

# Kerala PERSONNEL

National Institute of Personnel Management - Kerala Chapter

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**EMOTIONAL INTELLIGENCE**  
the intelligence that matters...



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Message from

CHAIRMAN



## Message

Dear NIPM Colleagues

Greetings from NIPM Kerala Chapter!!!

At the outset, on behalf of NIPM Kerala Chapter, I take this opportunity to wish one and all as Very Happy, Healthy and Prosperous 2023.

The year 2022 closed on a satisfying note and we are pleased that our Chapter strived hard and delivered value added programs for the benefit of our members. The initiatives and hard work of our Groups have gone a long way in organizing many events and formation of new Student Chapters.

One of the major events lately organized by our Chapter was the One Day Workshop titled **LEGAL SCAN 2022** on 17th Dec 2022 in which a good number of young HR & IR Professionals participated. The areas covered in the said Workshop were relevant and the presentation by the Resource Persons were remarkable.

We are coming out yet another major event i.e. a Certification Program on “**Essential Competencies and Legal Awareness required for Successful HR Managers**” having 10 Full Day Sessions at NIPM House, Kochi, commencing from 2nd February 2023 on all Thursdays, except holidays. We have identified senior level and competent Resource Personnel to handle these sessions and we hope that our HR professionals will make use of this golden opportunity. Request your support for our Chapter in mobilizing participants for this program.

We are planning many more value-added events in the coming months and look forward to your continued support.

Once again wishing you all a Wonderful Year ahead.

With Warm Regards

With Professional Regards

Joe Varkey  
Chairman

Message from  
EDITOR'S DESK



## Message

Dear NIPM Colleagues

It is with great pleasure that we present this issue of Kerala Personnel on the happy occasion of yet another new year that brings with it new hope and new beginnings. The issue is complete with articles and news of happenings in our chapter. I would like to thank all the contributors for their efforts. However we also require a renewed push to come up with articles that can enrich the members of this professional body. Each one of us will have to take that new year resolve to put in some intellectual effort to share our opinions and ideas or developments in the profession so that future issues of Kerala Personnel will become more valuable and useful.

Dr. Manoj Menon



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KERALA CHAPTER  
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Proudly announces

## CERTIFICATE COURSE

### Essential Competencies and Legal Awareness required for Successful HR Managers

Venue:

**NIPM House, Kochi**

Commencing from:

**02 February 2023**

**10 Full Day Sessions  
on all Thursdays**

**Last date for  
Registration:  
30th January 2023**

## TARGETED AUDIENCE

Lower and Middle level managers handling human resources function in organizations.

HR / IR / Personnel / Welfare / Legal Practitioners

## PROGRAM SCHEDULE

Duration	: 10 Full Day Sessions
Days of Course	: All Thursdays except Holidays
Timing	: 10.00 am to 5.00 pm
Venue	: NIPM House
Number of Seats	: 30 Seats only per batch(max.)
Registration	: First Come First Served Basis

## COURSE CONTENTS/TOPICS TO BE COVERED

1. Talent Acquisition Skills
2. Competency Mapping
3. Performance Management
4. Reward and Recognition Skills
5. Industrial Disputes Act 1947, the Inter-State Migrant Workmen Regulations of Employment and Conditions of Service Act 1979, the Kerala Shops and Commercial Establishment Act 1960 -
6. Factories Act 1948, Kerala Labour Welfare act 1975, the Apprentices Act 1961
7. Industrial Employment Standing Orders Act 1946, Recognition of Trade Unions, the Contract Labour Regulation and Abolition Act 1970
8. Employees Provident Fund Act 1951, Employees State Insurance Act 1948, Payment of Bonus Act 1965, the Maternity Benefit Act 1961
9. POSH Act, Disciplinary Proceedings and Subsistence Allowance
10. Concluding day - (Half Day) Impact of proposed Labour Codes on various Labour Laws
11. Afternoon Session - Panel discussion / Q A, followed by Concluding Session & Certificate Distribution

## Course Fee

Rs. 15,000/- Plus GST at applicable rate ie 18%(Per Participant)**Total Rs. 17,770/-** (Rupees Seventeen thousand seven hundred and seventy only). includes lunch, tea, snacks, study material etc.



NIPM Kerala Chapter's One Day Workshop – Legal Scan 2022 at Hotel Presidency, Kochi. The Resource Persons were:

- a) Mr. Benny P Thomas, Advocate Kerala High Court and Supreme Court, Managing Partner, Thomas and Thomas Advocates, Executive Director, South Indian Bank
- b) Mr. Varkiachan Pettah, Leading Labour Law Expert and Labour Consultant, Former Head (HR & IR), English India Clays Ltd.
- c) Mr. A.S. Girish, Industrial Relations Expert, Professor and Dean, Xavier Institute of Management & Entrepreneurship, Kochi.

28th November 2022 – Kerala Chapter Evening Knowledge Sharing Session on the topic **Making the First Impressions – the Wardrobe Edit** by Ms. Renuka C Shekhar, Business Coach, International Fashion Designer, and Image Consultant

You are Invited to join in the Knowledge Sharing Session

Topic

## Making the first Impressions- the Wardrobe Edit

**28th November 2022 (Monday)**

Time: 7.00 PM to 8.00 PM (India)



**Ms. Renuka C Shekhar**

Business Coach, International Fashion Designer and Image Consultant

### About the Guest Speaker

Ms. Renuka C Shekhar is a Business Coach, International fashion designer, and Image Consultant. She earned her master's in Styling and Visual Merchandising from Domus Academy, Milano, Italy. Image from London Image Institute. She has collaborated with international brands like Adidas, ITC Group of Hotels, Marriott, Bill Blass, Ava, Erika, Gap, Banana Republic, Splash, Hardrock Cafe, etc. She was associated with major Italian Brands to build their brand strategy. Her work with the Atos Lombardini group in Milan, got appreciated at Design Week Milano. She is a Vogue Italia Talent hunt winner for the year 2015.

Ms. Renuka has worked with an extensive range of people including, CEO's Students, Celebrities, and Industrialists to create a professional and personal image and style transformation. To date, she has collaborated with a network of fashion brands, organizations, and manufacturers. For almost 14+ years, she has helped over 1000 people in over 21 countries. In 2019 she founded the brand "Climate", to promote eco-conscious design and sustainable training.



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YOUR OPPORTUNITY TO GET CERTIFIED AS A  
**DESIGN THINKING PRACTITIONER**



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Building resilient theories



/First Principle Labs  
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14th & 15th October 2022 – 2 Days offline Sessions on Design Thinking program held at NIPM House, Kochi. The Resource Persons are Mr. Vineesh U.S. and Mr. Nallasivom.

Online sessions on Design Thinking commenced from 22nd Oct. onwards on every Saturday.

Design Thinking Certification Program – Online sessions on Saturdays are in progress. The final Offline Session and concluding session and awarding of Certificates will be held on 21st January 2022 at NIPM House.



## Executive Committee Meeting

Executive Committee Meeting on 28th October 2022 through Online  
Executive Committee Meeting – 29th November 2022 at NIPM House.  
Executive Committee Meeting – 29th December 2022 through Online

## NIPM Group News

### NIPM Kerala Chapter Infopark Group

12th October 2022 - The monthly meet up of NIPM Kerala Chapter Infopark Group Wednesday HR Club held at XIME Kalamassery

29th October 2022 - NIPM Club House Session on Impact of Flexible Work Schedules on Productivity – HR in Kerala.

9th November 2022 - The monthly meet up of NIPM Kerala Chapter Infopark Group Monthly Wednesday HR Club held at Havelock River view, Kakkanad on the topic automation Trends in HR. The keynote speaker was Mr. Jyothis K.S., Co-founder of Zapphyre. The moderator of the program was Ms. Prasita Prasad, Chairperson, NIPM Infopark Group.

### NIPM Kerala Chapter Calicut Group

11th November 2022 – NIPM Calicut Group in association with NIPM Student Chapter Council of NIT Calicut organized a Webinar on Moonlighting – A Challenge for HR Managers. The Guest Speaker was Mr. A.S. Girish, Fellow NIPM and Dean (Administration), XIME Cochin.

30-11-2022 - Inauguration of NIPM Student Chapter at Providence Women's' College, Calicut by Mr. Nizamudheen Firoz and Ms. Anitha Sumit, Group Chairman & Group Secretary, Calicut Group.

### NIPM Kerala Chapter Alappuzha Group

29th November 2022 – NIPM Alappuzha Group conducted an online session (4 pm to 5.30 pm) on Decoding of SC Judgment on EPF Pension scheme. The Resource persons were Mr. Varkiachan Petta & Adv. C.B. Mukundan.



Clubhouse

29th October 2022 - NIPM Club House Session on Impact of Flexible Work Schedules on Productivity – HR in Kerala.

# EMOTIONAL INTELLIGENCE- THE INTELLIGENCE THAT MATTERS



**C JOSEPH CHACKO**

In the early parts of the human history, it was always the physically strong who succeeded. But later, physical strength gave way to intellectual capability. Persons with high I Q were expected to be the sure winners. But not anymore! The modern thinking is that EI -Emotional Intelligence is much more important in determining life success than IQ.

## **Intelligence of the Heart?**

For many decades, people used to visualise EI as “the intelligence of the heart”, since the heart was treated as “the controller” of all emotions-love, kindness, sympathy, anger, hatred etc. As against this, IQ was accepted as the measure of “the intelligence of the brain”. Countless generations of lovers had sent pictures of hearts to show their feelings to their loved ones. But now it is an established fact that heart does not “pump” any emotions and its only job is to pump blood! (Though emotions may affect this pumping!). It is also scientifically established that the limbic system, a group of interconnected structures located deep within the brain is responsible for behavioural and emotional responses of human beings. It is also generally agreed by the medical fraternity that Amygdala, one of these structures is directly responsible for emotional responses and behaviours.

Emotional Intelligence- EI or EQ is the ability to be aware of, to control and to articulate your emotions and to handle interpersonal relationships compassionately and sensibly. While this might seem important in psychology, it has quickly become an integral part in the study of organisational behaviour. There is enough evidence to conclude that a person with a high level of EQ can be a better leader. Human Resources Department in every organization is now concerned about EI of their work force. This has also become an important factor in deciding your dealings with others in your everyday life.

## **The Emergence of Emotional Intelligence as a Subject of Study**

Emotional intelligence as a term did not come into common use until around 1990. Despite being a relatively new term, interest in teaching and learning social and emotional intelligence has grown tremendously in recent years.

The term "Emotional Intelligence" was first used in a doctoral dissertation by Wayne Payne in 1985. In 1987, an article published in Mensa Magazine, Keith Beasley used the term "Emotional Quotient."

The concept of Emotional Intelligence was popularized after the publication of Daniel Goleman's book "Emotional Intelligence: Why It Can Matter More Than IQ." in 1995. Goleman states that unlike IQ, which is stable from childhood, Emotional Intelligence grows throughout adulthood. It can be learnt as one matures with proper awareness, assessment, and efforts to correct oneself.

### Components of Emotional Intelligence

Daniel Goleman details five components of E I which relate to how we manage ourselves and how we manage others:

**Self-Awareness** : Ability to recognise, understand one's own moods, emotions as well as their effects on others.

**Self-Regulation** : Ability to control or redirect repulsive impulses-to think before acting.

**Self-Motivation** : Ability to act to pursue one's goals with energy and persistence without being prompted by others.

**Empathy** : Ability to understand the emotional make up of others and to treat people according to their emotional reactions.

**Social Skills** : Ability to build networks and proficiency in managing relationships and in building rapport.

### Levels of Emotional Intelligence

Researchers who followed the theoretical framework given by Goleman suggest that there are four different levels of emotional intelligence

**Perceiving emotions:** The first step in understanding emotions is to perceive them accurately. In many cases, this might require clear understanding of nonverbal signals such as body language and facial expressions.

**Reasoning with emotions:** The next step involves using emotions to promote thinking and use cognitive ability to prioritize what we pay attention and react to; deciding whether we should respond emotionally to all things that garner our attention or not.

**Understanding emotions:** The next important step is to understand the cause of another's behaviour. If someone is expressing angry emotions, the observer must interpret the cause of the person's anger and what it could mean. For example, if your boss is acting angry, it might mean that he is dissatisfied with your work, or it could also be that he got a dressing down from his boss or even that he had a fight with his partner.

**Managing emotions:** This is the highest level and the crucial part of emotional intelligence. Regulating ability to manage emotions effectively and responding appropriately to the emotions of others are all important aspects of emotional management

### Who are the Emotionally Intelligent?

From the above discussions on the components and levels of Emotional Intelligence, we can conclude that the following characteristics make one emotionally intelligent.

### 1. They Think Before Reacting

Emotionally intelligent people know that emotions can be powerful, but also that they are temporary. When a highly charged emotional event happens, such as becoming angry with a co-worker, the emotionally intelligent response would be to take some time before responding. This allows everyone to calm their emotions and think more rationally about all the factors surrounding the argument.

### 2. They Have Greater Self-Awareness

Emotionally intelligent people are not only good at thinking about how other people might feel but they are also adept at understanding their own feelings. Self-awareness allows people to consider the many different factors that contribute to their emotions.

### 3. They Have Empathy for Others

A large part of emotional intelligence is being able to think about and empathize with how other people are feeling. This often involves considering how you would respond if you were in the same situation.

## How Emotional Intelligence Is Measured

Recent researchers have concluded that emotions cannot be quantified. As such they argue that emotional intelligence is hardly worth measuring. However, several techniques have emerged to measure levels of emotional intelligence. Such tests generally fall into one of two types: Self-report tests and Ability tests.

Self-report tests are the most common because they are the easiest to administer and score. On such tests, respondents respond to questions or statements by assessing their own behaviours.

Ability tests, on the other hand, involve having people respond to situations and then assessing their skills. Such tests often require people to demonstrate their abilities, which are then rated by a third party.

## How to Use Emotional Intelligence in Daily Life

Eric Berne, the clinical psychiatrist even in 1930s had explained interpersonal relationships and interactions by using the concept of Transactional Analysis. He defined transaction as a combination of a stimulus and a response. He had argued that most of the problems in everyday life can be attributed to “crossed transactions” between people. Emotional intelligence can be used in many ways to avoid crossed transactions and to cultivate “complementary transactions” in your daily life.

Emotional intelligence can be the key for healthy interpersonal communications, better relationships, and improved well-being. Some ways to practice emotional intelligence in your personal life include:

- Knowing why you do the things you do
- An awareness of your own personal strengths and limitations
- Self-confidence and self-acceptance
- An ability to accept and embrace change
- Accepting responsibility for own mistakes
- Being able to accept criticism and responsibility
- Being able to move on after making a mistake
- Being able to say no when you need to
- Being able to share your feelings with others

- Being able to solve problems in ways that work for everyone
- Not being judgemental of others
- An ability to identify and describe what people are feeling
- Feelings of empathy and concern for others
- Showing sensitivity to the feelings of other people

### Tips for Improving EI

Fortunately, there are things that you can do to strengthen your own social and emotional intelligence. As you have seen, your emotional intelligence is directly linked to your brain. Just as you learn different things using your cognitive ability, emotional intelligence is also something that you can develop over time. B F Skinner, American psychologist in 1930s argued that behaviour can be learnt through social and emotional experiences of the individual. With the use of different parts of your brain, you can practice and incorporate certain things that will help you achieve a higher emotional quotient. Before you excel in understanding others' emotions, figuring out your own is the first step to take. This way, you'll be self-aware and then eventually get to the part of being socially aware. Your behaviour is a direct response to the way you understand emotions and use them. Thus, it is important to make sure that you are able to understand them through learning.

However, improving emotional intelligence through practice is always not that easy as it may seem. This is because genetics play an important role in shaping your emotional skills. While some people are born with high degree of emotional intelligence, some evidence suggests that this is an ability you can develop and improve over the years.

### Potential Pitfalls

Having lower emotional intelligence skills can lead to several potential pitfalls that can affect multiple areas of life including work and relationships. This author, during his official life, has come across several individuals who have failed miserably due to fewer emotional skills despite having higher levels of I Q. They tend to involve themselves into more arguments, have lower quality relationships, and have poor emotional coping skills.

Being low on emotional intelligence can have several drawbacks but having a very high level of emotional skills can also come with challenges. For example:

- Researchers suggest that people with high emotional intelligence tend to be less creative and innovative.
- Highly emotionally intelligent people may find it difficult delivering negative feedback for fear of hurting other people's feelings.
- Researchers have also found that high EQ can sometimes be used for manipulative and deceptive purposes.

Although debates and controversies are likely to continue within the field for some time, overall interest in the topic of emotional intelligence continues to increase. Let us hope that the energy embodied in these discussions facilitate the continued refinement of the theory and practice related to emotional intelligence. While the progress of the emotional intelligence paradigm has been impressive, much remains to be discovered.

**Joseph Chacko** MSc, LLB, CAIIB, PGDPM is a Life Member of NIPM. He retired as a Senior Executive of a Premier Nationalised Bank. He is a practising Advocate, Trainer, and a Visiting Professor in Amity University.



# Proactive Industrial Relations – Stakeholder Engagement is the Way Forward

Dr. Rajen Mehrotra

## Introduction

Any organization in India, whether a manufacturing unit or a service sector industry, irrespective of its size, complexity and nature of business like an app-based platform, is governed by the applicable labor laws in force. Industrial Relations issues are bound to arise in any industry at some stage or other during its life span. Needless to say, a proactive approach to Industrial Relations can save the organization from loads of anguish and agony, from suffering serious unrest and disruption in operations.

Even so, before adopting any specific approach towards industrial relations, company's HR executives should strive to understand the mind of the Top Management about the employment model and the composition of the bargainable workforce plus the policy to industrial relations desired. In most cases, these aspects are not clearly spelled out at all, though they have tremendous impact on the industrial relations situation in the company.

In an enterprise, a stakeholder is any individual, a group, or a party which has a stake in the decisions or activities of the company and the outcomes therefrom. Examples of stakeholders include investors, employees, customers, suppliers, communities and governments.

Before initiating stakeholder engagement for promoting proactive industrial relations, the company requires to identify its stakeholders, persons and parties, who may be impacted by or could impact, the company's decisions concerning industrial relations. Given below is a list of likely stakeholders and their particulars.

The stakeholders fall into two categories, the internal and the external. The internal stake-holders are the Management, the employees and the leaders of the internal trade unions, while all others represent the external stakeholders.

## Understanding the Stakeholders

- 1) Management of the company is the single most important factor, which provides direction to the course of the industrial relations in the organization. Values, beliefs and practices of the Management personnel will

determine the company's approach to people management. How open and committed they are to dialoguing with all and sundry, would influence the stakeholders' engagement and association with the organization.

- 2) Company employees, who come next, are covered under the definition of 'worker' as per The Industrial Disputes Act, 1947 or Sales Promotion Employees (Service Conditions) Act, 1976, as the case may be. They can raise disputes with the Management, either individually or collectively, and can also engage in collective bargaining. The disputes may relate to their rights or their benefits or about both the issues, and they exert a significant influence on the nature of industrial relations. That the company employees are very important actors in industrial relations matters requires no elaboration.
- 3) Contractors and Service Providers are persons and agencies who supply workforce to an organization in accordance with The Contract Labor (Regulation and Abolition) Act, 1970. Similarly, the other workforce in the state of Maharashtra is covered under the special provisions of The Maharashtra Mathadi Hamal and other Manual Workers (Regulation of Employment and Welfare) Act, 1969, and Maharashtra Private Security Guard Act, 1981. Workforce in other states is covered by the respective state legislations in force.

The agency, designated as the principal employer under the various Acts in respect of different categories of workforce, has certain responsibilities to fulfill. The organization availing of their services will face serious operational problems if the contractors or the service providers do not supply the required workforce in time or are not capable of carrying out the assigned tasks. Also, industrial relations issues are likely to arise, if, at the expiry of the contract, the contractor or the service provider is not able to shift the workforce to another location or to settle the matter with them and ensure their departure from the work place .

- 4 Workforce engaged through Contractors and Service Providers are employees, not of the company but of the contractor or the service provider concerned. However, since they work in company premises, they might raise disputes or engage in activities which can affect the industrial relations in the company.
- 5) Workforce - Gig workers and Platform workers engaged through App Platforms - are presently used by many organizations for the last mile delivery of their products. Working conditions and remuneration model of the last mile gig and platform workers are such that they are often forced to take certain risks, in violation of safety standards and rest norms, because of time pressures.

The employer-employee relationship of the gig and platform workers is fuzzy, since they are regarded as self-employed personnel. There are no specific labor laws governing their engagement, other than what has recently been stipulated under The Social Security Code 2020, which, incidentally, is yet to become operational. It is likely that issues relating to remuneration, working conditions, social security benefits and occupational safety of these workers might at some stage turn into industrial relations problems for the company and the app platforms to deal with.

- 6) Trade Union Leaders (External and Internal) are the office bearers and key persons running a Trade Union under The Trade Union Act, 1926. Since any seven or more members can form a trade union under the said Act, we have a multitude of trade unions in the country. In several cases, there is more than one trade union in a company, giving rise to inter-union rivalry and affecting industrial relations in a serious way. Needless to say, that Trade Union Leaders (External and Internal) are very important persons influencing the nature of the industrial relations in a company.

- 7) Labor Department: Its role is to ensure that organizations operate within the framework of the applicable labor laws, obtain requisite approvals and file the statutory returns in time. They are also required to visit organizations to verify compliance of all the statutory provisions. The Labor Department is also expected to investigate and to act appropriately if any complaint is received from workers or trade unions or an employer relating to violation of any of the existing labor laws. Clearly, Labor Department is one of the main actors in industrial relations issues that an organization has to deal with.
- 8) Labor Lawyers are routinely engaged by companies as well as trade unions and workers to advise them on industrial relations issues and to litigate on their behalf, as and when required. Litigations, individual or collective, relating to industrial relations do arise regularly in the life of any enterprise. Besides, if conciliation proceedings under The Industrial Disputes Act, 1947 fail and the dispute is referred to a labor court or labor tribunal, then the organization needs to engage the services of a labor lawyer to argue their case unless, of course, they have expertise available in-house. Such being the case, close relationship with top lawyers is not only useful, but even necessary. Obviously, the HR personnel interacting with such lawyers will have to be themselves very knowledgeable about the laws of the land.
- 9) Academic Institutes impart knowledge, develop skills, mold behavior and build capabilities of the youth of the country who plan to enter the labor market. Organizations need to associate themselves with such institutions for procuring workforce for their manpower requirements. That is how young talent, meeting their specific needs, can be inducted and developed into professionals with a mature outlook on industrial relations.
- 10) Industrial Training Institutes (ITIs), which impart skill training, supply both apprentices and skilled workforce to organizations. Enterprises are well advised to associate with ITIs as they can provide competent workforce to the company for its requirements. The association can also prove to be very useful in times of labor unrest or any troubled situation with regard to industrial relations.
- 11) National Employability Enhancement Mission (NEEM) Trainee Facilitators are a major supplier of temporary workforce post 2013. Organizations need to know the facilitators so that they can easily procure the requisite number of NEEM trainees when required, at regular intervals. These trainees are a transitory workforce and do not, by and large, create any industrial relations problems.
- 12) Employment Exchange offices operate in every state as per The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959. The Act mandates all the employers to notify the vacancies to the Employment Exchanges and to file returns about the Employment situation. There has hardly been any industrial relations issue related to this stakeholder.
- 13) Canteen Vendor or Food Supplier is an essential agency for any organization, not having its own inhouse personnel to man the company canteen. Canteen is statutorily required to be maintained under The Factories Act, 1948, by all organizations employing two hundred and fifty or more workers. Canteen can be a cause of concern even during normal situations, more so during troubled times. Poor quality of food and insufficient supply of food items invariably give rise to disturbances of one kind or other, vitiating the industrial relations climate in the organization.
- 14) Creche facility is to be provided by every establishment employing 50 or more people, as per The Maternity



Benefit Amendment Act, 2017. Creche, if manned inadequately or maintained improperly, can cause dissatisfaction. The resultant grievance, if not resolved promptly to the satisfaction of the aggrieved party, can give rise to industrial relations problems.

- 15) Transportation Contractors and their employees like drivers have to ensure safe, smooth and speedy movement of the company personnel from one location to another. Not seldom during the monsoon season, the road conditions worsen leading to delays in reaching destinations and causing inconvenience to employees. These occasions are prone to stir up emotions and, at times, give rise to industrial relations problems as well.
- 16) Neighboring Enterprises are organizations in the vicinity of the company. If any of them were to grant substantial increase in wages and benefits to their workforce, it will have its repercussions on the industrial relations climate in the company. It is always wise to have close dealings with the neighboring industries to know what is going on in the region and to take appropriate steps in advance to forestall any adverse reactions.
- 17) Fire Brigade: Services of Fire Brigade, secured in the shortest time when required, can save an organization from incurring any huge loss. Most organizations have very limited firefighting equipment's and also a limited number of trained staff in firefighting. Rapid spread of fire in a factory or office premises, in addition to causing loss of property, plant, machinery and material, can result in injury and death of employees. The impact of any such calamity on the industrial relations situation can be quite disastrous.
- 18) Local Industries Associations play an important role in bringing things under control and in restoring peace when unrest in a unit perpetrated by some local goons create uneasiness in the entire region. Organizations should be active members and supporters of all local Industries Associations.
- 19) Local Police Station is vested with the responsibility to maintain law and order in the geographical area within their jurisdiction. Alerting the local police in advance is always advisable, should an enterprise anticipate any law-and-order problem or if the industrial relations situation in the company threatens to turn violent.

There are occasions when workers and trade unions tend to block movement of goods and people to and from the organization because of some industrial relations problem in the company. The management might require police support. However, in most such cases, the police are reluctant to act, unless the organization has obtained a court order directing the police to quell the agitation. Having a close relationship with the police personnel at the local level and also knowing senior level police officers will always be very helpful. In some cities, there are areas where Sec.144 is enforced permanently. It will be to our advantage if we can establish important offices like CEO's office, data centers etc., in such locations.

- 20) Local Media, both print and electronic, are agencies which are actively looking for spicy, exciting news stories. Any labor unrest in a local company is bound to attract journalists who would gather information from various sources and have them published. It is very important for organizations that news about them get reported factually, and also favorably. This will largely depend on maintaining cordial relations with the media personnel.
- 21) Local Politicians are to be found at various places and at various levels depending upon where the organization is located. There may be a gram panchayat member at village level, a mandal or block panchayat member at block level, a zilla panchayat member at district level and a corporator at local municipal level. Villages in

the vicinity and their governing bodies like sarpanch can extend support to an organization in crisis situations. Corporate Social Responsibility (CSR) activities by organizations do play a key role in building relationship with the local bodies.

At the same time, these regions will also have a Member of the Legislative Assembly (MLA) and a Member of Parliament (MP). Practically all politicians are affiliated to one or the other political party. Politicians strive to protect their vote bank and, as such, they would listen to and act on, requests, complaints or grievances brought to their attention by their constituency members against any particular organization operating in their locality.

The local politicians would also, in some cases, develop interest in recruitment of employees, engagement of contractors, supply of raw material, appointment of transporters, disposal of scrap materials and even in industrial relations matters. Having a good equation with them will always work to our benefit.

### Exercise of Stakeholder Engagement

Once we have identified the stakeholders and the activities they perform, we should proceed to understand the specific interests of every one of the stakeholders through a stakeholder analysis.

Since a stakeholder can be an individual, or a group or a party, it is essential that organizations identify the key individuals associated with each of the stakeholder entities. Having done so, company personnel are required to interact with them regularly, to appreciate their views, interests and perceptions, and to communicate to them company's own views and concerns. This is part of the proactive industrial relations strategy to build close relationships when things are moving smoothly, so that if a crisis arises, we shall not find ourselves having to deal with strangers. Stakeholder engagement involves systematic identification, analysis, planning and implementation of initiatives designed to influence stakeholders to develop positive feelings towards the company.

Every organization should work out a plan of engagement for all its stakeholders depending upon their importance, existing level of dependence and the support they have extended to the survival and growth of the company. The nature and extent of engagement will naturally vary from organization to organization.

### Conclusion

The stakeholder list that we have put together should help in identifying the specific stakeholders for different organizations. Nurturing positive relationships with them is essential to building proactive Industrial Relations. Relationships are easily built when things are normal. Once a crisis has set in, and everything is in disarray, building relationships will become an impossible task. It is important, therefore, that we act during peace times, and act in a planned manner.

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\* Past President of Industrial Relations Institute of India (IRII), Former Senior Employers' Specialist for South Asian Region with International Labour Organization (ILO) and Former Corporate Head of HR with ACC Ltd. and Former Corporate Head of Manufacturing and HR with Novartis India Ltd. Continues to maintain close links with the academic world as a visiting faculty with some of the IIMs. E-Mail: [rajenmehrotra@gmail.com](mailto:rajenmehrotra@gmail.com)

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# TEN MAJOR LESSONS WE HAVE LEARNED FROM THE COVID PANDEMIC



**Ashok Sharma**  
HR Consultant, Trivandrum

Covid 19 was a global catastrophe. It shook the world completely. But it taught us many lessons. Here are ten lessons out of them:

Life is unpredictable. No one has full control over it, not even the mightiest of the rulers. The economic progress of the world can be halted by a small virus. **The first lesson that we have learnt is Let's be humble.**

Nature can throw surprises which send scientists back to the drawing board, despite gaining so much scientific knowledge thus far. We have tried to subjugate nature by using technology. But nature cannot be won over this way. The only way is to coexist lovingly with nature. **The second lesson is Let's take care of NATURE.**

During lock down, one had to learn with live with few things. Necessities of life are very few. The rest only clutters our life. It became clear to all that we can live without many things and that too happily. **The third lesson is Frugal living is beautiful.**

Nothing is indispensable Lock-down forced people to change their long-term habits. Big time shoppers had to stop shopping from showrooms. Tobacco chewers had to live without it. Wanderers had to stay indoors. **The fourth lesson is Flexibility can be a GREAT VIRTUE.**

Survival is the topmost goal for everyone. We love ourself so much that no one wants to die. Relatives chose not to go to the funeral of someone dear who died of Covid. Lockdown became successful even without even without much force since it was a question of saving one's life. **The fifth lesson, we have learnt is We can enjoy the world when we are alive. LET'S PUT HEALTH FIRST.**

Lockdown also demonstrated that freedom is the greatest happiness. When we were given relief to go out, the contrast became apparent. The shadow gives you comfort when you come under it from the hot sun, not when you are sitting in it all the time. **The sixth lesson learnt is Freedom is happiness, let's preserve it.**

Nature has its own way of delivering fruits of one's deeds in a dramatic matter. In business, some thrived due to the pandemic, while others suffered heavy losses. Ego has no place in nature. No one can claim that he's always a winner in any business, he does. **The seventh lesson is that Success or failure depends on a lot of extraneous factors.**

Digital adoption became faster during the pandemic. Working from home and online meetings and trainings became a norm. Digital financial transactions and e-commerce came into prominence. Life became easy. We may wonder how come we did not adopt these earlier. **The next eighth lesson that we have assimilated – Let's not wait for a calamity to bring innovations in life...**

However the digital gap between the haves and the have-nots became prominent in this period. The children from poor families suffered in education because of not having facilities for online studies. **The ninth awareness that we have had during the pandemic- Smart phones and internet connectivity are now a basic necessity for everyone.**

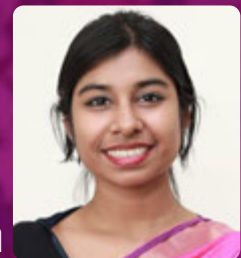
The most divine and sacrosanct outcome and the defining moment of the pandemic was that people experienced what it is **“to be”** instead of **“to do”** all the time. Humans became human beings thanks to Covid. Family members became closer to each other, than ever before. Living rooms started being used for living, and not just to impress guests.

**The TENTH most humble and sanctified enlightenment and knowledge that we have learnt and made a permanent understanding of life- BEING IS MORE IMPORTANT THAN DOING....**

Even though the COVID threat has been slowly receding across the Country & the world, the present day situation is slightly alarming with a new variant causing alarm and concern across the world and in our country too.

We have to learn, relearn and unlearn from the past experiences we had with the pandemic.

# Diversity, Equity and Inclusion in the workplace



Diya S Chandran

**D**iversity, equity, and inclusion are critical issues in today's workplaces. The benefits of diversity are clear: employees with different backgrounds and experiences can contribute their unique insights and perspectives to better products, services, and customer experiences. A diverse workforce can also help an organization attract and retain top talent. However, diversity alone isn't enough to ensure that employees are treated fairly and respectfully. To ensure everyone has an equal opportunity to succeed in the workplace, organizations must also work to create an inclusive environment where everyone feels welcome, valued, and respected. By promoting diversity and ensuring everyone feels included, employers can create a positive and productive work environment where everyone can thrive. In today's workplace, many organizations struggle to create a diverse and inclusive environment where all employees feel valued and supported that can have an impact on employee satisfaction and productivity. Many organizations have begun to develop strategies for supporting diversity and inclusion. They have set goals and created policies and programs aimed at increasing the representation of groups underrepresented in the workplace and improving employee engagement and retention. But the reality is that the challenges facing many employers are complicated to address on their own. Creating and maintaining a diverse and inclusive workplace can be especially challenging for small and medium-sized businesses with limited financial resources and human resources expertise. Fortunately, there are resources available that can help small businesses address their diversity and inclusion challenges and create workplaces where everyone feels valued and respected.

Here are a few of the resources that may be helpful to small business owners looking to increase diversity and inclusion in their workplaces:

Here are a few of the resources that may be helpful to small business owners looking to increase diversity and inclusion in their workplaces:

- **Small Business Majority** - As an organization that advocates for the interests of small business owners and entrepreneurs, Small Business Majority has developed several resources designed to help small employers promote diversity and inclusion within their workplaces. Their free online toolkit includes a variety of tools and templates designed to help businesses of all sizes create and implement effective diversity and inclusion strategies. The Inclusive Employer Handbook is a free e-book that helps employers identify specific actions they can take to create a more inclusive workplace and encourage greater diversity among their employees. The tools in this book are also suitable for organizations of any size.
- **Diversity Best Practices Guide** - This report by the Aspen Institute provides a set of best practices for developing and implementing a diversity and inclusion strategy in an organization of any size. It offers advice for employers on creating an effective strategy and selecting appropriate metrics for measuring progress. It includes practical recommendations for developing an organizational culture that is supportive of diversity as well as guidance on how to implement and monitor changes to the organization's culture over time.
- **"Creating an Inclusive Workplace" Webinar Series** - This series of six webinars is designed to provide employees at all levels with information on the steps that can be taken to improve inclusiveness within an organization. The first webinar in the series provides a general overview of how diversity and inclusion can impact a business or organization. The remaining five webinars focus specifically on issues related to gender, ethnicity, disability, sexual orientation and veteran status. This webinar series is free to watch and provides practical tips and ideas for how to create a more inclusive workplace environment.

Equity is a well-talked word in the professional sector but still, discrimination seems to be prevailing there. Because discrimination in the corporate world is a matter of serious concern for every employee, it is mandatory that employers should be made aware of the adverse effects of discrimination and anti-discriminatory practices in the workplace. Both legislation and informal norms suggest that it should be illegal to discriminate at work, but the consequences often fall on deaf ears. Companies need to ensure that their policies and procedures do not discriminate against any group of people or groups within the organization and are clearly outlined in the company handbook. A company should endeavour to adhere to all the requirements of anti-discrimination legislation in all countries in the world in which they operate and provide relevant training to its employees to ensure that the same is carried out. In addition, the company should ensure that the recruitment process does not discriminate in any way and that no one is rejected because of his or her race, colour, religion, sex, sexual orientation, age or nationality. Employers need to not only be vigilant about their hiring policies but also about the recruitment policies of companies that supply them with workers or services. To provide a safe environment for employees where they can work without fear of harassment or discrimination companies must implement a strong code of conduct for their

employees. This will ensure that all employees are aware of their rights as employees and will also ensure that all employees adhere to the same principles when interacting with other employees and external stakeholders of the company. By adopting a transparent and fair approach to human resources management companies will ensure that their employees are satisfied with their working conditions and can reach their full potential in the company without any barriers hindering their progress. This is the first step where equality is ensured. Equity however is one step further, it refers to justice and fairness, which are distinct from equality. In contrast to equality, equity refers to recognizing and adjusting imbalances based on our starting points. The principle of equity operates from the premise that everybody deserves an equal opportunity to participate, contribute, and receive rewards within the workplace. This allows employees to reach their full potential and keeps the company running smoothly.

In conclusion, DE & I is not only the most trending topic we hear now in business but also the most challenging one. Because it is extremely important to develop a culture where diversity, equity and inclusion are valued by everyone in the workplace. In such a culture, individuals will be empowered to contribute fully to the company's success by valuing the contributions of each other regardless of their differences. This will create stronger teams and more engaged employees which will lead to greater productivity and ultimately better financial performance for the company. In the broader picture, it makes the company more resilient and helps it sustain itself in a more volatile economy.



NIPM Kerala Chapter 'Design thinking' programme in collaboration with First Principle Labs kicked off on 14th October 2022 with a cohort of 13 participants from diverse background

#### Key Resource Persons



Adv Benny Thomas



Sri Varkiachan Pettah



Sri A. S. Girish, MSW, LLB

## LEGAL SCAN 2022

# INDUSTRIAL DISPUTES ACT

LABOUR LAWS IN YOUR FINGERTIPS

## 1. Industrial Disputes Act 1947

Let us understand some key terms

### a) Industry – Triple Test

- Any systematic activity with co-operation between employer and his workman (direct or indirect)
- For production, supply or distribution of goods or services with a view to satisfy human wants or wishes.
- With or without capital, for or not for profit.

### b) Workman

Who is a workman?

Engaged to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward.

But excluded

- Who is employed mainly in a managerial or administrative capacity.
- Employed in supervisory capacity with wages exceeding Rs.10000/- per month

### Explanation

This would mean salary is a criterion only for those in Supervisory Capacity, designation is not the criterion, but the nature of the supervisory role performed is the criteria.

- c) Sec 2-A – Dismissal, Discharge, Retrench or otherwise terminates of an individual workman is deemed as an industrial dispute.
- d) Sec 11-A – Labour courts and tribunals can reduce the punishment of discharge or dismissal depending on the evidence before them.



e) Conciliation Settlement

A settlement signed before government authority (Conciliation officer) between trade union representatives and management. This is signed by the trade union representing the majority and so the clauses of the settlement is applicable to all.

(This is called a 12(3) settlement in Form H)

f) Notice of change

Ref Schedule IV of Industrial Disputes Act, all items mentioned in schedule IV can be changed only after giving 21 days' notice (clause 9A).

These items cannot be changed if the matter is under conciliation.

g) Conciliation Officer

All officers from Assistant Labour Officer (ALO) to Labour commissioner are Conciliation Officers. In the case of organisations where central govt is appropriate govt it is Assistant Labour Commissioner (ALC).

h) Labour Court / Tribunal

Government has to refer to Labour court/Tribunal. Subjects are referred in schedule II and III of ID Act. Dismissed/Discharge/Retrenched employee can approach Labour court/Tribunal without government reference (No reference is required).

i) Strike and Lockout

Public utility services are notified by the Government. The trade union will have to give 14 days' notice before strike. In nonpublic utility no such notice is required for a strike (if there is provision in certified standing order management can insist for notice in non public utility organizations)

j) Approach for certain disciplinary action

During the pendency of a dispute if there is any change in service condition of an employee Approval under 33© 2(b) is required.

k) Chapter V-A – If workmen strength is more than 50 and up to 99 provisions of chapter V-A will be applied for lay off, Retrenchment and Lock out.

l) Chapter V-B - If workmen strength is 100 and above, Government permission is required for layoff, Retrenchment, Lock out and closure.

m) Sec 17 - B - If the dismissal of a workman is set aside at the level of Labour Court and employer prefer an appeal to High court, then the employer need to pay last drawn wages to the dismissed employee till the closure of the case or his superannuation.

n) Lay Off compensation- Workman who is laid off is entitled for lay off compensation equal to 50% of the total of Basic and DA.

## 2. Industrial Employment-Standing order Act 1946

To whom all applicable

In Kerala any organization more than 50 workman has to have a certified standing orders.  
Certification of standing orders

Duty of the employer to initiate action to get standing orders certified by certifying officer (designated Labour department official). This need to be done in consultation with representatives of workmen. Certifying officer will hear both parties before certification. During this interim period Model standing orders provided in the act will be applicable. Application for certification of standing order to be submitted within 6 months of starting of operation (applicability).

Standing orders cover classification of workmen to disciplinary action and punishments.

## 3. Trade Union Act 1926

To whom all applicable - 7/10%/100 formula

7 workman or employees can form (apply) a trade union. Registration is subject to the condition that the trade union should have membership of 10% or 100 numbers minimum, whichever is less.

Right of Workman

To raise a dispute individually in the case of dismissal/discharge / retrenchment and trade union in all other cases will have to raise a dispute.

Right of others

Offices can form trade union but cannot raise an Industrial dispute as they are not workmen as provided in the Industrial Disputes act 1947. The only course of action before officers is to raise civil disputes for which damages is the only compensation and not reinstatement in service.

## 4. FACTORIES ACT 1948

Act deals with factory license Health, Safety, Working conditions, Welfare facilities, Leave with Wages etc.

Key points under Factories Act are

- a) Occupier – Director of the establishment needs to be designated as occupier by the Board of Directors.

- b) Manager – A person in charge of day-to-day operations to be designated by the Board of Directors of the company.
- c) General welfare measures are -
- a) Provide washrooms, rest rooms, first aid appliances, creches and canteen as per the provisions of the act
  - b) Lay out of the factory (approval from Director of factories and Boilers is required)
  - d) As per the Factories Act all the people working in a factory are covered.
  - e) Canteen to be provided if more than 250 workers are employed. Safety Officer to be appointed if 1000 or more workers are employed or notified by the Govt. If employees are more than 1500, safety officers to be appointed as per the below slab:
    - Above 1500 but not exceeding 2500- 2
    - Above 2500 but not exceeding 4000- 3
    - Above 4000 but not exceeding 5000- 4
    - Above 5000 - 5
- f) Welfare officer to be appointed if 500 or more workers are employed (500-2000 workers- 1 welfare officer). If the number of workers employed exceeds 2000 then an additional welfare officer to be appointed for every two thousand workers or fraction thereof over 500.
- g) Annual Leave with wages (Earned leave) to be given for every worker @ one leave for 20 days of work in the succeeding calendar year, if the worker worked for 240 days or more during the calendar year. Leave can be carried forwarded and total leave carried forwarded to the succeeding year shall not exceed 30 days.
- h) Annual return-Last date 31st January, Half yearly return-Last date 15th July. Factory license renewal application to be submitted online (Factories and Boilers dept portal) along with license fee remittance, before 30 days of the expiry of the license. License fee is calculated based on the Total power installed (in KW) and maximum number of persons to be employed in any day during the year.

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