

**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

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.

Address by Chief Guest & Inauguration : 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.

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 – 03.45 pm : Technical Session I : ER Challenges – IT/ITES Industry ‘Visioning and Executing Employee Relations –

Mr. Deepak Ghaisas – Chairman, Gencoval Strategic Services Pvt. Ltd., Mumbai

Ms. Prameela Kalive, EVP, Zensar Technologies Ltd., Pune

Mr. B. S. Nanjappa, VP & Head – ER, Infosys Limited, Bangalore

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

04.00 pm to 05.30 pm : Technical Session II : The Impact & Effects Of Globalization On Employee Relations – CEOPanel

Mr. R. Mukundan, Managing Director, Tata Chemicals Ltd., Mr. Pradeep Bhargava, President - EFI & Director, Cummins India Limited, Pune

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

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

Day 2 : 7th December, 2017

09.30 am to 11.00 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

11.20 am to 12.50 pm : Technical Session IV : ER Challenges – Public Sector Undertakings “Leveraging & Transformational approaches for Competitive Advantage”

Mr. Atul Sobti, Chairman & Managing Director, Bharat Heavy Electricals Limited, New Delhi

Mr. Ravi Shinde, Executive Director (Industrial Relations) Air India, Ms. Preeti Pant Vyas, GGM – Head Corporate Administration Oil & Natural Gas Corporation Ltd. Dehradun

Ms. Meenakshi Davar, Executive Director – HR Power Grid Corporation of India Ltd., Gurgaon

02.30 pm to 04.00 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. 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. Vadhavkar, General Secretary, HMS, Maharashtra

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'Ratify ILO convention on domestic workers'

Chennai-based NGO, Centre for Women Development and Research (CWDR), has urged the State and Central governments to ratify the ILO convention and create policies and laws based on the convention on 'Decent Work for Domestic Workers'.

Resolutions in this regard were adopted at its stakeholders consultation meeting held in Coimbatore. The meeting was attended by over 40 participants, including representatives from 35 NGOs working for the welfare of the domestic workers and also from trade unions.

The meeting also asked the State Government to implement the recommendations of the committee to notify the revised minimum wages and extend PF benefits to the domestic workers. The committee had submitted its recommendations nine year ago, the resolution said.

Other resolutions adopted at the meeting were regulation of domestic work, fix the types of work, number of hours, weekly holidays and medical leave; the benefits extended through the welfare boards should be sanctioned within a month from the date of submission of applications and the same should be transferred to ECS mode and also urging the government to collect 1 % of house tax and the same should be contributed for the welfare of the domestic workers, said K.R. Renuka, director of CWDR.

She also said that a decision had also been taken to organise State-level advocacy campaigns to pressurise the government to fulfil the demands of the CWDR, as there were 1.5 lakh domestic workers engaged in household chores in Tamil Nadu alone, she added.

The Hindu Dated : 30-10-2017

Jobless growth is for real: Care Ratings

Confirming fears of a "jobless growth", domestic rating agency Care Ratings has said that employment generation has not kept pace with GDP expansion, and termed it as a "major concern".

Such a scenario calls for "proactive measures" from the government and the recent infrastructure building efforts will help, it noted, and said "... Employment growth has not kept pace with economic growth". It can be noted that the union labour ministry had also conceded and set up a task force to work on the same.

"The current growth is a jobless growth. Many European and Asian countries, including India, are facing it... Growth is being reported but it is not reflecting in employment generation," the then-labour minister Bandaru Dattatreya had said in May this year.

Jobless growth is a situation in which an economy recovers from a recession but the job market does not. From a sectoral basis, the agency said the services sector has extended some relief but manufacturing has failed to create jobs in recent times. Banks, IT, retail and healthcare continue to create jobs, while mining, power and telecom saw reduction in the employees, it pointed out.

The agency did a study of employment in the corporate sector for last five years and asked for the findings to be taken with caution because the unorganized sector and smaller businesses account for a large share in employment generation. "It is however believed that these numbers are broadly indicative of the trends witnessed in the last two years," the report said.

Aggregate employees in 1,473 companies grew to 5.18 million in FY17 from 5.01 million in FY15—a growth of a little over 1 percentage point per year compared to over nearly 7% economic growth.

Banking is the highest among sectors when it comes to generating employment, with a 21.3% share, and is followed by IT, mining, healthcare and textiles. Sectors which witnessed a fall in employment in FY17 from the previous fiscal included

fast-moving consumer goods, media and entertainment and paper.

Crude oil, infrastructure, trading, automobiles and ancillaries, finance and hospitality, which had recorded negative growth in employment in FY16, also witnessed growth in FY17, it said. From a cost of employment perspective, Care said the average salary has risen for a sample of 1,473 firms to Rs8.35 lakh in FY17 from Rs7.13 lakh in FY15.

Mint Dated : 30-10-2017

5-6 million migrants are on the move every year in India: report

The World Economic Forum report says the rate of inter-state migration doubled between 2001 and 2011

An estimated 5-6 million migrants are on the move every year in India, travelling from some of its poorer states to newly emerging urban zones, according to a report on migration in cities released by the World Economic Forum on 25th October.

Citing a recent study undertaken as part of Economic Survey 2017, the report said the rate of inter-state migration doubled between 2001 and 2011.

India's migration flows are driven by deep and persisting economic inequities between states. Bihar, for example, has a per capita income roughly equivalent to Somalia (approximately \$520) and a birth rate of 3.4 children per woman. On the other hand, Kerala has a per capita income that is four times more (approximately \$2,350) and a birth rate of 1.6 children per woman, which puts the state on par with Denmark, the WEF report stated.

However, India's migration story is complicated because cities like Faridabad, Ludhiana and Surat have over 55% of migrants, whereas the rate in Agra and Allahabad is below 15%.

Globally, an estimated 244 million people are international migrants who move between countries. Internal migration is three times that number, affecting the lives of far more people, although it is given much less attention in political debates and planning processes, according to the report.

Mint Dated : 25-10-2017

Heat stress optimally withers labour capacity in India: Study

Climate warming is impacting the human health globally. In India alone, opting out of rural labour workforce with reductions in work capacity from heat stress was the highest in the world last year, international researchers said on 31st October, 2017.

An average 5.3 per cent fall in rural labour capacity and thus productivity estimated globally since 2000 as a result of rising temperatures, said their study published in medical journal, The Lancet.

The fall in productivity effectively took more than 920,000 people globally out of the workforce last year, with 418,000 of them in India alone.

Higher temperatures pose profound threats to occupational health and labour productivity, particularly for people undertaking manual, outdoor labour in hot areas.

The 50-page report, released just ahead of the UN COP-23 climate change conference in Bonn, shows that climate change is already a significant public health issue and a looming global health emergency.

Doctors, academics and policy professionals from 24 partner organisations have contributed analysis and jointly authored the report.

According to the report, between 2000 and 2016 the number of people exposed to heatwave events has increased by approximately 125 million, with a record 175 million people exposed to heatwaves in 2015.

It documented over 803,000 premature and avoidable deaths in 2015 as a result of air pollution across 21 Asian countries, attributable to just one type of air pollution from coal power,

transport and use of fossil fuels in the home.

A striking increase of three per cent and 5.9 per cent in the vectorial capacity for the transmission of dengue due to climate trends, by just two types of mosquito since 1990.

With 50 to 100 million infections of dengue estimated to occur each year, this will exacerbate the spread of the world's most rapidly expanding disease.

Unavoidable increases in global temperature and the role of climate change as a threat multiplier and an accelerant of instability, means many trends identified are expected to significantly worsen. *BS Dated : 31-10-2017*

Woman can't claim maternity law benefits during her 'entire gestational period': Bombay High Court

Observing that the law relating to maternity benefits has been enacted to achieve the object of securing social justice for women workers, the Bombay High Court recently said these benefits, however, could not be claimed "since the time when a woman conceives and during her entire gestational period". A division bench of Justice S C Dharmadhikari and Justice Bharati Dangre made the observation while hearing a petition filed by a woman challenging the termination of her contractual services with the government during the period when she took three months' leave during her pregnancy. The woman had further sought that the benefits available to a female employee under the Maternity Benefits Act, 1961, be extended to her. The court rejected her prayers to reinstate her till the completion of her contractual period of employment.

"It is not in dispute that the law relating to maternity benefit has been enacted to achieve the object of securing social justice to the women workers. However, it has also to be seen that when a law operates it has to strike a balance between the individual right and need of the orderly society," said Justice Dharmadhikari.

"The policy contained in the social legislation intends to grant benefit to women workers to have a safe pregnancy and to develop a bond with the child and nurture the child immediately after delivery, it expects the benefit to be conferred on the eve of delivery of a child and therefore, it has bifurcated the period into two terms namely first term, preceding the delivery and the second term post-delivery," said the court.

"The said benefit is, however, not available on the eve of pregnancy and the woman is not entitled to claim the said benefit since the time when a woman conceives and during her entire gestational period. If the maternity benefit is to be conferred in this manner, it would rather defeat the whole purpose, since the employee will also have to look at it from the angle of running the administration and the woman employees may not claim such privilege for such entire period of pregnancy, but necessarily have to regulate themselves in accordance with the provisions of the Maternity Act," said Justice Dharmadhikari.

The petitioner was appointed as a document consultant from January 9, 2013 to December 8, 2013 in the Government of India-funded Water and Sanitation Support Organisation under National Rural Drinking Water Programme in the Maharashtra water supply and sanitation department. Her contract was then extended for another 11 months but she had to go on a three-month leave in January 2014 owing to complications in her pregnancy during which period she was served a termination of service order on February 20, 2014.

"As a contractual employee, she was not entitled for medical leave of three months, which she applied for. At the relevant time in her application she did not claim the said leave as maternity benefit on account of illness arising out of pregnancy," said the bench.

"In any contingency, the petitioner was not entitled for extension of the benefits of maternity leave in terms of her order of appointment and she is not entitled to claim benefit of the government circular when her services were already terminated with effect from December 30, 2013," added the bench.

Indian Express Dated : 16-10-2017

7th Pay Commission: Minimum pay hike confirmed, salary may go up to Rs 21,000 from Rs 18,000; here are details

7th Pay Commission Minimum Pay Hike: Reportedly, Narendra Modi government has finally given a green signal for the hike in minimum pay and fitment factor of the Central government employees. This is a big news for Central government employees.

It seems now the good news of hike in minimum pay of Central government employees is not too far. Reportedly, Narendra Modi government has finally given a green signal for the hike in minimum pay and fitment factor of the Central government employees. This is a big news for Central government employees. Now, National Anomaly Committee (NAC) and Department of Expenditure will take a final call on the matter. NAC has got the nod from the government to increase minimum salary and fitment factor, according to a report in Jansatta. Now, it is being expected that the minimum salary will go up to Rs 21,000 from Rs 18,000.

NAC was formed to look into various pay related anomalies arising out of the implementation of the Seventh Central Pay Commission's recommendations. The 22-member panel is being headed by Secretary, Department of Personnel and Training (DoPT) and has members of both the official and staff side.

"It has been decided to set up the anomaly committee of the National Council (Joint Consultative Machinery) consisting of representatives of the official side and the staff side to settle any anomalies arising out of the implementation of the Pay Commission's recommendations," an order issued by the DoPT said.

Earlier, on June 28, in a bonanza to 48 lakh central government employees, the Union Cabinet had approved recommendations of 7th Central Pay Commission with 34 modifications. The increased allowances came into effect from July 1, 2017, is based on the recommendations of the Committee on Allowances (CoA).

FE Dated : 31-10-2017

Raje govt notifies 7th pay commission recommendations

The Rajasthan government on 30th October, 2017 issued the notification to implement the 7th Pay Commission recommendations.

This will revise the pay of nearly 12 lakh employees and pensioners in the state.

The notification, issued by the state finance department, will be effective from October 1. The state government had constituted the Sawant Committee to examine cases of salary discrepancies, allowances and arrears and make recommendations based on the commission report.

However, the notification was met with mixed reactions from government employees. The Akhil Rajasthan Rajya Karamchari Sanyukt Mahasangh said the government has deprived the employees of 22 months of benefits by implementing the pay commission recommendations in the state from October 1, 2017, instead of January 1, 2016.

TOI Dated : 31-10-2017

Govt retains GPF interest rate at 7.8% for October-December

The government has retained the rate of interest for General Provident Fund (GPF) and other related schemes at 7.8% for the October-December quarter.

The rate is in line with that for Public Provident Fund (PPF). In July-September quarter too, the interest rate was 7.8%. "The Government of India has announced that during the Financial Year 2017-18, accumulations at the credit of subscribers to the General Provident Fund (GPF) and other similar funds shall carry interest at the rate of 7.8 per cent with effect from October 1 to December 31, 2017. This would apply on

Provident Funds of central government employees, railways and defence forces," a government statement said.

Last month, the government had kept the interest rate on PPF unchanged at 7.8% for October-December, in line with the rates for small savings schemes.

Mint Dated : 25-10-2017

Against job reservation in private sector: Niti Aayog vice-chairman

Joining the debate on job reservations, Niti Aayog vice-chairman Rajiv Kumar has said he is against extending the policy to the private sector, while admitting that more efforts are needed to generate employment.

Several political leaders are advocating job reservation for SC/STs in private sector. "There should not be job reservation in the private sector," Kumar said. He, however, made a case for generating more employment, saying that the government is able to provide employment to 10-12 lakh youth, though 60 lakh young people join the labour force every year. Many people used to find jobs in the informal sector but that has reached a point of saturation, resulting in complaints from different sections of people, Kumar said.

The Lok Janshakti Party led by union minister Ram Vilas Paswan has recently demanded job reservations in private firms. A similar demand has been made in the past by other political outfits as well. Karnataka chief minister Siddaramaiah had made a case last year for extending the reservation policy to the private sector.

"It is high time to think about reservation in private sector. It should be achieved through debate and dialogue," he had said. Bihar chief minister and senior JD(U) leader Nitish Kumar had also made a strong case a few months ago for extending reservation in private sector. "In today's time of economic liberalization, if reservation is not provided in private sector then it would be playing a joke with the concept of social justice," he had said.

However, several industry associations have maintained over the years that introducing reservations could create hurdles in growth due to dearth in skilled labour and hurt chances of attracting investments in the state.

Select Case Laws

2017 III CLR 315

In The High Court of Punjab and Haryana

May 15, 2017

CWP NO. 2207 OF 2016 (O & M)

PRESENT

The Honourable Mr. Justice Rajiv Narain Raina
CBN Foundation **Petitioner**

v.

Presiding Officer, Industrial Tribunal - cum - Labour Court - 1, **Respondents**
Gurgaon & Anr.

Industrial Disputes Act, 1947 - Ss. 2-A, 25-F, 2(s) - Reinstatement with consequent benefits - A challenge is from the petitioner - management to the award passed by Industrial Tribunal in favour of respondent No. 2- workmen.

The Court concluded that (i) without holding the disciplinary inquiry or without leading evidence before the Tribunal by the petitioner, one cannot accept the tall claims of the petitioner that the workman did not perform his duties satisfactorily and behaved in an unethical and unacceptable manner. "A general statement that the "petitioner had lost confidence in the workman due to his inappropriate behavior, insubordination, etc." does not make a valid ground to terminate his services. (ii) With the admissions from (a) Management's witnesses that "the respondent had a studio in Sector 43, Gurgaon, where telefilms are made" and (b) the

fact that EPF Act, ESI Act, Gratuity Act, Payment of Bonus Act, Payment of Wages Act etc. are applicable to the petitioner, obviously proves that the petitioner is 'an industry' and the respondent is undoubtedly 'a workmen' under the Industrial Disputes Act, 1947. (iii) The sole plan and purpose of CBN Multimedia Pvt. Ltd. is to misuse the name of Lord Jesus Christ to non-suit the claiming itself to be not an 'industry' or the respondent is not a 'workman'. (iv) The Tribunal was right in passing impugned award, which does not suffer from any error apparent on the face of record or any legal infirmity. Writ petition is devoid of merit. **(Paras 1 to 13), Writ Petition dismissed.**

2017 III CLR 373

In The Supreme Court of India

April 21, 2017

CIVIL APPELLATE JURISDICTION CIVIL APPEAL NO.

5472 OF 2017

[Arising out of Special Leave Petition (Civil) no. 22407

OF 2015

PRESENT

The Honourable Mr. Justice Ranjan Gogoi

The Honourable Mr. Justice Navin Sinha

Basappa

Appellant

v.

Basavraj M. Tuppad & Anr.

Resonpents

Employees' Compensation Act, 1923 - S.30 - Compensation, reduction of - In this challenge to a substantial reduction of compensation awarded by the Employees' Compensation Commissioner by the High Court, their Lordship concluded that merely on the basis of the percentage of loss of physical disability, assessed by the medical practitioner, the loss of earning capacity, could not have been determined by the High Court, to reduce the quantum of compensation, and hence it is set aside. The award made by the Employees' Compensation Commissioner, is restored, with a direction that all amount due along with interest as awarded, shall be aid to appellant by the Insurer within four weeks. **(Paras 1 to 5) Civil Appeal allowed.**

2017 III CLR 411

In The High Court of Judicature at Madras

(Madurai Bench)

July 12, 2017

W. P. No. 8811 of 2004 and W.P.M. No. 10305 of 2004

PRESENT

The Honourable Mr. Justice M. Sundar

Ramesh (Dr.), Dr. Ramanathan Memorial Medical Centre,
Lal Gudi Petitioner

v.

Labour Colurt, Rep. by the Presiding Officer, Trichey & Anr. Respondents

Industrial Disputes Act, 1947 - S-10(1) - Termination of Service, or abandonment by workman - A Challenge is from the petitioner-proprietor to the award passed by Labour Court, directing it to reinstate respondent No. 2 workman in service.

The Court concluded that (i) no finding whatsoever has been returned by the Labour Court, Regarding the alleged incident of workman, making advances towards a woman nurse working in the petitioner's Medical Centre. (ii) The impugned award of Labour Court is pivotal on the sole point that the management ought to have issued a notice to workman, before actually terminating him from service, as he had abandoned the service. (iii) The Labour Court after holding that 'the workman had voluntarily failed to turn up for duty from 10.4.1999 onwards', passed the award impugned herein. (iv) Impugned award without considering basic issue of said sexual harassment of woman nurse by the workman, is unacceptable and hence it is quashed and set aside. **(Paras 1 to 21), Writ Petition allowed.**