

ISSN 0970-8405

# Personnel Today

JULY - DECEMBER, 2020

VOL. XXXXI n No. 2

Half - Yearly Journal  
of NIPM

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A Half-yearly Journal of NIPM

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National Institute of Personnel Management  
Southend conclave, Tower Block  
3rd, Floor, 1582, Rajdanga Main Road  
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## Editorial

I take this opportunity to Wish You all a very Happy, Prosperous and Safe New Year 2021.

Couple of weeks ago, I was attending a Viva for topic presentation of PhD at one of the Universities. During this presentation, I came across a term "Anthropomorphism". I think this concept may not be popular in HR Learnings and Development.

Human nature refers to the non-human entities as humans. Human tendency is to ascribe human like attributes such as emotions or intentions to non-human units. People refer to stock markets as climbing or falling, restaurants as cozy as home, and even the nature's elements like oceans as calm or angry. This phenomenon of attributing non-human entities as human is called "Anthropomorphism". Word Anthropomorphism is a combination of two words, "Anthropos" meaning human and "morphe" meaning to form, connoting formation of humans out of non-human entities.

"This phenomenon of Anthropomorphism is applied by people to their work place. Since the work places i.e. organizations become integral part of the employee's lives, they start, anthropomorphizing their organizations. They start personifying their organizations. They often refer to their organization as "Supportive", "Cool", "Friendly", "Healthy" or may be "Rebel". We apply beliefs, values and sentiments, to the organization and it has major impact on how he behave. Many organizations spend resources on analyzing their external public personas, very few realize to invest on how the internal resources, throe employees perceive their organization."

In the HR terminology 'Sense of belongingness', 'Sense of Ownership' are quite popular terms. I feel HR's job is to create and design internal environment conducive enough where people can work in teams to achieve pre-designed objectives of the organization. It is a very good concept to write a research paper, but very difficult to evolve in the organization. Though the job is tough and challenging, one is required to experiment in his/her organization to achieve success. Different organization depicts different culture. HR Professionals are required to study this culture and then starts doing experiments. Definitely with the good intensions success is guaranteed.

Once again I wish you all a very Happy New Year 2021.

Dr. (Capt.) C.M. Chitale  
*Editor-Editorial Board*

# Employee Experience (EX) - The Future Wave and Wax of Human Capital Intelligence (HCI)

Dr. K. Bhanu Prakash & Dr. PRK Raju

## Abstract

*Time is the most precious and the valuable resource in one's life. A meaningful workday creates a hay day and an indelible impression in the hearts and minds of the workforce. In the era of AI-2.0 (Humanoids), New World of Remote and Hybrid Models of Work, the Employee Experience (EX) emerged as a 'New Data Science' (The Hindu) transforming the 'Way and Walk of World of Work, and Workforce'. It starts with respecting and rewarding people's time, and integrating the 'Essence of Work and Life' as opposed to 'Work/Life Balance (IBM).*

*The Employee Engagement (EE) has become the short-term adrenaline shot for the organisations to enhance the employee productivity while Employee Experience (EX) is the only long-term solution to transform workforce into engaged (Jacob Morgan). The Interaction Analytics (IA) integrate the Descriptive, Predictive, and Prescriptive Analytics, powered by quantitative and qualitative data that represent the meta-behavioural responses of employees (Deloitte). The EX is an all-inclusive self-assessment that creates a sustainable world class organisation maximise the wellness, welfare and well-being of an employee (HBR).*

*The one-time life pandemic COVID-19 will have a lasting impact on the future of work. The Employee Experience (EX), a 'New Behavioural Data Science', analysing the opinions, feelings and views of the workforce in real-time by using Test Gorilla, Benext, Qualtrics and AI-HR Analytics. The Qualtrics Employee XM (SaaS) is an interactive online 'Experience Management Platform' analyses the inner feel and urge of hybrid workforce with an objective orientation of transforming the organisations from the inside out and the bottom up. The HCBA (Dr. K. Bhanu Prakash) and IA leverages the power of workforce in real-time scenario (Stefanie Tignor) and undoubtedly emerge as a 'Future Wave and Wax' in the realm of Human Capital Intelligence (HCI), a right solution for all HCM issues. Employee Experience (EX) - A Conceptual Focus*

## Introduction

The paraphrase 'Employee Experience (EX)' is at first conceptualised by **Kaveh Abhari** as the 'Employees are the essence of the Service' and termed it as the delivery of positive 'Employee Experience' by emphasizing their experiential needs. In an 'Experience Economy', the Employee Experience (EX) can be defined as a set of psycho-cognitive sentiments about the experiential benefits of employment. (Abhari K.2008<sup>1</sup>, 2019<sup>2</sup>). It is an inner urge, drive and opinion of employee towards 'Work and Workplace' that inspires to go above and beyond expectations. The deliverable positive outcome of an 'Employee Engagement (EE)' is 'Employee Experience (EX) and the essence of EX is not only

engaging the body of the employees but also their soul and mind (Schmitt, B. H. 2003)<sup>3</sup>.

Employee Experience (EX) is the digi-transformation initiative and imperative for Gen-Z CHROs', to assess and evaluate the experiential needs of employees, customising work algorithms, configuring work processes and create a conducive work environment to express their views and opinions. The offering of perks at work, rewards and appraisals in between small and big moments to the workforce have become a source of pride and a competitive differentiator for companies vying for 'Top Talent'. In a hybrid cloud platform, the world of work makes the people to work better, deliver digital experiences and unlock productivity (Santa Clara, Calif, 2019)<sup>4</sup>.

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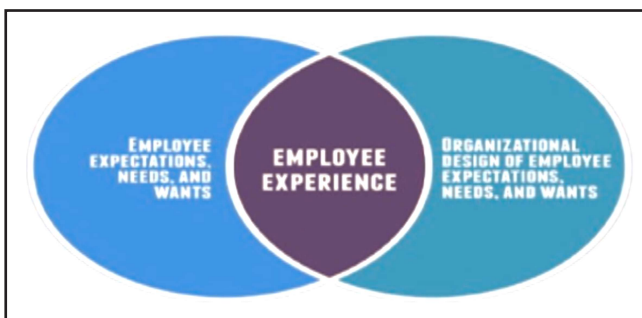
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## Employee Experience (EX) - The Empirical and Exploratory Evinces

The term 'Experience' is rooted from the Latin Word 'Experimentation' (**Merriam Webster**) and the phrase 'Employee Experience (EX)' denotes the sum of the perceptions of employees about their interactions with the organisation in which they work. Employee Experience (EX) describes the Employee Life Cycle (ELC) as an integral part of Human Resource Planning (HRP), including the events and processes of Recruitment, On-Boarding, Employee Development, Promotion and Exit Interviews. But, ELC differs from Employee Culture in perceptual as well as expectations point of view (**Tracy Maylett, 2017**)<sup>5</sup>.

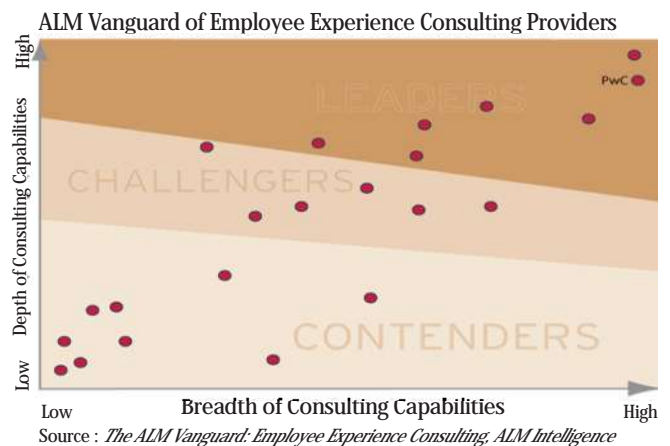
### Employee Experience (EX) = Experiences + Expectations + Perceptions

**Jacob Morgan (2017)**<sup>6</sup> opined EX is an intersection of employee expectations, needs and wants and the organisational design of employee expectations, needs and wants. It's the long-term redesign of the organisation i.e., the relationship between the organisation and the employees. The 'Designing an Organisation' with technological, physical environments and encapsulate the inter-relationship between an Organisation and Employee Experience (EX) i.e., everything.



**Michael Gretczko, Deloitte - Consulting Principal** stated that EX is an organizational imperative and initiative of Modern Intelligent Organisations. The tangible results of engaged workforce are increase in productivity, high dedication and determination to work, less employee turnover and maximisation of profits. The EX initiatives have had a positive impact on organization's Employee Engagement (70%), employee productivity (64%), resilience from external disruption (62%), and on organizational agility. The companies that get EE are more agile, have more engaged employees, and have better performance.

**Shenoy, Veena, Uchil, Rashmi (2018)**<sup>7</sup> explored on the influences of cultural environment factors in creating Employee Experience and its impact on Employee Engagement. The deductive reasoning method was adopted for the study and observed that there is a strong significant relationship exist among organisational environment, internal policies and leadership in creating of Employee Experience (EX) there by building Employee Engagement (EE). To sum up, employees have high expectations for workplace that creates high demand for their roles and EX plays vital role for EE.



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4. Santa Clara, Calif (2019)., What Workers Really Want: A Better Employee Experience, Bloomberg, 21st Aug.
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In a digi-world, the Gen-Z is expecting a productive, engaging, enjoyable work experience rather than focusing narrowly on Employee Engagement and Culture. The Workplace, Workforce and HCM Analytics are integrating the practices that impact the World of Work. The pulse surveys, wellness and fitness apps, design thinking and employee journey maps assessing and measuring the Employee Satisfaction by adopting HCI Appsviz., *Employee Net Promoter Scores, etc.*, resulting Employee Experience (EX). A productive, positive and progressive EX has been emerging as a new phenomenon in HCI (Sarah Franklin, 2020)<sup>8</sup>.

### Objective of the Study

Human Capital is an intangible asset and measured in terms of economic value of a worker's experience and skills. The EX is an all-inclusive self-assessment that creates a sustainable world class organisation (HBR) by adopting Interaction Analytics (IA) and integrating the Descriptive, Predictive, and Prescriptive Analytics. The main objectives of the study are:

- to assess and measure the inner feel and urge of hybrid workforce with an objective orientation of transforming the organisations from the inside out and the bottom up;
- to present the empirical and exploratory evinces on Employee Experience (EE);
- to analyse the opinions, feelings and views of the workforce in real-time by adapting Qualtrics Employee<sup>XM</sup> (SaS) Analytics; and
- to suggest the Interaction Analytical (IA) Framework for the wellness, welfare and well-being of an employee.

### Sample Design

The primary as well as secondary data forms the basis for the study. The Experiences of 252 Employees collected from Infosys, IBM, TCS, HCL, Cognizant, ITW Signode, MN Infra Pvt., Ltd., Aditya Infra Pvt., Ltd., by adapting QualtricsEmployee<sup>XM</sup> (SaS) Analytics and evaluated for presenting the results there of.

### Employee Experiences (EX) - The Interaction Analytics (IA) <sup>Powered by Qualtrics</sup>

The psychological and physical responses of 252 Employees' as per 17-Variable Construct are collected and compiled under Likert Scaling Method (5-Choice Rating) powered by SaS-Qualtrics, an Interaction Analytical Human Capital Intelligence (HCI) Platform.

Strongly Disagree	Somewhat Disagree	Neither Agree or Disagree	Somewhat Disagree	Strongly Agree
1	2	3	4	5

The 17- Constructs considered for the study are :

1. First Name
2. Last Name
3. Company Name
4. Business Email
5. About the Employee Multiple-Workspace Stations (*eg., open spaces, conference rooms, quiet areas, collaboration spaces, cafe style environments, etc.*)
6. A Feel of Proud to introduce and inviting Friend / Visitor to Office
7. The Organisation encouraging Flexible Work Options and Autonomy (*eg., Work From Home, Work On Own Hours etc.,*).
8. A Feel of Sense of Purpose and A Feel of Fair Treatment
9. A Feel that A Value Resource of the Organisation
10. A Feel that Managers are Coaches and Mentors
11. A Feel that a Part of the Team
12. The Organisation offers an option of Continuous and Consistent Learning with the Resources and Opportunity to do so.
13. Employee Reference To Others To Work at the Organisation
14. Employee feels that the Organisation has a diverse and inclusive culture

<sup>8</sup> Sarah Franklin (2020)., Making Technology an Integral Part of Your Employee Experience Strategy, HBR, Harvard, USA.

- 15. Opinion about Employee' Wellness, Welfare, and Well-being (Physical& Mental Health).
- 16. In general, the Organisation has a 'Strong Positive Brand Perception'.
- 17. A Feel about the Technological Infrastructure inside the Organisation is at par with excellence and Consumerable Grade (Well designed, useful and valuable).

**Results and Discussion**

Necessity is the Mother of Experience (Meghan M. Biro, 2020)<sup>9</sup> and the results indicate that majority of the employees care and concern about the cultural, technological and physical workspace. The cool workspaces, ace technology, and created a celebrated culture in Cisco, Google, Facebook, and Airbnb delivers a long-term strong Employee Experience (EX). It is interesting to note that only 6% of employees scored in 'Experiential Category' (techno-functional adaption, design thinking, workplace values and attitudes).

The emerged results reveal the fact that the more the Employee Engagement (EE), the more the performance, productivity and profits and the long-term success of an organisation. It's interesting to note that the Employee Experience (EX) Index / Quotient of **Dr. K. BHANU PRAKASH, CFO, MN Infra Pvt., Ltd., is 115.5 / 115.5**. The Technology Score of (19.5 / 19.5), Physical

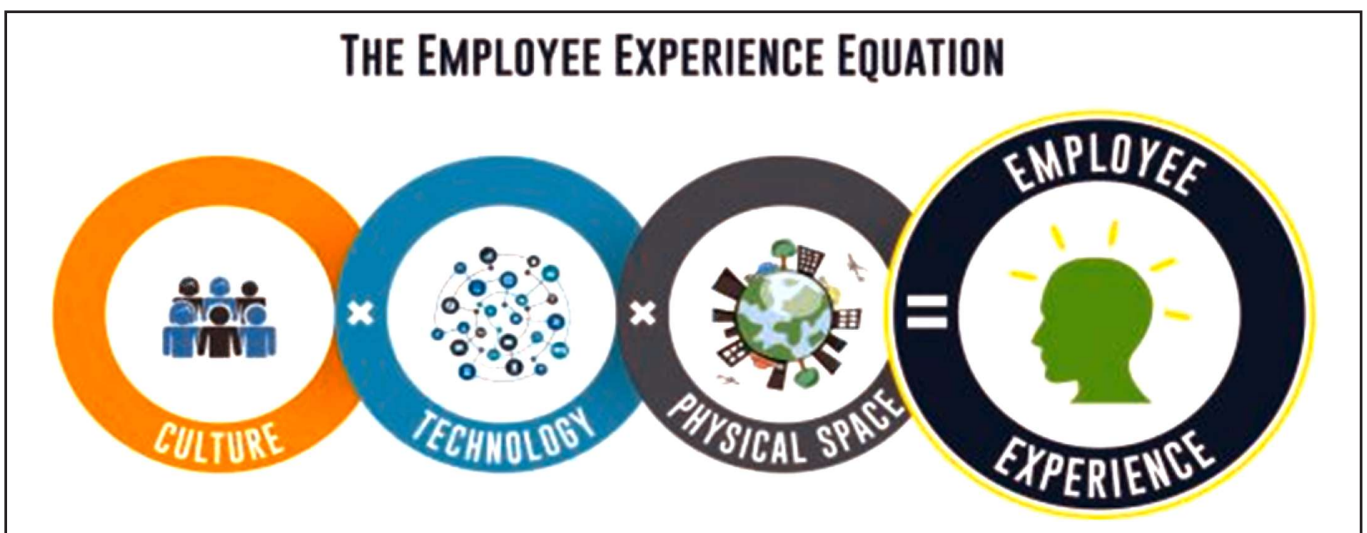
Space Score of (26 / 26) and Culture Score of (70 / 70) indicate that the MN Infra Pvt., Ltd., scored in the Experiential Category.

(Source: [https://survey.co1.qualtrics.com/jfe/form/SV\\_6XVFMLQrhq5bq6N](https://survey.co1.qualtrics.com/jfe/form/SV_6XVFMLQrhq5bq6N)).

The views and opinions of the majority reflect that the designing of Employee Experience (EX) Framework, short-term interventions of EE and EX, the Gen-Z EX-Practices keeping in view the needs and hierarchy (top to bottom), the culture, workspaces, values, vision and mission are imperatives and imminent bonds of Employer resulting the long-term success and sustainability of the organisation. It's a challenge, catalyst of change and the 'Cream of the Crop'.

**Employee Experience (EX) - The Future of Human Capital Intelligence (HCI)**

In a Gig World the 'Money' is no longer the inspiring and motivating factor for 'Gen-Z'. The physical, cultural and technological work environment and promising 'Work Culture and EX' are on rise during entire HCM Cycle from pre-employment to exit enrouterecruitment, selection, onboarding, employee development, career management, performance management. To sum up, EX is the sum of real-time scenarios of workforce about the 'World of Work' (Maylett and Wride, 2017).



9 Meghan M. Biro (2020)., Necessity is the Mother of Experience, Oct 16, Forbes.



The real business value lies in 'Making Employees Happy at Work'. As an internal and integrated approach with the set of psycho-cognitive sentiments, Employee Experience (EE), focuses on satisfying experiential needs in the workplace and transform workforce into engaged employees. The EE emerged as a proven and easy-to-follow framework that helps to focus on right activities and actions, improving the lives and livelihoods of workforce and increase the bottom line. The designing of an Organisation' with techno-cultural, physical environments and encapsulates the inter-relationship between an Organisation and Employee Experience (EX) i.e., everything. The Human Capital Behavioural Analytics (HCBA) (Dr. K. BhanuPrakash, 2019)<sup>10</sup> and Interaction Analytics (IA) leverage the power of workforce in real-time scenario (Stefanie Tignor) and undoubtedly Employee Experience (EX) will emerge as a 'Future Wave and Wax' in the realm of Human Capital Intelligence (HCI), a right solution for all HCM issues.

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# e-CRM : Innovative transition in Customer Relationship Management

Dr. Paramjeet Kaur

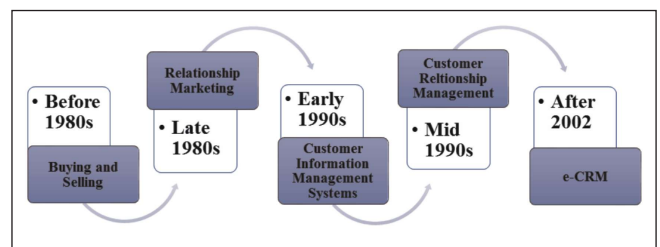
## Abstract

Concept of CRM which emerged in 1980s was transformed as business environment revolutionized entirely due to liberalization, privatization and globalization. Advent of internet changed the ways of working toe-business and CRM also got transformed to e-CRM, which opted the idea of managing customer relationships over the web. In this 21st century competitive world, organisations are increasingly making use of e-CRM to manage the online customer interactions. Customers are contacted online and their feedback is also recorded via reviews, even marketing campaigns are also conducted online. With the introduction of 'e' in CRM, customers have got access to various channels to communicate with the businesses such as social media, live chats, e-mails, instant messaging Voice Over Internet Protocol (VOIP) etc. The paper describes the transition of relationship management into web-based CRM along with its applications and security concerns.

**"Learning new systems and processes is not mandatory.....but neither is staying in business."**

**Bobby Darnell**

Businesses moved their focus from 'Production' to 'Consumers' in competition driven world and no doubt the Customer has emerged as the king of market for every organization. All the plans and policies are thought, designed and implemented keeping into consideration the requirements, tastes, preferences, style and nature of customers. Businesses are aware that customers have every choice to switch over to better options in terms of price, quality and brand image. Besides various other innovative tools, Customer Relationship Management (CRM) is the widely used key to attain what businesses need. Organisations know that a unique brand identity and excellent customer service are crucial to hold a customer for long term. The success lies in creating and maintaining honest, committed and healthy long-term relations along with providing expected offerings. This requires active interaction with customers all the time to understand what else they want.



**Figure 1: History of CRM**

According to Dwyer, the Relationship of an organisation with the customers passes through various stages viz Exploration, Awareness, Expansion, Commitment, Dissolution. One thing is sure than relationship between a customer and the seller is based on trust, Commitment, understanding and agreement on common grounds. In the organisational context, both customers and selling organisation are expected to be committed towards each other's expectations. Commitment leads to trust and mutual trust, in turn, results in commitment, and the outcome is committed long term stronger relationship. Switching from long term relationship costs both to supplier (as cost of retaining an old committed customer is far less than the cost of acquiring new customers) as

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well as customer (establishing relationship with new suppliers involves cost).

Concept of CRM emerged in 1980s, while this concept was transformed as business environment changed entirely due to liberalization, privatization and globalization. It has emerged as a powerful tool that helped every organisation in developing and strengthening relationships with its customers. The focus was on knowing the customers well, understanding their needs and expectation and delivering them more than their expectations in order to satisfy them. CRM emerged as a business strategy that focused on customer retention and satisfaction. To maintain and manage these relationships, organisation had to systematically collect, store and analyse the information of their customers. Customer information included name, contact details, needs and preferences, history of purchase, repeat orders and expected future transactions.

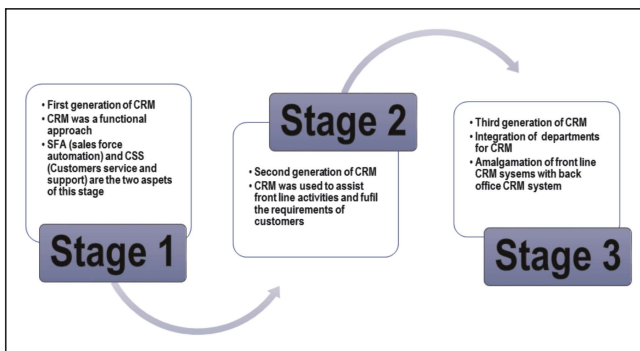


Figure 2: Evolution of e-CRM

### e-CRM: An Innovative Idea

With the advent of technology and internet the organisations are making use of electronic know-how to manage their customer relationships optimally. In context of e-business, CRM has been transformed to e-CRM, which deals with managing customer relationships over the web. In the world of robust competitive, organisations are increasingly making use of e-CRM to manage the online customer interactions. Customers are contacted online and their feedback is also recorded, even various marketing campaigns are also conducted online. With the introduction of 'e' in CRM, customers have got access to various channels to communicate with the businesses such as social media, live chats, e-mails, instant messaging Voice Over Internet Protocol (VOIP) etc.

The advancement in technology led to online commercial transactions i.e. e-commerce, which further facilitated the advent of e-CRM. The process started in 1970s and 1980s, when organisations started offering customer support on phones, but the real transformation took place in 1990s with the developments like internet, globalization and deregulations. The term e-CRM was coined by Oscar Gomes, it encompasses all CRM functions performed with the use of net environment. In the words of William McKnight, "E-CRM is not just your call center, self-service website, sales force automation tool or the analysis of customers' purchasing behaviour. It comprises of all of these initiatives working together to enable you to more effectively respond to your customers' needs and to market to them on a one-to-one basis. It's about the customer, not any individual piece of technology. If we evaluate and understand how do customers behave and how we need to respond to them, then we can begin to understand the component pieces of E-CRM."

According to Gartner Glossary, "Electronic customer relationship management (e-CRM) involves integration of web channels into the overall enterprise CRM strategy with the goal of driving consistency within all channels relative to sales, customer service and support (CSS) and marketing initiatives.

### New Dimensions in e-CRM

E-CRM is a term used to introduce the idea of internet and wireless technologies to all of the traditional CRM methods. It assists an organisation to respond to the customers' needs more effectively. E-CRM has the following new dimensions as compared to traditional CRM:

- i) **Electronic interaction:** E-CRM is an electronic way of interacting with the organisational customers. The customer interactions include offering quality services to customers and getting online feedback. The customer database can also be accessed on web. It means internet access is available for internal users and extranet access for business partners, customers etc. and internet access for public at large.
- ii) **Customer focused:** Modern customers are price sensitive, well informed and demanding. E-CRM is a customer focused management of e-business relationship with each customer to create customer value and enhanced revenues for an organisation.

- iii) **Individual interaction:** e-CRM serves the customer on one-to-one basis. It assists an organisation to personalize its customer interactions through various tools such as e.mail, live chat etc.
- iv) **Refined CRM:** E-CRM expands traditional CRM functions by integrating new electronic channels such as Web, voice technologies, wireless know-how and combines it with e-business applications.

**E-CRM = Traditional CRM + Internet**

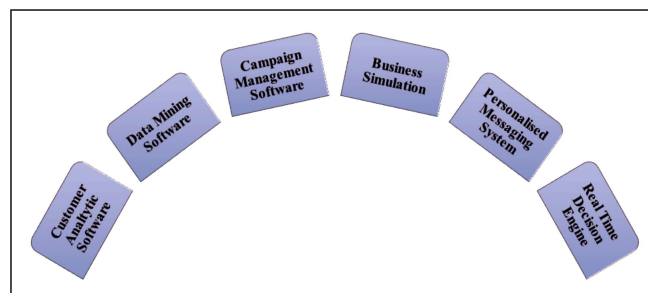


**Figure: Why organisations go for e-CRM applications**

- v) **Methods in e-CRM:** Organisations make use of various methods such as e-messaging, e-mailing, telephone, social media, live web chat, internet and digital marketing to offer quick customer service.
- vi) **Real time communication:** Companies communicate with its customers in a fast and convenient way through e-CRM.

### Tools of e-CRM

An effective e-CRM tool helps an organisation in identification of customers' needs and analyse customer buying behaviour through data mining, product campaigns, business recreation, messaging systems and real time decision engine. The set of e-CRM tools when put together are known as a complete e-CRM solution. These tools are also known as technical e-CRM capabilities. Widely used tools of e-CRM are as follows:



- i) **Customer analytic software:** This software predicts, interprets and measures customer behaviour and assists the organisations in assessing the effectiveness of e-CRM system. It also facilitates in generation of automated reports which can be utilized to take various strategic decisions.
- ii) **Data Mining software:** It builds predictive models to identify the customers most likely to perform a specific behaviour. It also enables an organisation to extract customer's information from the entire database. It helps the organisation to identify the most valuable customers and offer them products accordingly. The marketing campaigns are directed only towards the valuable customers, which reduces cost as well.
- iii) **Campaign Management software:** It utilizes the warehouse data to plan and execute various campaigns for targeted customers from time to time. It also has the capacity to plan multiple e-campaigns at a time, which assists in attracting large customer base. It also reminds the organisation about customers who have not made a purchase for long and sends e. mail regarding new product offers. This software verifies different offers against the history of each customer.
- iv) **Business Simulation:** This is used in collaboration with campaign management software. It messages and reminds the customer prior to the campaign and also compares the costs with ROI with the budgeted figures.
- v) **Personalised messaging system:** It offers timely information to the customers about new offers, payments to be made etc. It sends alerts, reminders, and text messages regarding crucial dates.
- vi) **Real time decision engine:** It coordinates and synchronizes communications making the use of

business intelligence. It coordinates the interactions across the touch points of different customers. It also assists in making real time offers to the customers about the most suitable product also stores customer contact history. It enables an organisation to identify the source from where a visitor has come from on the organisation's website, generally with the help of 'cookies enabled'.

CRM	E-CRM
Customers are contacted through workshops, business meets, retail stores, telephone, fax	Customers are contacted through internet, social media, e-mails, bot chats, Personal digital assistants (PDAs)
ERP and back end systems are required	Front office system backed by ERP and data warehouse are required
Systems exists at various locations	Single server/location
Customers need to down load many apps	Customers can directly access through browser
Nature of products	Customers' needs

**CRM and E-business**

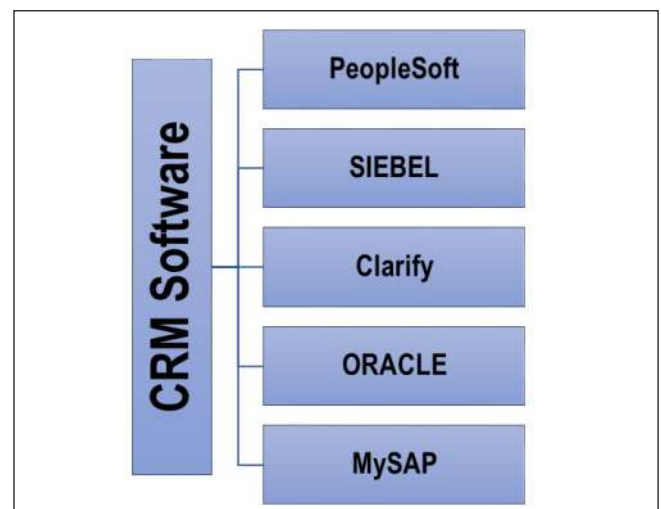
E-business designates the inclusion and application of digital IT in the organisational processes. With the rapid growth of digital marketing, organisations perform their business activities via internet, which is known as e-business. Following are certain key considerations related to e-business:

- i) **CRM links:** In e-businesses, CRM systems link up the customer information from various sources including emails, websites, social media, physical stores, mobile sales, marketing and advertising efforts etc. Therefore, organisation gets a comprehensive view of customer transactions with an organisation.
- ii) **Enhanced marketing and promotion:** Organisations market and promote their products

via digital tools (electronic devices, internet) that assists in better customers relations. It includes:

- 1 **Search Engine Marketing (SEM):** It is kind of marketing in which products are promoted by increasing their visibility on organisation's website in search engine result pages. Free search engine optimization tools are used for the same.
- 1 **Search Engine Optimization (SEO):** It is kind of marketing in which products are promoted by increasing their visibility on organisation's website in search engine through natural or algorithmic search results.
- 1 **Social media marketing:** Products are promoted on social websites e.g. Instagram, Facebook, Twitter, LinkedIn etc.
- 1 **E. mail marketing:** Promotion is done by sending e-mails to the target potential customers.
- 1 **Web banners advertising:** Products/services are promoted by placing web banners on a third-party website to attract the traffic to an organisation's web site.
- 1 **Video marketing:** Products are demonstrated to customers via videos.

iii) **CRM softwares:** Organisations make use of CRM softwares to reach large number of customers in no time. These software identify and fulfill the customer requirements. Some vendors offer e-CRM as an add on in CRM systems.



## Security Concerns in E-CRM

Large number of customers can be tapped with e-CRM strategies, but E-CRM may have following security concerns:

- I Customer information from database may be misused by hackers.
- I Customers may be having doubts while dealing online with the organisation.
- I Some customers might be hesitant to finalize a deal online.
- I Customer may feel that product displayed online may be different from the original one.
- I Customer may not be aware about data protection technologies.

## Applications of e-CRM

E-CRM includes all forms of managing customer relationship through the use of IT. Therefore, the e-CRM system of the organisation must have applications that can help the organisation to coordinate or synchronize the interactions with its customers. The applications of e-CRM include the following:

- i) **Data warehouse:** e-CRM system in an organisation is driven by a data warehouse. Therefore, e-CRM helps in creating and maintaining a data warehouse that contains detailed customer information and makes the customer data available, as and when required.
- ii) **Recording of interactions:** e-CRM provides the history of each interaction taken place between the customer and organisation, which makes it a crucial tool for small, medium and large organisations. It facilitates the organisation in reaching widespread customers through various channels such as online chat, e. mails, social media, text etc. For examples telecom companies have different channels to support the customers such as website, customer care centers, online chat etc. Click Stream Analysis a technique of data analysis used by the organisations to know the clicks made by potential and existing customers on organisational web information. It involves a process of recording the clicks made by

visitors on a specific website. An organisation can collect large amount of data by Click Stream Analysis, which can be used for various organisational purposes and decisions. It is basically recording of the parts of a screen a computer user clicks on while web browsing or using another software application. As the user clicks anywhere in the web page or application, the action is logged on a client or inside the web server.

- iii) **Collaborative Filtering:** Collaborative filtering is a method of recommending products or services to visitors on a website. The buying behaviour and patterns of visitors are recorded on the basis of online purchases made by them. According to wiki, Collaborative Filtering is defined as a method of making automatic predictions (filtering) about the interests of a user by collecting preferences or tastes information from many users (collaborating) e.g. when a customer visits Flipkart for purchasing a book, it will start recommending other related books to the customer, when a customer watches movie on Netflix, it offers recommendations, similarly YouTube gives video suggestions.
- iv) **Updated technology:** e-CRM brings appropriate technology in the organisation and reduces technological gaps.
- v) **Identification of valuable customers:** e-CRM helps the organisation in identification of the most valuable customers and designing the appropriate strategies.
- vi) **Measuring the success of efforts:** Organisations can go through overall customer interaction history and measuring the effectiveness of marketing efforts put in by the organisations.
- vii) **Faster customer service:** e-CRM assists in serving the customers faster by automating various process. Instant feedback is also received and customers are dealt on the basis of their feedback.
- viii) **Customer life cycle management:** With the effective implementation of e-CRM, customers life cycles can be more effectively managed by offering them appropriate products and services at the right time. Customer retention rates can also be enhanced.

- ix) **Cost reduction:** e-CRM helps an organisation to reduce costs on manual processes and to achieve maximum output/revenue.
- x) **Other applications:** e-CRM has the following other applications:
  - 1 Reduced lead times for product ordering
  - 1 Inventory control
  - 1 Reduced risk of stock obsolescence
  - 1 Enhanced customer satisfaction
  - 1 Close interaction with all organisational partners

### Conclusion

With the advent of internet, organisations are able to do business online, where customers are offered online products and services at no extra cost. Now, customers can be consulted on regular basis and constant feedback can be taken to improve the quality of offerings. The success of e-CRM largely depends upon the quality of customer data, which must be collected, stores and analysed under expert guidance E-CRM has become the necessity for E-business organisations, but certain challenges may obstruct the way of successful e-CRM implementation. To effectively launch e-CRM, support of top management is very crucial and CR manager must also communicate effectively with business partners such as suppliers, consultants etc. and must maintain good relations with them. These partners can offer valuable information for various e-business decisions, that can be really effective in creating and maintaining relationship with customers.

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# Covid-19 and HR strategies for organizational change

Dr. Dipak Kumar Bhattacharyya

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## Abstract

*Covid-19 disrupted the way organization works. It will continue its disruption till medical science comes out with some miracle vaccines or medicines. Work from home (WFH) is now the order of the day. Managers' interactions with employees are now virtual. HR today needs to calibrate the way it functions. Take for example; our HR now needs to recruit top talent in digital marketing. Virtual interaction with the potential candidates may weaken this selection process. Indian organizations' compensation and benefits plans traditionally laid more emphasis on fixed component part. Lockdown cannot help them to optimize such costs for those who are unable to work from home yet need to be paid. Some organizations can reduce such costs by sending their employees on leave without pay. This has been done by many organizations. Some are managing by truncating a significant percentage of variable compensation components. But in both the cases, these organizations are creating opportunities for their rivals to hire their employees.*

*We do not have data on cross-organizational movement of people in pandemic situation, but certainly this figure will be alarming, as in between we are observing sudden hiring spree in many organizations, particularly for lower and middle level job positions. Imagine what will happen to such organizations, which resorted to those practices, when we get back to normal managing Covid-19. Irrespective of nature of such organizations, they will suffer from the crisis of manpower. Even for organizations engaged in low-skill manual jobs, manpower problem will spark, unless re-migration takes place. Already some traditional sectors like jute mills, construction, etc., have reported non-availability of workers, as they migrated to their states. Similar predicament is now being faced by FMCG companies. These companies fared well in pandemic situation, but now unable to meet their production requirements for non-availability of their workmen. Such workers will take time to forget their woes of lockdown period; when their organizations left them uncared without food, shelter, and even not paid their due wages. We will not wonder, if future business model of many organizations can make best use of such workers, who left for their hometowns, locating their operations proximate to the source of labour. Such apprehension is not unfounded, rather based on facts. ILO's Director General, Guy Ryder (April 2020) also expressed concern on labour market efficiency. Post Covid-19 days, we foresee the surge of labour problems for general reluctance of migrant labourers to get back to their previous places of work. Think of poor governance of labour migration. In many places we have even witnessed gross human rights violation. Absence of any institutional mechanisms in such a situation of crisis sparked many untoward incidents. Problem is not only in India, it even encompassed international organizations, which had perennial dependence on migrant workers, or to be more specific on expatriates.*

*This paper first outlines important challenges for HR in pandemic situation, and then recommends six-pronged strategies for HR functions, in managing change, both for the sustenance of the organization and for the HR profession, per se.*

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## Introduction

For HR functions, in such a situation of crisis, the biggest challenge is communicating with employees, who are now confused, direction less, traumatized, and even shocked the way they were treated. What is company's stand is not known to their employees? Distance from their employers dragged them to panic for unfounded news, more like rumours. Often such rumours even dragged them to settle with a decision like acceptance of a low paid jobs. We can see many online portals are now in hiring spree.

What HR should do to dispel apprehension from the minds of the employees. If we are not a 'fly by night' operator and in business with a long term plan; then we can decide to reach employees through any devices, viz., video conferences, social media, and even if our people are not tech savvy; through voice messages, SMS, WhatsApp, etc. Today mobile phone is not a luxury; many operators provide their services at a very nominal cost, which our people, irrespective of their rank and file can afford. Make our virtual presence very frequently. Communicate, communicate, and communicate! We can then see how effectively we are able to imbibe confidence in the minds of employees and upheld their morale. Need of the hour is virtual touch, as personal touch is not possible.

Second important challenge is to make WFH (for those it is possible) productive. Employees can save time and energy for not commuting to their offices or places of work; hence can have more vigour and agility to work. HR should make best use of this. Without naming any organization, some big fours (consulting organizations) and IT companies are making best use of this. Imagine amount of savings companies are making in terms of electricity and other support costs, like; canteens, transport, etc. Good HR can think of sharing a part of such benefits with the employees, which can make them further productive for increased motivation.

Third challenge is to retain our employees. Many 'fly by night' operators, are now in market to recruit. Let them not grab opportunity during our crisis, taking away our golden egg laying goose. This is not the time for pay-rise to retain. Think of skill development of our employees. If we have any on-line module, we must ask our employees to take that course and get certification.

Many international level Institutes and Universities are now offering free on-line programmes. They only charge nominal amount for certification. Ask our employees to join and let our organization pay for certification.

Fourth challenge is to attract new talent for hiring. Once Covid-19 problems get settled, economic activities will surge. This was exactly what happened after the end of Second World War (1945). Like many organizations, our organizations will also require more manpower. Sourcing appropriate talent is time consuming. Make best use of campus placement season. We can have an extended on-boarding programme on-line and even can put our new recruits on bench for some time.

Finally complete our pending HR jobs, like; performance review, policy documentation, revisit of HR missions, training needs assessments, competency analysis, HR reports preparation, etc., even if we work from home.

With all these, HR can make best use of WFH in Covid-19 deadlock.

## Covid-19 and HR strategies for Organizational Change

Theoretically we learnt on many models of organizational change, with central focus that we must manage change with people. Kotter's 8-step, ADKAR, McKinsey's 7 S, Lewin's three-step model, Kubler-Ross Grief Cycle model, Beckhard change model, William Bridges model, Christine Longaker model, Daryl Conner model, McKinsey's Influence model, so on and so forth. In Covid-19 situation we need to think on change more with an organic approach. Organic approach denotes thinking in the context of the organization, for which we are navigating change. In Covid-19 situation our organization needs to change in many spheres, viz., rationalization of headcounts, resource optimization, lean management practices, cost minimization, increase in customer responsiveness, delayering, process improvement, etc. In such a crisis we tend to focus more on power-coercive strategy; as rational-empirical, normative-re-educative, and environment adaptive approaches may not give a quick fix solution. All these approaches are time consuming and require huge resource support, which our organization, at this stage, will not like. Today our organizations require instant result-oriented solution to calibrate in Covid-19 situation.

To meet the challenge for organizational change, HR needs to follow certain mandates; which the author could develop, both based on industry experience and academic research. From academia also, we can borrow ideas for managing successfully organizational change. Covid-19 now compels industry leaders to believe in reverse mentoring. They started asking even their new recruits to share the knowledge and ideas on navigating change. Some of the prescriptive strategies and line of actions for managing organizational change in pandemic situation are listed below:

1. *Understanding how best you can allocate resources to different competing needs of the organizations:* In a change situation, we often spend unnecessarily, forgetting the cost benefit aspect. In this pandemic situation, organizations are suffering from tremendous resource constraint. Hence unable to allocate resources to all competing mouths, causing dissatisfaction in stakeholders. This problem can be explained using the example of health care sector. Like our economy; our health care systems are also divided into primary, secondary, and tertiary types. Primary health care problems can be attended by a general physician and cured through clinical observations. Secondary health care requires more advanced level diagnosis, which requires both clinical and pathological observations, analysis and testing. Tertiary health care caters to speciality treatment, particularly for terminally ill patients. Even today if we visit any city-based secondary or speciality hospitals, we will find these are overcrowded by people from far off areas. They come even for primary health care. Average overhead cost for treating a patient with primary health care issue in a city-based government hospital obviously much higher than primary health care centres. Remember this excludes the cost of medicines given to the patient, and the personal costs of travelling incurred by the patient. But this primary health care facilities can be made available in primary health care centres at less than one tenth of this cost. This teaches us *our problem is not resource constraint but resource allocation*. Remember the adage of the Parkinson's Law *'expenses rise to meet income*. Hence, first

strategy on change management in pandemic situation is; *understanding how best we can allocate resources to different competing needs of the organizations*.

2. *In crisis don't just re-skill, rather emphasize ondeskilling:* In a crisis situation, organizations often make mistake of doing restructuring, focusing on new organizational architecture. Also, some organizations indulge in reengineering. We have a cautionary note for such steps. We must not do this when we are in crisis, rather we must try to introspect, and see whether we can overcome the crisis with innovation. Viable System Model of Stafford Beer (1979) taught us the need for interacting with the present and future environment, to pace with the ongoing organizational changes. We also say, to sustain, organization needs to be ambidextrous, balancing between exploitation (present activities) and exploration (future activities). But Covid-19 is not only inflicting us with deadly virus, even unbalancing the organizational rhythm. When we see a weapon factory is manufacturing PPEs, or an automobile major manufacturing ventilators, or even a distillery is making hand sanitizers, masks; where we fit our core competency theories! Hence crisis dragged us to a new reality, i.e., we together should fight for existence. This requires us to make use of our resources to produce those items that help society, with this mantra, in pandemic, marketing can be redefined as helping. Hence our second strategy for organizational change in pandemic situation, particularly for HR professional; *don't just re-skill, rather emphasize on deskill*.
3. *Manage change with innovative compensation and benefits plan:* It is time to revisit our compensation and benefits plan. WFH requires HR to focus more on some strategic issues; one of which is calibration of compensation and benefits plan. In India we have institutional constraints to reduce the fixed pay component. We cannot follow Apple, which only gives 15% as fixed pay component, and rest are variables; one part as annual cash incentive, and the other part as restricted stock units (RSU). It is known

as RSU, as it comes with multiple riders, like; vesting period, performance goals, etc. We also cannot have a claw back provision for paid incentives, when employees fail to perform in succeeding performance cycles. Emulating the examples of OECD countries, in India we introduced performance related pay (PRP) to drive a culture of performance in organizations. But for many organizations, it became only another top-up, which comes automatically whether employees perform or not. The PRP formula is designed in such a way, everybody gets a pie irrespective of their performance.

Then in pandemic situation what could be our stand to ensure best use of our compensation and benefits plan? One important aspect is obviously cost optimization; other aspects are motivation and retention. If we carefully see most of the Indian organizations, including those who enjoy high market capitalization, opted for the first strategy of compensation cost minimization by going for ruthless pay cut. Obviously, these organizations will have to pay the price of losing talents, which will surpass their savings on compensation cost, once Covid-19 crisis gets over. But can there be any balancing strategy in such a period of crisis that can optimize cost of compensation and at the same time make our people feel motivated and engaged? Obviously, this can also ensure talent retention. In such a situation companies can think of using Employee Stock Options (ESOP) to reduce their burden of immediate cash payouts for compensation. ESOP can be issued with an extended time period for exercising option by the employees. The amended Income Tax Act in India now makes ESOP during the period of vesting non-taxable. Employees need to pay tax when they exercise their option, based on the difference in fair market value (FMV) and the discounted price they pay for buying their company's shares. Hence ESOP will not be treated as perquisite till the time employees exercise their option to buy. This is more like phantom stock. Many companies in India restrict issue of ESOP only to their managerial employees. In such cases, companies can think of using Stock Appreciation

Rights (SAR) as an alternative. The idea is need for becoming innovative in designing our compensation and benefits plan in Covid-19 situation to manage our cash flow. Strategy is *managing change with innovative compensation and benefits plan*.

4. *When we have a conviction, we can also successfully go for disruptive change in Covid-19 situation!* This is not gambling rather prospecting. Structuralist or Reconstructionist approach for organizational change, which fits better in Covid-19 situation, can be a debate. In such unstable environment, no organization can afford to be disruptive in their change strategy. Recently we have seen how Unilever mandated change byhiving off many of their well-established products that didn't match with their magic figure of 1-billion-euro sale. This adversely affected HUL, as Unilever subsidiary in India. MNCs in the process of managing their subsidiaries adopt grand strategies without adequate consideration of local market pulse. Hence `first shrink and then grow'with series of structural changes had initial adverse effect on the business of HUL. Covid-19 situation, however, has given space to HUL to fend on their own with renewed focus on tea, healthcare and sanitization products. Unilever *per se* demonstrated reconstructionist approach in adopting their grand strategies encompassing all international subsidiaries. But Covid-19 situation hold them back to move for such disruptive change and required them to give more space to international subsidiaries to do business in alignment with the local market condition.

But in Covid-19, Reliance could dare to reduce their debt, attracting equity participation in Jio. In this case, Reliance took absolute disruptive strategy to strengthen position of Jio in the market. And now partnering with these investors, more particularly with Facebook, Reliance is diving into India's e-commerce space, literally giving sleepless nights to existing international giants. Covid-19 will increase the scope for e-commerce, and with the empowerment of *kiranas*; Jiomart will certainly give a run to Amazon and Walmart-Flipcart to rethink on their business model. In

telcom already Jio emerged as winner; in e-commerce with Jiomart, Reliance will redefine the management history. Hence *even in uncertainty we can be disruptive and reconstructionist*. This is not the time for Jio to play safe. With reduced debt, and more and more mega institutional equity partners, Reliance is changing to sustain and grow. *Therefore, if we have a conviction, we can also successfully go for disruptive change in Covid-19 situation!* In doing so, Reliance is not gambling, rather prospecting and helping India in a situation of crisis. Thus, balancing structuralist and reconstructionist approach may not be the answer always.

5. *In Covid-19 make organizational change a continuous process. With virus mutation, we must mutate our organization also!* We are now convinced we must live with Covid-19. Belatedly we have also realized we cannot put a halt to our economic activities. Imagine what we will do as a HR professional? Our company is one of those who left their people uncared. Pay cut, no pay, showing exit door, no support during the crisis phase, and so on; everything possible our company did for cost cutting, without bothering for its long-term implication. In fact, such line of thought, for perennially closely held (ownership structure) Indian companies is not unusual. They play with public money. They feel unhesitant to gamble with their decision, even if it ruins interest of the stakeholders. How many Indian companies after IPO could give more than average dividend return to their shareholders, who bought shares paying much higher than the face value, in the name of market valuation! We as a shareholder paid Rs. 1000/- for a share with face value of Rs. 10/-, Rs. 990/- went to the coffer of the company or to its promoters who divested their stake for IPO. Check back how many IPOs were at face value in last decade? Even those fugitive economic offenders also charged premium price for their equities. How many companies in India are bothered for market capitalization? Those who bothered, we must have seen in booming market, they divested their stake, while in downturn, they bought their shares to consolidate their stake. Now the question

remains was it wrong when Government Advisories to Indian companies were to refrain from pay cut and retrenchment? How many Indian organizations complied? Even those who complied with the same, in what form? We have seen some companies (especially those who are super rich) reduced some percentage of CTC for those who are in higher pay bracket. How about other companies, whose news are never a news item, unless it is dug out by a researcher? What is happening around, we can well assess. Many companies who are giving pay during this lockdown period, even with a pay cut are reducing the deferral pay benefits, like; leave encashment, loyalty bonus, etc.

Now HR has to play the role of fire fighter to re-source people, as most of them left our organization. Realistically not even 10 percent of them will be available for re-engagement. Many will get hired by our competing organizations; many will opt for alternative occupation, while many other will take advantage of liberal government support for entrepreneurial venture. All these started happening for hunger pangs. Assuming 10 percent available for re-hiring, 90% of our manpower requirement must be met by new hires, which means, again our colossal expenses in terms of training, on-boarding, cost of less performance during initial months, and so on. These costs will be much higher than what our companies could save by leaving our people during this crisis.

Hence, we must prepare for massive recruitment drive, on-boarding, and training of new hires. We must craft different stories, plan for engagement, design compensation package that value performance, think on new learning and career building opportunities, and nurture talent. Days ahead are much more challenging for HR professionals. We must re-do everything to help our organization to sustain and grow. This gives us the lesson that; *In Covid-19 make organizational change a continuous process. Hence our strategy should be with virus mutation, we must mutate our organization also!*

6. *In Covid-19 situation, we must not pretend we are busy, rather we must learn first how to prioritize our work:* Interpreting Parkinson's first law, i.e., 'work expands to fill available time', we know we always pretend we are busy. We remain busy as we have ample time at our disposal. In pandemic situation, when we require working together at a fast pace, we continue to get afflicted by Parkinson syndrome. Covid-19, natural disasters, economic downturn, border issues, etc. engulfed us. We are sinking, we are dying, but we continue to take corrective actions at our own pace, as we have enough time at our disposal. We can see how in the age of AI and machine learning; our organizations are engulfed with the Parkinson syndromes. In change management, in line with Parkinson, *we must not pretend we are busy, rather we must learn first how to prioritize our work.* Blaming bureaucracy, disrespecting Max Weber, is not the answer. Max Weber's recommendation to bind organization with rules and regulations was to help managers to take decisions without prejudicing it with personal bias.

## Conclusion

All the above line of actions is based on authors' experience in managing change in several organizations, especially when they underwent into rough patches of their journey for changes in external environment. For many organizations it was like change of their business focus, reinventing them with new group of people, and responding to new market requirements. Covid-19 complicated our business environment. No specific solutions here can work, but we can learn from each other to frame our own organic model of change. HR professionals have a great role in this respect.

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# Industrial Relations Code, 2020 - its salient features

Mr. Swapan Kumar Dutta

## Background

Industrial Relations Code, 2020 consolidates and amends the law relating to Trade Unions, conditions of employment and Industrial establishment or undertakings, investigation and settlement of industrial disputes. The Code combines and simplifies 3(three) Central Labour Laws. The bill was formulated according to the Report and Recommendations of the Second National Commissions of Labour.

The Industrial Relations Code Bill, 2020 was formulated by amalgamating, simplifying and rationalizing the relevant provisions of following three existing Acts:

- 1 Trade Union Act, 1926
- 1 Industrial Employment Standing Order Act, 1946
- 1 Industrial Dispute Act, 1947

This new Labour Code was enacted by lawmakers keeping in view to cover 50 crore workers from Organized, Unorganized and Self Employed sector. The Act was enacted by Lok Sabha and Rajya Sabha on September 22, 2020 and September 23, 2020 respectively; and assented to by President of India.

## Changes made in the new I.R. Code :

- 1 The definition of worker will be based on the basis of wages being drawn by him and worker/employee with salary up to Rs.18,000/- will fall under the category of worker.
- 1 Fixed Term Employment, now employer can keep Fixed Term Employees (FTE) for specific duration and retrenchment compensation not to be paid. These FTE will be entitled same salary or social security as regular Employee.
- 1 Employees can raise industrial dispute with employer within the time limit of only 2 years instead of 3 years.

- 1 Trade union(s) have to give notice of 14 days before going to strike.
- 1 Establishment with less than 300 workmen can lay-off, retrench, close without government approval, earlier this limit was 100 employees.
- 1 The number of members in the Grievance Redressal Committee has been increased from 6 to 10.
- 1 Definition of "Appropriate Government" has been modified by including the establishment of the contractors, thus contractor appropriate shall be of the establishment where the contract labour has been deployed.
- 1 The appropriate government shall set up an reskilling fund and the fund shall consist of contribution by an employer equal to fifteen days wages last drawn by the worker immediately before the retrenchment. The fund shall be utilized by crediting fifteen days wages last drawn by the worker to his account who is retrenched, within forty-five days of such retrenchment, in such manner as may be prescribed.
- 1 Definition of "Employees" has been added in the code and the term 'employee has been used invariably with the term worker, viz. 'employee/worker' or 'employee and worker with a view to ensure that there is no discrimination in the applicability of labour laws to the employee/worker, considering that both are "employee."
- 1 Definition of "Employer" has been completely modified under Section 2(m) and as per the new definition, employer means:-
  - n Head of the Department
  - n Occupier of the factory

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- n Manager of the factory under Clause (f) of sub-section (1) of Section 7 of the Factory Act.
  - n The person who, or the authority, which has ultimate control over the affairs of the establishment and where the said affairs are entrusted to a manager or managing director, such manager or managing director;
  - n Contractor, and
  - n Legal representative of a deceased employee.
- 1 Fixed Term Employment has been incorporated, which is a major change introduced in the Code:-
- n The Code provides that the fixed term employee will get all statutory benefits like ESI, EPF, bonus, wages, etc. at par with regular employees who are doing work of same or similar nature.
  - n The termination of the service of a worker as a result of completion of tenure of fixed term employment would not be a retrenchment.
  - n The employee would be eligible for gratuity if he renders service under the contract for a period of one year.
- n The definition of "industry" has been modified and provides that any systematic activity carried on by cooperation between employer and his workers, whether such workers are employed by such employer directly or by or through any agency including contractor. The definition has specifically excluded institutions owned or managed by organizations wholly or substantially engaged in any charitable, social or philanthropic services; sovereign functions; domestic services.
- 1 Definition of Industrial Dispute has been modified to include the dispute arising out of discharge, dismissal, retrenchment or termination of such worker.
- 1 Metro railway has been included in the definition of railways.
- 1 Maximum number of members in the Grievance Redressal Committee has been increased from 6 to 10 in an industrial establishment employing 20 more workers.
- 1 Negotiating union or negotiating council has been inserted in the definition.
- 1 The "Trade Union dispute" has been added, which provides dispute relating to Trade Union arising between two or more Trade Unions or between the members of a Trade Union inter Se.
- 1 Definition of wages has been revised:-
- n The First part includes all salary components express in terms of money are capable of being so expressed like basic salary, all reimbursements, all allowances, all benefits.
  - n Second part of the definition provide specific exclusion like:- Bonus payable under any law, Conveyance allowance, House rent allowance, Overtime allowance, House accommodation, Supply of light water medical attendance, other amenities/service excluded by a General or special order of the appropriate government, Commission, contribution to provident fund/pension, any sum paid to defray special expenses, gratuity, retrenchment compensation, remuneration payable under any award or settlement between the parties.
  - n The Third part of the definition provides that the total excluded components should not exceed 50% of the total remuneration. The Third part of the definition provide limit as the definition very clearly specifies the list of exclusions so anything which is paid to the employees other than the exclusion would be covered and within this specific exclusion the limit cannot be more than 50%.
- 1 A new feature of "Recognition of Negotiating Union" has been introduced. The Code provides for a negotiation union in an industrial establishment, having registered trade unions, for negotiating with the employer.

- n If there is only one trade union in an industrial establishment, the employer is required to recognize such trade union as the sole negotiating union of the workers.
- n In case of multiple trade unions, the trade union with support of at least 51% of workers on the muster roll of that establishment will be recognized as the sole negotiating union by the employer.
- l The provisions of Standing Orders on Industrial establishments will be applicable having 300 or more than 300 workers as notified by the appropriate Government.
- l The Code prohibits strikes or lock-outs in any establishment unless a prior notice of 14 days is provided. Similar provisions existed in the Industrial Disputes Act, 1947 for public utility services (such as, railways and airlines). The Code expands these provisions to apply to all industrial establishments. This will impact the ability of workers to strike and employers to lock-out.
- l An industrial dispute can be voluntarily referred to arbitration by the employer as well as the workers. The parties to the dispute are required to execute a written agreement referring the dispute to an arbitrator.
- l The worker may approach the Industrial Tribunal for adjudication of the dispute related to dismissal, retrenchment or termination within 45 days after the application for the conciliation of the dispute was made.
- l Employers of industrial establishments, such as mines, factories and plantations with at least 300 workers are mandatorily required to take prior

permission of the central or state government before lay-off, retrenchment or closure. A fine of INR 1,00,000, which may extend up to 10,00,000, may be levied on any person who contravenes this provision.

- l In case any worker is suspended by the employer pending investigation or inquiry. The amount of subsistence payable at 50% of the wages for the first 90 days of suspension; and at the rate of 75% of such wages for the remaining period of suspension.

#### **Other labour codes:**

Like The Industrial Relations Code, 2020, which have been elaborately mentioned, changing the existing laws, the Parliament also passed other two labour codes, such as, The Social Security Code, 2020 and The Occupational Safety, Health and Working Conditions Code, 2020, which received the President's assent on September 28, 2020. Before these three codes, the Parliament also passed The Code of Wages, 2019 and received the President's assent in August, 2019. All these laws relating to employees relations with employer will definitely help easing industrial disputes and create healthy working environment.

#### **Conclusion:**

It is expected that the Government of India is aiming to implement the Industrial Relations Code, 2020 immediately with Gazette notification, along with other labour codes, mentioned above, with a view to reform the archaic labour laws and to facilitate the ease of doing business in India, benefiting both the employers and employees.

#### **Reference:**

Three New Labour Codes -AEPC's Evaluation



# Best Ways to Conduct Telephonic Interview

Mr R N Misra

## Abstract

*Talent Acquisition is an integral part of Human Capital Management. Therefore it is imperative that the Interviewer is adequately prepared to have the interaction with the candidate in an atmosphere in which the candidate is comfortable to respond to the discussion. It has become all the more important during this pandemic period during which physical interview may not be possible and mostly it is held telephonically. The mindset of the Interviewer is as important as like knowing the art of selecting the right candidate for the right position. An engaged mind with positive attitude to deliver the result as expected or asked from the candidate. The process of interview should not be taken casually or like any other routine manner. It is a specialized job of the talent acquisition team, since their selection process would be linked with achieving the organizational goal(s). This article is oriented to formalize the interviewer with few suggestions, which may significantly contribute to the selection process.*

We all professionals are viewing that today at Corona virus (Age of Social Distancing) time we have to deliver any work differently. All are having different views and ways of addressing work with this virus. Globally people are working from their home and maintaining social distancing just to reduce the spread of the virus. We are talking about the functionality of HR i.e. interview. This shift in the pattern of working from home and different hiring practices has promoted more telephonic interviews rather than in-person interviews. If you have to conduct telephonic interviews with candidates, what should you do? How would you make it a more effective interview session rather than face-to-face interaction?

## INTERVIEWER MINDSET IS VERY CRITICAL:

If you line-up telephonic interviews from your home for outstation candidates who are facing challenge to attend the same in person, you will need to go into the mindset of taking a telephonic interview.

- 1 Fix-up the convenient time with the candidate.
- 1 Clean all stuff from your table or where you are sitting so you need not to shuffle around while taking an interview.

- 1 Pretend the way that you know everything about the candidate by going thru' his resume several times.
- 1 Before starting the telephonic interview check his social media profile such as LinkedIn, Face book, Twitter, etc.
- 1 Keep a paper pen along and if possible should record the interview for the decision-making process.
- 1 If you're planning to interview multiple candidates of the same profile/level on the same day. You should aim to ask the same questions among all of them.
- 1 This is how you will be able to make a comparison chart to take a final call. For the final candid

## BASIC COMMON QUESTIONS TO CONSIDER ASKING INCLUDE:

How did you find out about the position?

What are your expectations for a new job/role?

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Tell me more about yourself and your career history and how it aligns with your current job role?

How would you rate your previous job performance?

**INTRODUCE YOURSELF IN BRIEF:** Spend a couple of minutes with basic in brief that will put the candidate comfortable. Inform candidate hierarchy wise where you stand in the organization. Ask how their day is going and give them a brief about the norms of the telephonic interview.

**FACILITATE THE CANDIDATE WITH ENGAGING CONVERSATION:**

To know the in-depth information about the candidate is to start with questions aimed to get the candidate to know less formally.

Once you have broken ice, you will need to ask screening questions to analyze if the person is fundamentally fit for the position. There may be candidates you can go ahead and screen out just based on the requirements. Then, you can move into more technical questions. Aim to ask interview questions that are behavioral-based and go into the critical thinking skill. A candidate may or may not have to make them a good fit for the job.

**TREAT A TELEPHONIC INTERVIEW LIKE A PROFESSIONAL FACE-TO-FACE INTERVIEW:**

You can have a glass of water on hand in case you begin coughing or need to clear your throat. Mute the call if you need to do this so you don't startle the applicant. Focus on only interviewing the applicant, even though they can't see what you're doing. Your full attention should be given to the interview. During the interview don't allow anybody to disturb you whether you are interviewing your company or at home.

**PAY ATTENTION TO THE CANDIDATE'S VOICE:**

Although telephonic interview is a media of transmitting the voice from one person to another. But voice tone assessment is paramount important by HR professionals. It defines his knowledge on the subject he is specialized in, his confidence level, patience, communication skills, leadership, and etiquette. You won't be able to watch the applicant's body language; you can pay attention to the tone of their voice. Gauge how comfortable they seem while giving their answers. All companies have their own parameters to gauge employees.

**TAKES NOTES DURING THE INTERVIEW:**

Note every important points delivered by the candidate. I will always prefer you to record the entire interview session for any future reference. Where after completing the interview you can listen carefully to the candidate's strengths, weaknesses, communication skills. In too, you will not miss anything about the candidate.

- 1 As you interview different candidates for the same position start making a comparison chart including the salary expectation and notice period required. This will make it easier to compare.
- 1 Ask yourself if the applicant sounded interested or passionate about the job.

**DURING THE INTERVIEW LISTEN MORE:**

At the initial stages you after giving a brief introduction about yourself and the organization. You spend 80% of the telephonic interview listening to the candidate. Since it's a telephonic call so you will have to allow the candidate to think or pause during the conversation.

**ASK THE CANDIDATE THEY HAVE ANY CONCERNS:**

Once you are on the platform where you are convinced with the technical question is in place. May the person is capable to handle the job profile of your organization. Then you can talk about the detailed explanation of your job. Then give the candidate some time to respond before you move on since you can't see if they're considering any questions.

**INFORM THE APPLICANT OF THE NEXT STEPS:**

Avoid simply thanking them and ending the call. Instead, ask the candidate for questions they have in their mind. Most of the candidates may want to know how long it will take you to make a hiring decision. If you know

that you won't be hiring them, then be straight forward and politely explain that they are good candidates but not suit our requirements. If you find the candidate suitable for the position, find out if they're really interested in joining your company. Ask the applicant if they'd be willing to come in for a face-to-face interview.

**FOR YOU:**

During the telephonic interview, you may encounter different challenges. As you might have fixed-up interview sessions on Sundays or after office hours. You may face kids are screaming or the sound of street dogs barking may disturb you. These things happen. Recruiters need not to be offended if it takes you a moment to establish calm. Try to sound positive, friendly.

# A Sustainable Education - New Education Policy 2020 Perspective

Mr. Samuel Mores G

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## Abstract

*India passed and implemented its first Education Policy in 1986. After 34 years, the National Education Policy (NETP) for India has been revised, updated and approved on July 29, 2020. This signifies a huge milestone for India's Education System and it will certainly make India an attractive destination for higher education globally. The New Education Policy emphasizes systematic and Institutional improvements to governance, regulation and promotion of flexible and multi-disciplinary academics and research in Indian HEIs. The author of this paper highlights the major changes that were proposed in the New Education Policy 2020 and how it is going to promote a sustainable education in India.*

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## Introduction:

Mark Twain<sup>2</sup> who travelled to India in 1897, at the height of the British Raj, stated that "India is the cradle of human race, the birthplace of human speech, the mother of history, the grandmother of legend, and the great grandmother of tradition. Outmost valuable and most artistic materials in the history of man are treasured up in India only!"

India was a hub of education and learning during ancient times. India had world-class universities at Nalanda and takshashila (6th Century BC - 12 Century AD). The students produced by these universities were world-class scholars. There were historical evidence that India was a destination for foreign students for studies and research purposes. Nalanda University had a nine-story library with 9 million books and when it was set fire by invaders, it took 3 months for the fire to completely burn down. It had dormitories for students, housing 10,000 students in the school's heyday and providing accommodation for 2,000 professors. Nalanda attracted pupils and scholars from Sri Lanka, Korea, Japan, China, Tibet, Indonesia, Persia and Turkey, who left accounts of the centre.

India has a rich history, tradition and culture of the education system from the Vedic times. The Gurukul system of imparting knowledge and skills used to focus on the holistic development of individuals. India was once known as Vishwaguru because of its world-class centres of learning like Takshashila, Pushpagiri, Nalanda and others. Subsequently, following foreign invasions and the colonial rule, India lost its pre-eminent position.

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1 Assistant Professor, SoL, Presidency University, Bangalore

2 *Mark Twain, Mark Twain in India*, Mount San Antonio College/Philosophy Group, First Edition, 2016

3 *"History and Revival"*, Nalanda University. Retrieved 3 November 2017.

4 *"Official website of Nalanda University"*. Archived from the original on 16 March 2012. Retrieved 20 December 2010.

**Current Position of Indian Education System:** Today, one finds that not a single Indian university figures in the top-ranking global educational institutions worldwide. These are the critical times for the country and there is a need for having a fresh look at the education system. There is no doubt that India's post-independence achievements in education are praiseworthy. Despite an over-threefold increase in population, we have near-total enrolment in schools and universities. However, the education system in India lost its glory due to teacher-centric approaches leads to Indian classrooms remain dominated by rote-learning. The 'chalk and talk' or teacher instruction still dominates the classrooms. After many years of implementing in-service teacher training, it is not clear what type of impact such training has had on improvements in the classroom processes. The Government of India is well aware of the problems in the Indian education system but has been slow in responding to them.

### **Metamorphic Developments in Indian Education System Post-Independence:**

Indian Education System have gone through many changes post, major changes being recorded post-independence. Independent India witnessed increasing literacy rates and several educational institutes.

The government in the past few decades has established several Industrial Training and Management Institutes; Polytechnics, Engineering, Medical and Dental colleges. Governing authorities like The 'National Council of Educational Research and Training' (NCERT) and 'State Council of Educational Research and Training' (SCERT) are responsible for the development of the education system on respective levels. The 'University Grants Commission' (UGC) formally established in 1956 as the university regulator, has the right to disburse grants to universities and colleges.

Following are the milestones as the part of development of Education System in the past 70 years

- 1 *Kothari Commission (1964-66):* The Kothari Commission emphasized equality to education for all people without discrimination. It presented a new educational pattern of 10+2+3.

- 1 *National Policy on Education (1968 & 1986):* This policy implemented the recommendations as per Kothari Commission. The primary focus was Universal Primary Education. It includes, new education pattern, three language policy, introduction of regional languages in higher education, etc.
- 1 *Admission & Institution Growth:* India had only 19 universities and 400 schools, and had only 5000 students. By 1980, there were more than 26 million students have taken admission in more than 1.5 million schools with 751 universities and 35,539 colleges.
- 1 *Education for All (2000-01):* *Sarva Shiksha Abhiyan (SSA)* was launched for children from 6 to 14 years, to ensure mandatory elementary education to all.
- 1 *Mahila Samakhyia Programme (1989):* There was no notable educated women pre-independence. However, due to the government's efforts. There has been a large improvement after the 'Mahila Samakhyia Programme' was launched to give equal education to women, to boost their confidence.
- 1 *Right to Education Act - RTE:* The RTE, a federal law was issued to emphasize the importance of free and compulsory education for children aged 6 to 14 in India. This has mandated all private schools to maintain 25% of the seats allocated for underprivileged children.
- 1 *The National Education Policy (NETP)* for India has been revised, updated and approved on July 29, 2020. This signifies a huge milestone for India's Education System and it will certainly make India an attractive destination for higher education world-wide.

### **Highlights of the New Education Policy 2020:**

Cabinet approves National Educational Policy 2020, paving way for transformational reforms in schools and higher education systems in the country.

- 1 New Policy aims for universalization of Education from pre-school to secondary level with 100% GER (Gross Enrolment Ratio) in school education by 2030; GER in higher education to be raised to 50% by 2035.
- 1 New policy 2020 shall bring back 2 crores out of school children into the mainstream and add 3.5 crore seats in higher education.
- 1 New 5+3+3+4 school curriculum with 12 years of schooling and 3 years of pre-schooling/ Anganwadi.
- 1 Emphasis on Foundational Literacy and Numeracy, no hard separation between academic streams, extracurricular, vocational streams in schools; vocational education to start from class 6 with internships.
- 1 Assessment reforms with 360° Holistic Progress Card, tracking student progress for achieving learning outcomes.
- 1 Higher education curriculum to have the flexibility of subjects, multiple entry/exit, and transfer of credit through an academic bank of credits.
- 1 Affiliation system to be phased out in 15 years with graded autonomy to colleges.
- 1 National Research Foundation to be established to foster a strong research culture.
- 1 Light but Tight Regulation of Higher Education, single regulator with four separate verticals for different functions.
- 1 NEP 2020 advocates increased use of technology with equity; National Educational Technology Forum to be created.
- 1 New Policy promotes Multilingualism in both schools and HEs; teaching up to at least Grade 5 to be in mother tongue/ regional language; National Institute for Pali, Persian and Prakrit, Indian Institute of Translation and Interpretation to be setup.

- 1 NET 2020 emphasizes setting up of Gender Inclusion Fund, Special Educational Zones for disadvantaged regions and groups.

### **Paradigm Shift in the Pedagogical Approaches through New Educational Policy 2020:**

#### *A. No hard separation between academic streams, extracurricular, vocational streams in schools:*

India has been following the Concept centric approach of teaching rather than learning outcome centric approach from the centuries. Indians were good at the theories, concepts but not in practical applications of those concepts. This led to the education environment shaping the teacher and also the students targeting to achieve the lower-level skills of Bloom's taxonomy (Knowledge & Understand) rather than higher-order skills of Bloom's taxonomy (Application, Analyse, Evaluate & Create). This is because of the over-emphasis on learning concepts rather than the applications of those concepts. The NEP is more student-centric, giving flexibility to students to pursue their passion at the same time enhancing their skills enabling them to become more employable. The syllabus will be reduced to core knowledge of any subject only and more focus on students' practical and application knowledge.

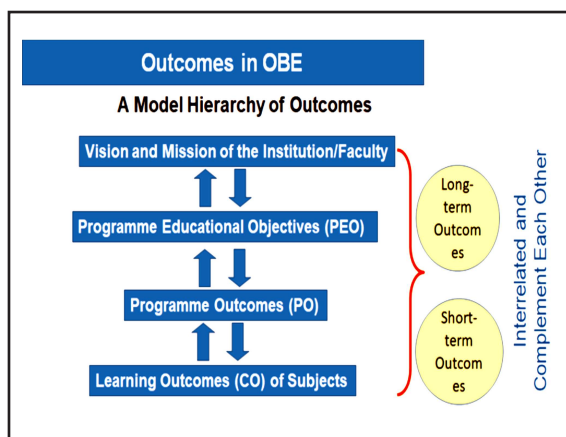
*B. Competency Based Education:* The New Education Policy aims not only in imparting knowledge but also skills to the students. A Bachelor degree holder after completing the programme should be practice-ready professional. That means the teachers' role is to make sure concerning achieving the competencies desired by the industry from a graduate/post-graduate. This can be achieved by proper training of pedagogy knowledge to the teachers. The job of the teachers is not to dump knowledge on the students but to impart competencies to the students. The teacher is not anymore seen as a reservoir of knowledge but as a facilitator of learning. Teaching is not for awarding a degree but to develop skills/competencies to meet the industry

requirements. The emphasis is not on content coverage system but capability development.

**C. Outcome Based Education:** OBE has a history of about 15 to 20 years. Washington Accord was originally signed in 1989, which is a multi-lateral agreement between bodies responsible for accreditation or recognition of tertiary-level engineering qualifications within their jurisdictions who have chosen to work collectively to assist the mobility of professional engineers<sup>6</sup>.

The New Educational Policy aims at matching the Indian Professional Engineering Programs to match with the International standards so that the employment is possible as engineers in those countries without further examinations. India, as a provisional member of this accord, may possibly become a full member in the future with the New Education Policy.

OBE shifts the focus on what student to have or able to do after the completion of a course rather than content that is taught to them. There is a change of focus from content to outcome. The outcomes of a course or programmes are to be mapped from the institutional level to the course level so that the overall activities of the educational system are aligned and are focused in achieving the desired level of skills in the students by eliminating unwanted diversified efforts from the institutional, teachers and also students' per se.



Pic 1: A chart showing the flow of the outcomes targeted from an Institution to the Course level

#### D. OBE in Course Evaluation

We have noticed that the focus has shifted to Competency-Based Education and also Outcome-based Education in teaching and learning. Similarly, To accomplish the same, the Evaluation pedagogy has also changed the focus from the Memory testing based evaluation methods to Competency Testing Methods for Evaluation. Indian Education System ruled over from many decades by the Memory Based Evaluation Methods. The students were evaluated based on their Memory ability to remember knowledge and understanding. This was targeted to test the lower-level skills of the students. As the focus has been shifted to Competency-Based and also Outcome Based Education, To achieve the same, evaluating methods are also targeted to test whether the students' achieved the competencies that are desired to be achieved in the learning process. This is possible only through the evaluation methods that can test the higher-order skills of the students. Case-based Questions, Problem based/ Application Based questions, yet times Open book Examination helps to test the higher-order skills rather than the conventional memory testing methods.

The New Education Policy talks about Assessment reforms with 360° Holistic Progress Card, tracking student progress for achieving learning outcomes. Indeed, the evaluation is focused on multi-dimensional and multi-level. The universities started implementing continuous evaluation rather than having one end-term evaluation. A continuous evaluation has various evaluation components such as team-based activities, Assignments, Term Papers, Participation in various events, Paper Presentations, Research Activities and Publications, discussions, practicals, project report, internships, etc. The mixture of various and advanced evaluations methods enriches the evaluations and also helps in achieving OBE in Course Evaluation.

#### Sustainable Education:

Sustainability Education is often referred to as Education for Sustainable Development (ESD).

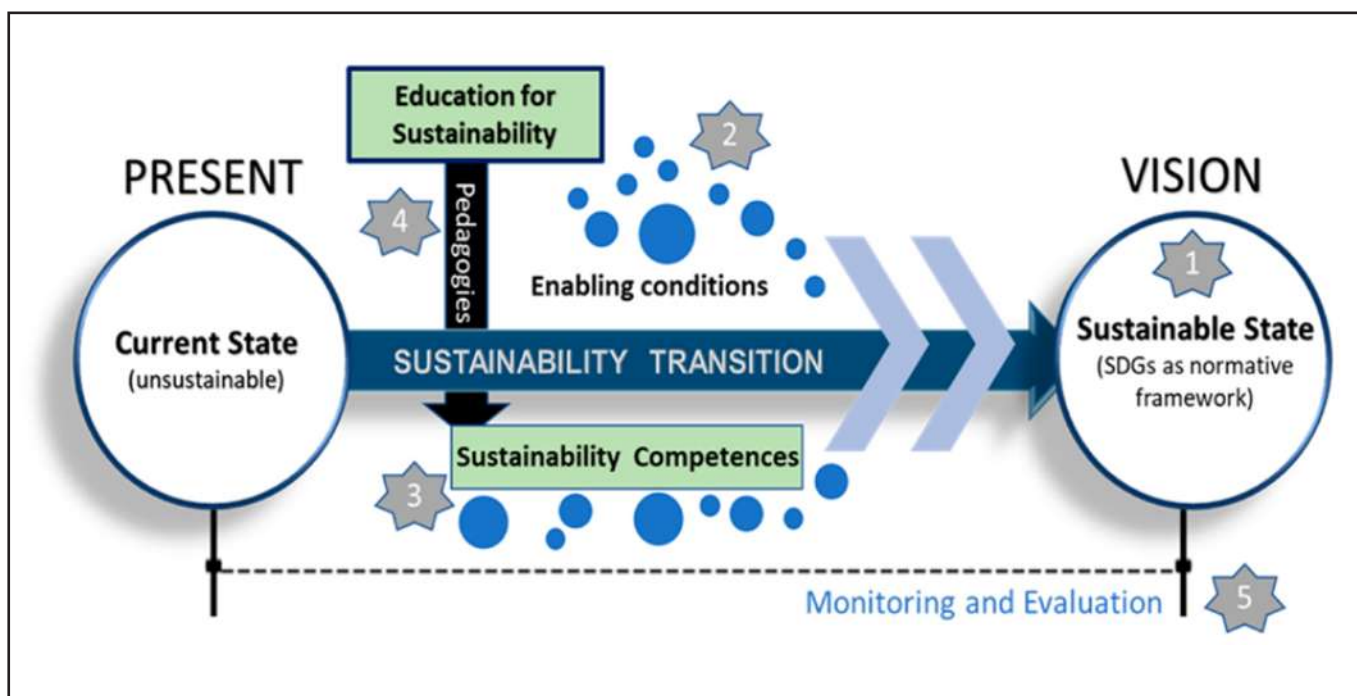
UNESCO<sup>7</sup> defined Sustainable Education as "Education for Sustainable Development allows every human being to acquire the knowledge, skills, attitudes and values necessary to shape a sustainable future. It also requires participatory teaching and learning methods that motivate and empower learners to change their behaviour and take action for sustainable development. Education for Sustainable Development consequently promotes competencies like critical thinking, imagining future scenarios and making decisions in a collaborative way. Education for Sustainable Development requires far-reaching changes in the way education is often practiced today."

"ESD is about the learning needed to maintain and improve our quality of life and the quality of life of generations to come. ESD enables people to develop the knowledge, values and skills to participate in decisions

about the way we do things individually and collectively, both locally and globally, that will improve the quality of life now without damaging the planet for the future."<sup>8</sup>

From the above definitions, it is clear that the Sustainable Development is the holistic development of human beings of acquiring skills, competencies, attitudes and values that are necessary to shape a sustainable future. Sustainable Future is the improved quality of life and quality of life of generations to come.

The New Education Policy helps in achieving the holistic development of a student by enhancing the competencies and skills of the students. It leads to the Sustainable Education. Sustainable Development is not possible without a paradigm shift in the pedagogies in teaching and learning. The New Education policy drives the learning and teaching in a direction that Sustainable development is achieved through Sustainable Education.



Pic 2: Flow chart showing the role of pedagogies, competencies in achieving Sustainable Development in Education



**The New Education Policy serves to reach the UN Sustainable Development Goals:**

In a press release by the Union Education Minister, Shri Ramesh PolkhriyalNishankstaded, "This Policy proposes the revision and revamping of all aspects of the education structure, including its regulation and governance, to create a new system that is aligned with the aspirational goals of 21st century education, including Sustainable Development Goal (SDG) 4 of ensuring free, equitable, and quality primary and secondary education for all children, while building upon India's traditions and value systems."<sup>10</sup>

The UN has declared the years 2020-30 as the 'decade of action'. In an unprecedented move, the government of India has made a bold and transformative step with the release of the New Education Policy.

The following are the areas where the policy reforms intersect with the Sustainable Development Goals, SDG 4 on Quality Education.

- 1 SDG 4.2 - Equal access to quality pre-primary education.
- 1 SDG 4.3 - Equal access to Affordable Technical and Vocational Education.
- 1 SDG 4.4 - Increase the number of people with relevant skills for financial success.
- 1 SDG 4.5 - Eliminate Discrimination in Education.
- 1 SDG 4.6 - Universal Literary and Numeracy.

**Conclusion:**

The NEP 2020 is the first education policy of the 21st century to address the many growing development imperatives of India. The NEP 2020 is very promising that it shall bring major changes in the education system in India. To contribute Sustainable Development Goals, all set to bring notable changes and help achieving Sustainable Education which in turn going to contribute the Sustainable Development.

## HR function in facilitating Good Governance

Mr. Sanjay Kumar Dixit

### Abstract

*Corporate governance is concerned with set of principles, ethics, values, morals, rules regulations, & procedures etc. Corporate governance establishes a system whereby directors are entrusted with duties and responsibilities in relation to the direction of the company's affairs.*

*The term "governance" means control i.e. controlling a company, an organization etc. or a company & corporate governance is governing or controlling the corporate bodies i.e. ethics, values, principles, morals. For corporate governance to be good the manager needs to meet its responsibilities towards its owners (shareholders), creditors, employees, customers, government and the society at large. Corporate governance helps in establishing a system where a director is showered with duties and responsibilities of the affairs of the company.*

*For effective corporate governance, its policies need to be such that the directors of the company should not abuse their power and instead should understand their duties and responsibilities towards the company and should act in the best interests of the company in the broadest sense.*

*The concept of 'corporate governance' is not an end; it's just a beginning towards growth of company for long term prosperity.*

### Excerpts from speech by the Hon'ble Prime Minister of India, Sh. Narendra Modi on 15.08.2014:

Quote -"Good governance is the modern mantra of development agencies. It has become a fashionable word in development circles, among activists, international funding agencies like World Bank, UN agencies and even in press and media. The fact that in party meetings we discuss about good governance really shows that it has come of age. It should no longer remain a buzz word, an inevitable phrase to be included in the funding proposals, but a political reality. In the literature on good governance we see mainly discourses which try to portray as if good governance is apolitical. But good governance cannot be apolitical. It cannot be achieved without political parties realizing the need for good governance and make it part of their manifesto. Hence I have to congratulate the organizers for recognizing this fact.

Is good governance new to us? '*Suraj*' (Good Governance) or '*Sushashan*' (good administration) is not

new to us as we Indians have been hearing the concept of 'Ram Rajya' since our childhood days. Barthwal says that the concept of Ram Rajya and the advice given by Lord Krishan to Arjuna in Gita is only about good governance. In fact as he rightly points out some of these are embedded in our Constitution itself. Hence the question here is not about what good governance is but how to achieve it? What are the challenges and issues?

However, Suraj has come to mean different things to different people; and we need to focus and understand it right so that unless we see its significance it is difficult either to fix people oriented goals or bring in about a change for the betterment of our people. It is the poor who are badly hit.

The Good Governance is the ability to differentiate between right and wrong, just and unjust, fair and foul and moral and immoral. Kautilya in his *Arthashastra* says that in order to ensure this the person who governs should understand that his happiness lies in the happiness

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of his subjects, his welfare in their welfare. He adds, he will not consider whatever pleases him as good, but will consider what is good for their subjects as good. But this in itself does not make it democratic governance. But in the context of democratic good governance, people are no longer subjects but are participants. This explains the concept of Governance which includes all the stakeholders: legislature, judiciary, executive, private sector, civil society and the citizens. Governance transcends files and procedures of a government.

Good governance is very difficult to define. For some it is securing justice, empowerment, employment and efficient delivery of services. Some even define good governance as the relation between market, state and civil society. You can talk about several key components of the same like rule of law, accountability, transparency, equity, respect for human rights and dignity. According to ADB the four key components of good governance are: Accountability, Transparency, Predictability and Participation. According to World Bank good governance means public sector management, accountability, legal framework, and information and transparency as the key components of good governance. According to Department of International Development good governance is centered upon three main concepts: 1. State Capability 2. Accountability and 3. Responsiveness.

### Key Components:

All those who talk about good governance broadly agree on the following as the key components of good governance:

1. Accountability both political and bureaucratic
2. Participation of various stakeholders in the decision-making process
3. Rule of law
4. Transparency and freedom of information
5. Responsive
6. Equitable and inclusive
7. Effective and efficient administration
8. Robust grievance redress mechanisms Good governance is the cause as well as effect of these

contributing factors. Sometimes when I read about the discussion on good governance it appears like the chicken and egg story. Which comes first? Does good governance creates all the above, or all the above create good governance. The question is if there is no good governance, then how to bring about it? This is the main point of difference between political parties and international funding agencies and NGOs. IFAs and NGOs think that it can be brought about mainly through the civil society, and NGOs. But though the role of civil society is critical, can it be achieved without political processes and political will? Can it be sustainable without political parties recognizing the need for good governance? Even through projects, external funding and aid such good governance is achieved will it be sustainable and permanent? Hence this discussion becomes very important.

The concept of good governance is usually associated with the task of running a government or tackling the day-to-day business of government by its executive branch. But here we are assembled to discuss "Suraj Sankalp" and to understand the broader meaning of the term. 'Suraj' which obviously means which is done to secure the welfare of all and involves interaction of all branches of government with that of civil society in a manner that is just and without discrimination. It is the proper use of political power for the larger good of society which impacts on public life leading to genuine social upliftment.

Ability to rule in a fair and judicious manner depends on certain qualities that cannot be compromised for the public good and this as a concept has been misunderstood. We therefore need to understand, perceive and differentiate between what we are led to believe is good governance and what exactly that the good governance exemplifies. Let there be no doubt that we must first understand good governance before we can think of meeting challenges of tomorrow successfully. If we are really concerned with the future generation, for their sake let us bring about a change through Good Governance.

Improving human resources, education, security, and standard of life are some of the things which can help

good governance. My own philosophy of Panchamurt is the basis of good governance. We focus on Gyan Shakti, Raksha Shakti, and Janshakti which can help good governance. The school enrolment program or the Kanya Kelvani drives etc aim at empowering people, particularly women. I mention them as these are unique initiatives of Government of Gujarat. "- Unquote

### **HISTORY & NEED OF CORPORATE GOVERNANCE:**

Corporate governance concept emerged in India after the second half of 1996 due to economic liberalization and deregulation of industry and business. With the changing times, there was also need for greater accountability of companies to their shareholders and customers. The report of Cadbury Committee on the financial aspects of corporate Governance in the U.K. has given rise to the debate of Corporate Governance in India.

Need for corporate governance arises due to separation of management from the ownership. For a firm success, it needs to concentrate on both economical and social aspect. It needs to be fair with producers, shareholders, customers etc. It has various responsibilities towards employees, customers, communities and at last towards governance and it needs to serve its responsibilities at the best at all aspects.

The "corporate governance concept" dwells in India from the Arthshastra time instead of CEO at that time there were kings and subjects. Today, corporate and shareholders replace them but the principles still remain same, unchanged i.e. good governance.

20th century witnessed the glossy of Indian Economy due to liberalization, globalization, and privatization. Indian economy for the 1st time here was together with

world economy for product, capital and lab our market and which resulted into world of capitalization, corporate culture, business ethics which was found important for the existence of corporation in the world market place.

### **DIFFERENT DEFINITIONS OF CORPORATE GOVERNANCE:**

1. Cadbury Committee ( U.K.), 1992 has defined corporate governance as such : "Corporate governance is the system by which companies are directed and controlled. It encompasses the entire mechanics of the functioning of a company and attempts to put in place a system of checks and balances between the shareholders, directors, employees, auditor and the management."
2. "Corporate governance is the system by which business corporations are directed and controlled. The corporate governance structure specifies the distribution of rights and responsibilities among different participants in the corporation, such as, the board, managers, shareholders and spells out the rules and procedures for making decisions on corporate affairs. By doing this, it also provides this; it also provides the structure through which the company objectives are set, and the means of attaining those objectives and monitoring performance."
3. Definition of corporate governance by the Institute of Company Secretaries of India is as under :  
"Corporate Governance is the application of best Management practices, Compliance of law in true letter and spirit and adherence to ethical standards for Effective Management and distribution of wealth and discharge of social Responsibility for sustainable development of all stakeholders".

**Table 1: Theories on government per historical period**

Approach	Period	Specifications
Classics	1870-1920	<ul style="list-style-type: none"> <li>- Limited interference of government (defense, security, legislation, public affairs)</li> <li>- Private sector as the main axle of economic activities</li> <li>- Government can only establish institutions within its limited scope of activities</li> </ul>
Keynesians	1920-1970	<ul style="list-style-type: none"> <li>- Government is not only a producer of public goods, but also is an economic actor</li> <li>- Government's interference in economic affairs through financial and monetary policies is necessary</li> </ul>
Bureaucracy	1900-1970	<ul style="list-style-type: none"> <li>- Using bureaucratic principles improves organization's efficiency.</li> <li>- Huge governmental organizations are only useful and justifiable when they follow bureaucratic principles</li> </ul>
Marxism	1915-1990 In some countries	<ul style="list-style-type: none"> <li>- No private ownership</li> <li>- Fully planned governmental economy</li> <li>- Necessity of voluminous governmental organizations for fulfilling governmental duties</li> </ul>
Neoclassicism	Beginning of 1970s up to now	<ul style="list-style-type: none"> <li>- In addition to classical duties, government has other duties related to interfere in and supervision on market mechanism</li> <li>- Free competition maximizes economic welfare in the society</li> <li>- Governmental organizations should be kept as small as possible</li> </ul>
Institutionalism	Second half of 20th Century	<ul style="list-style-type: none"> <li>- Government has fundamental role in producing public goods</li> <li>- Government's interference in society's affairs is necessary to achieve social balance</li> <li>- The necessity of governmental organizations for supervision on economic performance of other sectors</li> </ul>
Modern Governmental Management	1980 up to now	<ul style="list-style-type: none"> <li>- Use of professional management</li> <li>- Performance-oriented management</li> <li>- Emphasis on results</li> <li>- Use of ordinary management techniques in private and government sector</li> </ul>
Good Governance	1990 up to now	<ul style="list-style-type: none"> <li>- Government, private and civil sectors are main institutions in exercising authority. Sustainable development depends on strengthening and effective interactions of these institutions.</li> <li>- Finding suitable mechanisms for engaging civil society in making decisions and managing affairs.</li> <li>- Limiting government duties to control, supervision and adjustment.</li> </ul>

**What the HR function can do to facilitate good governance?**

If there was such a job called whistleblower, no one would apply because being a whistleblower is an awfully difficult thing. Unfortunately, though, this job has needed to be self-created when people have chosen to stand up to shocking activities. In 2002, Time magazine portrayed three salaried employees on its cover, employees who had withstood corporate and peer pressures and who had dared to challenge the ways in which their organisations were run.

Yet, despite their efforts, these organisations malfunctioned or imploded because there were no systems in place to either prevent or to act the fraud or deceit quickly enough. Lives were lost, careers were ruined and the fabric of the rule of law that is necessary for a fair and free market was deeply torn. Sadly, we have still not learnt our lessons. Seven years later,

numerous events - global and in India - have thrown the spotlight back on the need for far more robust corporate governance processes and capabilities than we currently have.

The current governance debate is focusing not only on the changes and enhancements that need to be made, but also on the different players who need to have a role in either driving or monitoring governance. Within a company, focus is required from all functions; and we would like to explore here is what the HR function can do to facilitate good governance.

The three suggested main areas of focus for HR :

First, HR specialists can set and implement a framework for executive pay.

Second, they can drive performance evaluation beyond the corporation and into the board room.

Third, they can ensure that there are good systems for succession planning.

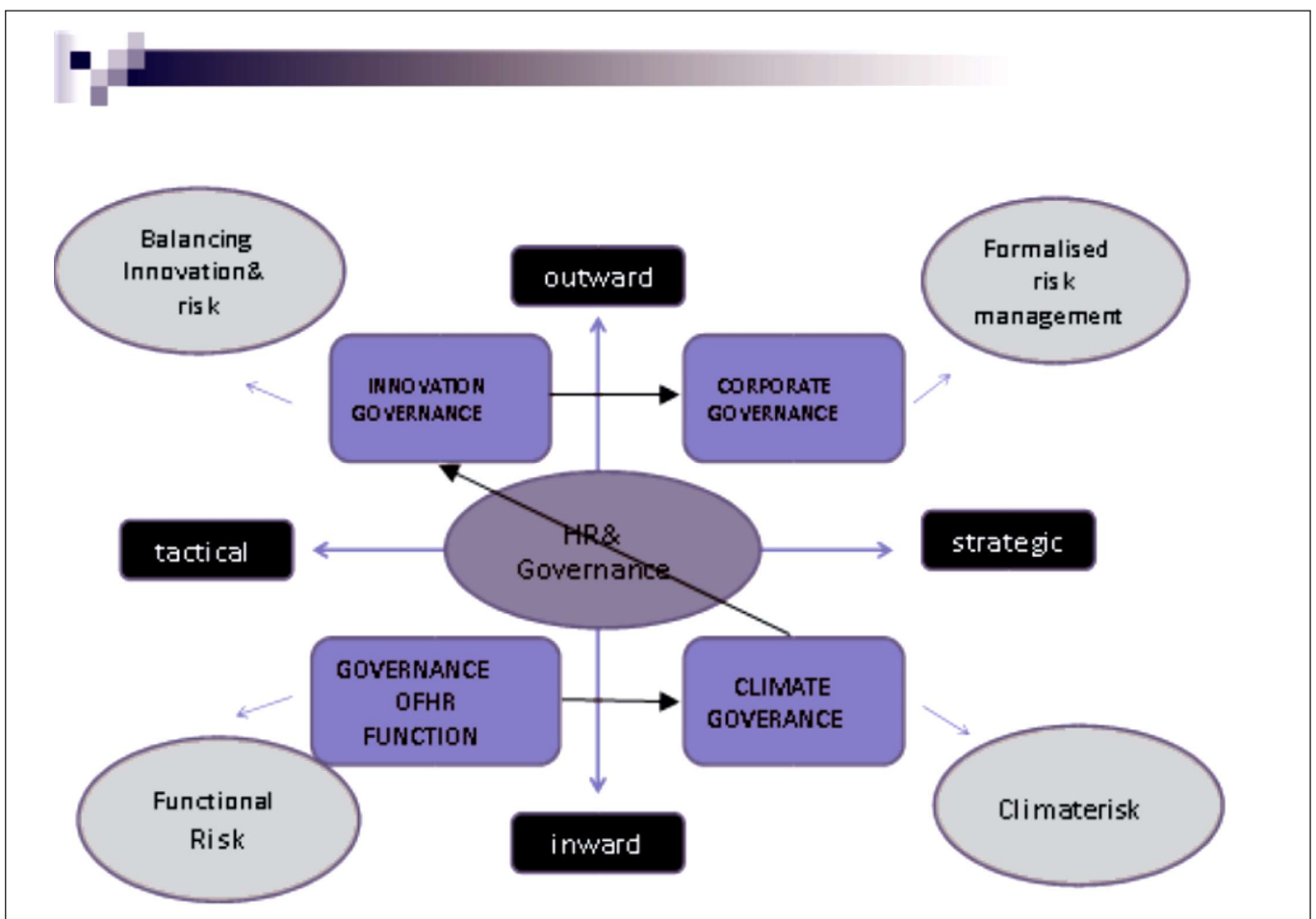


Figure 2. HR, Governance and Risk (adapted from Paauwe, 2008)

This model highlights a potentially causal relationship between innovations in the governance of the HR function itself - how it is structured and how receptive it is to new knowledge - and the governance of organizational climate, which refer to the mechanisms for giving employees greater voice in decision-making and in encouraging them to collaborate and share knowledge. Both of these internal HR and people management governance functions have important consequences for externally-oriented innovation and corporate governance.

### **The Board's Role in HR:**

As the governing body of a nonprofit, a board of directors provides oversight to ensure that the organization meets its mission and is operated effectively and in the best interests of the stakeholders: members, clients, funders, employees, and the community at large.

The board has overall responsibility for strategic planning, finances, organizational operations, community relations and human resources. This section of the HR Toolkit focuses on the board's responsibilities for HR.

### **Governance and board structure:**

As the oversight body of a nonprofit organization, the board of directors is ultimately responsible for an organization's HR management activities. However, the level of involvement in HR management practices will depend in part on how long the organization has been in existence and the governance structure (model) used. In most established organizations, the board is charged with hiring and managing the performance of an executive director to which the responsibilities for operational HR management are typically delegated.

The Institute on Governance identifies three distinct roles in an organization:

- 1 Governance - The interface with stakeholders, the source of strategic decisions that shape the organization and its work, and the ultimate accountability for the work and actions of the organization.
- 1 Management - The link between governance and work. The organization of tasks, people, relationships and technology to get the job done.
- 1 Work - Performing the tasks required to fulfill the mission.

Newly established organizations often have a **working** or **administrative board** where board members are directly involved in the day-to-day operations of the organization. These organizations often have no staff or they may hire a small number of staff to do work however the board volunteers take on the management role and some of the work as well.

As organizations grow, the board will eventually hire a person (executive director, administrator or coordinator) to manage the day-to-day operations of the organization. Even with a manager in place, the board of directors is usually still involved in some aspects of management which is reflected in a **mixed board structure**.

Mature organization usually develop a governance structure where the board of directors provides oversight on human resources management issues and only has direct involvement in the human resources management activities required to hire, supervise, and evaluate the executive director. Usually, one of two models of governance is adopted by mature organizations: **Traditional Policy Board or a Policy Governance Board** (Carver model).

## Governance and HR management

### Working/administrative board

Board members are involved in all aspects of HR management.

#### Advantages

Directors with expertise in HR management provide hands-on management of human resources

#### Disadvantages

Consensus driven decision making can be time consuming and conflict ridden Heavily dependent on board members to volunteer for additional responsibilities Limited ability to respond quickly to employment issues

### Mixed board

Board is less involved in management but remains involved in the work of the organization.

#### Advantages

Board committees can be established to work on areas such as HR management

#### Disadvantages

Overlap in responsibility for HR management between the board and staff Potential for role ambiguity Tendency for the board to micro-manage operations May be hard for board members to give up management responsibilities

### Traditional policy board

Board establishes the organization's mission and goals; board provides oversight of the HR management practices to achieve the mission and goals; executive director is accountable to the board for human resources management; the board through its executive committee or President is responsible for HR for hiring, supervising, and evaluating the executive director.

#### Advantages

Committees made up of board members and senior staff may be established to develop HR policies and practices The roles and responsibilities of the board and executive director for HR management are clear

#### Disadvantages

Quick changes in HR management practices are difficult to make if approvals are required at the committee level

### Policy governance board (Carver)

Board develops policy to set the ends to be achieved by the organization, the means to achieve those ends and the limits on the executive director for HR management; board as a whole directs the executive director; the board needs to establish a thorough reporting structure so that it can fulfill its oversight function for HR management.

#### Advantages

Responsibility for HR is delegated to the executive director within the limits set by the board Executive director develops and implements all HR policies and practices

#### Disadvantages

Issues with the executive director may be hard to deal with in a timely way when the board as a whole has to be involved in the process The board is not involved in the development of policies and practices for HR management, yet as the legal employer, the board and individual members can be held legally accountable for breaches of law



### **Role and responsibilities for HR management:**

In a mature organization, there are three participants in HR management: the board, executive director and line managers who directly supervise the work of other staff.

N.B: The level of autonomy of a line manager for HR activities will depend in part on the size of the organization. Also, in larger organizations which have a dedicated HR management position, some of the roles assigned to the ED and the line manager will be the responsibility of the HR manager.

An organization with good governance practices clearly establishes the division of authority and accountability among the board, executive director and line managers. The role of the board is governance and the role of the executive director is management. Sometimes the roles can get blurred. In clarifying whose job it is, the board and the executive director must always keep in mind the board's legal responsibilities and liabilities as the employer.

### **The four pillars of HR governance**

HR governance:

The word governance has several definitions and meanings; however, in its simplest terms, it is the practices and processes that are put in place to help organizations achieve their goals ethically and in the best interest of all stakeholders.

Human resources governance in the nonprofit sector focuses on managing power and resources for the benefit of all stakeholders. This includes management, employees, the clients, and the larger community that the organization serves.

The framework for HR governance often includes, but is not limited to, the process and practice introduced by an organization in determining the roles, authority, responsibilities, decision-making, and ultimately the accountability of all employees and management for the benefit of its stakeholders.

Despite the seeming complexity of HR governance, management in the nonprofit sector can simplify the process by introducing four basic pillars as their

governance framework: developing human resources policies, implementing and adhering to the policies, reviewing and updating policies, and making sure that human resources expertise is represented as part of the skill set of the board of directors.

### **Policy:**

As a starting point, it's important to have a set of human resources policies that are documented and approved by both senior management and the board of directors. These policies should comply with the human rights code, employment standards, workplace and occupational health and safety and all relevant legislations applicable to the sector, and the provinces in which the organization operates.

Most nonprofits set out their human resources management policies in the form of an employee handbook that is available either in print or online. Regardless of the format, policies filed away and forgotten in desk drawers' filing cabinets or on computer drives and USB keys are just as ineffective as having no policies at all.

Once the policies are developed, they should be followed by on-going audit and updates relevant to changes both in the internal and external environment. Policies must be read and understood by both new and existing employees. They must also be accessible by all employees within the organization. This means that the language, content and format of policies need to be developed with respect for the diversity of the employee population.

It is also imperative that written acknowledgement is received from all employees confirming that they have read and understood the policies of the organization. This should be done for new hires and each and every time there is a change to a policy as a result of HR audits, legislative changes or organization change, as this further strengthens the governance framework for human resources.

### **Practice**

In their initial stages, nonprofits tend to focus on first fulfilling the mission of their organization, such as their clients and stakeholders needs. As a result, the employees

or others involved in getting a nonprofit up and running (for example, board members) are often professional experts in a given area, such as social service work. This focus on the fundamentals without dedicated consideration for human resources management sometimes leads to unintended consequences such as contravening employment legislations or developing practices that are not aligned to the policies that may have been developed for the organization.

Organizations should of course continue to focus on fulfilling their missions. However, it is important to allocate some resources to gaining human resources expertise and education, to more effectively manage and govern people resources and to reduce and avoid potential risks.

The importance and benefit of practicing good HR governance often is realized only after an issue such as harassment, wrongful dismissal, inappropriate budget allocation, or voluntary attrition has incurred a cost to the organization. All of these unintended consequences direct resources away from the overall objective and goals of nonprofits, and serve to undermine the management of the organization.

The old adage "practice what you preach" is very important in the framework of HR governance. If your practice is not aligned with your policy and there is an issue, judgment will be based not on your policy, but rather on what has been practiced in the organization over time. Policy on paper becomes totally irrelevant if your standard of practice is well below accepted norms or legislative requirements.

### **Periodic review/audit**

The third pillar is to implement a regular review or an audit of both practice and policy. Periodic review of policy is built into the culture of the organization to ensure that both policy and practice continue to be aligned to the organization's vision, mission, goals and objectives. In addition to periodic audits, policies and practices need to be updated to reflect all changes to legislation as well as innovative human resources practice that will help to govern the organization to further serve the interest of all stakeholders.

Management staff accountable for human resources should be conducting a regular "environmental scan" to keep abreast of both external and internal factors that may impact human resources practice. The sector may use existing resources readily available in the sector, found in places such as the Charity Village resource centre, HR Council for the Nonprofit Sector, or workshops and seminars to inform the process. Forward thinking organizations and those with resources also hire human resources professionals to assist with both building the policies and conducting the auditing process. Those with limited resources, or those who have not yet started building the framework for HR governance, can enlist the services of volunteers or co-op students from local community colleges enrolled in post-graduate human resources diploma and certificate programs. These students are a great resource for assisting nonprofits with basic policy development and audits as part of a work-term requirement.

### **Professional expertise on boards**

In order to develop an effective strategic plan, input is required from a variety of areas of expertise. As such, professional expertise represented on the board should be diverse, including members that represent the community and clientele that is being served by the organization, as well as from a variety of disciplines, including human resources. Human resources expertise can offer guidance to executive directors and management staff in clearly delineating the roles and accountability of managers, human resources staff, employees and the board and also in building the basic pillars required for an effective HR governance framework.

The four pillars of HR governance are essential for sustained growth and development of the nonprofit sector. They ethically support the achievement of the sector's goals and operate in the best interest of all stakeholders. Former President, Late Dr. A P J Abdul Kalam said in an exclusive interview with Gulf News, Dubai: "Corruption is a cancer-like situation engulfing India's political-bureaucratic-judicial system, requiring an urgent chemotherapy." We have been talking about

corporate governance. Year after year, we find new scams at the top level or the entire organisation is involved.

HR is one function, which touches each and every person in an organisation. The HR's are the first to meet the new candidates and it is they who will be with employees at the time of separation. The impression what they create in the first meeting with employees has a major impact. They talk more loudly on vision and mission statements. All their talks, behaviour, actions are watched and assessed daily by all employees. Morale and motivation depends on the ethical practices and healthy working environment the organisation provides to employees. Time has come for the HR professionals to introspect whether their actions fall in line with the good value system which is free of corruption. Show the world that Human Resource professionals stand high for human values, to uphold the dignity and respect of people. HR professional bodies should start addressing the HR community more regularly and bring credibility to the profession.

### Human Resource Development and the Role of Governance

Governance means the process of decision making and the process by which decisions are implemented or otherwise? The concept is not new and as old as human civilization. Since governance is the process of decision making and the process by which decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision making and implementing the decisions made and the formal and informal structures that have been set in place to arrive at and implement the decisions.

Government plays a predominant role in governance both in rural and urban, beside other involved in governance depending upon the level, like in rural areas, influential landlord, associations of farmers, cooperatives, NGOs, religious leaders etc, while in urban areas, besides the actors as said for rural areas, media, international donors, multinational cooperation etc. may play a role in decision making or influencing the decision making process. Thus governance can be used in several contexts such as corporate governance, international governance, national governance and local governance.



### SUMMARY:

The concept of corporate governance hinges on total transparency, integrity and accountability of the management and the board of directors. The importance of Corporate Governance lies in its contribution both to business prosperity and to accountability.

In the age of globalization, global competition, good corporate governance helps as a great tool for corporate bodies. It existed from Vedic times as the Highest standards in ArthaShastra to today's set of ethics, principles, rules, regulations, values, morals, thinking, laws etc. as good corporate governance.

Corporate Governance is a means not an end, Corporate Excellence should be the end. Once, the good Corporate Governance will be achieved, the Indian Corporate Body will shine to outshine the whole world.

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# Problems Faced by Migrant Workers in Gangavathi Taluk of Karnataka State

Mr. Shivakumar B. Upavasi

## Abstract

*If you visit the public toilets in the any of the bus stands in the Karnataka State commonly you find the workers from Bihar managing them. They provide services in such worst conditions that we should feel shame to treat the human beings the way they have been treated. They stay there only, prepare their food in the same toilet buildings and spend the whole day in such type of environment. The following article discusses about the problems faced by the migrant workers from the States like Rajasthan, Bihar, Uttar Pradesh, Andhra Pradesh etc working in a urban place of Karnataka related to the language, origin, residential facility, food and others.*

## Introduction

Encyclopedia Britannica defines "Labour, casual and unskilled workers who move systematically from one region to another offering their services on a temporary usually seasonal basis". Today migration of labours has been become a tradition and for some it is essential and for some it is a fashion who does not like to join into the local workforce. *Article 19(1)(e) of the Constitution, guarantees all Indian citizens the right to reside and settle in any part of the territory of India, subject to reasonable restrictions in the interest of the general public or protection of any scheduled tribe. However, people migrating for work face key challenges including: i) lack of social security and health benefits and poor implementation of minimum safety standards law, ii) lack of portability of state-provided benefits especially food provided through the public distribution system (PDS) and iii) lack of access to affordable housing and basic amenities in urban areas.* (Migration in India and the impact of the lockdown on migrants Madhunika Iyer - June 10, 2020)

## Research Methodology

The author expresses his own views based on his own experiences of the field research commenced by him and secondly articles, journals, blogs are also referred available on internet.

## Research Problem

Migrant workers belong to different States and they face lot of problems like language, food, security and prey to lot of health disorders due to the working environment when they migrate for different places seasonally as well as regularly. The tragedy is they are not supported by any strong laws to claim the injustice on them and the labour laws are in common use irrespective of migrants. We need a perfect status for the migrant workers and they should be supported by financial aid as they are orphans in the places they work. Even getting a house for them is a major

problem for such migrants at the time of Karona epidemic. Central as well as State Governments had announced some kind of packages to come over the situations. But we need adequate laws and security for migrant workers as they are also human beings and moreover the citizens of this country.

If you visit public toilets of Karnataka, you will find Bihari people managing the toilets and if the lifestyle is observed there, you will find the guilt, the way they have been treated by the system. They always cover the nose with their hand kerchief and sit on a chair for hours together where there is no sufficient ventilation and the smell is unpleasant as well as effecting the health due to the nitrogen content is high in the air they inhale. As public toilets in KSRTC Bus Stands are used by the public 24x7 they prepare their food in the same place and sleep in the same place available within the toilets. The way they manage these toilets really

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hesitates me to share the facts. My simple question is that is are they not the human beings and deserve at least basic amenities to breathe fresh air, sleep in a better place and prepare their food in a clean environment.

In many places of Karnataka you will find Rajasthan migrants selling ice creams, sweets, and other businesses like steel and cement, grocery etc. The people here are young and they do not have security due to racism. Sometimes the ice cream selling boys are beaten up badly by the localities for silly reasons. When they want a rented house they are not allowed so easily due to the bachelor status. Top class Rajasthan people enjoy all favors whereas the pity business men are always facing difficulties. Like people who sell pani puri are attacked by local Food Department officials and even by Police for checking their origin and investigating their background for security reasons. There are no laws of racism yet and this is the need of the hour because everyone who works out of his area of origin is to be protected.

People of Haryana sell blankets and bed sheets that are bought from the mills in North India. They face the problem of food, language as well as residence due to their origin. They travel from village to village in buses to sell their products. They are treated very badly by the local people in transportation by abusing them in local language. Sometimes they are threatened to provide free supply of such goods by local goons. The Uttar Pradesh people who are involved in making wardrobes earn good money for their skill but they are discriminated by the local people and sometimes payments are not made accurately and localities dislike them because they create competition for local workers. Tibetans who sell woolen products across many cities of Karnataka are also facing a lot of problems. The list does not end here and it goes on and on, but at this hour the migrant laws are much necessary to protect them so called discrimination on racism and other grounds.

#### **Laws under four codes**

Currently, there are 44 labour laws in the country. The Central Government want these 44 laws to be coded under 4 laws-- Wage Code, Industrial Safety and Welfare, Social security and Industrial relations.

The Occupational Safety, Health and Working Conditions Code, 2019 was passed in Lok Sabha on July 23, 2019, and was referred to the standing committee on October 9, 2019, and a report was made by the standing committee on February 11, 2020. The Code is still pending to be

passed in Rajya Sabha. This Code repeals 13 out of 44 labour laws related to safety, health and working conditions. The Interstate Migrant Workmen (Regulation of Employment And Conditions of Service) Act, 1979 is also be included under this code. These 13 laws include-- the Factories Act, Mines Act, Dock Workers' Act, the Inter-State Migrant Workmen Act, and other enactments relating to those working in plantations, construction, cinema, beedi and cigarette manufacture, motor transport, and the media.

The new Code (2019) has similar provisions of the 1979 Act. It envisages the allowance of displacement and journey to the inter-State migrant workers. However, The Centre of Indian Trade Unions (CITU) has highlighted the fact that the 2019 code and 1979 Act must not be merged together and must be implemented strictly for improved conditions of the migrant workers. **(Source: Jagranjosh.com)**

#### **Discussion**

The story is the same that no laws are effective and workers suffer discrimination on social status, food and language as well as health disorders to work. To improve the different phases we need strong laws and as well as implementation effectively both by Central as well as State Government. If laws do not support the cause of health, safety and civilization then they are of no use. Even Safai Karmachari's schemes are not implemented by the Boards of the Government effectively as people working in those areas do not deserve proper communication and knowledge of the developments. In general The Government schemes are not reaching people who are in need. There is a desperate need of laws that can provide justice for migrant workers to protect their health as well as safety.

#### **Implications**

- 1 Implementing migrant Laws for health and safety of migrant workers residing in all parts of India.
- 1 Effective implementation of schemes by National and State Boards of Safai Karmacharis
- 1 Adopting safety measures and stopping unusual practices affecting health and hygiene at their workplace.

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# Industrial Adoptivity Through Innovative Means : An Empirical Study

Mr. Pragati Bansal & Prof. (Dr) Haradhan Das

## Abstract

### This study attempts

- 1 To find out the factors causing job stress.
- 1 To compare the levels of stress between public and private sector employees
- 1 To explain the relationship between work stress and job performance

The aim of the study was to examine the factors causing stress among employees in public and private sector banks. It also aimed to identify the various sources of stress and their effect on employee performance and to investigate the techniques employed by managers of these organizations to help the employees cope with work stress. The study was conducted in both public and private sector banks. Data were gathered from 100 employees of public and private sector banks in which 50 are from public sector and other 50 are from private sector banks. Two standardized questionnaires are used. There is a significant difference among the independent variables like sector of the employees with work stress and the job performance. Further, the result shows that work stress influences the job performance of the employees in both the public as well as private sector banks. But the result shows that the stress level is more among the employees of the private sector compared to public sector employees.

*"Productivity is simply the measure of the quality and quantity of work done in relation the cost of the resources it took to do the work."*

*(Mathis & Jackson, 2000)*

Based on the findings, it has been observed that degree of job performance of private sector banks was found to be comparatively slightly lower than the public sector banks. The main reasons for job dissatisfaction in private sector bank were job security, salary not at par with experience, not much value or credit was given for the tasks accomplished and monotonous nature of job. But dis-satisfaction is the cause to induce to develop the urge for doing something different from normal inducement inspiring them to search for innovative ideas differently to make value addition to the industrial organizations in general but special contribution to the service industries in particular. In the present article, an Endeavour has been made to study the employees at the banking industry which reveals that the new /creative methods have been evolved by the dissatisfied employees in a different manner quite different from others. Such a different endeavour through attempts of innovative endeavors added value comparatively much higher than the PSU banks because of obvious reasons.

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## 1. Introduction

### Review of Literature and uniqueness of the present study:-

In today's frenetic business environment, workplace stress is a common phenomenon among employees who find it difficult to manage the workload and seniors' expectations. Long working hours, unrealistic deadlines, lack of systems and processes, and even lack of managerial support can all contribute to higher stress levels for employees, affecting productivity and morale in the long run. Brinda Sarkar speaks to experts on the possible ways to reduce workplace stress. Every working professional regardless of age, experience, gender and profile has felt the pressure of work-related stress at some point in their career, says a new Times jobs study which is mentioned in the survey of Workplace Stress Alert in Economic Times, November 16, 2016.

As businesses evolve, to keep ahead of competition, the companies' expectations also grow for their employee's performance. An employee is a key element of an organization and the success or failure of the organization depends on individual employee performance which affects positively or negatively the organizational performance at large. Employees are the most important asset of any organizations and need to be guarded against factors that can hinder their performance at work. This is primarily the responsibility of the management in any organization, however; some managers ignore this issue and label it as unimportant, as a result employee in the organizations are increasingly exhibiting high levels of work stress and this has in turn affected their overall performance at work. The aim of this study is to determine the relationship that exists between work stress and performance of employees.

Understanding **emotional aspect** of a human factor also plays a key role in determining the success prospect of an organisation. No matter how intelligent a work force is, it is emotions and not logic that drives them to give their best.

Constructive stress inculcates encouragement **among employees** and helps them to tackle various job challenges. Eventually, a time comes when stress reaches its maximum saturation point that corresponds approximately to the employee's day to day performance

capability. Beyond this point, stress shows no signs of improvement in job performance.

The relationship between stress and performance has been portrayed by the stress response curve created by Nixon P. in 1979. In addition, pressure, an important stressor, has also a crucial influence on an individual's response to stress.

Finally, if **stress is too high**, it turns into a damaging force. Job performance begins to decline at the same point because excessive stress interferes with performance. An employee loses the ability to cope, fails to make a decision and displays inconsistent behaviour. If stress continues to increase even further it reaches a breaking point. At this breaking stage, an employee is very upset and mentally devastated. Soon he/she completely breaks down. Performance becomes zero, no longer feels like working for their employer, absenteeism increases, eventually resulting into quitting of a job or getting fired.

Work-related stress is a major concern in this century. Never before people had been found "burning out" at work and business as it is seen today in every aspect of life. Stress Management is getting more and more attention now-a days, particularly in the financial sectors. No work is stress-free. Everyone in their work is exposed to tension and anxiety due to various factors.

Banking industry which is the backbone of the country's economy is not an exceptional. The job nature of banking employees is very tedious as it involves money transaction and the direct customer interaction. Employees are the most important asset of any organizations and need to be guarded against factors that can hinder their performance at work. For a number of years now, banks have been going through enormous changes in organization and structure. New technology and new ways of structuring the operation have left their mark on the working conditions and daily lives of employees. This is primarily the responsibility of the management in any organization, however; some managers ignore this issue and label it as unimportant, as a result employee in the Banking sector are increasingly exhibiting high levels of work stress and this has in turn affected their overall performance at work.

Stress should not be very high nor too low. It must be within the range and limits of employee's capacity to tolerate and his performance level. A controlled stress which is within limits is always beneficial and productive than an uncontrolled one. Work place pressure is growing day by day, people face changing economic and business situations, changing customer expectations and changing expectations from their own role and position in the organization.

Creating and maintaining a stress level of employee can have a positive impact on a company's profits. There was a negative correlation between job stress and job performance. The subjects who had high level of job stress had low job performance. The stress affected males more than females (Kazami and Rubina, 2007).

There are many articles shows the effect of stress in the performance of an employees. During 11th June 2016 it is published in Economics Times that 46% of workforce in firms in India suffer from some or the other form of stress and in 16th November, 2016 it is published in the newspaper that 60% of employees plan to quit jobs only because of work stress and Nearly 80 per cent of working professionals in India complain that they suffer from stress and their organisations don't have any programs to manage stress at work.

Recent articles came during June 26th, 2018 in Economics Times about India Inc. looks in deal with rising stress in employees and this survey says that 7 out of 10 India Inc. employees are unhappy at work. It also showed the satisfaction level of employees and came up that 15% of total employees are very satisfied, 35% are moderately satisfied and 50% are not at all satisfied with their job. And it also told about the happiness at the workforce that only 30% feel happy at work and other 70% are not happy with their job. Likewise, various parameters are measured and said that 80% of employees think a job is stressful whereas only 20% of employees says job is not stressful.

Another survey, conducted by 1to1help.net, showed that the proportion of workers at high risk of suicide due to unmanaged stress has grown to 8% of all counselling cases in 2018 from 2-4% two years ago.

In today's fast paced world, it is impossible to live without stress. The nature of work has undergone drastic changes with stress appearing almost automatically. It is a worldwide phenomenon that occurs in various forms in every workplace. In today's work life, employees are often required to work strenuously for over long period of time as their responsibilities keep rising. Stress is common in every type of job and people must face it in every facet of life. Stress have been defined in various ways over the years.

Stress is scientifically described as that response of an individual to the outcomes of the external environmental conditions that place excessive psychological, behavioural, and physiological pressures on that individual. It involves how an individual respond to external pressures (Ivancevich, Konapske & Matteson, 2006).

Employee performance can generally be defined as all the behaviour employees engage in while at work. It may also refer to the job-related activities of a worker and how well those activities were executed (Jex 2002, 88).

Job performance is the record related to the results after practicing a job for a given period. On the other hand, Job performance refers to the quality and quantity that are attained by individual employees or group of employees after completing a given task (Hoppock 1957; Kane & Lawler, 1976). Job performance as the aggregated financial or non-financial added value by the employees in contribution to the fulfilment both directly and indirectly to the targeted goals of the organisation (Motowildo & Borman 1993).

Several studies concluded have shown that work stress negatively affect employee performance considering the various factors involved and especially employee job satisfaction. This has been confirmed by recent studies it shows that, there exist a negative correlation between job stress and employee performance (Ahmed & Ramzan, 2013). Depending on its level, job stress can either be helpful or harmful to job performance. When its absent, job challenge is limited, and performance become low. But as stress gradually increases, job performance trends to increase because stress helps the employee to- gather and use resources to meet the job requirements.



Job related stress has been interpreted by most companies as a low alarming situation but it poses a very high impact on individual's health that also affect directly his/her performance (Maneze, 2005).

If stress increases beyond an optimal point, performance peaks and suddenly decreases thereafter. He further argues that excess stress is detrimental to an individual's productivity and wellbeing, causing dysfunction or disruption in multiple areas. Consequently, this extends to affect the organization and productivity is decreased. Most corporations have become increasingly aware of the problems caused by stress as it has significant economic implication on the corporation (Blumenthal, 2003).

Banks are basically human organizations; thus, human resource is the main competitive force, which is essential for each bank. The stiff competition in the banking sector and revolutionary impact of information technology requires skilled and motivated manpower.

The principal task before bankmanagement is utilization of its human resources to the optimum for better results. In the date of today, employees have to meet several new challenges which require them to be mentally healthy, motivated and highly satisfied with their jobs. If good working conditions are available to the employees in banks, they can enhance their performance level because working conditions for employees directly affects their working capacities.

The literature review has reflected that Stress are conditions which happens when one realizes the pressures on them, or the requirements of situations, are wider than their recognition that they can handle, if these requirements are huge and continue for a longer period of time without any interval, mental, physical or behavior problems may occur (Smola & Sutton, 2002).

The link between anxiety stress with satisfaction and performance of employees, and they found out that lower anxiety stress improves performance of employees (Meyer & Smith, 1993 and Paunonen & Jackson, 1989). The relationship between occupational stressors and the performance of employees of an organization as well as it can affect the employees psychologically (Porter &

Steers, 1982). An association between job stress and job performance between managers and blue-collar employees (Suliman & Iles, 2000). A random sample of 305 blue-collar and 325 managerial workers in Canadian firm are assessed through structured questionnaire. Variables used for this study were job stress, job performance, and organizational commitment. A negative linear relationship between job stress and job performance was found very limited evidence is seen for curvilinear or no association.

The link between anxiety stress with satisfaction and performance of employees, that lower anxiety stress improves performance of employee's which he studied in different managerial level of an organization (Jackson and Schuler, 2000).

The impact of work stress on job performance. The study used a target population of 144 respondents consisting of graduate employees, customer service officers of managers of banks in Pakistan. The aim of this research is similar to that of which was to determine the Relationship between work stress and job performance of employees. This study is expected to achieve similar results as the one done in Pakistan, where work stress had a negative relation with job performance in that when stress occurs it affects performance negatively. Ashfaq and Muhammad cited Stamper and Johlke, (2003) that management support helps in reducing work stress. His research seeks to support the objective of this research that stress management techniques have an impact on helping employees manage stress. However, research does not point out specific ways that management can assist employees in coping with stress at the workplace. This is a good area for further research (Dr. Ashfaq and Dr. Muhammad, 2013).

The impact of stress on job performance. The research was done on 133 employees of private Universities of Karachi, Pakistan. The data collection Tools involved use of questionnaires which was analyzed using Multiple regression analysis. The findings revealed potential sources of stress as low monetary reward, excessive workload and conflict of roles. Recommendations were that the employer needs to reduce workload, offer fair rewards set clear job descriptions and offer stress

Management techniques for the employees (Warraich, Raheem, Nawaz and Imamuddin, 2014).

"Determinants of Job Stress and Its Relationship on Employee Job Performance" published in "American Journal of Management Science and Engineering" determined the relationship between job stress and employee performance. It identifies the job stressors as role ambiguity, underutilization of skills and work overload (Revenio Jalagat, 2016).

Looking at the gaps in literature, there is a need to find out the relationship between work stress and job performance specifically in Odisha and hence the uniqueness of the present study. Contrary to this, the present study aims to know about the impact of work stress on the performance of employee with a comparison between public and private sector organizations.

## 2. Objectives

- 1 To find out the factors causing job stress.
- 1 To compare the level of stress between public and private sector employees
- 1 To explain the relationship between work stress and job performance

## HYPOTHESES

- 1 There is statistically significant impact of the factors that causes job stress.
- 1 Work stress of private sector employees will be more in comparison to public sector employees
- 1 There is significant relationship between work stress and job performance.

## 2.1 METHODOLOGY

The studies follow 100 respondents Which is collected from different Banks including private and public sector. 50 Sample is collected from the public sector Banks like, Andhra Bank, Bank of Baroda, Canara Bank, Corporation Bank, Dena Bank, State Bank of India, UCO Bank & Union Bank and other 50 from private

sector Banks like, Axis Bank, Bandhan Bank, HDFC, ICICI & Kotak Mahindra Bank.

There are different variables are used as independent variables like age, gender, religion, professions and sectors, but for the analysis there is only one independent variable - sector. And dependent variables like inter-role distance, role stagnation, role erosion, role overload, role isolation, personal inadequacy, self-role distance, role ambiguity, resource inadequacy, job knowledge, organisational skills, efficiency, persistent effort, cooperation, interpersonal & relational skills.

## 2.2 TOOLS

- 1 Role stress: Organizational Role Stress (ORS) scale by Udai Pareek, 1983
- 1 Job performance Scale by V.S. Carlos and R.G. Rodrigues, 2015.

## 2.3 PROCEDURE

All the two questionnaires were given to the respondents in their natural work setting. The data collected from the respondent were analyzed by using statistical tools and techniques and accordingly recommendations were made on this analysis and observations of the collected data from the respondents.

## 3. Result & Discussion

The purpose of the study was to assess whether there is any difference among the public and private sector banks in relation to their experience of stress. The sample consists of hundred employees from both the sectors. The result is presented in various tables. The mean scores and standard deviation of the ten role stresses are also presented.

The second objective of the study is to compare the level of stress between public and private sector employees. For which ANOVA Test were used and the summary of the ANOVA test is also presented in the form of table.

The third and the last objective is to explain the relationship between work stress and the job performance, for which Correlation were used.

Table - 1 shows the mean and standard deviation of role stresses experienced by the employees of the Banking sectors. It shows that there are different factors causing job stress. Table- 2 shows the overall mean score of the stress experienced by an employee of the Banking sector. The overall mean score of the public sector bank employees is 60.92 and the mean score of the private

sector bank employees is 67.24. Thus, from the mean scores it is observed that the private bank employees have more stress than the public bank employees. And also, there is significant impact of the different factors that causes work stress. The result supported the first hypotheses.

**TABLE-1 MEAN AND STANDARD DEVIATION OF ROLE STRESS**

Category		Sector	
		Public	Private
Inter-role Distance	Mean	6.78	6.62
	SD	2.57	1.98
Role Stagnation	Mean	7.96	8.40
	SD	2.21	2.14
Role Expectation Conflict	Mean	5.84	6.02
	SD	1.67	1.73
Role Erosion	Mean	8.32	9.72
	SD	2.27	2.5
Role Overload	Mean	8.28	9.94
	SD	1.75	2.22
Role Isolation	Mean	6.10	5.50
	SD	1.93	1.95
Personal Inadequacy	Mean	4.10	5.18
	SD	1.62	2.11
Self-role Distance	Mean	5.7	5.82
	SD	2.89	2.13
Role Ambiguity	Mean	2.34	2.20
	SD	1.35	1.33
Resource Inadequacy	Mean	5.50	7.84
	SD	2.01	2.47
Total	Mean	60.92	67.24
	SD	6.92	7.65

In public sector banks inter-role distance, Role isolation, Role ambiguity are more as compare to private sector banks. In private sector banks Role stagnation, Role

expectation conflict, Role erosion, Role overload, Personal inadequacy, Self-role distance and Resource inadequacy are more as compare to public sector banks.

**TABLE- 2 MEAN AND STANDARD DEVIATION SCORE OF GROUP STRESS**

Self-role Distance	Mean	5.7	5.82
	SD	2.89	2.13
Role Ambiguity	Mean	2.34	2.20
	SD	1.35	1.33
Resource Inadequacy	Mean	5.50	7.84
	SD	2.01	2.47
Total	Mean	60.92	67.24
	SD	6.92	7.65

Table-2, show the overall mean scores of the ten role stresses as experienced by the banking sectors. The mean score of the total role stress for the public bank employees is 60.92 where as for private bank employees is 67.24. The result clearly shows that the private sector bank employees exhibits more stress.

Table - 3 presents the ANOVA of the work stress. The table shows that there is significant difference among the employee of public and private sector bank in relation

to their experience of stress over work stresses factors and the value of significant at 0.05 level. The ANOVA performed on work stress indicates the significant difference in sector,  $F= 18.838$  (see Table-3) which means that there is significant difference between the public sector employee and private sector employees. Work stress of private sector employees is more in comparison to public sector employees. The result supports the second hypotheses.

	Sum of Squares	Df	Mean Square	F
Between Groups	998.560	1	998.560	18.838*
Within Groups	5194.800	98	53.008	
Total	6193.360	99		

**P < 0.05**

The mean scores of the ten role stresses are analysed to know whether there are significant differences among the employees of public and private sector banks and also the impact of them on role stresses. The ANOVA

of work stress is presented in Table - 3. It shows that the impact of sector is significant on role stresses at 0.05 level. Which means that incase of 95% cases, the result is true.

TABLE - 4 CORRELATION ON WORK STRESS AND JOB PERFORMANCE

	IR D	RS	RE C	RE	RO	RI	PI	SRD	RA	RIN	JK	OS	EF	PE	CP	OC	IR
Pearson Correlation	1	.99 9**	.99 9**	.99 9**	.99 9**	.9 99 **	.999 **	.999* *	.998* *	.999* *	.191	.189	.190	.191	.191	.190	.189
		.00 0	.00 0	.00 0	.00 0	.0 00	.000	.000	.000	.000	.057	.059	.058	.057	.057	.058	.060
Pearson R Correlation S Sig. (2- tailed)	1	.99 9**	.99 9**	.99 9**	.9 99 **	.999 **	.999* *	.998* *	.999* *	.040	.040	.040	.039	.036	.040	.039	
		.00 0	.00 0	.00 0	.0 00	.000	.000	.000	.000	.690	.694	.694	.698	.721	.696	.700	
Pearson R Correlation E Sig. (2- tailed)	1	.99 9**	.99 9**	.9 99 **	.999 **	.999* *	.998* *	.999* *	.124	.123	.122	.123	.123	.123	.123	.124	
		.00 0	.00 0	.0 00	.000	.000	.000	.000	.220	.224	.225	.221	.225	.224	.218		
Pearson R Correlation E Sig. (2- tailed)	1	.99 9**	.999 **	.9 99 **	.999* *	.998* *	.999* *	.039	.040	.041	.041	.041	.040	.040	.040	.040	
		.00 0	.0 00	.000	.000	.000	.000	.701	.692	.689	.689	.688	.690	.695			
Pearson R Correlation O Sig. (2- tailed)	1	.9 99 **	.999 **	.999* *	.998* *	.999* *	-	-	-	-	-	-	-	-	-	-	-
		.0 00	.000	.000	.000	.000	.953	.962	.962	.940	.956	.953	.959				
Pearson R Correlation I Sig. (2- tailed)	1	.998 **	.999* *	.998* *	.998* *	.061	.059	.059	.061	.060	.061	.062					
		.000	.000	.000	.000	.546	.562	.560	.550	.552	.544	.540					
Pearson R Correlation I Sig. (2- tailed)	1	.998* *	.997* *	.999* *	-	-	-	-	-	-	-	-	-	-	-	-	-
		.000	.000	.000	.730	.743	.744	.736	.742	.730	.749						
Pearson R Correlation S Sig. (2- tailed)	1	.998* *	.998* *	-	-	-	-	-	-	-	-	-	-	-	-	-	-
		.000	.000	.772	.765	.748	.776	.724	.756	.756							

TABLE - 4 CORRELATION ON WORK STRESS AND JOB PERFORMANCE

R A	Pearson Correlation Sig. (2- tailed)								1	.997*	-	-	-	-	-	-	-
											.019	.023	.024	.024	.023	.019	.020
										.000	.849	.818	.815	.814	.824	.847	.843
R I N	Pearson Correlation Sig. (2- tailed)								1		-	-	-	-	-	-	-
											.146	.145	.147	.149	.146	.146	.145
											.147	.151	.144	.140	.148	.147	.150
J K	Pearson Correlation Sig. (2- tailed)									1	1.00 0**	1.00 0**	1.00 0**	1.00 0**	1.00 0**	1.00 0**	1.00 0**
											.000	.000	.000	.000	.000	.000	.000
O S	Pearson Correlation Sig. (2- tailed)											1	1.00 0**	1.00 0**	1.00 0**	1.00 0**	1.00 0**
												.000	.000	.000	.000	.000	.000
E F	Pearson Correlation Sig. (2- tailed)												1	1.00 0**	1.00 0**	1.00 0**	1.00 0**
													.000	.000	.000	.000	.000
P E	Pearson Correlation Sig. (2- tailed)													1	1.00 0**	1.00 0**	1.00 0**
														.000	.000	.000	.000
C P	Pearson Correlation Sig. (2- tailed)														1	1.00 0**	1.00 0**
															.000	.000	.000
O C	Pearson Correlation Sig. (2- tailed)															1	1.00 0**
																.000	.000
I R	Pearson Correlation Sig. (2- tailed)																1
																	.000

\*\* . Correlation is significant at the 0.01 level (2-tailed).

Table - 4, show the correlation on work stress and job performance, this is used to find out a significant relationship between the work stress and the job performance. The correlation score of the work stress and the job performance are analysed to know whether there is any significant relationship among the factors involved in both the cases. The table shows that there is a relationship between work stress and the job performance at significant level 0.01, which means that incase of 99% cases, the result is true. It can also conclude that when the level of stress is high then the performance of an employees become reduce.

The findings in the banking sectors could be extended to explain the job situation in other service sectors. It was stated earlier that when we compare the job satisfaction of employees in public and private sector banks or in other service sectors, the public and private sectors become the main factor of comparison. In India, the public or private sector factors neutralize all other factors of comparison.

It has been observed that degree of job performance of private sector banks was found to be comparatively slightly lower than in public sector banks. The main reasons for job dissatisfaction in Private sector bank were job security, salary not at par with experience, not much value or credit was given for the tasks accomplished and monotonous nature of job.

Employees of private sector banks perceive that their jobs are not secure. In fact, the effect of an open economy, globalization, and privatization can be seen more easily in private sector banks than in public sector banks. In private sector banks, the environment in highly competitive and job security is based on performance and various other factors. Though it is true that this environment provides a challenging job profile, it also creates a less secure environment.

#### 4. Conclusion

Employees are the most valuable resource of every institution. Without competent employees, no institution can succeed to outrun its competitors. The success of the institution depends on the employees. The aim of this thesis was to study the effect of work stress on employees' performance in a banking sector. It is clear from the vast number of factors identified, reported and

through the literature review, that the goal of this study was achieved. The results from the study show that the negative factors that distressed employees had a negative effect on their performance. So, for a banking sector to be more successful, it is necessary for the employees to be stress-free for them to perform well in an idealistic situation.

No single factor alone creates occupational stress among the employees of banking sector. Factors like overload of work, working condition, role conflict, role ambiguity, performance pressure, job security, lack of superior support, and technological problem are contributing their considerable share in this respect.

The findings of this research were indicating that the factor causing occupational stress to the employees working in both the banking sectors. The job stressors affecting the private sector bank employees included overload of work, role conflict, role ambiguity, performance pressure, and job security and the other factors like working condition, lack of superior support and technological problem is the job stressors for public sector bank employees.

To tide over the situation as observed in the present findings, a number of prescriptions often given as a solution as has been given by no less a person Indian American economist Abhijit Banerjee along with two others awarded with Nobel Award in Economics this year, prescribing solution to poverty. In examining the intricacies they assert that, if you want poor people to take deworming tablets or use anti-malarial bed-nets- and thus reduce disease-should you make people pay for those products or give them away for free? For years, people believed it was important to charge at least, a small fee, so people would value the service. But their studies established otherwise. Subsidies helped increase use of preventive healthcare, their studies found. Upturning conventional wisdom is not new to understand and solve problems faced, especially with randomized control trials (or RCTS, used to test drugs) in which an intervention is assigned to one of two similar groups to test its effectiveness. In doing so conclusion could have been drawn with a clearcut dichotomy between the private and PSU banks with regard to their stress levels but in the instant research, it is evident the stress peculiarity of employees in private sector banks so in-built to give direction for innovation for their sustainability and survival.

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# Impact of Four Codes on Industry and Employment

Mr. S. N. Murthy

As all of us are aware, the existing labour laws is being overhauled with the bringing into force of four codes viz., The Code on Wages, 2019, The Code on Social Security, 2020, The Industrial Relations Code 2020 and the Occupational Safety, Health and Working Conditions Code, 2020. The salient features of these codes to the extent that industry and the employers should know are furnished herein below:

## 1) The term "Wages" redefined:

A common definition of wages has been introduced in all the four codes. The new definition of "wages" in the codes require that 50% of the gross wages should be paid under the heads basic wages, dearness allowance and retaining allowance. This means that the industry should hereafter get prepared to pay higher amount of contribution towards EPF and a higher gratuity amount.

## 2) Impact on minimum wages.

The new definition of wages has an impact on payment of minimum wages also. Now only those payments made under the heads basic wages, dearness allowance and retaining allowance fall within the definition of 'wages'. As such, minimum wages will have to be paid under these three heads only. Any payment made under any of the excluded heads will not be part of wages, and therefore cannot be taken into account to determine as to whether minimum wages is paid. The other components of wages like HRA, conveyance allowance, uniform allowance, education allowance etc., do not fall within the definition of wages at all, and as such, when we talk of minimum wages, it means payment under the heads basic wages, dearness allowance and retaining allowance only. This would also increase EPF contribution.

## 3) Contract labour abolished except in non-core areas.

"Core activity of an Establishment" has been defined as an activity for which the establishment is set up

and includes any activity which is essential or necessary to such activity. Non-core activities have been listed which are as under:

- (i) *sanitation works, including sweeping, cleaning, dusting and collection and disposal of all kinds of waste;*
- (ii) *watch and ward services including security services;*
- (iii) *canteen and catering services;*
- (iv) *loading and unloading operations;*
- (v) *running of hospitals, educational and training Institutions, guest houses, clubs and the like where they are in the nature of support services of an establishment;*
- (vi) *courier services which are in nature of support services of an establishment;*
- (vii) *civil and other constructional works, including maintenance;*
- (viii) *gardening and maintenance of lawns and other like activities;*
- (ix) *housekeeping and laundry services, and other like activities, where these are in nature of support services of an establishment;*
- (x) *transport services including, ambulance services;*
- (xi) *any activity of intermittent nature even if that constitutes a core activity of an establishment;*

The above change means that other than the areas listed above, contract labour cannot be engaged. Even the labour department officials cannot permit an employer to employ contract labour in areas other than those stated above. As such, you will have to take care and see that the areas of core activities carried out by contract labour is discontinued at the earliest.

## 4) Relief to the employers employing less than three hundred workmen.

The only provision in the new codes that appear to facilitate labour flexibility is that the employers

employing 300 or less workmen may lay-off, retrench or close down the establishment without seeking government permission.

**5) Notice of Strike or Lock-out.**

The concept of public utility service now existing has been done away with. Now, all industrial establishments will have to give fourteen days notice of lock-out to the workmen and the workmen are required to give fourteen days notice of strike. If notice is not given, the action of the employer or the workmen, as the case may be, would be illegal.

**6) Time for call back fixed.**

Presently, an employer who retrenches a workman and later chooses to recruit workmen, the retrenched workmen will have to be called back and given the first option to join duty. There is no time limit fixed for the obligation to recall. Now under the Industrial Relations Code, obligation to call back retrenched workmen when workmen are recruited in future is restricted to one year period only.

**7) Fixed term employment.**

The concept of fixed term employment is introduced under the code. However, this concept is of not much use to the employers. The fixed term employment is feasible only in cases where the job for which a workman is taken gets completed within a period of say a year or two or three. On perennial nature of work and on work of permanent nature, fixed term employment is not permissible.

**8) Proof of go-slow.**

Go-slow by workmen which is a difficult task to prove in the courts is declared as unfair labour practice on the part of the workmen. Go-slow is also defined as an occasion where more than one worker in an establishment co-jointly works slowly and with less effort than usual, bring down production to persuade the employer of the establishment to agree to higher pay or better service conditions or such other demand.

**9) Compulsory recognition of Trade Unions:**

For the first time, compulsory recognition of trade unions is introduced. Where 51% or more of the workforce of the establishment are members of a union, the said union will have to be treated as negotiating council. If there is no union with support of 51% or more of the workforce, a negotiation

council will have to be formed where trade unions with 20% of support of the workforce will get one seat in the negotiating council. If there are two trade unions with 60% support for one and 40% support for the other, union with 60% support will get three seats and the union with 40% support will get two seats and the two put together i.e., five in number will be the negotiating council. Members of Parliament or Legislative assembly are barred from being office bearers of a registered trade union.

**10) Limitation period in case of EPF claims.**

The provident fund authorities cannot go back beyond five years to reopen a case and claim additional/differential contributions from the employers.

**11) Gratuity in case of fixed term employees.**

In case of fixed term employees, gratuity should be paid on the number of years of service rendered by the fixed term employees. The qualification of five years of continuous service is not applicable in their case.

**12) Increase in gratuity liability.**

Payment towards gratuity gets enhanced as 50% of the last drawn wages at least will have to be taken into account for calculating gratuity payment.

**13) Provident fund appeals.**

In case of appeals in the matter of Employees' Provident Fund contributions, the pre-deposit is restricted to 25% of the claims made by the department.

**14) Compounding of Offences:**

For the first time, certain provisions with regard to compounding of offences have been brought into force.

**15) Standing orders:**

Under the new Code, only those industrial establishments employing 300 or more workmen are required to have certified standing orders for their establishment.

**16) Right to prosecute.**

One that is going to affect the employers seriously is the right conferred on individual workman to straightaway file a case before the Criminal Court in the event of violation of any of the provisions pertaining to payment of wages.

# Sustainability of Human Resource Function in Business

Dr. Poornaiya Sreenivasan

## Abstract

*Irrespective of earning ire of the employer and employee representative(s), rational policy implementation and sustainable development should be the twin objective of Human Resource Function. Climate Change and technological advancement need to be understood by the functioning person of HRF at pinnacle. The amendment in Labour Laws through Labour Code is a welcoming step. With the uncertainties and ambiguities, one has to embrace the change for prosperity. Human Resource Function need to adapt ABC for the development of human capital. As a catalyst in the Organization, HRF alone can bring transformation.*

## Introduction

The role of 'Vidhur' in Mahabharatha was a crucial one. Had he participated in Kurukshetra War things would have been different. Vidhur was giving good advise to both Pandavas and Kauravas. Neither Pandavas listened when he advised them not to play dice, nor Dhuryodhana paid heed to the advise of avoiding Kurukshetra war. The person advocating Human Resource Function (HRF) CHRO/CPO need to emulate the role of Vidhur and should not take sides in an organization. As long as 'homosapiens' exist, the business in one form or other will continue. Similarly, when human dynamics is involved in the business, HRF has to continue. Irrespective of earning ire of the employer and employee representative(s), rational policy implementation and sustainable development should be the twin objective of Human Resource Function. The capability development of employees should be aimed with the climate change in mind. HR professionals also need to adopt predictive analytics to open the door to the new business world. As a catalyst in the Organization, HRF alone can bring transformation.

## Harnessing Technological Advancement

We are living in a Digital Age. Digital technologies are radically impacting the manner in which employees communicate. The world has undergone far reaching cultural, societal and economic changes based on increasing dominance of digital technologies. This has also shaped a new generation with distinctively different

attitude, behaviors and expectations. Human Resource Function need to adapt ABC for the development of human capital. Artificial Intelligence, Block Chain and Cyber Security.

Every citizen need to take the responsibility for reducing carbon emission. Usage of Electric Vehicle, reduction of paper consumption, optimum consumption of water etc., are part of this in view of climate change. HRF need to make use of the technological advancement for this climate change. It is true, with the deployment of artificial intelligence, jobs performed by the human beings will be reduced. Indeed, new tasks have to be created for the human beings.

The Block Chain technology can be utilised for managing large number of sensitive data of employees. It will transform the HR functions. The large amount of sensitive data will facilitate talent acquisition, background verification, disciplinary records, Performance Appraisal, Payroll & related financial matters and Vendor payments, staff payments, auditing etc., Further the sensitive data will be safe from the hackers because of technology.

Usage of the technology for the sensitive data pose threat to same in the different hackers in the form of cyber attack. Threat can be internal or external. Safe guards against this need to be kept in place towards 'risk management'

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### Skill Ladder

The success of an organisation depends on the level of expertise and skill of the workforce. HRF to identify the capabilities or core competencies needed in the organisation. Capabilities are not just about qualifications and skills; they can also include capabilities that may not be formally recognized, such as the ability to develop and maintain relationships.

The capability development of employees should be aimed with the climate change in mind. There is need to not only optimise the resources, but also to reuse/renew the resources. Moving from Frugal economy to Circular economy should be prime focus.

Climate change is biggest threat in the times to come. This will affect health and thus social system. Hence the road to capability development need to have a linkage of socio change taking place outside.

### HR Analytics

In the emerging trend, more than statistics analysis of the data play a key role. The road of data transformation is based on a leap from metrics to analytics. Metrics is a system or standard of measurement. Analytics is a systematic computational analysis of data or statistics. HR professionals need to adopt predictive analytics to open the door to the new business world.

HRF should demonstrate its contribution to Organisational performance, contribute to the goals of business and deliver value to its stakeholders - employees, customers, investors and the Organization itself just like other functions viz., Marketing, Finance etc.,

The systems and structures, which channelize the resources, support HR analytics initiatives to gain maximum benefit. It is also to be explored for linkages with technology and other drivers. The practices which are evolving to ensure the optimum usage of analytics in HR also required to be analyzed. Of late several crucial barriers and enablers to the usefulness of HR analytics for businesses have also come to the fore. The usefulness and promise of HR analytics extends beyond new technologies and reporting what is or what was to the prediction and analysis of what will, therefore, merits attention.

HR Analytics tools such as , R Studio, Python, Excel, PowerBI, SPSS, Tableau Public, SAS, Apache Spark,

Rapid Miner etc., be used to generate analytics based data to control the formats and data sets for predictive analysis.

### Human Capital

The human capital of the organisation is the skill, knowledge, experience and other qualities possessed by its employees and its translation into productivity of that organization. There is a need to maintain a balance between the development of this human capital and productivity of the organization. World Bank utilize this human capital index(HCI) for the measurement of economic success of the country. There is a need to use some analytics to measure the HCI of an organization.

It can be seen the sum of skill, knowledge, experience and quality i.e., human capital along with health and education is equivalent to human development. These two factors will facilitate in reducing the social status and other disparities among the individuals. It is not only employees, their family can also be given educational counselling and career guidance counselling for the wards of employees. To quote BKS Iyengar

"Health is state of complete harmony of mind body and spirit.

When one is free from physical disabilities and mental distractions, the gates of soul open"

Though every organization takes care of their medical needs through a tie up with medical insurance, proactive steps like yoga , gym can be initiated for holistic improvement of health of employees and their family members. When multiple organization initiate the abovesaid activities, it will infect other communities and societies.

Government of India has rightly rechristened the name of Minstry of HRD into Ministry of Education. The community need to educated. It is not the class room education. Whenever there is a protest or agitation, public is put into lot of stress, besides damage to public property made with tax payer's money. The protestors are also claiming that, they are following Gandhian Path. Mahatma Gandhi was protesting against Britishers, who were ruling us. We are living in a democratic country. The Protestors need to be educated. Whether the protestors are demonstrating against their own elected government and at what cost ?

Each Organisation can do their bit by educating their employees , their family and representatives. Beside nurturing capability development of employees, the education and health also need to addressed. This can be done by HRF with a CHRO of CPO at pinnacle.

Human Capital is directly proportional to economic growth vis-à-vis GDP Spend by the country is directly proportional to productivity of the organisation. The spend on education and health will improve the productivity of the Organisation.

### Labour Codes

The Labour related legislations enacted and continuing from pre independence era was articulated for revision from seventees onwards. The political climate has not been conducive for the desired change till recently. Though every one was keen in the change , playing to the gallery delayed the change. The present government with determined will has made the change.

The pandemic situation is notbound to stay. For restarting the Work and workplace , structural interventions and policy implementation of the Government is very much required. In this direction, the amendment in Labour Laws through Labour Code is a welcoming step. With the uncertainties and ambiguities, one has to embrace the change for prosperity

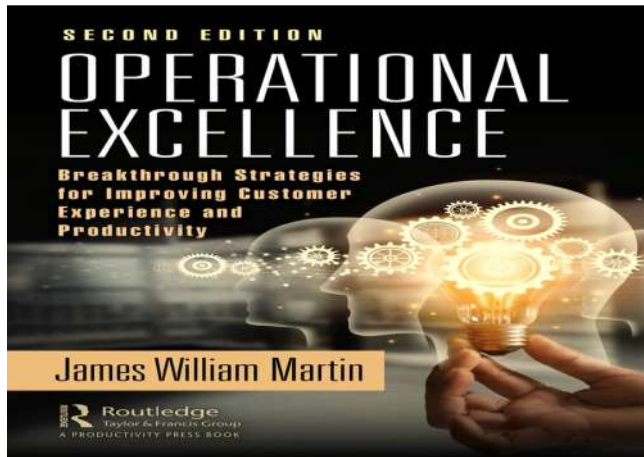
### Conclusion

Human Capital is directly proportional to economic growth. The spend on education and health will improve the productivity of the Organisation. Besides nurturing capability development of employees, the education and health also need to addressed. This can be done by HRF with a CHRO of CPO at pinnacle. With the uncertainties and ambiguities, one has to embrace the change for prosperity. Climate Change and technological advancement need to be understood by the functioning person of HRF at pinnacle. As a catalyst in the Organization, HRF alone can bring transformation.

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# BOOK REVIEW



**Book Name:** "Operational Excellence: Breakthrough Strategies for Improving Customer Experience and Productivity"

**2nd Edition,** Copyright Year 2021, ISBN 9780367491734

**Published:** January 28, 2021 by Productivity Press, Taylor & Francis Group, UK

**Author:** James William Martin

## Review

This second edition of the book title "Operational Excellence: Breakthrough Strategies for Improving Customer Experience and Productivity" by the author James William Martin published in a more conceptual way. This brings concepts to provide process improvement professionals and experts a reference to improve their organization's quality, productivity, and customer service operations with addition to leading-edge tools and techniques as applicable to deal with real-life situations. Thrust areas include alignment of strategy to the design of supporting systems to meet the end-users expectations in a 'best optimal way' with overall improved performance. Also, a concise and practical reference for operational benefits is explained in a most relevant platform.

The book consists of a total of fourteen chapters lead to any reader to capture the 'voice of' partners, end users, and other stakeholders in the supply chain with new strategies for the application of lean, agility, six sigma, as well as product and service design across a diverse domain of manufacturing to services to financial services sector.

After the thoughtful readings, any decision-maker may explore these concepts into the following domains:

- 1 Any firm may increase their 'voice-over' applications in areas like design thinking, information technology-enabled ecosystem's new tools and techniques while integrated with proven lean and six sigma applications. By this, firms may be more competitive in this era of globalization.
- 1 Any firm's supply chain performance correlates to an organization's different business entities; thereby productivity, as well as shareholder economic value addition metrics and can be benchmarked...this book aims to pinpoint these areas.

Many interesting topics are added in this second edition; keeping key topics like supply chain integration, sustaining strategies, design-for-six-sigma, etc. as is in the first edition. Some of them are: design thinking, information technology ecosystems; the 'voice-of', big data applications, robotic process automation. Each topic contains tools and methods that will help readers identify areas for operational improvements. Sufficient figures, tables, and practical examples are depicted to grow interest to the readers.

Overall, this book fulfills all aspects of developing a benchmarked overview for business excellence for any interested readers as well as practitioners.\

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## Legal Notes

### Constitution of India, 1950 -

**Art.226 - Disciplinary inquiry, resulting into stoppage of eight increments** - This appeal arises from a Judgment of the Division Bench of High Court of Uttarakhand, setting aside the findings of the Disciplinary Authority and imposed the punishment of stoppage of eight increments, holding that the nature of a 'disciplinary inquiry was quasi-criminal. Their Lordships of the Apex Court on considering rival contentions, concluded that (i) at the out set it may be noted that the High Court, applied the wrong test by exercising its power of judicial review with reference to disciplinary proceedings. Disciplinary proceedings are not quasi criminal in nature. It is to be borne in mind that the standard of proof is not governed by criminal trial. The High Court may interfere with, only in case where there is no evidence to the charge of misconduct. (ii) The Division Bench of the High Court set aside the disciplinary inquiry on an evaluation in one sentence in these words, "However the fact of the matter is that the case of prosecution has not been supported by the complainant Shri Nand Kishore." (iii) · it is true that the colleague of the respondent , who is alleged to have been abused and assaulted, changed his version. Having regard to the evidence of Assistant Regional Manager and the Station in charge, both of whom were present on the spot and gave accounts of what happened, the charge of misconduct stood proved. It c .not be said that the punishment was either disproportionate or arbitrary . (iv) This Appeal is allowed a the impugned judgment and Order of High Court dt 10.10.2008 are set aside. The writ petition filed by the respondent challenging disciplinary proceedings shall accordingly dismissed. (S.C.)...173

**Art.226 - Employees' Provident Funds and Miscellaneous Provisions Act, 1952 - S.7-A** - Writ petition, when maintainable - A challenge herein is by the petitioner-Hospital Management to the Order passed by the E.P.F. Authority u/s.7-A of the E.P.F. & M.P. Act of 1952 challenging said Order on the ground that the said Order is one sided version: On consideration of rival arguments and on perusal of the record, his Lordship concluded that .out of the eleven hearings conducted before the petitioner was hardly present on one sitting only. In view of the fact that the law provides alternative efficacious remedy of appeal, this petition is not maintainable. As such this petition is disposed of with a direction to the petitioner-Management to avail the remedy of preferring

appeal. The time spent in prosecuting this petition, may be condoned, while adjusting time prescribed for filing an appeal. (H.C.H.P.)...101

**Art.226 - Industrial Disputes Act, 1947 - S.10(1), S.2(j) - Training Institute**, is not an industry - A challenge herein is by the petitioner-workman to the Order passed by the Industrial Court in appeal and setting aside the order passed by the Labour Court \_dt. 20.7.2001 by which it was ordered to reinstate the petitioner with 50% back wages and Order of termination dt. 29.11.1999 was quashed. On considering rival contentions, his Lordship concluded that the Order passed by Industrial Court dt. 24.8.2002 is quashed and Order passed by the Labour Court dt. 20.7.2001 is affirmed. Respondents are directed to comply with Order passed by the Labour Court with period of one month from the date of receipt of certified copy of the Order passed today ..(H.C.M.P.)...233

**Art.226 - Misconduct proved, dismissal from service** - By this second foray the petitioner-ex- employee assails the Order of his dismissal from service, dt. 17th September 2012 by the respondent Authority, for grave misconduct committed by the petitioner . On consideration of the evidence on record and rival contention, his Lordship concluded that (i} in view of the findings recorded in the earlier round of the litigation, in respect of the particular charge, this Court finds itself unable to countenance the findings of guilt as returned in this respect. (ii) The charges were established on the basis of voluminous internal records, which do not appear to have been exhibited or introduced during the criminal trial.o(iii) Though the Disciplinary Authority concluded that the charges framed against the petitioner were proved, on the basis of voluminous internal records, which do not appear to have been exhibited or introduced, during the criminal trial. It is the aforesaid backdrop that the impact of the judgment of acquittal, is liable to be evaluated. (iv) It is to be noted that in the criminal trial, best of the evidence available, was never produced, with the result that it is not an honorable acquittal of the petitioner in the criminal case. (v} On the contrary in the disciplinary proceedings material in support of the charges, was produced and also material witnesses on whose testimony the charges were held to be proved. (vi} The petitioner not only chose not to cross-examine, those witnesses in support of his innocence, and also failed to lead evidence in support of his innocence (vii} Bearing in mind the gravity of the charges proved in this

case, the court is unconvinced that ultimate punishment inflicted, warrants interference. (H.C.All.)...78

**Art..226 - Reimbursement of Medical Expenses** - A challenge herein is by the petitioner's employee to the Order of quashing of the Orders Annexure 6 and 8 and thereby issuing a mandamus, directing the Opponent-Corporation to reimburse petitioner's claim for reimbursement, pertaining to medical expenses as submitted vide Annexure-4 series, after advancement of advance medical allowance. On consideration of rival arguments, his Lordship concluded that (i) the rejection of the claim of the petitioner and subsequent communication, rejecting the request for review of the order, ought to be interfered and set aside. (ii) This type of attitude on the part of employer-corporation amounts to expression of inhuman attitude by an employer to the employee for defaulting reimbursement of money, spent by employee for sixteen years. (iii) While quashing the impugned order, the respondent-Management is directed to calculate the entitlement of the petitioner through the claim bill after adjusting a sum of Rs.3000/- paid by way of advance and pay the balance entitlements, along with interest @ 7% per annum all through. (iv) There is serious negligence by the employer in this matter of medical reimbursement and considering the harassment to the poor employee fighting all these years, the respondent-Corporation is directed to pay to the petitioner the cost of Rs.20,000/- (Twenty and Rupees). (H.C.Ori.)...19

*Art.226 - Writ Jurisdiction (Punjab and Haryana) Rules 1976 - Rules 20, 32 - Requirement of disclosure of pending similar case - Code of Civil Procedure 1908 - Order 2 Rule 2 - Every suit to include whole claim - S.11 - Explanation IV* - Matter directly or substantially in issue in suit or proceedings. Petitioners have sought directions against respondents in the nature of mandamus to decide their complaint, take action against Directors for violation of provisions of I.D. Act and CLRA and that respondents no.4 & 5 be restrained from removing machinery from the plant at Mohali and Basma, villages. The Court held that: (i) it is significant to note that petitioner filed a previous CWP No.8533 of 2020 which is pending hearing on 20.7.2020. The parties to both the petitions are exactly same. (ii) Order 2, Rule 2 of CPC prescribes for inclusion of whole claim to which plaintiff or petitioner is entitled to, while filing a petition or suit. (iii) Similarly, Explanation IV of Section 11 of CPC provides that any matter which ought to have been made ground of defense in such petition under Art .226, shall be deemed to have been a matter directly or substantially in

issue in such suit or proceedings. (iv) Apex Court has deprecated on many occasions that practice of filing multiple writ petitions on same or similar cause of action. (v) In view of referred judgments, this court is not inclined to entertain second petition.

(vi) Filing of multiple petitions is neither in the interest of justice nor in the interest of judicial institutions. Institution has been set up to make sincere endeavor to give justice to litigants. (vii) Court does not wish to pass any harsh orders. Petition is disposed of with liberty to petitioner to file amendment of pleadings in previously instituted petition, if maintainable, so as to include relief sought in present petition. (H.C.P.&H.) ...214

*Arts. 226, 227 - Appointment to the post of Town Planning Inspector* - A challenge is to an Order passed by the Division Bench of Madras High Court, of Madurai Bench, whereby an order passed by the District Employment Exchange Officer, which order was upheld by the Bench of the High Court - the not at all enough for appointment to a public post, unless such post is advertised and opportunity is given to all the eligible candidates to apply for the post in terms of applicable rules. (iv) The respondent is not in the feeder cadre for appointment to the post of Town Planning Inspector. Thus the High Court committed illegality in directing the consideration for her appointment to the post of Town learned Single Judge, their Lordships of the Apex Court concluded that (i) it is well settled that there cannot be any parity in the illegality. When the appointment to the post of Town Planning Inspector is not contemplated from amongst the Revenue Inspectors, the respondent cannot claim any parity on the basis of illegality Committed by Nagercoil Municipality. (ii) Herein the manner in which the High Court has issued directions, time and again shows utter disregard to the basic principles of law and then calling upon the officers to face contempt, if the directions are not complied with. Such directions are wholly without any legal basis and thus, cannot be sustained. (iii) In the present case the respondent sought appointment as Revenue Assistant, only on the basis of the fact that she possess Diploma in Civil Engineering, which is Planning Inspector. Town .Planning Officer Grade-II is a promotional post from amongst Town Planning Inspectors, who have worked in regular capacity for a period of ten years, as per the Rules. (v) Thus the Order of the High Court dated March 22, 2017, cannot be sustained and hence it is set aside, with cost of Rs.20,000/- as the respondent has initiated totally untenable and frivolous proceedings. (S.C.)...1



## Dismissal -

**Reinstatement with consequential benefits and back wages - Fairness of Inquiry - Violation of Principles of natural justice - Framing of preliminary issue** - A challenge is from appellant management to the judgment dated 13.5.2016 passed by Learned Single Judge directing the appellant management to reinstate respondent-workman with all consequential benefits with 50% back wages - The Court concluded that (i) Contention of counsel for petitioner that conduct of inquiry proceedings cannot be faulted for violation of principles of natural justice cannot be accepted. (ii) Learned Single Judge has considered in details the entire record of enquiry proceedings and rightly concluded that respondent-worker has been denied proper opportunity to defend himself during the inquiry. (iii) Learned Single Judge rightly concluded that Inquiry Officer has not analyzed and discussed evidence adduced by management witnesses, therefore it is a case of no evidence. (iv) Labour Court did not appreciate evidence on record as well as findings of Inquiry Officer, (v) There is no illegality or infirmity in the order of Learned Single Judge warranting interference. (H.C.P.&H.)...205

## Minimum Wages Act, 1948 -

**S.20 - Maharashtra Shops and Establishment Act, 1948 - S.2(e) - Short payment of Minimum Wages** - A challenge in these two writ petitions is to the Orders passed by the Regional Labour Commissioner, directing the petitioners to pay to these workmen, amount of compensation, equal to five times the difference of wages. On consideration of rival arguments and the evidence on record, his Lordship concluded that (i) undisputedly the petitioner is the employer, deputed his employees to the premises of respondent No.2 for providing the work of house-keeping. (ii) The authorities under the Act of 1948 were not justified in holding that since the work of housekeeping was being undertaken under the authority of the Central Government, the petitioner was liable to pay minimum wages, as per Notification issued by the Central Government. (iii) Impugned Orders passed in each writ petition are set aside and both the matters are remitted back to adjudicate the same, afresh. (iv) The respondent No.2 would impleaded in each writ petition. (v) 'Employer' and 'employee' as defined in S.2(e) is liable to pay minimum wages as fixed under that Act. Benefit of minimum rates of wages is made available to the employees, engaged in scheduled employment as prescribed and specified in the schedule. H.C.Bom.)...196

**Payment of Gratuity Act, 1972 - S.2(e) .. 'Employee' .. Applicability of Act .. Central Civil Services (Pension) Rules 1972 - Entitlement to receive gratuity .. Overriding effect of Gratuity Act** - A challenge is from petitioner to the order dated 5/8/2019 passed by ALC (Central) directing respondent-worker has been held to be entitled to gratuity amount of Rs.109482/- along with interest @10% p.a. from 1.7.2015 and to Rs.44477/- along with interest @10% from 1.7.2015 to 19.7.2016. Petitioners have also sought directions for issuance of stay of operation of impugned order. The court held that (i) the Court, in a similar case of Director, Central Soil & Water Conservation Research & Training Institute, Chandigarh & another v. Deva & Others, CWP No.5167 of 2014 decided on 20.3.2014, held that employee was entitled to the said benefit of interest from initial date of appointment when he worked with the petitioner-institution. (ii) in the case of MCD v. Dharam Prakash Sharma 1998 II CLR 574 (S.C.) : 1998

(7) SCC 221, it was held that provisions of Payment of Gratuity Act have an Overriding effect (iii) Perusal of referred judgments clearly depicts that respondent workman was entitled to gratuity from initial date of Appointment. (iv) In view of the matter no fault can be found with Impugned order. (v) There is no merit in present petition which is dismissed. (H.C.P.&H.)...209

## Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 -

S.47, 58(c), 62 - Constitution of India, 1950 - Arts.226, 227 - Rights of Persons with Disabilities Act, 2016 - Validity and propriety of the Judgment dt 11.10.2018 - A challenge by the petitioner undertaking is to the Judgment dt. 8.10.2018 delivered by the Commissioner and Competent Authority under Welfare of Persons with Disability, in Appeal No.5 of 2016, under the said Act of 1995. Respondent No.1-employee has filed Civil Application No.2166 of 2019 seeking various reliefs in compliance, with the impugned order dt 8.10.2018. On consideration of rival arguments and evidence on record, his Lordship concluded that (i) there is no analysis, scrutiny and above all no reasons given by the medical Board to arrive at the finding that disability of respondent No.1 is 17% especially when, the said Hospital had the benefit of the entire case history and certificates issued by KEM Hospital and Lokmanya Tilak Memorial Hospital before itself. (Para 17). (ii) Considering the medical history given by KEM Hospital, which has ultimately resulted in the issuance of the disability certificate, certifying the disability of respondent No.1 as 41%

(Para 17). (iii) The petitioner's contention that respondent No.1 is not entitled to be shifted to another post or that the Commissioner has no power to pass such order for the reason that the 1st respondents application for disability certificate was rejected by the respondent No.3. The . Director, All India Institute of Physical Medicine and Rehabilitation, Mumbai, also has no substance and deserves to be rejected. (Para 23). (iv) In view of the fact that the existing Act namely Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act , 1995 has now been replaced and substituted by the Rights of Persons with Disabilities Act, 2016, a disability legislation passed by the Indian Parliament to fulfill its obligation, to the United Nations Convention on the Rights of Persons with Disabilities, which India ratified

in the year 2007. The scope of disabilities has been widened by the Act of 2016 . (Para 25). (v) In the background all the latest case law available, it is clear that respondent No.1 has acquired disability during the course of his service and the same has been certified by two leading Hospitals in Mumbai region, there is no justification to refer the respondent No.1 for a third opinion to respondent No.4. The Standing medical Board, Sir J.J. Group of Hospitals, Byculla, Mumbai. (Para 26). (vi) For the reasons mentioned herein (a) Writ Petition No. 10254/2019 is rejected (cl.a) and Civil Application No.2166 of 2019 stands disposed of (clause e) with all the details mentioned in the last Para 27 of this Judgment. (Paras 26 and 27).(H.C.Bom.)...149



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