

Labour & Employment Law

Brief Highlights:

- Appointment of Effective Date of Section 142 of Code on Social Security, 2020;
- ESIC reaches out to its beneficiaries to provide medical care and relief during COVID-19 pandemic;
- The Employees' Deposit Linked Insurance (Amendment) Scheme, 2021;
- Punjab Labour Welfare Fund (Haryana Amendment) Act, 2021;
- Order on Extension of Filing Return and Enrolment Tax Under the Karnataka Tax on Professions, Trades, Callings and Employments Act, 1976;
- Order on Extension of Filing Annual Returns Under the West Bengal State Tax on Professions, Trades, Callings and Employments Act, 1979.

➔ CENTRAL

- (i) Vide Gazette Notification dated 30.04.2021, Ministry of Labour and Employment, Government of India

As per the above notification:

The provisions of Section 142 (*Application of Aadhaar*) of the Code on Social Security, 2020 ("**Code**") shall come into force and be in effect from May 3, 2021.

The said provision of the Code mandates the use of Aadhaar number/Aadhaar Card provided under the Aadhaar (The Targeted Delivery of Financial and Other Subsidies, Benefits and Services) Act, 2016, for the worker and/or his family member or dependants, to establish his or their identity in order to (a) register as a member or beneficiary; or (b) seek benefit in kind, cash, medical sickness benefit or pension; or (c) avail services of any career centre; or (d) receive any payment or medical benefit as an insured person or for his dependants, under the Code, rules, regulations or any scheme framed thereunder.

- (ii) Vide Press Release dated 29.04.2021, Employees' State Insurance Corporation, Ministry of Labour and Employment, Government of India

As per the above release:

The beneficiaries registered with Employees' State Insurance Corporation ("**Corporation**") in accordance with Employees' State Insurance Act, 1948 ("**ESI Act**") will be provided with medical care and relief during COVID-19 pandemic in the following manner:

• **Medical Benefits:**

- (a) 'Insured Person' (*as defined under the ESI Act*) and/or his family members can avail free of cost medical care in any of the ESIC/ESIS hospital which have been declared as '**COVID-19 dedicated hospital**' in case they have been affected with Covid-19 virus.

- (b) The Corporation has directed each ESIC hospital to function with at least 20% (twenty percent) bed capacity, for ESIC Insured Persons, beneficiaries, staff and pensioners.
- (c) Plasma therapy has been made available in ESIC Hospitals in Faridabad (Haryana) and Sanath Nagar (Telangana).
- (d) The Insured Person or his family member under the ESI Act, if infected with Covid-19 virus can claim reimbursement of expenditure of treatment taken in any private institution/hospital.
- (e) No referral letter will be required from ESIC beneficiaries who wish to seek emergency/non-emergency medical treatment from a tie-up hospital directly.

• **Cash benefit**

- (a) An Insured Person unable to work due to being infected with Covid-19 virus can claim Sickness Benefit (*as provided under ESI Act*) for the period of abstention as per his entitlement. Such benefit will be paid at the rate of 70% (seventy percent) of average daily wages for 91 (ninety-one) days.
- (b) In case an Insured Person becomes unemployed due to pandemic, he can avail benefit under the Atal Beemit Vyakti Kalyan Yojana (ABVKY) at the rate of 50% (fifty percent) of average per day earning for a maximum of 90 (ninety) days. Such person can submit his claim on the official website of the Corporation to avail benefit under the ABVKY scheme.
- (c) In case of an unfortunate demise of an Insured Person, funeral expenses of INR 15,000/- (Indian Rupees Fifteen Thousand only) will be paid to the eldest surviving member of his family.
- (d) In case an Insured Person becomes unemployed due to retrenchment or closure of establishment as per Industrial Disputes Act, 1947, he may claim unemployment allowance for a period of 2 (two) years subject to him being qualified under the Rajiv Gandhi Shramik Kalyan Yojana (RGSKY).

- (iii) Vide Gazette Notification dated 28.04.2021, Ministry of Labour and Employment, Government of India

The Central Government amended the Employees' Deposit Linked Insurance Scheme, 1976 ("**EDLI Scheme**") vide Employees' Deposit Linked Insurance (Amendment) Scheme, 2021 ("**EDLI Amendment Scheme**"). The EDLI Amendment Scheme introduced the following amendments:

- (a) Increase of the multiplication factor of the benefit payable to dependants of the deceased, from 30 (thirty) times to 35 (thirty-five) times of the average monthly wages,

subject to a maximum cap of INR 15,000/- (Indian Rupees Fifteen Thousand Only).

- (b) The minimum assurance benefit payable has been fixed to INR 2,50,000/- (Indian Rupees Two Lakh Fifty Thousand Only) which has been in effect from February 15, 2020.
- (c) The maximum assurance benefit payable has been enhanced from INR 6,00,000/- (Indian Rupees Six Lakh Only) to INR 7,00,000/- (Indian Rupees Seven Lakh Only).
- (d) For any contravention of the provisions of the EDLI Scheme, the penalty amount has been increased to INR 25,000/- (Indian Rupees Twenty Five Thousand Only) from INR 4,000/- (Indian Rupees Four Thousand Only).
- (e) The amendments to the provisions of Para 22(3) of the EDLI Scheme shall remain in force a period of 3 (three) years from the date of publication of the gazette notification.
- (f) Orders related to exemption of operation of the provision of EDLI Scheme on any class of employees can also be passed by Additional Central Provident Commissioner (Head Quarters) or Additional Central Provident Fund Commissioner.

➤ HARYANA

Vide Gazette Notification dated 05.04.2021, Government of Haryana

The Government of Haryana amended the Punjab Labour Welfare Fund Act, 1965 ("**LWF Act**") vide Punjab Labour Welfare Fund (Haryana Amendment) Act, 2021. With the aim to keep pace with the Digital India movement, the amendments had been introduced by the state government in the LWF Act.

Vide the amendment, under Section 9A (*Contribution To Fund By Employers And Employees*) of the LWF Act, the labour welfare fund contributions shall now be paid by the employers through online banking channels in favour of the Welfare Commissioner. Prior to the amendment, the contributions were required to be paid by cross-cheques in favour of the Welfare Commissioner.

➤ KARNATAKA

Vide Order No. 01/2021 dated 26.04.2021, Government of Karnataka

It was decided that:

For the employers registered under the Karnataka Tax on Profession, Trades, Callings and Employments Act, 1976 ("**KPT**

Act"), the due date for filing of statement of payment of salary and wages to employees and professional tax deducted therein under Form 5 for the month of April 2021 shall be extended to June 20, 2021.

For enrolled persons as defined under the KPT Act, the due date payment of tax for financial year 2021-22 shall be extended to May 30, 2021.

The order was passed by the Government of Karnataka in the light of the ongoing COVID-19 pandemic and lockdown enforced in the state.

➤ WEST BENGAL

Vide Order dated 21.04.2021, Office of Commissioner of Commercial Taxes and Professional Tax, West Bengal ("**Authority**").

In the light of the ongoing COVID-19 pandemic situation, it was decided by the Authority to extend the due date of filing of returns (in electronic/paper form) required under Section 6 of the West Bengal State Tax on Professions, Trades, Callings And Employments Act, 1979 read with Rule 12 of West Bengal State Tax on Professions, Trades, Callings And Employments Rules, 1979.

The due date to file return under Form-III electronically had been extended till June 30, 2021 from April 30, 2021 and due date for filing return under Form-III in paper form had been extended till July 15, 2021 from May 15, 2021, for the year ended on 31.03.2021.

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