

July 2021

Labour & Employment Law**Brief Highlights:**

- *Specific provisions of Employees' State Insurance Act, 1948 brought into force in specific areas of the State of Tamil Nadu;*
- *Allowing the maintenance of mandated records and registers under existing labour laws in electronic form in the NCT of Delhi;*
- *Amendment to Goa Factories Rules, 1985;*
- *Amendment to the working hours of employees under Shops and Establishments Act, 1961 in the State of Karnataka.*

⇒ CENTRAL

Vide Gazette Notification dated 28.07.2021, Ministry of Labour and Employment, Government of India

As per the above notification:

Following provisions of the Employees' State Insurance Act, 1948 ("Act") shall be in effect from 01.08.2021, in all areas of Madurai district in the State of Tamil Nadu:

- Sections 38, 39, 40, 41, 42, 43 and 45A to 45H of Chapter IV of the Act relating to Contributions;
- Sections 46 to 73 of Chapter V of the Act, relating to benefits available to Insured Person; and
- Sections 74, 75, sub-sections (2) to (4) of Section 76, Sections 80, 82 and 83 of Chapter VI of the Act, relating to Adjudication of Disputes and Claims.

⇒ NCT OF DELHI

Vide Order dated 05.07.2021, Office of the Labour Commissioner, Labour Department, Government of National Capital Territory (NCT) of Delhi ("**Department**"):

As per the above order, it was decided that:

The establishments situated in the NCT of Delhi, have been permitted to maintain records and registers in electronic form to facilitate ease of compliance for statutory provisions related to registration, license, permission and certificates mandated under the existing labour laws,. Further, the establishments could adopt a 'common display' system for ensuring compliance under the existing labour laws. An annexure regarding list of compliances for establishments had been

appended with the said order by the Department. Following are the compliances under the said order:

- (i) Display of rates of wages, hours of work, wage period, date of payment of wages and name and address of the Inspector under Rule 238 of Delhi Building & Other Construction Workers (Regulation & Employment and Conditions of Service) Rules, 2002.
- (ii) Display of period for which wages are paid and place and time of disbursement under Rule 249 of Delhi Building & Other Construction Workers (Regulation & Employment and Conditions of Service) Rules, 2002.
- (iii) Display of rates of minimum rates of wages and name and address of the Inspector under Rule 22 of Minimum Wages (Central) Rules, 1950.
- (iv) Display of period and hours of work under Rule 4 of The Industrial Employment (Standing Orders) Central Rules, 1946.
- (v) Display of payment of unclaimed wages under Rule 11 of the Industrial Employment (Standing Orders) Central Rules, 1946.
- (vi) Display of date of unpaid wages under Rule 238 of Delhi Building & Other Construction Workers (Regulation & Employment and Conditions of Service) Rules, 2002.
- (vii) Display of rest day or any change under Rule 235 of Delhi Building & Other Construction Workers (Regulation & Employment and Conditions of Service) Rules, 2002.
- (viii) Display of wage period, place and time of disbursement and wage period under rule 71 of Delhi Contract Labour Rules, 1972.
- (ix) Display of rate of wages, hours of work, name and address of Inspectors, under Rule 81 of Delhi Contract Labour Rules, 1972.
- (x) Display of working time under Rule 4 of The Industrial Employment (Standing Orders) Central Rules, 1946.
- (xi) Display of holiday under rule 5 of The Industrial Employment (Standing Orders) Central Rules, 1946.
- (xii) Display of pay day for wages as per rates of wages of the workers/employees under rule 5 of The Industrial Employment (Standing Orders) Central Rules, 1946.
- (xiii) Display of rates of wages for all workers and all kind of work under rule 6 of The Industrial Employment (Standing Orders) Central Rules, 1946.
- (xiv) Payment of unclaimed wages under rule 6 and rule 11 of the Industrial Employment (standing orders) Central Rules, 1946.

⇒ GOA

Vide Notification dated 06.07.2021, Inspectorate of Factories and Boilers, Department of Labour ("**Department**"), Government of Goa:

As per the above notification:

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The Goa (Fifteenth Amendment) Rules, 2020 ("**Amendment Rules**") amended the Goa Factories Rules, 1985 ("**Rules**") pursuant to powers conferred on the State Government under Section 112 (*General Power To Make Rules*) of the Factories Act, 1948 ("**Act**").

The following are the key amendments introduced vide Amendment Rules:

- (i) **Application Fees:** The application fees towards application of a 'Competent Person' has been revised and increased from INR 10,000/- (Indian Rupees Ten Thousand only) to INR 20,000/- (Indian Rupees Twenty Thousand only);
- (ii) **Additional Condition For Validity of a Factory License:** A factory license obtained by an occupier shall be considered valid only if the existing building/shed/structure/work of engineering construction of the factory premises is approved by Chief Inspector of Factories;
- (iii) **Issuance of Certificate of Stability By a Structural Engineer:** A structural engineer can issue a certificate of stability instead of Competent Person in case such structural engineer has been registered under the Goa Land Development and Building Construction Regulations, 2010 and has originally designed the building/shed/structure/work of engineering construction of the factory premises of an occupier.;
- (iv) **Revision in Fee Schedule for Factory license:** Basis '*the number of workers employed during the year*' and the '*Horsepower of machinery installed in the factory license*', the occupier/manager shall apply for a factory license with Chief Inspector of Factories and shall pay requisite license fee as per the revised schedule to the Rules amended vide Amendment Rules.
- (v) **Facility of Online Renewal of Factory License:** Renewal of factory license could now be undertaken online by the occupier/manager of a factory. Requisite payment for license renewal fees shall be made through e-challan payment gateway available at the official website of the authority.
- (vi) **Medical Examination of Factory Workers:** A factory worker shall be medically examined prior to joining employment and thereafter, after every 5 (five) years by a Certifying Surgeon appointed under the Factories Act, 1948 or Medical Inspector of Factories appointed by the State Government.
- (vii) **Validity of Medical Certificate:** The medical certificate issued to a factory worker shall be valid for a period of 5 (five) years ,even if such worker is employed or joins another factory organization during the said period of 5 (five) years provided that such worker is not engaged in a hazardous and dangerous operation.

- (viii) **Personal Protective Equipment (PPE):** All managers/occupiers of a factory shall provide to its workers PPE kits as required under any of the provisions of the Factories Act, 1948 and Rules. Such PPE kits to be provided by the occupier/manager shall conform to the relevant national standard prescribed by Government of India. No charges shall be levied by the occupier/manager of the factory from the factory workers at any time while providing PPE kits.

⇒ KARNATAKA

Vide Notification No. E-LD 4 LET 2019 (P) dated 20.07.2021, Labour Department, Government of Karnataka:

Vide notification dated 02.01.2021, the State Government had permitted all shops and commercial establishments situated in the State of Karnataka, employing 10 (ten) or more persons , to open on 24x7 basis, on all days of the year for a period of 3 (three) years from the date of issue of the said notification, subject to certain terms and conditions.. The said notification has thereafter, been amended vide notification dated 20.07.2021, to include the following conditions:

- (i) No employee in any establishment shall be required or permitted to work for more than 9 (nine) hours on any day and 48 (forty-eight) hours in a week. Provided that the total number of hours including overtime shall not exceed 10 (ten) hours in any date except on the day of stock-taking and preparation of accounts.
- (ii) Total number of overtime hours worked by an employee does not exceed 50 (fifty) hours in a period of 3 (three) continuous months.

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