

BOMBAY CHAMBER REVIEW

Vol. XV No. 3 June 2019

Seminar on
**The Legal Implications of
Three Landmark Supreme Court Decisions
under the E.P.F. & M.P. Act, Pension Scheme
and other related Enactments**



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From the Editor's Desk

Dear Members and Friends,

The National Democratic Alliance (NDA) government, in its second term, is expected to introduce transformational changes in the direct tax regime by pruning a tax rate that is as high as 30% and making it easier for honest individuals and corporate entities to comply with tax laws.



The finance ministry has been asked to complete the task of framing of the Direct Tax Code (DTC) by 31 July 2019. This should facilitate individuals and companies to voluntarily file their tax returns, as the government seeks to widen the direct tax base. We at Bombay Chamber feel that these are steps in positive direction. Closer home, the Chamber as always conducted many events. The Chamber organized an important Seminar on “The Legal Implications of three Landmark Supreme Court Decisions under The E.P.F. & M.P. Act, Pension Scheme and Impact on Other Related Labour Enactments”. The Seminar was graced by eminent speakers like Mr. Ranjan Kumar Sahoo, Regional Provident Fund Commissioner, Mr. K.M. Naik, Senior Advocate, High Court and Senior Counsel, Tata Services Ltd. and Mr. Lancy D’souza, Advocate, High Court and Advisor - Legal, Bombay Chamber. Mr. Naik shared his views on the R.P.F.C. V/S. Vivekananda Vidyamandir, Surya Roshni & Ors.’s case and interpretation of the terms “Basic wages” and “Allowances”. He spoke about the definition of “basic wages” that was incorporated by Parliament in 1952. Mr. Sahoo spoke on Employees Pension Scheme and R.C. Gupta v/s RPF Case. Mr. D’souza spoke about the exclusions in “basic wages” and various allowances. The proceedings are covered in detail in the subsequent pages.

Happy reading !

Warm Regards

Vijay Srirangan



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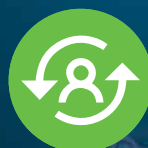
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Centre for Mediation and Conciliation

Under the aegis of Bombay Chamber of Commerce & Industry



WE HELP FIND COMMON GROUND, EVOLVE WIN-WIN SOLUTIONS

Bombay Chamber has launched its Centre for Mediation and Conciliation (CMC) to promote use of mediation as a quick, cost efficient and confidential option for resolution of commercial disputes.

WHAT IS MEDIATION?

In mediation, a neutral professional trained in conflict de-escalation designs a process of assisted negotiation between parties ensuring effective dialogue and solution focused discussions. The parties mutually agree on the terms of settlement and mode of enforcement. The terms of settlement may be recorded in the form of an arbitral award or conciliation settlement with the assistance of the CMC to make it enforceable like a court decree.

WHERE HAS THIS WORKED BEFORE?

Companies regularly opt for mediation to resolve commercial disputes. In 2016-17, Singapore and Brazil have passed laws promoting civil and commercial mediation. Japan has been using mediation in commercial disputes since 1922. The European Union in 2008 issued a directive mandating mediation mechanism to be adopted for resolving inter-state civil and commercial disputes. As per studies in EU, it takes 43 days and Euro 3371 to resolve a dispute using mediation as compared to 555 days and Euro 9179 to get a final court order. The US Department of Justice alone saves USD 70 million and 2733 months of litigation annually by using mediation. Mediation is currently seeing a success rate of 80 to 85% throughout the western world.

WHY DOES INDIA NEED MEDIATION?

From the Indian perspective, issues with enforcement of contracts and awards and huge case backlogs in Indian courts, provide wide scope for implementation of mediation. In keeping with its credo "Corporate as a Citizen", Bombay Chamber continuously explores opportunities to work for universal causes. Today, it is important for us as a nation to improve 'Ease of Doing Business' in our country and mediation initiative of the Chamber is a step in this direction.

"An ounce of mediation is worth a pound of arbitration and a ton of litigation."

- Joseph Grynbbaum

OUR VISION

To help create a harmonious business environment with enduring business relationships by encouraging resolution of disputes through aided dialogue and concluding them swiftly, economically, confidentially and amicably.

OUR MISSION

Aspire to be the most reputed platform for mediation of commercial disputes in India, through unimpeachable neutrality, best in class governance standards and competent mediators; establishing an excellent benchmark in quality of mediation services.

WHAT | WORK UNDERTAKEN SO FAR:

1. MoU with Indian Institute of Corporate Affairs (IICA), Ministry of Corporate Affairs, Government of India for knowledge sharing and skill development.
2. MoU with Bangladesh International Arbitration Centre (BIAC) for knowledge exchange and promoting best practices.
3. Formation of a panel of eminent mediators.
4. Formalisation of rules of mediation.
5. Training of 56 commercial mediators with industry exposure.
6. Setting up of 'State-of-the-Art' physical infrastructure for mediation.

WHO | LUMINARIES ON THE MEDIATOR PANEL OF CMC:

Hon'ble Justice, **Mr. B.N. Srikrishna**,
Retd. Judge, Supreme Court of India

Hon'ble Justice, **Mr. Deepak Verma**, Retd. Judge,
Supreme Court of India & Presiding Arbitrator

Mr Bill Marsh, Mediation Expert, IFC, World Bank

Mr. Jeremy Lack, President, Swiss Chamber of
Commercial Mediation, Geneva

Senior Advocate **Mr. Sriram Panchu**, Mediator
for Assam-Nagaland boundary dispute

Ms Nadja Alexander, Mediation Advisor to
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Mr Prathamesh D. Popat, Counsel Bombay High
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The Winning Formula

Uncertain Times, Equivocal Alternatives, Ambivalent Resources & Ambiguous Decision Making

Mr. Adil Malia*

Often have been asked this question... what will make me an effective leader in the future? I wish there was a simple answer to this simple sounding complex question.

Hard as I may try, the simplest answer that I can arrive at it is as follows. If a leader can use his education, experiences and exposure to make himself ready such that he is able to take appropriate management and leadership decisions in uncertain markets and ambivalent resources, he would grow to be an effective leader of the future.

The single most critical factor in any leadership talent assessment situation is a leader's ability to take appropriate decisions in ambiguous market situations. When market characteristics are drastically different than what has been experienced in the past and there is no clear cut solution that emerges as the 'silver bullet' option, that is when leadership decision - making is called to test.

If everything was certain, if all the information required was available, if the tools to be used were known, if resources were never in

shortage then you don't really need leaders. You actually require programmers who could connect these available variables through a master program which could 'abracadabra' then throw up the accurate solution.

But that is not so to be.

The quintessence of the winning formula is simple. Market complexities will make critical information doubtful and the required data, scarce. Ability to arrive at the near right decision despite this set-back is the winning edge of leadership.

A common myth about decision making in organizations by and large is that it is a rational process. The term rational refers to decision-making methods that are based on the following logical patterns:

- Identification of available options.
- Development of criteria.
- Rate recourse according to criteria developed.
- Select the top-ranked option.

Although the above is the logical way to

*Mr. Adil Malia

A Human Resources professional with versatile experience in the domains of People Management, Change Management and Leadership, Adil has worked in Senior Management and Board roles in diverse industries like Manufacturing, Services, FMCG, Infrastructure and Retail.

"Passionate about People, I am a voracious reader, am fond of poetry & music, indulge in humorous doodling, calligraphy and love public speaking.

Being an Appreciative Coach, I believe ... 'no fun, no learn'. Have coached several top CEOs till now.

Began at 19 as a Legal Assistant and have reached now the top management echelons. The quintessence of the journey is based on the learning ... 'one first needs to be a good person. Everything else follows!'

Learning is a continuous investment I have made and I keep reaping the dividends of it all the time".

proceed, it often becomes difficult in real time as uncertainty prevails all around and the leader gets into a state of 'analysis-paralysis rigor-mortis'... shocked to death by absence of data !

Uncertainty can manifest itself in a variety of ways: one could be uncertain about facts, the available options, decision criteria or even one's own preferences for options. The tussle between success as an outcome of 'Analytical Thinking Skills' or a natural outcome of 'Ambiguous Thinking' is not an easy battle to resolve.

Analytical thinking is antithesis of ambiguous thinking. When lots of information is available (mixed up between critical and irrelevant) and you need to distinguish between the critical pieces of information and the irrelevant pieces of information to arrive at the right decision, then you need analytical skills. However, ambiguity is opposite. When critical pieces of information are just not available and you are called upon to fill up this cavity by hard-pressing your judgment based on past experiences, exposure, education or learning, that is ambiguous thinking.

Entrepreneurial decision making and calculated risk taking are totally dependent on a leader's ability to take decisions in ambiguous environments, given the kind of markets we live in. Their success is not just about luck. They have a confidence code which shines and prompts them to take appropriate decisions even when critical pieces of data are missing.

The biggest test of a hunter is when the beast is not visible. Hidden in the forest are some traces of movement when the animal is hiding and running in the bushes. Unseen the hunter has to aim and shoot his arrow purely depending on his judgment. He shoots and the arrow meets the target. That is the kind of judgment

that leaders in complex and volatile markets have to face.

Those who can manage ambiguity, emerge winners. Those who can't, lie in a state of morbid fear unable to take decisions due to lack of information and waiting they die.





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Workshop on

Time Management: Prioritize to be Effective at M/s. Exmar Shipmanagement Pvt. Ltd., Powai

19th March, 2019

Under the Executive Training & Development Programme, the Bombay Chamber has conducted a Workshop on 'Time Management: Prioritize to be Effective' outside premises at M/s. Exmar Shipmanagement Pvt. Ltd., Hiranandani Gardens, Powai for the benefit of their employees on 19th March, 2019.

Time Management is important but often ignored skill. Time is the only precious resource allocated equally to every human being. However 9 out of 10 people complain about long working hours, not meeting targets, excessive paperwork, fragmented days, neglected family and such others. They say there are not enough hours in a day.

Purposeful managers are the result of high focus and energy. They organize their own skills and resources to meet the departmental and organizational goals. Effective managers make a conscious attempt to monitor their daily activities with the corresponding outcome; and are aware of their time wasters. They spend time reflecting on the direction and intention of their actions. To optimize their time, prioritizing, delegating, coaching, motivating skills are used by result oriented managers. They are keenly aware that every act of theirs should add value and move towards achieving what is critical for the department and organization. Staying away from useless diversionary activities is their trademark and that too without affecting smooth working relationship with colleagues and senior/s. 'Working Smarter, Not Harder' is an important area that cannot be ignored.

Nothing can be more rewarding at the end of our lives than a sense of satisfaction that we have spent more of our time wisely than we have wasted.

The following topics were also covered:

Importance of Time; Planning Skills; Prioritizing for results - focus energy matrix; Prioritizing best practices; Benefits of planning & prioritizing; Prioritizing for Effective Use of Time; Self monitoring; Time Analysis; Strategies for Effective Use of Time; Difference between unscheduled requests and interruptions; Time Thieves; Procrastination; Other productivity boosters; Innovative Methods for Effective Time Usage, like (a) Positioning of workspace for concentrated working, (b) Time boxing, (c) Involving colleagues to use time effectively, (d) Coming back to interrupted work with same tempo, (e) Using the shortest and fastest means of communication.

Faculty: Dr. Lata Shetty, Director, Mainstream Training Centre, which offers Soft Skills Training Programmes in a variety of settings.

The workshop was attended by 17 employees of Exmar Shipmanagement. All the participants appreciated the speaker for conducting the workshop in a lucid manner.

The management of Exmar appreciated and thanked Bombay Chamber for taking extra efforts in holding the Session at their premises and for arranging the speaker for them as per their request. They have also promised to take up few more workshops for their employees in the future.

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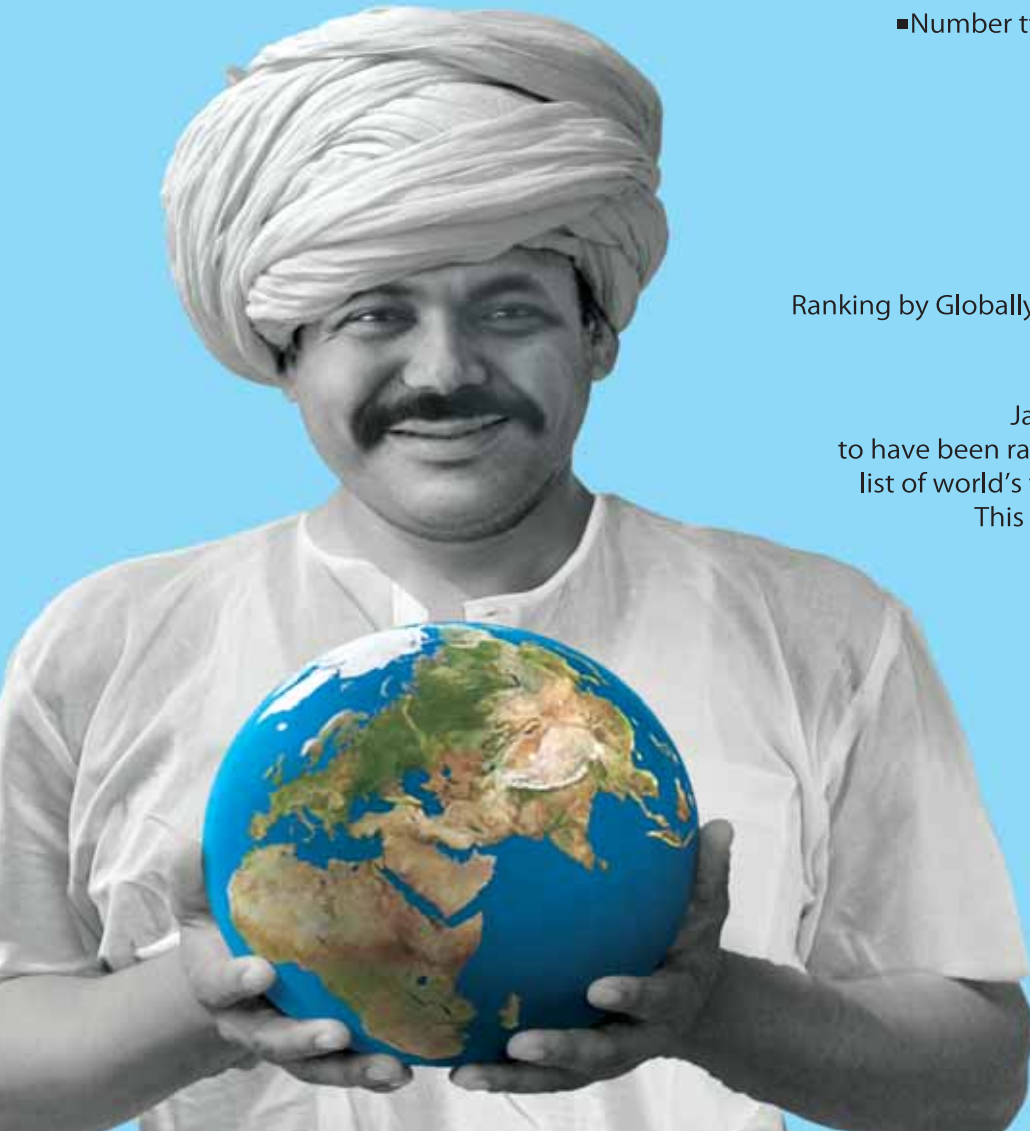
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Workshop on Traits for Successful Executive Assistants/PAs

26th March, 2019

Under Executive Training & Development Programme (ETDP), the Chamber has conducted the above Workshop on 26th March, 2019.

Assistants and Executives bring strategic value to create the link between the Executive and the teams and businesses. They play a vital role in increasing the productivity of the top executives. They are responsible for influencing, managing people and coordinating and facilitating.

This program was organised for individuals who shoulder responsibilities such as planning, organizing, managing people and communicating continuously with the top executives and key stakeholders of businesses. It aimed at exploring the preferred styles that make you successful and enables you to explore more possibilities to effortlessly influence and manage the people and power dynamics in the business environment.

The objectives of the session were as follows:

- Mapping Me - The Brand & the value: Created an opportunity to explore what drives, stresses or enables you using an established framework.
- Managing Power Dynamics - Understanding and assimilating thought, work and communication styles to improve results orientation.

- Take Charge - Created a doable Action Plan that works for self.

The following important topics were covered during the session:

- Understand - a thought framework to become more self-aware
- Recognize - Knowing, Accepting & Flexing to manage people and power play
- Use - certain tools that work
- Devise - workable strategies to deal with complex business situations

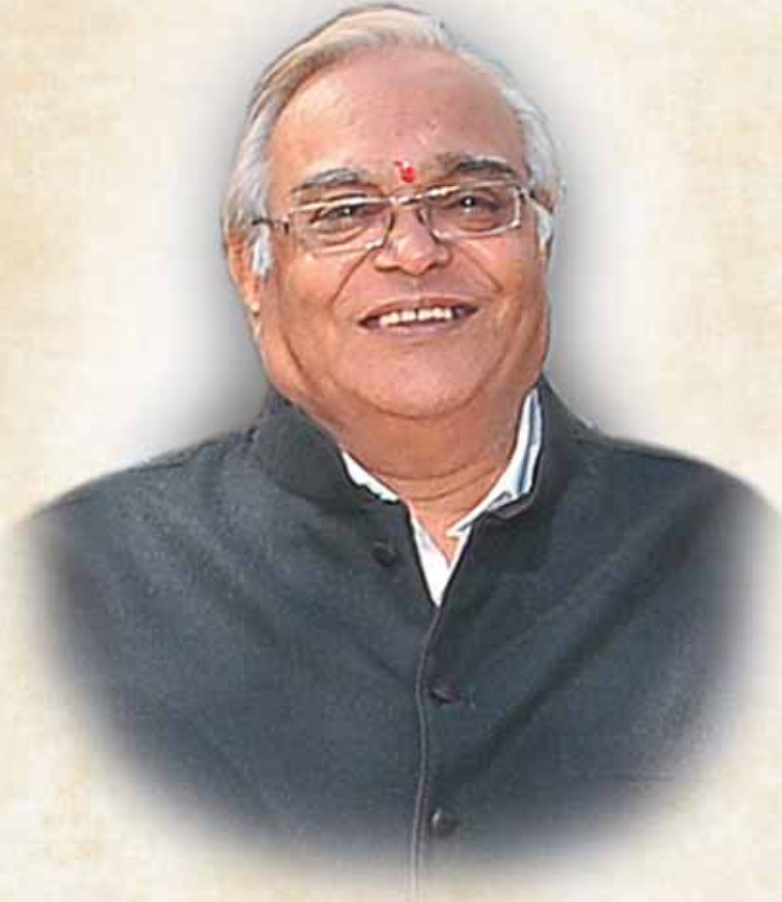
The speakers covered the session very lucidly through interaction; Games and with debriefs; Group Facilitation and role plays.

About the Faculty: (1) Ms. Monika Divekar, is the Co-founder, Branding and Behaviour specialist, Mind Coaching Academy. She is a Certified Practitioner of Neuro Linguistic Programming (NLP) and Certified Coach from International Coaching Federation (ICF). She is a Visiting Faculty at S.P. Jain Institute of Management and Research and Welingkar's Institute of Distance Learning, MET.

(2) Ms. Varsha Chitnis: is the Co-Founder, Consultant & Coach of Mind Coaching Academy, Mumbai. Varsha is an International Coaching Federation (ICF) Accredited Coach & a Certified Behaviour Trainer. She is the Bombay Chapter head of the International Association of Facilitators. She is also a Visiting Faculty to the Management Development Centre at the Welingkar's Institute of Management Studies & TISS, Mumbai.



REMEMBRANCE



In Loving Memory of
Late Shri Brij Mohanlal Jain
(23.10.1947 – 02.05.2018)

Alumnus, IIT-Kanpur (1965-70)

Founder Chairman – Maneesh Udyog Heat Exchangers Pvt. Ltd., Haridwar,
Poddar Pharmaceuticals Pvt. Ltd. & Indus Business Academy (IBA), Bangalore & Greater Noida

में बुझ कर नहीं थक कर सोता हूँ, मुझे सपने नहीं आते क्योंकि मैं उथला हूँ पर मेरी नींद गहरी है ।
में ऊर्जा हूँ कल की परिभाषित लक्ष्य प्राप्ति की आशा संजोय, मैं वर्तमान में जीता हूँ ॥

These lines were source of inspiration for him and have left us inspired forever.

*He was an ultimate Margdarshak and
we pray for his divine blessings to show us right path and right direction.*

Always in our thoughts, forever in our hearts

Fondly remembered by family, relatives, friends, staff, alumni and students.



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Corporations exist in society but they usually do not realize their responsibility to self, culture, societies and the world. The concept of person in many cultural, philosophical, religious and spiritual traditions of the world has not only a functional dimension of performance of role but has a transcendental dimension, but the tragedy of modern law and society is that while corporations are granted legal rights of persons the transcendental aspect of personhood is rarely explored.

In this conference, the focus would like to explore the following:

- The vision and practice of corporate spiritual responsibility (including ecological, ethical and moral responsibility) which can help us transform existing conceptions and practices of corporations
- The frames and ways of responsibility which goes beyond existing polarities such as state and market, market and NGOs and lead to closer interactions among actors leading to transformation towards a holistic vision of development
- How corporate spiritual responsibility transforms the existing discourse of CSR
- Cases of corporations and service delivery groups which follow a spiritual approach to self, society, market by pointing to the need for cultivating the dimension of love, care and responsibility—our potential real higher self—and not just be a slave of narrow self-interest

Marketing ecosystems are created for businesses to gain visibility, engage prospects, capture attention, and create customers by placing right idea, message or product at the right time. Indus Business Academy - Bangalore, in association with one of the leading professional marketing body, recognizes the immediacy of understanding the marketing ecosystem in India and across the globe.

With reference to the above, MARKCON 2020 is conceived taking forward the idea of "Marketing Ecosystem and Innovations: India and the Globe".

In this conference the deliberations would be on the following topics:

- Marketing ecosystem: Antecedents, components and challenges
- Integration of Indian perspectives on marketing ecosystem and innovations
- Innovations and disruptions intersecting the Indian and global markets resulting in strategic changes and competitive landscapes
- Evolving new theorization and praxis towards understanding and development of comprehensive viewpoints on the topic from both academics and practitioners

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MARKCON 2020

January 09-11, 2020

Last date to submit abstracts: 10th August 2019

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Workshop on Creative Problem Solving Techniques

12th April, 2019

Under the banner of HRM Committee a Workshop on Creative Problem Solving Techniques was conducted on 12th April, 2019. It was facilitated by the speaker Dr. Bishram.

Dr. Bishram initiated the Workshop by defining the term 'Problem'. He said anything that deviates from the standard is a problem. It is a gap between actual and desired conditions. He spoke about structured problem solving tools. He discussed through his presentation about six problem solving steps, first being to Identify the symptoms, secondly define the problem and set boundaries, third is to investigate and collect data, next is to use quality tools further to develop the solution and implement and finally to follow up to ensure that the solution is effective.

While discussing about problem solving cycle the speaker spoke about the typical quick planning steps that are Planning, Doing, Checking and Acting. He explained in detail about Seven Quality Tools as follows:

- Cause and Effect Diagrams
- Flow Charts
- Checksheets
- Histograms
- Pareto Charts
- Control Charts
- Scatter Diagrams

While stating about the barriers that get in our way Dr. Bishram discussed in depth about 10 mental blocks that are:

1. The right answer is only one
2. It is not logical
3. Follow the rules
4. Be practical
5. Play is frivolous
6. That's not my area
7. Avoid ambiguity
8. Don't be foolish
9. To err is wrong
10. I'm not creative

He explained various theories of problem solving. He stated that brainstorming is one of tools and techniques of creative problem solving. It generates a large number of ideas in a short period of time. Various rules of brainstorming were spoken about. Also guidelines of brainstorming were discussed. The speaker said that Mind Mapping exercise is another tool for creative problem solving. Also explained about Creative Problem Solving (CPS) Model and MacGyver's Yurika Method.

The workshop was designed with interesting exercises. Dr. Bishram mentioned the Golden Rules of creative thinking. The program concluded with discussion on the questions that can encourage creative ideas and an exercise on the application of learning of the workshop.

Workshop on “WOMEN CAN” (A workshop on working women’s emotional well-being)

16th April, 2019

We understand and recognize that there are certain challenges faced especially by women given the multiple tasks they perform which impacts their emotional well being and we are committed to making the life of a “Working Woman” as emotionally enriching as possible. ERGOS MIND had conducted a research study with 2000 women to find out the challenges that they face at workplaces - 34% face harassment, 28% gender discrimination and 22% are bullied at work.

With this backdrop in mind, the Bombay Chamber’s FemPower Committee and Ergos Mind jointly held a Workshop on WOMEN CAN on Tuesday, 16th April 2019. Ms. Jayashree Arunshriakeshav, Assistant Director welcomed the speakers and the participants.

The objective of the workshop was:-

- 1) Understanding the importance of emotional regulation and learning effective ways to cope with stress.
- 2) Understanding personal relationships and learning to deal with relationship-based conflicts.
- 3) Revisiting crucial life events and their impact on one’s identity and understanding the value of caring for one’s own needs.

The workshop was conducted by Ergos Mind and the trainers were Ms. Devika Kapoor, Master’s in Applied Psychology with Specialization in Counselling Psychology from TISS, Ms. Ana Khan, M.A. in Applied Psychology with Specialization in Counselling Psychology from TISS and

Mr. Jai Thade, M.A. in Applied Psychology with Specialization in Counselling Psychology from TISS.

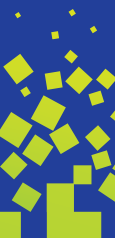
The first session was relating to “ME AT WORK” - which was moving towards the emotional well being of the employees - understanding the importance of emotional regulation and learning effective ways to cope up with stress.

The second session related to “ME AT HOME” - which was all about evaluating relationships - understanding personal relationships and learning to deal with relationships based conflicts.

The third and last session was “ME MYSELF” - which related to caring for one’s self - revisiting crucial life events and their impact on one’s identity. Also understanding the value of caring for one’s own needs was stressed.

The workshop was very lively with good participation from the audience in the various activities. The participants were briefed on the three types of stress - internal, environmental and social & cultural, how to identify these stress and ways of coping up with them. They were also briefed on the dischargers and rechargers in relationships and how important it is to care for oneself while fulfilling the varied responsibilities that we shoulder as women.

Overall, the participants thoroughly enjoyed the sessions and their feedback was very overwhelming. At the end, Jayashree Arunshriakeshav delivered the vote of thanks to the speakers and participants.





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Workshop on Export Road Map 2019-20

25th April, 2019

Bombay Chamber of Commerce & Industry organised a workshop on 'Export Road Map 2019-20' under its Shipping & Logistics Committee.

The workshop aims to provide a 360-degree view of current trends in Exports, Procedures and Documentations, Export Incentives, Challenges and latest provisions for exporters. The workshop was conducted by Mr. Mihir Ajit Shah (B.Com., LL.B., MBA(IB)). He is associated with international business for the last 13 years. He has experience of handling export documentation, incentive and marketing work of various products. He has been a regular faculty and trainer for several EPCs, Associations and Export Import Organizations.

Mr. Mihir focused on the trends in Exports and its Changes, Strategies in Export Marketing, Export Documentations and latest development. Also, he talked about the latest Amendments in Export Procedures, Provisions of GST to Exporters & its compliances, Maximizing Export Incentives, Understanding Online Systems for Exporters, Guidelines for Exports & EPDMS related compliance and global scenario going forward.

It was a full house workshop and participants were from diverse industry backgrounds. Maximum participation, lots of questions and enthused curiosity created an atmosphere of engagement, learning via fun. They were needing more of it even after the completion of the program.



Site Visit to MUMBAI METRO ONE EXTENSION TO THE METRO KNOWLEDGE CENTRE INITIATIVE

26th April, 2019

The site visit to Mumbai Metro One was organised on 26th April, 2019. Ms. Usha Maheshwari, Additional Director, Bombay Chamber welcomed all delegates and gave a brief introduction about the Bombay Chamber.

Col. Shubhodoy Mukherjee, Senior Vice President, Reliance Infrastructure described the journey of a Mumbai Metro and displayed the culture of “Being the First” in the industry.

Capt. Ramesh Kumar Singh, Reliance Commercial Dealers Ltd. explained to delegates about revenue stream and different fare products such as token system, store value pass, QR ticket etc. He explained Mumbai Metro as a brand - Majhi Metro, Majhi Metro Festival, Metro Loyalty points and Customer Relationship Management (CRM) system to monitor complaints. He spoke about experiencing safe and secure transit by keeping premises safe, depot security & emergency handling, station security, crowd control & security app etc.

Mr. Vikas Sardana, Additional VP/Head - Operation and Maintenance have taken us through the journey to operational excellence. He spoke about train delivery, trip monitoring, and punctuality, RFID wheel flange lubrication

system, train loading, rail stress monitoring, wheel impact load detector, train floor coating, bridge monitoring etc. He stated that Mumbai Metro maintains class apart workshop with start of the art technology, mobile train lifting jacks, Mercedes hybrid rail/road emergency vehicle. He spoke on sustainability practices like reduction in greenhouse gases through 100% coverage of depot & stations rooftop through solar power generating panels, regenerative power breaking system & reduction in water consumption and use of recycled water.

The delegates visited Operation Control Centre (OCC), Security Control Room (SCR) to understand the safety standards, depot & station security process, Automatic Fare Collection (AFC) Lab to show digital Initiatives & Quick Responsae (QR) code. The delegates got experience of driving train on simulator.

The delegates visited train workshop to see metro train and rolling stock. Delegate also got the opportunity to interact with metro station staff, security in-charge and got the opportunity to see actually functioning of metro at the station. Visit ended with the metro ride from D.N. Nagar to WEH Station.



Interactive Session with Ras Al Khaimah Economic Zone (RAKEZ) Delegation

26th April, 2019

Bombay Chamber of Commerce and Industry organised Interactive Session with Ras Al Khaimah Economic Zone (RAKEZ) Delegation on Friday, 26th April 2019.

On behalf of Bombay Chamber, Mr. Vijay Srirangan, Director General welcomed Mr. David Ravindra - Head Business Development in India - RAKEZ, Mr. Farid Gulmohamed, Sr. Advisor-KPMG, Mr. Prahlad Tanwar, Executive Director-KPMG in Mumbai and the delegates.

The purpose of the delegation was to discuss the mutual areas of interest and possible collaborations for the forthcoming trade delegations.

The event ended with a vote of thanks to the Rakez, KPMG Team and the delegates.

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Workshop on Mentoring and Coaching

30th April, 2019

Under Executive Training & Development Programme (ETDP), the Chamber has conducted the above Workshop.

In the age of constant changes and fast pace, the role of mentor and coach in an organization are crucial and beneficial for the development of motivation, commitment and retaining of the employees. The role is significant to develop business systems and instill confidence and decision making capacities in the employees. Coaching helps in individual and organizational change to improve mission performance, Enable personal transformation and career role transition, Support the development of future leaders for



the organization, Address a specific problem area or challenge and facilitate the creation of an organizational culture.

The concept of mentor and coach was explained from the perspective of problems versus solutions and ask versus tell. The session was interactive by group activities.

The benefits of having a mentor: Professional support, Leadership opportunities, Guidance, Interaction with new people, Social opportunities, Personal growth & development. Coach helps in Exploring, Facilitating, Partnership, Long-Term Development, Open too Many Possible Outcomes. The main difference between mentor and coach was explained as well as how sometimes the role may get merged. In what work situations is mentoring and coaching used was discussed. To get more in-depth, the concept of Transaction Analysis and Life Position was explained to understand Ego states of Child, Adult and Parent and what helps more in mentoring and coaching process. Participants understood their dominant ego state and style and how it can help or be a detriment in mentoring and coaching process.

Group discussion on expectations of a mentor to a mentee, mentee to mentor, a coach to a coachee and coachee to a coach were discussed. Games on adapting to the role of mentor and coach, the mentor mentee agreement phases and Application of this process to actual work situations through role plays was taken up. Skills needed for mentor and coach were taken up through the process of group discussions and games- Listening ,Clarifying questions, Use of Open-ended questions, Assessing Ability-potential deciding response, Skills to Work with Feelings Help Express feelings, Effective Feedback, Help to Alter/Accept feelings, Attend to Verbal/Nonverbal Cues, Convey Support : Verbal & Nonverbal methods. The process of reverse mentoring was opened and discussed to understand how they can learn from others. What can be done to help protégé and coachee and what are their roles and responsibilities were shared. Case scenarios were given and they had to enact the process and understand the finer aspects of the process what can be avoided.

Participants took questionnaire on understanding what they thought about their mentoring style and what it was, coaching style and how they can make the shift to take the role of mentor/coach.

The process of employee development and four stages at which employees can be and at each stage what is required was discussed. Application of the learning points to real life situations was shared by participants.

FACULTY: Ms. Malini Shah - Therapist and Psychologist with over 22 years of experience. She is the Co Founder of AasthaChrysalis - Counseling Center in Mumbai and is involved in individual consultation, psychometric assessments and development center programs .She is an EAP professional for various companies, visiting counselor to different organizations. She is a Post Graduate from Mumbai University in Counseling, Certified Trainer in Presentation Skills form Delta College Michigan and Situational Self Leadership II from Ken and Blanchard.



Seminar on

The Legal Implications of Three Landmark Supreme Court Decisions under The E.P.F. & M.P. Act, Pension Scheme and Impact on Other Related Labour Enactments

11th May, 2019

Bombay Chamber organized one of the largest Seminars on “The Legal Implications of Three Landmark Supreme Court Decisions under The E.P.F. & M.P. Act, Pension Scheme and Impact on Other Related Labour Enactments.”

The Seminar was graced by eminent speakers like Mr. Ranjan Kumar Sahoo, Regional Provident Fund Commissioner, Mr. K. M. Naik Senior Advocate High Court and Senior Counsel, Tata Services Ltd. and Mr. Lancy D’souza, Advocate High Court and Advisor - Legal, Bombay Chamber.

In the first session Mr. K. M. Naik shared his views on the of R.P.F.C. V/S. Vivekananda Vidyamandir, Surya Roshni & Ors.’s case and Interpretation of the Terms ““basic wages”” and “Allowances”. Mr. Naik greeted the participants and was delighted to address the large gathering of participants who showed their interest in attending the Seminar. He congratulated Bombay Chamber for organizing this program and mentioned that he has addressed four seminars on the same subject organized by other institutions but Bombay Chamber’s this Seminar was the biggest in terms of number of participants. At the outset he said Supreme Court’s judgment is an old wine in new bottle with added flavors. He spoke about the definition of “basic wages” that was incorporated by Parliament in 1952.

He said that according to the Parliament “basic wages” meant all emoluments that does not include HRA, cash value of food concession, Bonus, Commission, Overtime Allowance or any other similar allowances. Section 6 of the PF Act says PF contributions are paid on “basic wages” and DA. The idea of various organizations to split CTC in various components is to reduce the PF contributions. Mr. Naik explained the meaning of cash value of food concession. He said that the employer provides the food at a concessional rate to the employees, that concession is known as the cash value of food concession. Mr. Naik clarified that Parliament excluded the HRA, Food Allowance, Bonus etc form the “basic wages” as all these allowances were not paid by all employers of those times and hence PF should be calculated only on “basic wages” and DA. He said that according to the SC if an allowance is not paid across the board to all employees in an organisation in a category, then it will not form part of “basic wages”. Categories can be defined as Management category and Workmen Category. But if an allowance is paid by an organisation to its all employees across board in a category then that allowance will be a part of “basic wages” and PF has to be calculated accordingly. Companies can have a mutual contract of employment for PF deductions where salary of an employee is



more than Rs. 15000. Mr. Naik answered all the questions raised by the participants satisfactorily.

Mr. Sahoo spoke at the second session on Employees Pension Scheme and R. C. Gupta v/s RPFC Case. Mr. Sahoo thanked Bombay Chamber for inviting him at the Seminar to interact with the participants. He said that The SC judgment came in force on October 4, 2016 but matter became complicated by various interpretations by people and it was not complied. He mentioned that under R.C. Gupta's case the employer was paying PF and Pension on full salary of all its employees with due permission under respective sections of EPF Scheme and without any specific permission under the respective section of the Pension Scheme. He said the PF Authority without any permission diverted the excess from Pension Fund to the EPF A/C. The Govt. Notification said that pensionable salary cannot be more than Rs.15000. Mr. Sahoo stated that there were various notifications by the Govt. before the SC judgment was passed and there was no effect given on the notification by the PF authorities neither the companies. A lot of disputes were created due to the notifications and the Supreme Court's decision. He discussed about the developments taken place subsequent to R.C. Gupta's case. After taking due permission from relevant authorities there were two important circular issued by Government dated 23.03.2017 in which the Dept. allowed PF authorities to process all cases of pension on higher wages. Many exempted organisations appealed that they should be allowed to process pension on higher wages. But the Dept. vide circular dated 31.05.2017 said that employees of exempted establishments cannot have pension on higher wages. This circular has been challenged in SC by about 40 exempted establishments and trusts. He shared with us that after the 23rd March circular was issued; about 40000 employees got pension on higher wages and got arrears and interest on pension. Kerala High Court set aside this order as it was creating different set of pensioner and creating inequality amongst the pensioners which was not allowed in the purview of the Act. Kerala High Court and Supreme Court dismissed allowing pension on higher salary and PF authority lost the case. SC decided that no interest on arrears to be paid, no levying of interest on differential contribution and higher pension. He also informed about NPS

which is applicable to Government employees who joined after 2004, which has defined contributions and the benefits are not defined, whereas the employees who joined before 2004 has defined benefits under Pension scheme. SC was of the opinion that if the funds are not sustainable the rate of contribution has to be increased which is an important fact for employers to be aware of. The session was followed by a Q & A Session.

The next session was addressed by Mr. Lancy D'souza. He spoke about the exclusions in "basic wages" and various allowances. He explained various definitions of allowances. He discussed the concept of CTC by giving easy examples of CTC calculation in his presentation. Mr. D'souza discussed cases to give a clear idea about the Act. He suggested on how to deal with accidental mistake or clerical errors with the consent in writing from the Inspector. He spoke about the consequences the establishment will have to face if defaulted. He discussed about the term "excluded employees" in depth. He mentioned about Payment of Gratuity Act by discussing few cases.

The participants were given a complete study material covering all the sessions of the seminar for reference. The seminar was attended by 200+ participants and was well appreciated by all.



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Workshop on

Leadership and Accountability

14th May, 2019

Under Executive Training & Development Programme (ETDP), the Chamber has conducted the above Workshop.

The objective of the training was: (1) Sensitize participants about how critical is accountability in leadership for success at a personal, departmental and organizational level, (2) To help them acquire the attitude to come out of the victim feeling to what I can do to achieve their goal; that is to move from Below the Line to Above the Line of OZ leadership model in a practical way (3) To sharpen their skills to understand when they operate from a victim cycle and to get out of this phase to become accountable for their own and their departments' and organizations' success or failure.

Often people want to be leaders but do not want to be accountable. The truth is we cannot have leadership without accountability - they are the 2 sides of the same coin. Clarity in accountability comes when we first relate it to our personal life. We are responsible for our successes and failures to a large extent. Then we take this concept to another level and introspect to see why leaders fail?

A person is powerless and cannot be a leader with accountability. Being a victim is the exact opposite of being a leader. When we think and act 'what else can I do about this' and 'how can we improve the situation' then we operate Above the Line, we operate with accountability. There is a line between accountability and victimization that separates when you rise above your circumstances to get the results you want and falling into the victim cycle

where you can easily get stuck. An ability of continually asking "What else can I do to rise above my circumstances and achieve the results I desire?" is a step towards accountability and you move Above the Line. This is a process of "Seeing it, Owning it, Solving it, and Doing it". The more open you are to receive feedback, the more perspectives you obtain the more easily you can recognize you are stuck Below the Line. This requires a level of ownership that includes making, keeping & proactively answering for personal commitments. Accountability differentiates a successful department/company from an unsuccessful one.

Topics covered: (a) Exercise on Personal Accountability, (b) Difference between Responsibility and Accountability, (c) Why leaders fail? Stories from different Industries, (d) Exercise to discover if we are functioning below the line of the OZ leadership and accountability model (e) Activity on leadership and accountability with emphasis on 'what else can I do', (f) Best Practices: Climbing above the Line with 4 steps- 1. See It, 2. Own It, 3. Solve It, 4. Do It, (g) Action Plan and takeaway from the training session.

At the end of the session, Certificates were distributed to all the participants.

Faculty:

Dr. Lata Shetty, Director, Mainstream Training Centre, which offers Soft Skills Training Programmes in a variety of settings. Qualifications: B.Sc., M.S.W., Ph.D., a gold medalist throughout her academic career and holds a Doctorate from the prestigious Tata Institute of Social Sciences (TISS).



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