been posted on the labour ministry's website for public comments.

Immediately after assuming office, the present dispensation embarked on long-pending labour reforms by proposing to amalgamate 44 existing labour Acts into four codes - on IR, wages, social security and industrial safety and welfare - with the aim of simplifying them and ensuring a conducive and harmonious environment for doing business. However, stiff opposition from trade unions, including the RSS-affiliated Bharatiya Mazdoor Sangh, has slowed the reforms' pace. The IR Code will amalgamate the Trade Unions Act, 1926, the Industrial Employment (Standing Orders) Act, 1946, and the Industrial Disputes Act, 1947.

Under the code, outsiders (read professional politicians) will be barred from being office bearers of trade unions in the organised sector and strikes can be resorted to only after 14 days' notice. While source said no decision has been taken on the former, the mandatory notice period for strikes is retained in the final draft. The IR Code also proposes to enhance the severance pay from 15 days' wages for every completed year of service at present to 45 days' wages.

FE Dated : 30-11-2017

Shri Santosh Kumar Gangwar writes to Chief Ministers of all states to establish tripartite mechanisms comprised of Worker Group, Employer Group and Government Group at State Level

Shri Santosh Kumar Gangwar, Union Minister of State (I/C) for Labour & Employment has written to Chief Ministers of all States to establish tripartite mechanisms comprised of Worker Group, Employer Group and Government Group at State Level for continuous engagement with Social Partners while formulating and implementing Labour Policies at State level, keeping in view the constitutional mandate of dual responsibility of State and Central Governments on Labour under concurrent list of Indian constitution and also India's Commitment to international obligation under ILO Convention C-144.

He also cited that the tripartite mechanism of Indian Labour Conference & Standing Labour Committee at Central level has been working effectively since 1942 in formulating and implementing labour policies by Central Government.

Ministry of Labour & Employment Dated : 28-11-2017

Robots are coming for jobs of as many as 800 million worldwide

As many as 800 million workers worldwide may lose their jobs to robots and automation by 2030, equivalent to more than a fifth of today's global labour force.

That's according to a new report covering 46 nations and more than 800 occupations by the research arm of McKinsey & Co.

Even if the rise of robots is less rapid, some 400 million workers could still find themselves displaced by automation and would need to find new jobs over the next 13 years, the McKinsey Global Institute study found.

The good news for those displaced is that there will be jobs for them to transition into, although in many cases they're going to have to learn new skills to do the work. Those jobs will include healthcare providers for aging populations, technology specialists and even gardeners, according to the report.

Mint Dated : 29-11-2017

Govt seeks data on contract workers in key ministries to draft minimum wage plan

Facing protests from workers over minimum wage and allied benefits, the labour ministry is reaching out to all the key ministries, including Railways, to disclose their staff strength, especially that of contract workers, to make a fair assessment of minimum wages currently paid.

The central labour commission has been meeting authorities from ministries and departments with bigger staff pools to prepare a factual report on the number of contract workers and their service conditions.

The information sought includes whether or not the new rate of minimum wages w.e.f. 1 April is being paid to contract workers, the mode of payment to contract workers, provident fund deduction, salary slips and coverage under employees state insurance scheme or ESI. Functioning under the labour ministry, ESI provides healthcare facilities to over 32 million industrial workers.

There are three kinds of contractual appointments made by government departments. First, for work of a routine nature such as housekeeping, maintenance and data entry that are bundled and entrusted to staffing agencies. Second, contractual appointments for select posts, particularly those that need high professional skills and the third category is hiring on contractual basis retired government employees whose skills and expertise acquired during their tenure in government is found to be useful. However, there is no unanimity among ministries over the use of contract workers.

Although the exact number of contract workers employed in the central government is not known, according to Seventh Pay Commission data the Union government is one of the

biggest users of temporary staff or contractual workers and spends around Rs 300 crore a year on wages of such workers.

Mint Dated : 23-11-2017

**Select Case Laws
2017 III CLR 576
In The Supreme Court of India
July 17, 2017
CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO.
9137 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 14655 OF 2016]**

**PRESENT
The Honorable Mr. Justice Kurian Joseph
The Honorable Mrs. Justice R. Banumathi
Hriday Shankar Tiwari
Petitioner**

**v.
District Co-operative Bank Ltd. & Ors.
Respondents**

Constitution of India, 1950 - Art. 226 - Termination of service - A challenge is from the appellant-employee to the order of dismissal of his writ petition by the High Court, thereby affirming the order passed by respondent bank, terminating his service. Their lordships concluded that admittedly there is no other alternative remedy available to the appellant, to challenge termination of his service. At the same time, the High Court should have given an opportunity of hearing to the appellant and considered the matter on the submissions made by the appellant. Impugned Judgment of the High Court is set aside and the writ petition is restored to file, with request to the High Court, to dispose of the writ petition, after hearing the appellant herein. (Paras 1 to 8)

Civil Appeal disposed of.

APPEARANCES

**Mr. K.L. Janjani, AOR, Mr. Anil Kumar Pandey, Advocate,
Mr. Pankaj Kumar Singh, Advocate for Petitioner.**

**Mr. Shirish Kumar Mishra, Advocate, (N.P.) for
Respondents**

2017 III CLR 664

In The High Court of Allahabad

March 28, 2017

WRIT - C NO. 1239 OF 1998

PRESENT

**The Honorable Mrs. Justice Sangeeta Chandra
U.P. State Electricity Board and Anr.
Petitioner**

v.

**Presiding Officer, Labour Court- IV Kanpur and Ors.
Respondent**

Apprentices Act, 1961 - Ss. 4(4), 18, 20 - U.P. Industrial Disputes Act, 1947- S.4-K- Apprentice, not a workman- A challenge is from the petitioner-Board to the award passed by the Labour Court in favour of respondent No. 3, holding him to be a 'workmen' and not the apprentice. The Court concluded that (i) respondent No. 3 was engaged as apprentice, vide Office Memorandum dated 18-6-1991 and his contract stood terminated automatically, after expiry of the period of one year. (ii) There was no obligation on the part of the employer/ petitioner under the Apprentices Act to offer any job to such an apprentice on completion of period of training. (iii) IN view of the provisions of Section 18 and 20 of the Apprentices Act, 1961 and law laid down by the Supreme Court in State of U.P. v. Shiv Mohan Singh & Anr. 2004AIR SCW 5623, the apprentice cannot claim to be a workman only because the petitioner failed to produce the registered apprenticeship agreement, entered with the respondent-workman. (iv) Impugned Award of Labour Court cannot be sustained and it is set aside. **Writ Petition allowed.**