

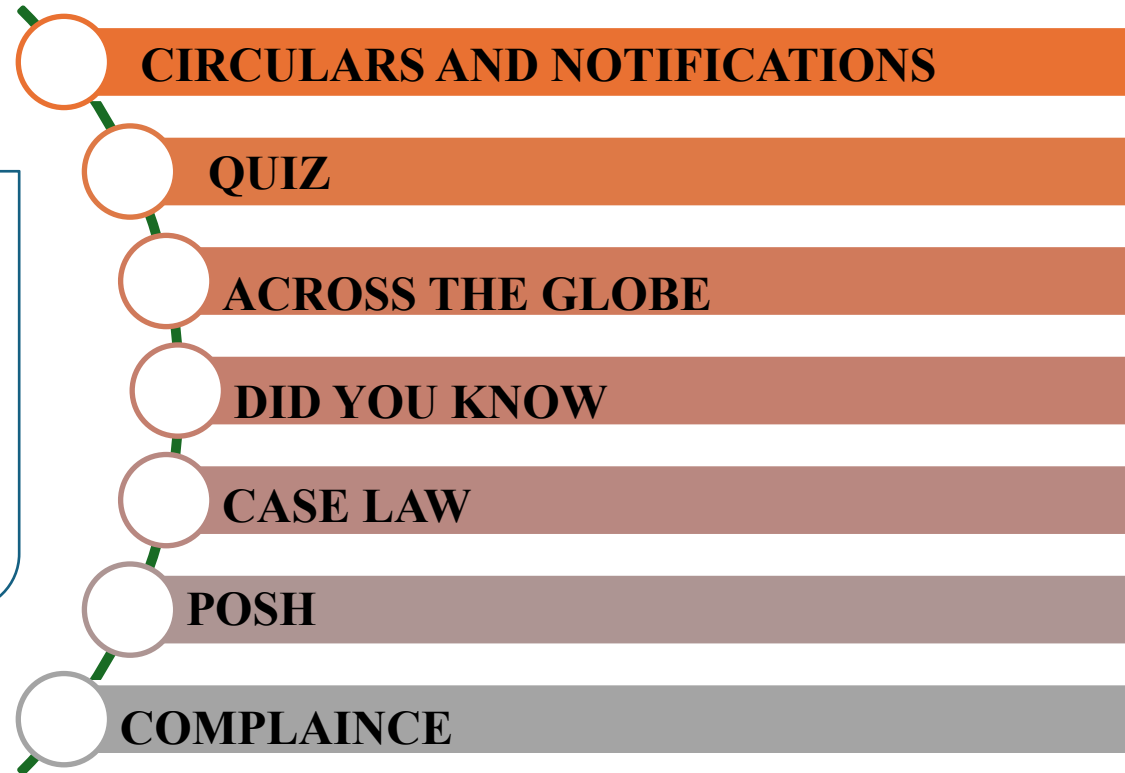
# LABOUR LAW MONTHLY UPDATE

**MAY 2025**

# DISCLAIMER

- This Presentation is meant for informational purpose only and do not purport to be advice or opinion, legal or otherwise, whatsoever.
- This is not intended to advertise services or solicit work through this monthly update.

Let's  
take a  
tour





# **Circulars and Notifications**

# **EMPLOYMENT OF WOMEN IN NIGHT SHIFT UNDER FACTORIES ACT, 1948 IN TRIPURA**

**Notification dated: 22.04.2025**

## **Notification regarding Women Employment in Night Shift under Factories Act, 1948 in Tripura**

The Labour Department of the Government of Tripura has issued a set of guidelines governing the employment of women in factories across the state.

These directives have been framed in accordance with the Factories Act, 1948, to ensure the safety, health, and welfare of female workers in factories.

## Contd..

- The guidelines prohibit women employees from working in any factory in the State of Tripura between 10:00 PM and 5:00 AM, in consideration of public interest. However, if any woman employee volunteers to work beyond 7 PM, her written consent must be obtained.
- The guidelines specify the provision of appropriate amenities and working conditions for women employees including transport facility, separate rest rooms, establishment of a grievance redressal mechanism to address their concerns, and to comply with the provisions of the POSH Act, 2013.

# **EMPLOYEE'S PROVIDENT FUND ORGANISATION**

**CIRCULAR DATED: 04.04.2025**



# Payment of past dues through Demand Draft by employers

- The Employees' Provident Fund Organisation (EPFO) has issued a circular permitting a one-time exception for employers to remit past dues (employee and employer contributions) through Demand Draft (DD) when electronic payment via Electronic Challan-cum-Return (ECR) is not feasible.

## Key Highlights:

- Internet banking and ECR remain the preferred methods.
- One-time DD payment is allowed if:
  - The employer is unable to use ECR.
  - Future payments will resume via internet banking.

# Contd..

## **Procedure for DD payment:**

- DD must be in favor of the RPFC-in-Charge and payable at the regional office's bank.
- Employer must submit an undertaking to verify beneficiaries for claims.
- Employers should also submit the relevant returns.

Additional dues like damages and interest must be calculated and recovered as per the Compliance Manual.

This measure is aimed at facilitating timely payments that benefit employees without procedural delays.

# **NOTICE UNDER TRADE UNIONS ACT, 1926 IN WEST BENGAL**

**CIRCULAR DATED: 08.04.2025**

## Retired employees cannot hold office in the Trade Union

- In the light of the defective and unlawful particulars submitted in the Annual Returns by the Trade Unions, the Government of West Bengal has issued a circular in terms of Section 22(2) of the Trade Unions Act, 1926, desisting the retired employees from holding office in the trade union and that an outsider can be considered for a post in the Executive Committee only as a Honorary member.

# **EMPLOYEE'S PROVIDENT FUND ORGANISATION**

**NOTIFICATION : 08.04.2025**

# **Allotment and activation of UAN through UMANG APP using FAT**

The Employees' Provident Fund Organisation (EPFO), under the Ministry of Labour and Employment, has introduced a major digital reform by enabling Universal Account Number (UAN) generation and activation through Aadhaar Face Authentication Technology (FAT) on the UMANG mobile app. This new method offers a contactless, secure, and user-friendly process for employees, reducing dependency on employers and minimizing data errors.

## Key Highlights:

- Direct UAN generation and activation by employees using Aadhaar-linked face authentication.
- Eliminates common data errors (e.g., wrong mobile number or DOB) and employer delays.
- Employees get immediate access to EPFO services (e.g., passbook, claims, KYC updates).
- Biometric verification ensures high security and accuracy in identity authentication.
- UAN card can be downloaded instantly via the app.
- UAN activation rate is currently low (~35% in FY 2024–25), and this aims to improve it.
- Employers are encouraged to assist new employees in using the new FAT-based method.
- EPFO is also collaborating with MY Bharat to extend FAT services to pensioners via doorstep Digital Life Certificate (Jeevan Pramaan) delivery.



ACROSS THE GLOBE



# Prohibition regarding replacement workers in Canada



- A new Bill amending the Canada Labour Code with effect from June 20, 2025, prohibits employers from using replacement workers during a strike or lockout, with limited exceptions. Specifically, employers cannot hire:
- New employees (including managers or confidential staff) hired after notice to bargain was given.
- Contractors or external employees, unless they were doing the same work under the same conditions before notice to bargain.
- Employees transferred to the strike-affected workplace after bargaining notice.
- Volunteers, students, or the general public.

## Contd..

- An exception is allowed only if there is a serious threat to life, property, or the environment—and only if striking employees are first given the chance to address it.
- **Penalties:** Employers violating this rule face fines up to \$100,000 per day for each day the offence continues.
- **Maintenance of Activities:** Within 15 days of bargaining notice, employers and unions must agree on essential services to be continued during a strike or lockout and file this with the Canada Industrial Relations Board. If no agreement is reached, the Board will decide, with a deadline of 82 days to issue its ruling.

## Seafarers' conditions set to improve after shipping industry adopts amendments to Maritime Labour Convention, 2006 at Geneva

- Amendments will enhance the living and working conditions of seafarers.
- Governments, seafarers and shipowners from the global shipping industry have agreed on a number of amendments to the Maritime Labour Convention, 2006, covering six themes. These amendments will protect seafarers from abuse, improve on-board care, and facilitate their mobility. They include:
  - Protecting seafarers against **violence and harassment on board**;
  - Calling for the designation and recognition of **seafarers as key workers**;

## Contd..

- Strengthening the rights of seafarers with respect to **shore leave**, for the benefit of their health
- Facilitating the movement of seafarers for the purpose of **repatriation**;
- Requiring States to cooperate and take due account of the IMO/ILO Guidelines on the fair treatment of seafarers in the event of a maritime accident and the recently adopted IMO/ILO Guidelines on the fair treatment of seafarers detained in connection with alleged crimes;
- Recommending that ships have the most up-to-date **medical information and guidance** on board, to be available for the person responsible for medical care on board.





- Government of India has introduced a pension scheme for unorganised workers namely **Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM)** to ensure old age protection for Unorganised Workers.
- It is a voluntary and contributory pension scheme, under which the subscriber would receive the following benefits :
  - (i) **Minimum Assured Pension:** Each subscriber under the PM-SYM, shall receive minimum assured pension of Rs 3000/- per month after attaining the age of 60 years.
  - (ii) **Family Pension:** During the receipt of pension, if the subscriber dies, the spouse of the beneficiary shall be entitled to receive 50% of the pension received by the beneficiary as family pension. Family pension is applicable only to spouse.
  - (iii) If a beneficiary has given regular contribution and died due to any cause (before age of 60 years), his/her spouse will be entitled to join and continue the scheme subsequently by payment of regular contribution or exit the scheme as per provisions of exit and withdrawal.





**The Management, Salem District Consumer Co-operative Wholesale Stores Ltd. v. The  
Presiding Officer, Labour Court, Salem and Another., W.P.No.17309 of 2009.,**

**Dated: 31.01.2024**

**The Management, Salem District Consumer Co-operative Wholesale Stores Ltd. v.  
The Presiding Officer, Labour Court, Salem and Another.,  
W.P.No.17309 of 2009., dated: 31.01.2024**

The employer has preferred this writ petition challenging the award of the Labour Court directing reinstatement of the employee who was dismissed on charges of serious misconduct, including misappropriation of funds and commodity shortages.

The employee had admitted to part of the shortages but claimed actions were taken under the direction of the Branch Manager. The workman raised an industrial dispute, wherein the Labour Court considering his age and non-employment which rendered his family without any income, set aside the order of dismissal, and awarded reinstatement without any continuity of service, back wages and future increments. While awarding so, the Labour Court found joint liability between the employee and the Branch Manager, yet only the employee was punished.



## Contd..

- The moot question in this case that *can a tribunal reduce punishment merely on the basis of sympathy towards the delinquent employee.*
- The Hon'ble Madras High Court set aside the award of the Labour Court and held that, *"The said reasoning assigned by the Tribunal does not augur well. When an employee is found guilty of misconduct of such nature that had been complained against the second respondent and is considered sympathetically, as has been considered by the Tribunal as in this case, it would lead to a situation where such delinquent employees are permitted to be continued in service. Such misplaced sympathy cannot be permitted to be invoked by the Tribunal particularly in the facts of this case".*



**Maqsood Ahmad Khan v. Executive Engineer PMGSY and Ors.  
LPA No. 188/2019 & Ors., JAMMU & KASHMIR AND LADAKH  
HIGH COURT., Dated: July 22, 2024**

**Maqsood Ahmad Khan v. Executive Engineer PMGSY and Ors.  
LPA No. 188/2019 & Ors., JAMMU & KASHMIR AND LADAKH  
HIGH COURT., Dated: July 22, 2024**

- The Principal Employer awarded a road construction contract to a contractor on 22-10-2008, but the contractor failed to execute the work despite receiving advance funds. As a result, the contract was canceled and re-tendered at the contractor's risk and cost, with the work re-awarded to M/S Raja and Co.
- The Appellants, acting as "Labour Mates" who supplied workers to the contractor, filed claims under Section 15(3) of the Payment of Wages Act, 1936, alleging unpaid wages for the labourers. Despite these claims being based on the contractor's failure, the authority held the principal employer responsible for the non-payment and ordered it to deposit the entire wage amount within 30 days.

## Contd..

*The moot question is when the liability of the principal employer arises?*

The Hon'ble High Court held that a works contract for construction of road is not a contract for supply for labour so as to bring it within the scope of term 'contract labour' used in the Contract Labour (Regulation and Abolition) Act, 1970. Only in a contract of supply of labourers granted by the principal employer to the contractor will the provisions of section 21 of the CLRA Act be attracted and in case of failure of contractor to disburse the wages of the labourers, the 'principal employer', would have been liable to make the payment of unpaid wages and thereafter, recover the same from the contractor



# IT'S QUIZZ TIMEEEE!!!



Which among the following components can be reckoned for the purposes of  
**Minimum Wages?**

- A) Basic wages and dearness allowance only.
- B) Basic wages, dearness allowance and house rent allowance.
- C) Basic wages, special allowance and attendance incentive
- D) All of the above

**Ans: B) Basic wages, dearness allowance and house rent allowance.**

Can a person be an occupier for more than one factory under the Factories

Act 1948 ??

A) Yes

B) No

Ans: A) Yes



What is the time limit to file an appeal under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952?

- A) 3 months
- B) 6 months
- C) 60 days
- D) 120 days

Ans: D) 120 days

In the event of an aggrieved women **NOT** giving a complaint of sexual harassment, can the employer proceed against the perpetrator?

- A) No, written complaint is essential under the POSH Act.
- B) Yes, employer can proceed under the POSH Act.
- C) Yes, employer can proceed under the Standing Orders Act.

Ans: C) Yes, employer can proceed under the Standing Orders Act.

An employee suffers a permanent disability while travelling back to his residence from work. The employer is refusing to pay compensation as the injury was not suffered during the course of his employment and also as the employee is covered under the ESI Act? Is the employer correct?

A) Even if the employee is covered under the ESI Act, the employer is liable to pay as the ESI Act does not cover travel back to residence.

B) The employer is not liable to pay as the accident has not happened in course of work.

C) Though the accident is in course of employment, the Employer is not required to pay as he is covered under the ESI Act.

Ans: C) Though the accident is in course of employment, the Employer is not required to pay as he is covered under the ESI Act.

What is the limitation for prosecution under the Factories Act?

- A) 3 months
- B) 6 months
- C) 12 months
- D) No limitation

Ans: A) 3 months

A factory employs 50 workers and 25 contract labourers in two shifts. Should the factory have a Welfare Officer.?

Which of the following statements is most accurate under the Factories Act, 1948?

- A. As the factory employs only 50 workers it need not have a welfare officer.
- B. Both direct and contract labour should be reckoned. However as less than 100 are employed in each shift, there is no requirement.
- C. The Factory must appoint a Welfare Officer as it employs more than 100 persons.
- D. The requirement for welfare officer is only if more than 250 persons are employed.

Ans: B. Both direct and contract labour should be reckoned. However as less than 100 are employed in each shift, there is no requirement.

An order was passed under Section 7A of the EPF Act on 30.06.2019, the EPF Authority has now in May 2025 issued a notice initiating proceedings for the same period. Is the notice valid?

- A. Once an order under Section 7A has been passed for a period, enquiry cannot be held for the same period.
- B. As the notice has been issued after 5 years, it is bad in law and is hit by limitation.
- C. The notice is valid, and the employer has to defend the notice before the Authority.

Ans: B. As the notice has been issued after 5 years, it is bad in law and it is hit by limitation.

A factory employing 48 workmen has closed down owing to continued losses. The employer has paid closure compensation at the rate of 10 days for every completed years of service and has agreed to pay the rest once he receives the fund. Can the workman have a claim, if yes for what?

- A. As the employer does not have the financial capacity, no further claim can be made by the workmen.
- B. As the factory employs less than 50, there is no requirement to pay compensation under the ID Act, and hence no claim can be made.
- C. The employer will be liable to pay the remaining 5 days compensation, once he has the financial capacity. Apart from it, no other liability would arise.
- D. None of the above.

Ans: D. None of the above.

In terms of the provisions of the Maternity Benefit Act 1961, a woman employee is entitled to 26 weeks of maternity leave. In which of the following are permissible.

1. Two weeks before the delivery and 24 weeks after delivery.
  2. Eight weeks before delivery and 18 weeks after delivery
  3. Entire 26 weeks after delivery
- 
- a) All the above are permissible.
  - b) 2 and 3 are correct statements
  - c) 1 and 2 are correct statements
  - d) None of the above.

Ans: a) All the above are permissible



An employee, joined the employer on 16.08.2000 and did not report for work after 31.12.2010. The employee has now approached the employer for settlement of his Gratuity dues. The employer, after the employee submitted the requisite form has settled Gratuity within 30 days. Is the employer liable to pay interest.

A. The employer is not liable to pay any interest as the employee did not make an application as mandated under the Act and the employer has settled within 30 days of application.

B. The employer is liable to pay interest @ 8%.

C. The employer is liable to pay interest at the rate of 10%.

Ans: C. The employer is liable to pay interest at the rate of 10%.



LexPOSH



**LexPOSH**

**Thomas Antonty**

**Vs.**

**State of Kerala.,**

**Kerala High Court**

**O.P.(KAT)No.80 of 2025**

**Dated: 18.03.2025**

# **Thomas Antonty Vs. State of Kerala.,**

## **Kerala High Court., O.P.(KAT)No.80 of 2025., dated: 18.03.2025**

A Deputy Director in the District Tourism Office faced an internal inquiry initiated under the POSH Act, 2013, following a complaint of sexual harassment by a female co-worker. The Internal Complaints Committee (ICC) submitted a report, which resulted in the issuance of a charge memo and a proposed punishment of demotion. The Officer contested the enquiry proceedings, claiming he was denied participation and the opportunity to cross-examine the complainant, arguing that this violated, both the POSH Act and the Kerala Civil Services Rules.

The Kerala Administrative Tribunal dismissed his application as premature, stating he could contest the violations, if any, after the final order has been passed by the Government.

## Contd...

The order of the Tribunal was challenged by the officer before the Hon'ble High Court. The High Court, , observed the following :

- The disciplinary authority must ensure the inquiry complied with service rules and provided a fair opportunity to the petitioner.
- It should verify compliance with the second proviso to Section 11(1) of the POSH Act (ensuring both parties were heard and had access to findings).
- If the inquiry was proper, proceedings may continue; if not, the matter may be remitted for fresh inquiry.
- The entire process must be completed within 3 months.
- The Court also emphasized the need to protect the complainant's identity and directed the government to issue guidelines for anonymising victims in such cases within 4 months.



REPORTING PERIOD - APRIL-2025			
Act	State	Due Date	Activity
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	15-May	PF Remittance
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	15-May	IW Returns
Employees Provident Fund & Miscellaneous Provisions Act	Pan India	25-May	Monthly Returns-For Exempted Employer Under EDLI Scheme (FORM 7(IF)
Employees State Insurance Corporation Act	Pan India	15-May	ESIC Remittance
Professional Tax Act	Andhra Pradesh	10-May	Professional Tax Remittance cum Return
	Telangana	10-May	Professional Tax Remittance cum Return
	Madhya Pradesh	10-May	Professional Tax Remittance
	Gujarat	15-May	Professional Tax Remittance
	Jharkhand	15-May	Professional Tax Remittance cum Return (15th of each Quarter (Apr, Jul, Oct, Jan)
	Karnataka	20-May	Professional Tax Remittance cum Return
	West Bengal	21-May	Professional Tax Remittance
	Maharashtra	30-May	Professional Tax Remittance cum Return
	Odisha	30-May	Professional Tax Remittance cum Return
	Assam	30-May	Professional Tax Remittance cum Return
	Nagaland	30-May	Professional Tax Remittance
	Meghalaya	30-May	Professional Tax Remittance
	Mizoram	30-May	Professional Tax Remittance
	Sikkim	30-May	Professional Tax Remittance
	Manipur	30-May	Professional Tax Remittance
	Tripura	30-May	Professional Tax Remittance
Kerala Shops & Commercialized Establishments Workers Welfare Fund Act	Kerala	05-May	WWF Remittance
Kerala Shops & Commercialized Establishments Workers Welfare Fund Act	Kerala	15-May	WWF Return

**Let's connect again  
At  
5PM on 02nd June, 2025**

*Thank  
you*

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