

Labour & Employment Law Brief Highlights:

- *Employee Provident Fund Organisation to allow its members to avail second COVID-19 advance;*
- *Specific provisions of Employees' State Insurance Act, 1948 brought into force in specific areas of the State of West Bengal;*
- *Extension of specific regulation under Employees' State Insurance (General) Regulations, 1950 to specific areas of the State of Tripura;*
- *Mandatory registration under Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 in the NCT of Delhi;*
- *Exemption of factories from certain provisions of Factories Act, 1948, in the State of Himachal Pradesh;*
- *Amendment to Gujarat Factories Rules, 1963 specifying the quality of personal protective equipment to be provided to the workers;*
- *Exemption of factories relating to essential commodities and pharmaceutical factories from certain provisions of Factories Act, 1948, in the State of Uttarakhand;*

➤ CENTRAL

- (a) Vide Press Release dated 31.05.2021, Employees' Provident Fund Organisation ("EPFO"), Ministry of Labour and Employment, Government of India

As per the above press release:

Amidst the second wave of COVID-19 pandemic, the EPFO decided to allow its members/subscribers having monthly wages of less than INR 15,000/- (Indian Rupees Fifteen Thousand only) to avail second non-refundable COVID-19 advance.

Similar relief to permit special withdrawal was earlier provided to members/subscribers to EPFO vide Pradhan Mantri Garib Kalyan Yojana (PMGKY) introduced in March 2020 wherein non-refundable withdrawal to the extent of the basic wages and dearness allowances for 3 (three) months or up to 75% (Seventy-Five Percent) of the amount standing to member's credit in the EPF account, whichever is less, was permitted. The members had been permitted to apply for a lesser amount as well.

To avail the advance for the second wave of COVID-19 pandemic, EPFO has deployed a system driven auto-claim settlement process in respect of all such members whose KYC requirements is complete in all respect.

- (b) Vide Gazette Notification dates 21.05.2021, Ministry of Labour and Employment, Government of India

As per the above notification:

The Central Government has brought into force, the provisions of Chapters IV, V and VI of the Employees' State Insurance Act, 1948, except the provisions that were already in force, in all the areas of Alipurdar, Cooch Behar, Kalimpong, North Dinajpur, Purulia and South Dinajpur districts in the State of West Bengal, from 01.06.2021.

- (c) Vide Gazette Notification dates 25.05.2021, Employees' State Insurance Corporation ("**Corporation**"), Government of India

As per the above notification:

The Corporation has extended the applicability of medical benefit under Regulation 95-A of the Employees' State Insurance (General) Regulations, 1950, and the Tripura Employees' State Insurance (Medical Benefit) Rules, 2008 to the families of insured persons in the entire areas of Khowai, South Tripura and Unakoti districts in the State of Tripura, from 01.04.2021.

➤ NCT OF DELHI

Vide Circular dated 14.05.2021, Labour Department ("**Department**"), Government of National Capital Territory (NCT) of Delhi

As per the above circular, it was decided that:

With respect to the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 ("**Act**"), all principal employers [employing during last 12 (twelve) months] the workers through outsourcing, shall mandatorily register themselves with the Department on the e-district portal of Government of NCT of Delhi. Further, every such interstate migrant worker shall be issued a passbook by the contractor containing details of employment and such workmen shall be provided other benefits under the Act. Non-compliance of such mandate by the principal employers and the contractor shall entail to penalty and punishment as prescribed under the Act.

➤ HIMACHAL PRADESH

Vide Notification dated 06.05.2021, Department of Labour and Employment (“Department”), Government of Himachal Pradesh

As per the above notification:

In exercise of powers conferred under Section 5 of Factories Act, 1948 (“Act”), the Department had decided to exempt all factories registered the Act, from the provisions of Section 51 (Weekly hours), Section 54 (Daily hours), Section 55 (Intervals of Rest) and Section 56 (Spreadover), subject to the following conditions:

- (i) No adult worker shall be required or allowed to work more than twelve (12) hours on any day and seventy-two (72) hours in any week, in any factory.
- (ii) The period of work of adult workers in a factory in a day shall be fixed that no period shall exceed 6 (six) hours, before he has had an interval for rest of at least half an hour.
- (iii) Wages in respect of increased working hours as a result of this exemption shall be in proportion to existing minimum wages fixed by Government of Himachal Pradesh under Minimum Wages Act, 1948.
- (iv) Provisions of Section 59 of the Act regarding overtime wages shall be applicable without any changes.

The notification shall be applicable for a period of three (3) months from coming into effect on date of publication of the notification in the official gazette.

➤ GUJARAT

Vide Notification no. GHR/2021/39/FAC/142021/193/M3 dated 10.05.2021, Labour and Employment Department, Government of Gujarat

As per the above notification:

The Government of Gujarat amended Rule 68-B (Quality of Personal Protective Equipments) of the Gujarat Factories Rules, 1963 (“Guj. Factories Rules”) pursuant to Gujarat Factories (Amendment) Rules, 2021.

The amended Rule 68-B of Guj. Factories Rules states that all personal protective equipment (“PPEs”) provided to workers as statutorily required shall conform to relevant Indian Standards, or, in the absence of such standards, be approved by the Chief Inspector of Factories. In case, PPEs do not conform to above requirements, they shall be compliant with EN (European Standard) or ANSI (American National Standards Institute) or ISO (International Organization for Standardization), till the Indian Standard has been made available.

➤ UTTARAKHAND

Vide Notification dated 25.05.2021, Labour Department, Government of Uttarakhand

As per the above notification:

The Government of Uttarakhand has exempted factories relating to essential commodities and pharmaceutical factories, from the provisions of Section 51 (Weekly hours), Section 54 (Daily hours), Section 55 (Intervals of rest) and Section 56 (Spreadover), subject to the following conditions:

- (i) Work can be done in two shifts of twelve (12)-twelve (12) hours per day, of which four (4) hours shall be overtime, which shall be paid as per the state rules.
- (ii) Workers shall work for a maximum of six (6) days in a week, subject to a maximum overtime of twenty-four (24) hours per week.
- (iii) The extension of work shall be spread in such a manner that every worker shall be given a rest of thirty (30) minutes after six (6) hours.
- (iv) No employee shall be laid off by the employer during this period.

The notification shall be applicable for a period of sixty (60) days, and will automatically cease to be in force, on expiry of said period.

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