

Labour & Employment Law

Brief Highlights:

- Draft Rules on Code on Social Security (Employee's Compensation) (Central) Rules, 2021;
- Mandatory seeding of Aadhar Number for filing of ECR-Reg;
- Exemption from certain compliances under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996, in the NCT of Delhi;
- Financial Assistance to the dependant of deceased worker/employee in Gurugram circle, Haryana.

➔ CENTRAL

- (a) Vide Gazette Notification dated 03.06.2021, Ministry of Labour and Employment ("**Ministry**"), Government of India

As per the above notification:

The Central Government released draft rules on the Code on Social Security (Employee's Compensation) (Central) Rules, 2021 ("**Draft Rules**") pursuant to powers conferred under the Code on Social Security, 2020 ("**Code**") repealing the Employees' Compensation Act, 1923 ("**EC Act**"). Stakeholders have been invited to submit their objections and suggestions on the Draft Rules in a prescribed proforma to the Ministry within a period of 45 (forty-five) days from date of notification. The Draft Rules have been formulated by the Central Government with view to cover the aspects of EC Act.

Following rules have been proposed under the Draft Rules:

- Interest at the rate of 12% (Twelve Percent) per annum shall be levied on the compensation amount payable to the employee, in case the employer has failed to pay the said compensation amount within a period of 30 (thirty) days from the due date as required under Section 77(3) [*Compensation To Be Paid When Due And Damages For Default*] of the Code.
- Electronic transfer of money involved in the subject matter of dispute and documents related thereto, can be transferred by one competent authority to another competent in case, the said competent authority is satisfied that the proceedings can be tried before the nearest office of other competent authority for the purpose of convenience of parties, as per powers conferred under Section 92 (*Venue of proceedings and transfer*) of the Code.

- The dependant applicant, can furnish an application to claim compensation on behalf of the employee who has met with an accident during the course of employment through electronic means with the competent authority. An application pertaining to settlement of claim of compensation can also be furnished by an employer before the competent authority via electronic medium.
- The competent authority in India can transfer the compensation amount which has been awarded or due to any person residing in or about to reside in foreign country, to the office competent authority of the foreign jurisdiction dealing with employees' compensation. .

- (b) Vide Circular dated 15.06.2021, Employees' Provident Fund Organisation ("**EPFO**"), Ministry of Labour and Employment, Government of India

As per the above circular:

The EPFO has mandated that from 01.09.2021, the monthly Electronic Challan cum Return (ECR), shall be allowed to be filed only for the members/subscribers whose Aadhar numbers are seeded and verified with their Universal Account Numbers (UANs), by the employers. The said mandate was earlier effective from 01.06.2021. The effective date of such mandate has been extended by the EPFO vide this circular.

The requirement to seed Aadhar Number with UAN of a member/subscriber has been ordered by EPFO pursuant to enforcement of Section 142 (*Application of Aadhar*) of the Code on Social Security, 2020 ("**Code**") vide gazette notification dated 30.04.2021.

➔ NCT OF DELHI

Vide Order dated 09.06.2021, Delhi Building and Other Construction Workers Welfare Board ("**Board**"), Government of National Capital Territory (NCT) of Delhi

As per the above order, it was decided that:

The annual contribution / late fees / penalty for registration / renewal of construction workers shall remain waived off for a period of 3 (three) months from the date of issue of this order.

There shall be no change in the eligibility condition for registration and renewal of construction worker under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

➔ HARYANA

Vide Notification dated 15.06.2021, Haryana Labour Welfare Board ("**Board**"), Government of Haryana

As per the above notification:

The Board has instructed all industrial and commercial establishments located in Gurugram circle to utilize the financial scheme, provided under the labour welfare fund of INR 2,15,000/- (Indian Rupees Two Lakh Fifteen Thousand only) for financing funeral expenses to widows and dependants of deceased employees. The financial aid also provides coverage of funeral expenses to widows and dependants of those employees, who had died to COVID-19 virus.

The dependants of deceased employees, in the event of death of employee at workplace, can also claim benefit under Mukhya Mantri Shramik Suraksha Yojna of INR 5,00,000/- (Indian Rupees Five Lakh only) announced by the Government of Haryana.

The widows and dependents of concerned employees may avail the benefits by applying on the department website (www.saralharyana.gov.in) or can visit the Antyodyay Bhavan, Saral Kendra situated at Panchkula, Haryana.

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