



AAR ESS CONSULTANTS

PROPOSAL

FOR

LABOUR

COMPLIANCES



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INTRODUCTION

Dear Sir/Madam

We are pleased to introduce ourselves as one of the leading Consultants for EPF, ESIC, Factories Act & Labour Laws, working since **1990** and providing services to the large number of Private/ Public Ltd., Institutional undertakings and other establishments/factories to their entire satisfaction.

We have great value for our relationship with our clients with whom we maintain a very close interaction and thus our success lies in providing successful service back up to our clients with mutual consent and co-operation.

We believe in maintaining a dynamic and close inter-face with our clients to be able to redress immediate problems and maintain a proactive profile with our **team of Advocates**, highly qualified and **Retired Govt. Officers** from the concerned departments. We are sincere in pursuing our assigned role vigorously and dedicatedly.

We came to know that you require Labour Laws Consultancy for which we feel encouraged to believe that you will kindly consider us as a possible choice to serve your esteemed organization. On our part we assure you of our best services and co-operation at all times

With the hope of listening from your side favorably.

Thanking you,
Yours Truly,
Sanjeev Kwatra
Advocate and consultant



LABOUR LAWS & SERVICES OFFERED

We cover all the compliances under the following Labour Acts

EPF. And MP Act,
1952.

Employees'
State Insurance
Act, 1948

Factories Act
,1948

Professiona Tax
(all states)

Minimum Wages
Act, 1948

Shops &
Commercial
Establishment
Act, 1958

Payment of
Wages Act, 1936

Maternity Benefit
Act 1961

Contract Labour
(R & A) Act, 1970

Payment of
Gratuity Act,
1972

Payment Bonus
Act, 1965

Labour
Welfare(All
states)

Posh
Compliance

Compliance
Audit



EMPLOYEES EMPLOYEES' PROVIDENT FUND & MP ACT, 1952.

APPLICABILITY OF EPF & MP ACT 1952:-

To every establishment which is a factory engaged in any industry specified in schedule and in which twenty or more person are employed.

To any establishment employing twenty or more persons or class of such establishment which the central Govt. may by notification in the official gazette specify in this behalf. To any other establishment employing less than twenty persons, can also be covered u/s 1(4) of the act by notification provided that the employer and the majority of the employees are agreed that the provisions of this Act should be made applicable to them.

LABOUR LAWS & SERVICES OFFERED

Under Employees Employees' Provident Fund & MP Act, 1952.

Facilitate the Establishment in obtaining PF registration.

We provide our guidance & consultation for Preparation and submission of all the returns ,Forms and generation of UAN.

Computation and submission of PF contribution, on monthly basis, for all the employees of the Company, whether at head office or branches.

Preparation and submission of monthly ECR returns(Monthly Return) alongwith International worker return.

Help employees in getting their PF Transfer In, Transfer out, PF Withdrawals , PF Advance & Pension Claims.

Apart from the above we also provide help desk to facilitate and to resolve issues of the employees

Ensuring compliance of various requirements as prescribed under various rules of Provident Fund and Miscellaneous Provisions, Act

Liaison with the PF Department for various routine matters and attending the Inspections / enquiry .



EMPLOYEES' STATE INSURANCE ACT, 1948

APPLICABILITY OF ESI

An Act to provide for certain benefits to employees in case of sickness maternity and employment injury and to make provision for certain other matters in relation thereto.

This Act applies to all factories other than seasonal factories using power and employing ten or more persons, and to non-power using manufacturing units and establishments employing 10 or more employees for wages.

LABOUR LAWS & SERVICES OFFERED

Under

Employees' State Insurance Act, 1948

Facilitate the Establishment in obtaining ESI code and sub-code registration.

We provide our guidance & consultation for Preparation and submission of all the returns and forms

Computation and submission of ESI contribution, on monthly basis, for all the employees of the Company, whether at head office or branches.

Preparation and submission of online monthly ESI contribution in the prescribed challans.

Generation of ESI cards of the employees.

Apart from the above we also provide help desk to facilitate and educate employees about esic benefits

Ensuring compliance of various requirements as prescribed under various rules of ESIC, Act

Liaison with the ESI Department for various routine matters and attending the Inspections / enquiry .



FACTORIES ACT ,1948

APPLICABILITY OF FACTORIES, ACT

a Section 2(m) of the Factories Act, 1948 defines 'factory' as any premises-

Where ten or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of the power, or is ordinarily so carried on, or

Where twenty or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of the power, or is ordinarily so carried on, but does not include:

- 1.Mines subject to the operation of the Mines Act,
- 2.A mobile unit belonging to the armed forces of the Union,
- 3.Railway running shed or a hotel,restaurant or eating place.



LABOUR LAWS & SERVICES OFFERED Under Factories Act ,1948

Facilitate the Establishment in obtaining Factory, Act registration/ License.

We provide our guidance & consultation for obtaining permission / approvals required to run factory and also for filing the following returns,

Preparation and submission of half- yearly and annual Return.

Preparation and submission of notice/report in r/o accident / dangerous occurrence.

Help in other approvals and will provide required abstracts.

Ensuring compliance of various requirements as prescribed under various rules of Factories, Act 1948

Liaison with the Factory Act Department for various routine matters and attending the Inspections / enquiry .

Professional Tax

APPLICABILITY OF P.TAX

Profession tax is the tax levied and collected by the state governments in India. Professional tax can be defined as a tax that is levied by a state government on all individuals who earn a living through any medium. This must not be confused with the definition of other professionals such as doctors or lawyers. This is a type of tax that needs to be paid by each and every individual earning income. The calculation of this tax and the amount collected differs from one state to another. Employers collect a certain amount as professional tax from the monthly salaries of their employees. This portion is then paid by the employer to the government. In case they fail to do so, they can be subject to penalties for not collecting or failing to pay the professional tax. Also, if you do it for anyone, then you are liable to pay the professional tax yourself.



LABOUR LAWS & SERVICES OFFERED

Under Professional Tax

Facilitate the Establishment in obtaining P.Tax registration(All states).

We provide our guidance & consultation for
Preparation and submission of all the following returns and forms

Computation and submission of P.Tax,

Submission of monthly/half yearly or annually returns depending on state of applicability within the due

Facilitate the Establishment in timely renewal of P.Tax registration.

Ensuring compliance of various requirements as prescribed under various rules of Professional Tax.

Liaison with the P Tax Department for various routine matters and attending the Inspections / enquiry .

MINIMUM WAGES ACT, 1948

APPLICABILITY OF M W ACT, 1948

Minimum Wages Act was first enacted by the Central Legislative Assembly in the year a 1948. The primary intention behind this Act was to bridge the wage disparity between different work personals in an employment. This Act fixes the minimum rates of wage in certain types of employments. That is, the wage paid for the work done should not be lesser than the amount suggested by the Act.

The primary objective of this Act is to ensure that every worker is paid the minimum amount of wage prescribed for the particular job. This, in turn, reduces the chances of workers getting exploited in the hands of their employers.

As per the Act, Government has to take the steps to fix the minimum wage rates and revise the same at the interval of every five years. Also, it has the power to appoint advisory committees to provide just representation of the employers as well as employees

LABOUR LAWS & SERVICES OFFERED Under Minimum Wages Act, 1948

Facilitate the Establishment to impliments rules and regulations rules and regulations framed under Minimum Wages, Act 1948.

We provide our guidance & consultation for Preparation and submission of all the following returns and forms

We provide our abstracts and other required information under this Act.

Preparation of all the required register and records under the Act.

We will intimate timelly about all the changes in minimum wages along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under various rules of Minimum Wages Act 1948

Liaison with the Labour department for various routine matters and attending the Inspections / enquiry .



Shops & Commercial Establishment Act, 1958

APPLICABILITY OF S & E ACT 1958

Shop Act Registration
Every company or organization engaged in business has to obtain registered under State Government or local Authorities to carry on their business activities. Shop and Establishment Act is one of the most important State Government regulations which governs the functioning of businesses engaged within its Jurisdiction. The Shop and Establishment license is a primary proof of survival of business in a specified jurisdiction. The **Shop and Establishment Act** is regulated by the Department of Labor and regulates premises wherein any trade, business or profession is carried out. The act not only regulates the working of commercial establishments, but also societies, charitable trusts, printing establishments, educational institutions run for gain and premises in which banking, insurance, stock or share brokerage is carried on. This act regulates areas such as working hours, rest interval for employees, opening and closing hours, closed days, national and religious holidays, overtime work, rules for employment of children, annual leave, maternity leave, sickness and casual leave, etc.,



LABOUR LAWS & SERVICES OFFERED Under Shops & Commercial Establishment Act, 1958

Facilitate the Establishment in obtaining new registration and renewal.(All states)

We provide our guidance & consultation for Preparation of required registers .

Preparation of all the required register and records under the Act.

Submission of returns(wher applicable).

We provide all the abstracts and other information which will be displayed in office.

Ensuring compliance of various requirements as prescribed under various rules of Shop and Establishment Act

Liaison with the the Department for various routine matters and attending the Inspections / enquiry .

PAYMENT OF WAGES ACT, 1936

APPLICABILITY OF PAYMENT OF WAGES ACT, 1936

Payment of Wages Act regulates and governs payment of wages. The Act provides for responsibility of payment of wages, disbursement of wages, period of wages, fixation of wage period, time and mode of payment of wages, wage cycle etc. The Act applies:

1. To every establishment covered by the Maharashtra Shops and Establishments Act, 1948
2. To Factories, Railways etc.
3. Industrial establishment mentioned in Section 2(ii)(a) to (g)
4. By notification under Section 2(ii)(h)

The Act does not apply to employees drawing wages more than Rs 18000 per month [Section 1(6)].

LABOUR LAWS & SERVICES OFFERED

Under

Payment of Wages Act, 1936

Facilitate the Establishment to implements rules and regulations rules and regulations framed under Payment of Wages, Act 1936.

We provide our guidance & consultation for Preparation and submission of returns and forms

We provide our abstracts and other required information under this Act..

Preparation of all the required register and records under the Act. .

We will intimate timely about all the changes in minimum wages along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under various rules of Payment of Wages Act 1936.

Liaison with the the Department for various routine matters and attending the Inspections / enquiry .



MATERNITY BENEFIT ACT 1961

APPLICABILITY OF ACT

The object of the Maternity Benefit Act, 1961 is to protect the dignity of motherhood by providing for the full and healthy maintenance of woman and her child when she is not working. Therefore this Act was passed aiming at a uniform maternity benefit all over the country providing Maternity Leave to all eligible female employees. The Maternity Benefit Act, 1961 applies to:

Factory, Mines, Plantation, Government Establishment, Exhibition of equestrian, Acrobatics & other performances Shops and establishments with 10 or more person employed

By Notification to other establishments, Industrial, commercial, agricultural or otherwise after giving notice.

ELIGIBILITY

Every women shall be eligible for maternity benefit when she is expecting a child and has worked for her employer for at least 80 days in the 12 months immediately preceding the date of her expected delivery (Section 5).

LABOUR LAWS & SERVICES OFFERED Under Maternity Benefit Act 1961

We provide our guidance & consultation for Preparation and submission of annual return in the prescribed forms

We provide our abstracts and other required information under this Act..

Preparation of all the required register and records under the Act.

We will intimate timely about all the changes in minimum wages along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under various rules of the Act.

Liaison with the labour Department for various routine matters and attending the Inspections / enquiry .



CONTRACT LABOUR (R & A) ACT, 1970

APPLICABILITY

The main object of Contract Labour (Regulation & Abolition) Act, 1970 is to govern the employment of contract labour in certain establishment and to provide for its abolition in certain situation and for matters connected therewith. Every Principal Employer covered are required to obtain Registration Certificate under CLRA and every Contractor covered under this Act are required to obtain Contract Licence

The Contract Labour (Regulation and Abolition), Act, 1970 applies to:

1. Establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months, as a contractor
2. Contractor who employs or who employed 20 or more workmen on any day of the preceding 12 months (Section 1).

LABOUR LAWS & SERVICES OFFERED

Under

Contract Labour (R & A) Act, 1970

Employer and labour Licence for Contractor .

We provide our guidance & consultation for Preparation and submission of annual and half yearly returns in the prescribed forms

We provide our abstracts and other required information under this Act.

Preparation of all the required register and records under the Act.

We will intimate timely about all the changes along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under various rules of the Act.

Liaison with the Labour Department for various routine matters and attending the Inspections / enquiry .



PAYMENT OF GRATUITY ACT, 1972

APPLICABILITY

This Act applies to every shops or establishments within the meaning of any law for the time being in force in a State, in which 10 or more persons are employed or were employed on any day of the preceding 12 months

A shop or establishment to which this Act has become applicable shall continue to be government under this Act notwithstanding the number of persons employed therein at any time after it has become applicable

ELIGIBILITY

Every employee shall be eligible for the gratuity if he/she has completed 5 years of continuous service .

If the person has worked for 5 years and 6 months, then he is deemed to have worked for 6 years but less than 6 months not to be considered The gratuity shall be payable to an employee on termination of his employment after he has rendered continuous service for not less than 5 years or,

On his superannuation, or

On his retirement, or where his death or total disablement the condition of 5 years complete service will not be applicable

For every completed year of service or part thereof in excess of six monthsthe employer shall pay



LABOUR LAWS & SERVICES OFFERED

Under

Payment of Gratuity Act, 1972

We provide our guidance & consultation for Preparation and submission of annual return in the prescribed forms

We provide our abstracts and other required information under this Act..

We will provide gratuity calculations for the eligible employees.

Preparation of all the required register and records under the Act.

We will intimate timely about all the changes in the Act. along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under various rules of Provident Fund and Miscellaneous Provisions Ac

Liaison with the labour Department for various routine matters and attending the Inspections / enquiry .

gratuity to an employee at the rate of fifteen days wages based on the rate of wages last drawn by the employee concerned.

Payment Bonus Act, 1965 Applicability

The Payment of Bonus Act, 1965 is enacted to provide for the payment of statutory bonus to persons employed in certain establishments on the basis of profits or on the basis of production or productivity and for matters connected therewith. The Act also provides for minimum bonus and maximum bonus payable to the eligible employees.

The Act is applicable to:

Every factory where in 10 or more persons are employed with the aid of power; or Establishment in which 20 or more persons are employed without the aid of power on any day during an accounting year (Section 1)

Employees drawing wages up to (before amendment - Rs 10000) after amendment Rs 21000 per month. Minimum Bonus is 8.33% of the Salary

Maximum Bonus is 20% of the Salary. CAP for calculating bonus (before amendment - Rs 3500 per month) after amendment Rs 7000 per month or the rate of minimum wages, whichever is higher An employee

will be entitled to get bonus only when he has worked for not less than 30 working days in the

LABOUR LAWS & SERVICES OFFERED

Under

Payment Bonus Act, 1965

We provide our guidance & consultation for

Preparation and submission of annual return in the prescribed forms.

We provide our guidance & consultation for

Preparation and submission of annual Bonus returns in the prescribed forms

We will provide bonus calculations for the eligible employees.

Preparation of all the required register and records under the Act.

We will intimate timely about all the changes in the Act, along with notifications issued by labour department

Ensuring compliance of various requirements as prescribed under this Act.

Liaison with the Labour Department for various routine matters and attending the Inspections / enquiry .



relevant accounting year.

LABOUR WELFARE(ALL STATES)

Labour welfare is an aid in the form of money or necessities for those in need. It provides facilities to labourers in order to improve their working conditions, provide social security, and raise their standard of living.

To justify the above statement, various state legislatures have enacted an Act exclusively focusing on welfare of the workers, known as the Labour Welfare Fund Act. The Labour Welfare Fund Act incorporates various services, benefits and facilities offered to the employee by the employer. Such facilities are offered by the means of contribution from the employer and the employee. However, the rate of contribution may differ from one state to another.

In order to provide social security to workers, the government has introduced the Labour Welfare Fund Act. This act has been implemented only in 16 states out of 37 states including union territories.

LABOUR LAWS & SERVICES OFFERED Under Labour Welfare(All states)

Facilitate the Establishment in obtaining LWF registration

We provide our guidance & consultation for Preparation and submission of returns and forms

Computation and submission of LWF.

Submission of monthly monthly/half yearly or annually returns depending on state of applicability within the due

Ensuring compliance of various requirements as prescribed under various rules of Professional Tax.

Ensuring compliance of various requirements as prescribed under various rules of Act.

Liaison with the labour Department for various routine matters and attending the Inspections / enquiry .



The Act and the Rules on Sexual Harassment of Women at Workplace

APPLICABILITY

The Indian legal landscape changed dramatically in 2013. Corporate governance received a boost from the re-vamped legislation in the form of the Companies Act 2013, which superseded the Companies Act 1956, bringing about the groundbreaking law on a much-needed and burning issue, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (the Act) — India's first codified legislation specifically dealing with prevention, prohibition, and redressal of sexual harassment of women at the workplace. These legislative actions further cemented 2013 as a year of massive changes in the Indian legal landscape.

The Act propelled India to a select league of nations¹ that has outlawed workplace sexual harassment through national legislation. The Act, along with the Rules² (collectively, the POSH Law), aims to foster a safe and secure environment for women by preventing, prohibiting, and redressing instances of sexual harassment at workplaces in India.



LABOUR LAWS & SERVICES OFFERED Under Posh Compliance

Drafting of sexual harassment policy

Training of 3 Internal Committee ("IC") members at a pre-fixed date and pre-scheduled venue or through video conferencing, as suitable.

Acting as an external member of the IC. A legal counsel shall be appointed.

Providing sensitization material/posters

Filing of annual report

Ensuring compliance of various requirements as prescribed under various rules of POSH

Keeping you updated with latest news/judgement through our newsletter

COMPLIANCE AUDIT

Why Labour Law Compliance is required :-

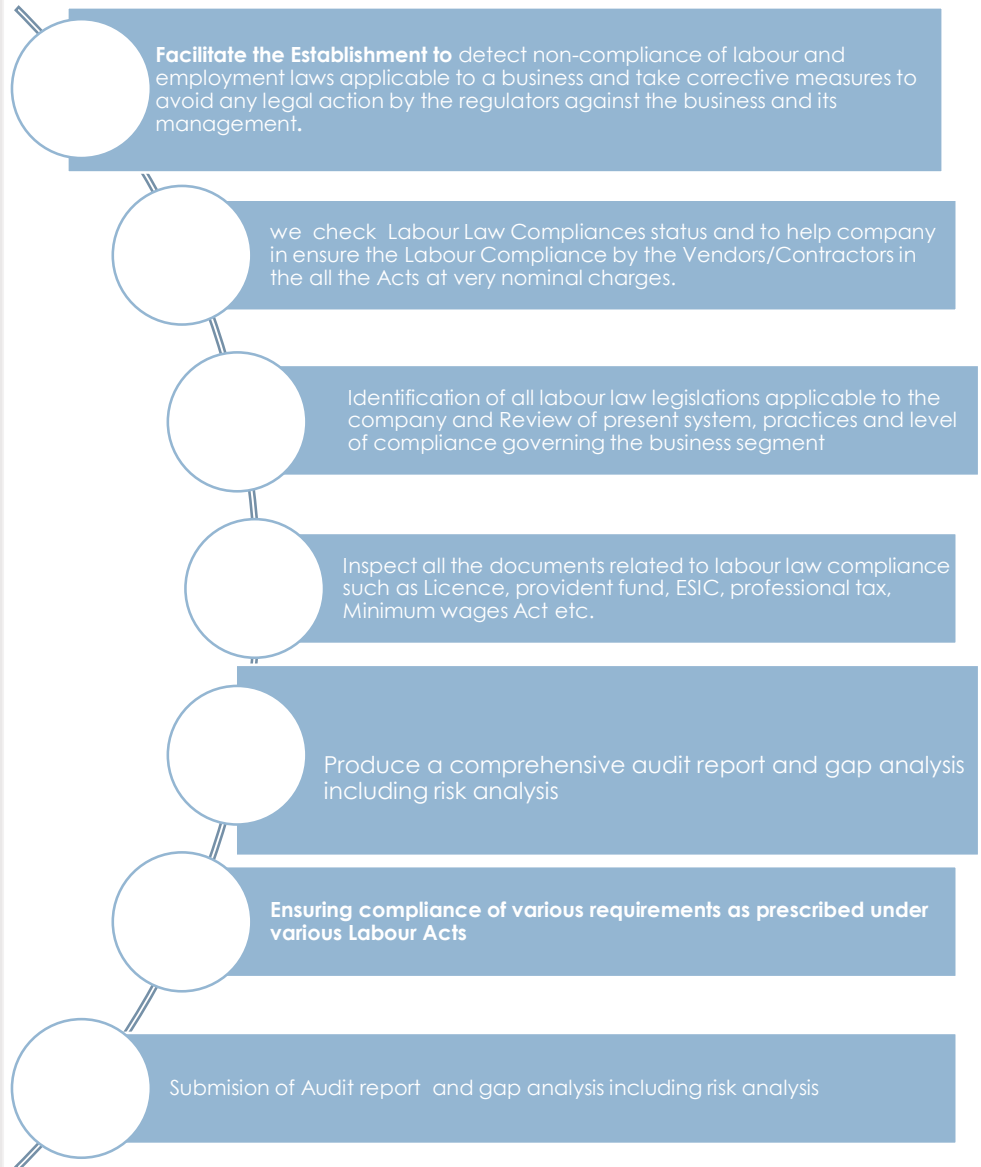
As we are aware that State govt. and central Govt. time to time changes / amendments in labour laws and due to unawareness of the changes it may cause heavy penalty and legal obligations for the company and to his owners.

Its our endeavour to achieve 100% compliance level on legal state and Central Laws applicable to permanent and contractual employees engaged with the Company. The purpose of the HR & Compliance Audit is to conduct a more in depth analysis of the HR function to identify areas of strength and weakness and where improvements may be needed. Conducting an audit involves a review of current practices, policies, and procedures, and may include benchmarking against organizations of similar size and/or industry. Areas that should be audited include, but are not limited to: Legal compliance (PF, ESIC, LWF, WC etc), Record-keeping (personnel files, etc.) Legislation affecting all aspects of Human Resources is constantly evolving and the legal ramifications of non-compliance impact the HR department, the organization, and its employees. An HR Audit can help to ensure legal compliance while measuring the effectiveness of HR programs. There are many reasons why an Labour Law Audit should be conducted, and the results can be used for multiple purposes. At a minimum, the results of an audit help you to determine what needs to be done, how these changes will impact the bottom line of your organization, and how to prioritize



LABOUR LAWS & SERVICES OFFERED

Under Compliance Audit



problem areas in terms of significance. Thus it has been helping clients to maintain a healthy law compliance levels PAN India.



BRIEF LIST OF CLIENTS

Mobile Sector



Audit, Consulting and CA firms



Banking and finance & Law Firms



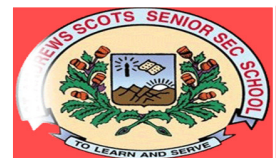
E-Commerce/Trading / Garments Mfa Co.



IT enabled Services



Educational Institutions



Restaurants and Food works



Construction/ Infrastructure



ZOLIJN



Hospital /Health Sector



Internet and broadband



Hospitality /Manpower
Marketing and shipping agency



Publishers

