



# TalEzine - October'20

## Weekly Edition

### The Code on Social Security 2020

- ▶ This will replace nine social security laws, including the Maternity Benefit Act, Employees' Provident Fund Act, Employees' Pension Scheme, Employees' Compensation Act, among others.
- ▶ Coverage provided under Employees State Insurance Corporation (ESIC) on a voluntary basis even if the number of employees in that establishment is less than the threshold 10 or more & for Hazardous & Life-threatening occupation 1 or more.
- ▶ The code universalizes social security coverage to those working in the unorganised sector, such as migrant workers, gig workers, and platform workers.
- ▶ In the case of an employee employed on fixed-term employment or a deceased employee, the employer shall pay gratuity on a pro-rata basis and not based on five years' continuous service.

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### The Industrial Relations Code 2020

- ▶ Industrial Relations Code subsumes the Industrial Disputes Act, 1947, the Trade Unions Act, 1926, and Industrial Employment (Standing Orders) Act, 1946.
- ▶ The code, among its important provisions, makes it easier for companies to hire and fire workers.
  - ▶ Companies employing upto 300 workers will not be required to frame rules of conduct for workmen employed in industrial establishments. Presently, it is compulsory for firms employing upto 100 workers.
- ▶ Establishment employing upto 300 workers will not be required to take prior permission for declaring Layoff, Retrenchment & Closure of their establishments, earlier it was 100 workers.
- ▶ It proposes that workers in factories will have to give notice at least 14 days in advance to employers if they want to go on strike.
  - ▶ Presently, only workers in public utility services are required to give notices to hold strikes.

Besides, every industrial establishment employing 20 or more workers will have one or more Grievance Redressal Committees to resolve disputes arising out of employees' grievances.

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### The Occupational Safety Health & Working Conditions Code 2020

- ▶ The Occupational Safety, Health, and Working Conditions Code replaces 13 labour laws.
- ▶ It's applicable to all the establishments having ten or more employees and provide the concept of "one registration" for all establishments.
  - ▶ However, for the applicability of all other provisions of the code in respect of factories, except registration, the threshold has been fixed twenty workers in a factory (with power) and forty workers (without power);
- ▶ It spells out employers and employees' duties and envisages safety standards for different sectors, focusing on the health and working conditions of workers, hours of work, leaves, etc.
- ▶ It spells out employers and employees' duties and envisages safety standards for different sectors, focusing on the health and working conditions of workers, hours of work, leaves, etc.
- ▶ Provision to provide free of cost annual health check-ups for employees above the specified age in all or certain classes of establishments by which it would be possible to detect diseases at an early stage for effective and proper treatment of the employees.
- ▶ The On roll employees of an establishment from other states also covered under the definition Inter-state workmen and other benefits earlier. It was the workers employed through a contractor, and the code also recognizes the right of contractual workers.
- ▶ The code provides employers the flexibility to employ workers on a fixed-term basis based on requirement and without restriction in any sector.
  - ▶ More importantly, it also provides statutory benefits like social security and wages to fixed-term employees at par with their permanent counterparts.
- ▶ It also mandates that no worker will be allowed to work in any establishment for more than 8 hours a day or more than 6 days a week.
  - ▶ In case of overtime, an employee should be paid twice the rate of his/her wage. It will be applicable to even small establishments, which have upto 10 workers.
- ▶ The code also brings in gender equality and empowers the women workforce. Women will be entitled to be employed in all establishments for all types of work. With consent, can work before 6 am and beyond 7 pm subject to such conditions relating to safety, holidays, and working hours.
  - ▶ For the first time, the labour code also recognizes the rights of transgenders. It makes it mandatory for industrial establishments to provide washrooms, bathing places, and locker rooms for male, female, and transgender employees.

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### Central Order to Extend the Lockdown in Containment Zones Up to 31st October 2020

As per the notification, the Ministry of Home Affairs, in the exercise of the powers under section 6(2)(i) of the Disaster Management Act, 2005, National Management Authority (NDMA) has issued an order to extend the lockdown in containment zones up to 31st October 2020 and to re-open more activities in a phased manner in areas outside Containment Zones. Please refer to the notification for more details.

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### Karnataka Unlock 5 Guideline

As per the notification, the Government of Karnataka has issued Unlock 5 guidelines for opening up more activities in areas outside the containment zones. Please refer to the notification for more details.

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### Maharashtra Unlock 5 Guideline

As per the notification, the Government of Maharashtra has extended the lockdown in containment zones up to 31st October 2020. Easing of restrictions and phase-wise opening of lockdown along with additional directions are also issued for containing the spread of COVID infection in the state. Please refer to the notification for more details.

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### Tamil Nadu - Extension of Lockdown

As per the notification, the Government of Tamil Nadu has extended the lockdown till 31.10.2020 with further relaxation. The restrictions to continue for schools, international air travel, suburban trains, theatres, and amusement parks.

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### Implementation of Auto-Renewal System Under Ease of Doing Business in Karnataka

#### Vide Order no. LD 241 LET 2020

As per the notification, the Government of Karnataka, in order to enhance Ease of Doing Business in the State, has ordered that henceforth, renewal procedures for Certificates / Registration / Licenses for establishments shall be in an auto-renewal system upon prescribed online payment of fees under the following acts:- (1) Registration under the Shops and Commercial Establishments Act, 1961 (2) License under the Contract Labour (Regulation and Abolition) Act 1970 (3) License under the Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979 (4) License under the Factories Act, 1948. Please refer to the notification for more details.

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### Online Renewal of License Under Contract Labour (Regulation And Abolition) Act, 1970 in Telangana

#### Vide Notification no G.O.Rt.No.288

As per the notification, the Government of Telangana, in order to enhance Ease of Doing Business in the State, has ordered that henceforth, the license granted/renewal under the Contract Labour (Regulation and Abolition) Act, 1970 shall be in an automatic non-discretionary, deemed renewal manner through an online system. Without the requirement of filing a renewal application, subject to payment of the fee prescribed by the Government from time to time, within the time prescribed. Please refer to the notification for more details.

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### The Himachal Pradesh Building and Other Construction Workers Amendment Rules, 2020

#### Vide notification No. Shram(A)2-1/2019 BOCW

As per the notification, the Government of Himachal Pradesh has amended Himachal Pradesh Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2008. As per the amendment, new rates have been introduced towards financial assistance for the children's education. The notification also states that the financial assistance for marriage of children of eligible members is increased to Rs.51,000/- (Rupees fifty-one thousand) from existing Rs.35,000/- (Rupees thirty-five thousand). Please refer notification for more details.

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### Guidelines to Settle the Legitimate Dues of Workers Under the Payment of Bonus Act, 1965 in West Bengal

#### Vide Circular No. Labr./210/(LC-IR)/3C-01/18

As per the notification, the Government of West Bengal has issued guidelines to be followed by all employers and employees of the state covered under the Payment of Bonus Act, 1965 ("Act") while settling the legitimate dues of the workers in respect of bonus for the year 2020 in terms of the said Act in the interest of maintenance of Industrial peace and harmony. Please refer notification for more details.

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### The Andhra Pradesh Minimum Wages Notification 1st October 2020

#### Notification No.J/1434/2020

As per the notification, the Government of Andhra Pradesh CPI point for minimum wage calculation has been released for the state of Andhra Pradesh with effect from 1st October 2020.

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### The Bihar Minimum Wages Notification 1st October 2020

#### Notification No-5/ M.W.- 403 /07 L&R-2619

As per the notification, the Government of Bihar has released minimum wages for the state of Bihar effective from 1st October 2020.

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### The Gujarat Minimum Wages Notification 1st October 2020

As per the notification, the Government of Gujarat has released the revised Minimum Wages dearness allowance for the State of Gujarat effective 1st October 2020.

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### The Haryana Minimum Wages Notification 1st January 2020

#### Vide Notification I.R- 2/2020/7740-7868

As per the notification, the Government of Haryana has released the variable dearness allowance towards minimum wages effective from 1st January 2020.

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### Kerala CPI for July 2020

#### Notification No.DES/953/2020-P3(1)

As per the notification, the Government of Kerala, the Labour and Skills (E) Department, has revised the variable dearness allowance for employment in Shops and Commercial Establishment and employment in Computer Software Sector. The Consumer Price Index (Cost of Living Index) Numbers applicable to employees in employment under the Minimum Wages Act (Central Act XI of 1948) for July 2020 are as ascertained by the Director-General of Economics & Statistics under clause (C) of Section 2 of the Act.

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### The Madhya Pradesh Minimum Wages Notification (Oct 2020)

#### Notification Number 1/11/Five/2015/36273-422

As per the notification, the Government of Madhya Pradesh has released minimum wages for the State of Madhya Pradesh effective from 1st October 2020.

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## Minimum Wages Notifications

Minimum Wages 2020-2021						
State	Class	Minimum Wages				With Effect From
		Zone I (INR)	Zone II (INR)	Zone III (INR)	Zone IV (INR)	
Andhra Pradesh	Highly Skilled	11272.20	10853.20			01-Oct-20
	Skilled	10437.20	10235.20			01-Oct-20
	Semi Skilled	9817.20	9601.20			01-Oct-20
	Unskilled	9415.20	9085.20			01-Oct-20
Bihar	Highly Skilled	11726.00				01-Oct-20
	Skilled	9620.00				01-Oct-20
	Semi Skilled	7904.00				01-Oct-20
	Unskilled	7592.00				01-Oct-20
	Supervisory / Clerical	8363.00				01-Oct-20
Gujarat	Skilled	9079.20	8845.20			01-Oct-20
	Semi Skilled	8845.20	8637.20			01-Oct-20
	Unskilled	8637.20	8429.20			01-Oct-20
Haryana	Highly Skilled	11893.79				01-Jan-20
	Skilled - A	10788.01				01-Jan-20
	Skilled - B	11327.42				01-Jan-20
	Semi Skilled A	9785.05				01-Jan-20
	Semi Skilled B	10274.29				01-Jan-20
	Unskilled	9319.12				01-Jan-20
Kerala	Highly Skilled	12728.00				01-Jul-20
	Skilled	12308.00				01-Jul-20
	Semi Skilled	12098.00				01-Jul-20
	Unskilled	11888.00				01-Jul-20
Madhya Pradesh	Highly Skilled	11935.00				01-Oct-20
	Skilled	10635.00				01-Oct-20
	Semi Skilled	9257.00				01-Oct-20
	Unskilled	8400.00				01-Oct-20

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### Contact Us

Chennai (Corporate Office)  
No: 64 (Old No: 30), III Floor,  
Ethiraj Salai, Egmore, Chennai, 600008  
Tel : +91 44 42123497  
Toll free : 18001035642  
Email : sales@talentproindia.com