

अरूण कुमार
क्षेत्रीय भविष्य निधि आयुक्त (I)



ARUN KUMAR
Regional P.F. Commissioner (I)

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कर्मचारी भविष्य निधि संगठन
(श्रम एवं रोजगार मंत्रालय, भारत सरकार)
क्षेत्रीय कार्यालय: छावनी बोर्ड भवन, गोलीबार मैदान
पुणे - ४११ ००१, महाराष्ट्र
EMPLOYEES' PROVIDENT FUND ORGANISATION
(Ministry of Labour & Employment, Government of India)
Regional Office : Cantonment Board Building,
Near Golibar Maidan, Pune - 411 001 - Maharashtra

D.O. No. MH/PF/RO/PN/RC-1/IW/05

Date: 13 JUL 2017

Dear Employer,

अति महत्वपूर्ण
MOST IMPORTANT

As you are aware special provisions were made by the Govt in respect of International Workers by inserting **Para 83**(vide GSR 706E dated 01.10.2008) and **Para 43A**(Vide GSR 705(E) dated 01.10.2008) in the Employees' Provident Fund Scheme 1952 and Employees' Pension Scheme 1995 respectively.

According to the Special provisions of the EPF Scheme 1952, contributions in respect of an International Worker(i.e. employer's and employee's) were required to be remitted by an employer on full pay(i.e. without consideration of ceiling) w.e.f. 01st of November 2008 or from his date of joining, whichever was later. Prior to issue of notification dated **11th September 2010**, diversion of 8.33% portion from Employer's share of contribution to the Pension Fund was restricted to the wage ceiling. However, consequent upon notification dated 11th September 2010, the 8.33 portion to be diverted to the Pension Fund is to be calculated on full salary w.e.f. 11th September, 2010. Thus, it is very clear that in respect of the International workers, the contributions had to be deducted and remitted under EPF as well as EPS Scheme on full pay without any ceiling as per provisions of the scheme.

Please refer to **G.S.R. 148 dt 03rd Sep 2010**. Refer to **Para 36 Duties of Employer**. The said paragraph Inter-alia prescribes the mandatory submission of monthly returns in Form IW-1 by 15th of every month. This return is required to be submitted monthly by all covered establishments for reporting details of IWs, even if the information is 'NIL'. As per para 36, every employer of an establishment to which this Scheme applies shall send to the Commissioner within fifteen days from the application of the scheme to such establishment, a consolidated return in such form as the Commissioner may specify, of the International Workers(indicating distinctly the nationality of each and every IWs) required or entitled to become members of the Fund showing the **basic wage, retaining allowance(if any) and dearness allowance including the cash value of any food concession paid** to each of such IWs. In **Form 5**, of the IWs qualifying to become members of the Fund for the first time during the preceding month together with the declarations in **Form 2** furnished by such qualifying IWs indicating distinctly the nationality of each and every IWs. Please also refer to **G.S.R. 149 dt 03rd September 2010**.

It is also informed that this office has obtained list of **Foreigners from Foreigners Residents Registration office(FRRO)** for cross check the data with **IW-1 return** submitted by the employer. Violations of the provisions entail very serious consequences for the employers by way of liability towards both damages **under section 14B** and **penal interest under section 7Q** including **prosecution under Section 14 of the EPF & MP Act 1952**. This also resulted to International Worker shall face financial loss and great difficulties when **totalisation** of benefits is attempted under various **Social Security Agreements**.

As there is no option to **FLAG IW(International Workers) in ECR Challans** to check out the deductions made by the Employer on full salary as defined in the Act(Except EDLI deduction restricted up to Rs 15000/-), you are hereby directed to upload Annx 2 (Missing member details file available in ECR Login duly filled **IW Flag as 'Y' or 'N'**). This will help to monitor PF Account of IW. Any technical issues, establishment may contact IS Division of this office.

Please ensure that compliance in this regard be reported **immediately** to avoid Legal complications. For any query Employers are advised to go through various G.S.R. and Circulars from our website www.epfindia.gov.in from the year 2008 and also FAQs regarding International Workers updated in our website.

Hopeful of your co-operation in the matter,

Your's Sincerely,


(ARUN KUMAR)

**The Directors/Vice-President
of all Establishment.
(Through mail)**