

## The Code on Wages – 2019 and Draft Central Rules

## Law and Practice on Disciplinary Action & Domestic Enquiry

16<sup>th</sup> & 17<sup>th</sup> January 2020 – Mumbai – Ramada Plaza

16<sup>th</sup> & 17<sup>th</sup> January 2020 – Delhi – Park Plaza

21<sup>st</sup> & 22<sup>nd</sup> January 2020 – Bangalore – Royal Orchid

23<sup>rd</sup> & 24<sup>th</sup> January 2020 – Chennai – Ambica Empire

23<sup>rd</sup> & 24<sup>th</sup> January 2020 – Ahmedabad – Comfort In

28<sup>th</sup> & 29<sup>th</sup> January 2020 – Pune - Sagar Plaza

28<sup>th</sup> & 29<sup>th</sup> January 2020 – Hyderabad –Aditya Park

30<sup>th</sup> & 31<sup>th</sup> January 2020 – Kolkata – The Peerless Inn

### Introduction

India begins the process of codification of its labour laws, a long-awaited and much-needed reform. India's new Code on Wages, 2019 ("Code on Wages") has been approved by both the Houses of the Parliament.<sup>1</sup> It is obtained Presidential assent on 5th Aug, 2019 and Gazette Notification on 8th Aug, 2019 to become law.

The Code on Wages subsumes and repeals the following four important labour laws:

- a. The Payment of Wages Act, 1936 (POWA)
- b. The Minimum Wages Act, 1948 (MWA)
- c. The Payment of Bonus Act, 1965 (POBA)
- d. The Equal Remuneration Act, 1976 (ERA)

The Code on Wages regulates wage and bonus payments in all employments and aims at providing equal remuneration to employees performing work of a similar nature in every industry, trade, business, or manufacture.

As a progressive employer, it is imperative on us to be aware of the latest amendments in the applicable laws and Rules and adopt and follow these as part of our Compliance requirements.

Present program intends to update the HR Heads/ Executives/ Finance Heads/ Business Heads/

### Introduction

Modern Management generally does not opt for adopting deterrent methods to curb and control indiscipline and misconduct of their employees; yet many times it becomes necessary to take recourse to harsh methods. In such eventuality, it is absolutely necessary for a HR/ Personnel Manager to know the **basics of legal disciplinary procedures and related laws to deal with contingencies and adopt a fair and legal disciplinary action against the delinquent employee.**

In the eventuality of indiscipline, dismissal, Discharge and Retrenchment of an employee becomes imperative, which is certainly a harrowing experience for both i.e. employers and employees but many times it becomes unavoidable and inevitable for the management, howsoever reluctant it may be in taking to such recourse.

Employees of today cannot be compared with those of the fifties or sixties, they are more aware and conscious particularly of their rights. To top it all, judiciary also watches every omission and commission of the management. Ignorance may be bliss for some but it is undoubtedly a bane for employers, and **if not done in a fair and legal process, this may be cost heavily to the company. Non-observance of the procedure correctly in this respect will ipso facto render the termination null and void.**

**The principles of natural justice** must be satisfied by following the procedure laid down before inflicting any punishment on an employee..

Manpower outsourcing organisations to be aware of the Code on Wages and forthcoming Rules and set the floor for prompt change and implementation to avoid further hassles in legal process implementation.

### Objectives

- Understanding the recently passed Code on Wages and key provisions of the Code
- Detailed Study of Code on Wages – Chapter wise and Article wise for obligatory implementation in one's organisation
- A comparative study of key provisions of Code on Wages – 2019 with amalgamated laws for effective execution
- Glimpse of Proposed Central Rules on Code on Wages
- Understanding the Concept of Floor Wages and its applicability
- Compliance on Code on Wages by Principal Employer's and Contractors
- Understanding Inspection Process under the Code and concept of Inspector-cum-Facilitator
- Penal provisions under the Code

### Objectives

- Understanding the indiscipline in industry – minor and major misconducts
- Need for Conducting Preliminary Enquiry before issue of a charge-sheet.
- Understanding the legal framework of a sustainable charge-sheet and drafting charge-sheets for various types of misconducts. Issue of Charge-sheet. Non-receipt of charge-sheet and action thereafter.
- Issue of Suspension Order. Immediate suspension and Technicalities to be considered while placing a delinquent employee under suspension.
- Understanding legal process of conducting domestic enquiry. Principles of natural Justice to be adopted while conducting Domestic Enquiries.
- Inflicting punishment upon receipt of Enquiry Report. Signing and authorizing disciplinary action on a delinquent employee and its pronouncement.
- Assessment of Judicial pronouncements of various High Courts and Supreme Court on Domestic Enquiries and disciplinary actions.
- Retrenchment in industry. Process to be adopted for approval from Government Authorities. Conditions of Retrenchment.

### Who Should Attend the Program

- Corporate HR Heads ( from Manufacturing, Trading and Service Industry)
- HR Operations Heads/ Manager HR/ Personnel & Admin Managers
- IR Heads and IR personnel
- Corporate Compliance Personnel
- Business Heads of Small & medium Enterprises
- Compensation & Benefits Heads and Executives
- Accounts and Finance personnel
- Corporate Compliance Personnel
- Business Heads of Small & medium Enterprises
- Labour Law Practitioners & Compliance Personnel

## Contents

1. **Highlights of the Code on Wages – 2019 - Detailed Study of Code on Wages – Chapter wise and Article wise**
2. **Key proposed amendments in the Code**

## Contents

1. **Misconduct:** Meaning, Types of misconduct, Wilful Misconduct, Misconduct in Certified Standing Orders, Implied terms of contract of employer and employee relationship. Preliminary Enquiry.
2. **Charge-sheet:** Objects, Essential Ingredients of a Charge-sheet, Drafting of a Charge-sheet, Service of Charge-sheet, Compliance of Standing Orders for service,

## Comparison of key provisions of Code on Wages – 2019 with amalgamated laws

### 3. Proposed Central Rules on Code on Wages

### 4. Concept of Floor Wages and its applicability

### 5. Compliance on Code on Wages by Principal Employer's and Contractors

### 6. Inspection Process under the Code and concept of Inspector-cum-Facilitator

### 7. Penal provisions for non-compliance under the Code

### 8. Concept of Wages and wages components and its bifurcation

Formats of Charge-sheet.

**3. Suspension:** Meaning thereof, Kinds of suspension, Employer's right of suspension, Suspension Allowance, Subsistence Allowance, Format of Suspension Order.

**4. Domestic Enquiry :** Necessity thereof, Enquiry officer, Presenting Officer, Representation of a lawyer, representation of Trade Union Leader, Procedure for holding domestic enquiry, Finding/ Report of Enquiry officer. Ex-party Enquiry. Principles of Natural Justice.

**5. Punishment:** Principles to determine punishment, Past conduct of employee, Types of Punishment, Order of punishment, Warnings, Case Laws.

**6. Retrenchment :** Meaning, Illegal retrenchment, retrenchment compensation, Special provisions relating to retrenchment, conditions precedent to valid retrenchment, application for permission of retrenchment, deemed permission for retrenchment.

**7. Settled Court Decisions :** Reference to various settled cases of High Courts & Supreme Court of India

**Timings: 10:00 am - 5:00 pm, Registration begins at 9:30 am\***

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**: Rs. 14000+18 % GST per person per both days.**

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