

Synchronized/Joint Inspections based on computerized risk assessment criteria under various Labour Laws in the Labour Department. Online Inspection Portal.

GOVERNMENT OF GUJARAT
Labour and Employment Department
Resolution No.: MIS/132015/200415/M (3),
Sachivalaya, Gandhinagar.
Date: 31st March, 2016.

- Read:-** 1. Labour and Employment Department's resolution No. MIS/132015/200415/M-3, dtd. 26/06/2015 & dtd. 17/02/2016.
2. The Commissioner of Labour Gujarat State letter No. L.C./1/COD/475 /16. Dtd. 19/03/2016.

RESOLUTION

As a part of "Ease of Doing Business" State Government has to do synchronized/Joint Inspections based on computerized risk assessment criteria under various Labour Laws which have been implemented by the Labour Department, and therefore this matter is under active consideration of the Government. After careful consideration Government of Gujarat, in supersession of Labour and Employment Department G.R.No. MIS/132015/200415(1)/M-3 and MIS/132015/200415(2)/M-3, dated. 23/03/2016, is please to prescribe the following norms for the synchronized/Joint Inspection under various Labour Laws for online Inspection.

A.BACKGROUND

Under instructions from the Government of India (Department of Industries policy and promotion) and also the State Government, as a part of reforms on "Ease of Doing Business" an Online Inspection Portal has been developed in the State and all the inspectors have to submit their report online within 48 hours of inspection from 01.04.2016, on the lines of Central Government "Shram Suvidha Portal" to provide IT platform in more efficient, transparent and accountable manner to encourage the industry to comply the service conditions and social security provisions envisaged in various Labour Laws.

Link for the Online Inspection Portal is provided in the Home Page of Labour Department Web Site and inspecting officers are required to login with the User I D provided to them.

B-COVERAGE

Following Acts have been covered under online inspection portal.

- 1) Inspection under the Minimum Wages Act, 1948
- 2) Inspection under the Contract Labour (Regulation and Abolition) Act, 1970
- 3) Inspection under the Payment of Bonus Act, 1965
- 4) Inspection under the Payment of Gratuity Act, 1972
- 5) Inspection under the Equal Remuneration Act, 1976
- 6) Inspection under the Factories Act, 1948
- 7) Inspection under the Payment of Wages Act, 1936
- 8) Inspection under the Maternity Benefit Act, 1961
- 9) Inspection under the Gujarat Labour Welfare Fund Act, 1953

C-INSPECTING OFFICERS:

- (1) Online Inspections for the Acts 1 to 5 mentioned in **Para-B** will be generated for the all inspectors of the Commissioner of Labour.
- (2) Online Inspections for the Acts 6 to 8 mentioned in **Para-B** will be generated for the all inspectors of the Directorate Industrial Safety and Health.
- (3) Online Inspections for the Act 9 mentioned in **Para-B** will be generated for the all inspectors of the Welfare Commissioner, the Gujarat Labour Welfare Board.

D- SUPERVISORY OFFICERS:

- (1) The Assistant Labour Commissioner at district level and Dy. Labour Commissioner at region level shall be the supervisory officer mentioned in **Para-C(1)**.
- (2) Director Industrial Safety & Health is supervisory authority for Joint Director Industrial Safety & Health, Joint Director Industrial Safety & Health is supervisory authority for Deputy Director Industrial Safety & Health, Assistant Director Industrial Safety & Health (Head of the Office), Lady Officer, Assistant Director (Chemical) and Industrial Hygienist, Deputy Director Industrial Safety & Health is supervisory authority for Assistant Director Industrial Safety & Health and Industrial Safety & Health Officer, Assistant Director (Medical) is supervisory authority for Certifying Surgeon mentioned in **Para-C(2)**.
- (3) The Welfare Commissioner shall be the supervisory officer for the Assistant Welfare Commissioner and Labour Welfare Officer mentioned in. **Para-C(3)**.

E- ESTABLISHMENT/FACTORY SELECTION CRITERIA

- A system generated unique ID number is given to each establishment/factory in the data base.
- The Data base of the establishments/factories for online portal is developed from the following sources.
 - 1) Sources like complaint against an establishment/factory for non-compliance of Labour Laws etc.
 - 2) System generated data base of establishments on Col. (Commissioner of Labour) website, who have applied for registration certificate or license or under self-certification scheme through IFP portal w.e.f. 01.10.2015 onwards.
 - 3) Factories List as per the database of Factories available with DISH (Director Industrial Health & Safety).

F- ONLINE ALLOCATION OF ESTABLISHMENTS/FACTORIES FOR INSPECTION:

(a) ONLINE ALLOCATION OF ESTABLISHMENTS/FACTORIES FOR INSPECTION:

Allocation of Establishments to be inspected by Inspecting officers mentioned in **C** during the month is carried out on the basis of random allocation by the system on the components of criteria as follows:

- 1) Based on the complaints received from workmen / Union or any notice / intimation received at Labour Commissioner Office / Welfare Commissioner / Directorate Industrial Safety and Health.
- 2) Risk assessment allotment taking into account on the basis of Number of Workmen employed by the establishment/factories i.e.
 - (a) Low risk establishment/factories employing less than 20 workers will be exempted from inspection with a history of satisfactory compliance of labour law, except in case of complaint received against the establishment for violation of Labour laws
 - (b) Medium risk establishment/factories employing 20 or more but up to 100 workers
 - (C) High risk establishment/factories employing more than 100 workers

(b) Brief description of low, Medium and High risk Factories/Establishment

- (1) Low Risk: Factories except as specified in **clause- F(b)(3)** employing up to 20 workers are to be inspected only if there are complaints of non-compliance of various Labour laws, accidents and dangerous occurrences. Establishment employing up to 20 workers are to be inspected only in case of complaints regarding non-compliance of various Labour laws / Labour situation.
- (2) Medium Risk: Establishment / Factories except as specified in **clause- F(b)(3)** employing more than 20 workers and up to 100 workers.

- (3) High Risk: Major Accident Hazard and other chemical factories, factories carrying out dangerous operations as prescribed under section 87 of the Factories Act, 1948 and rule 102 of the Gujarat Factories Rules, 1963, factories involving hazardous processes as defined under section 2(cb) of the Factories Act, 1948, factories covered under section 85 of the Factories Act, 1948 and all factories/ establishments employing 100 or more workers.

G- UNSCHEDULED INSPECTION

In case of Labour situation, complaint under Labour Laws, accident and dangerous occurrence, survey of unregistered factories or any notice/intimation received at the concerned office, officer/inspector shall be sent for inspection/visit immediately by the Supervisory officer.

H- EXEMPTION CRITERIA (ESTABLISHMENTS / FACTORIES NOT REQUIRED TO BE INSPECTED):

- 1) Low risk Establishment/Factories mentioned in F(b)(1) with a history of satisfactory compliance of labour laws.
- 2) Establishments/Factories registered under self-certification scheme will be inspected as per the provisions of the scheme except in case of labour situation / accident.

L- The detailed procedure and checklist for online joint inspection are as follows and also available on the official website (<https://labour.gujarat.gov.in>) of Labour and Employment Department, Government of Gujarat as well.

(1) INSPECTION PROCEDURE FOR CARRYING OUT INSPECTIONS BY OFFICE OF THE LABOUR COMMISSIONER & WELFARE COMMISSIONER.

- Inspections are carried out by Inspectors on the basis of complaints or references received from commissions, various departments, Ministries etc. or on directions received from higher authorities.
- The Complaints are generally received from workers, trade unions representing workers.
- Inspections are carried out by Inspectors normally within 30 days of receipt of complaint.
- Notices under various Labour Laws are issued to the Employer on the spot for compliance of irregularities detected during the course of inspection.
- Inspection reports are put up within 48 working hours of inspection to higher authorities and will be uploaded on website.

- For non-compliances, which are not complied with by the management despite issuing notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.
- A final report is submitted to higher authorities after completion of all administrative/legal process & complainant is intimated accordingly.

(2) Check list for Inspection Procedure under following Labour Laws:

- A. The Contract Labour (R & A) Act, 1970**
- B. The Minimum Wages Act, 1948**
- C. The Payment of Gratuity Act, 1972**
- D. The Payment of Bonus Act, 1965**
- E. The Equal Remuneration Act, 1976**
- F. The Gujarat Labour Welfare Fund Act, 1953**

Particulars of the Establishment:

Labour Identification Number of the establishment: _____

- Name & address of establishment/employer/proprietor.
- Date of commencement of Establishment.
- Registration code under PF/ESI/Registration No./License No.
- Working Hours
- Wage period and date of payment
- Nature of Work.
- Weekly holiday:-
- Number of workers employed on the date of inspection:-

	Regular	Contract Labour	Total
Male			
Female			
Total			

- Name and designation of employer/s representatives/Responsible officer present during the inspection.
- Notice and abstract of the Act displayed
- Registration /Licenses/Code taken under EPF/ESI/CL(R&A)/or any other Act applicable in the establishment.

A. Contract Labour (R & A) Act, 1970

(PRINCIPAL EMPLOYER)

- Name & full address of the principle employer
- Certificate of registration (Form - I)
- Amount of Registration Fee paid
- No. of Contractors Engaged:
- Register of contractors (in form - XII).
- Notice of commencement / completion of the contract work (in form – VI B).
- Notice showing the rates of wages, hours of work, wages period, date of payment, name and address of inspectors.
- Annual return (in Form - XXV).

(Contractor)

- Name & Location of Contract work:-
- Name & Present address of the Contractor(S). 1.
- Nature of work in which Contract Labour is Employed
- Permanent address of the Contractor:- 2.
- Date of Commencement of the Contract work:-
- Date of Completion of the Contract work
- No. & date of License
- Wage Register (in Form - XVII)
- Employment Cards. (in Form - XIV)
- Muster Roll (in Form - XVI).
- Register of persons employed (in Form XIII).
- Register Wages (in Form XIX)
- Register of Advance (in Form XXII)
- Register of overtime. (in Form XXIII)
- Register of deductions for damage or loss (in Form - XX).
- Register of fines (in form - XXI).
- Notice of commencement of the contract work (in form – VI A).
- Half yearly return (in Form XXIV)
- Amenities under Health & Welfare Provision For contract Labour like(Depending upon no. of workers)
 - Canteen.
 - Rest Room.
 - Crèches.
 - First Aid Box.
 - Urinals & latrines.
 - Drinking Water.
 - Washing Facility.

(B) Minimum Wages Act, 1948

- Register of fine. (in Form I)
- Register of deduction for damage or loss (in Form - II).
- Register of Wages (in Form X)
- Overtime Register for Workers (in Form - IV).
- Muster Roll (in Form-V).
- Wages Slip (in Form-XI).
- Annual Returns (in Form-III).
- Attendance card.
- Inspection book.

(C) Payment of Gratuity Act, 1972

- No. of employees who have been paid their gratuity and mode of payment.
- No. of employees, who have not been paid their gratuity and reason in brief.
- Notice of opening (in Form - A)/ Notice of change (in Form - B)/Notice of Closure (Form -C).
- Nomination (in Form - F).\
- Abstracts of the Act & Rules (in Form U).

(D) Payment of Bonus Act, 1965

- Percentage of bonus paid: _____ for the accounting year _____.
- Certified copies of Profit and Loss.
- Account books.
- Balance sheet.
- Attendance and payment of wages registers.
- Form A (Computation of Allocable surplus under Section 2(4)).
- Form B (set-on and set-off of allocable surplus under section 15.)
- Form C (Bonus paid to Employer for the Accounting year ending on ____.)
- Annual Return in Form D.

(E) Equal Remuneration Act, 1976

- Register in form 'D'.

(F) The Gujarat Labour Welfare Fund Act, 1953

- Register of fine.
- Register of Wages
- Muster Roll
- Attendance card.
- Bonus payment register
- Earned Leave Payment register
- Unpaid register
- Overtime Payment register
- Balance Sheet
- Receipt of Labour Welfare Fund paid

(3) INSPECTION PROCEDURE FOR CARRYING OUT INSPECTIONS BY DIRECTOR INDUSTRIAL SAFETY & HEALTH

- Inspections are carried out by Inspectors on the basis of Computerized Risk Assessment, complains, Accident or references received from, various departments, Ministries etc. or on directions received from higher authorities.
- The Complaints are generally received from workers, trade unions representing workers.
- Inspections are carried out by Inspectors normally within 30 days of receipt of complaint.
- Notices under Factories Act are issued to the Employer on the spot/RPAD for compliance of irregularities detected during the course of inspection.
- Inspection reports are put up within 48 working hours of inspection to higher authorities and will be uploaded on website.
- For non-compliances, which are not complied with by the management despite issuing notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.
- A final report is submitted to higher authorities after completion of all administrative/legal process & complainant is intimated accordingly.

(4) Check list for Inspection Procedure under following Labour Laws:

A. The Payment of wages act - 1936

1	Is salary register maintained?	Yes	No
2	Is applicant salary is less than 18000 P.M.?	Yes	No
3	Is salary paid within prescribed time?	Yes	No
4	Fine register is maintained?	Yes	No
5	Register of deduction from wages is maintained?	Yes	No
6	Register for damage / loss is maintained?	Yes	No
7	Payment of undisturbed wages in cases of death is paid or not.	Yes	No
8	Is annual return submitted before 15 February?	Yes	No
9	Is abstract of payment of wages displayed on notice board?	Yes	No
10	Register for advance payment is maintained.	Yes	No
11	Is register for details of loan paid by occupier to worker maintained?	Yes	No

B. The Maternity benefit act - 1961

1	No of female worker employed		
2	Attendance register is maintained.	Yes	No
3	Is applicant female worker has worked for more than 80 days in a year?	Yes	No
4	Is applicant has informed about pregnancy / miscarriage in prescribed Performa?	Yes	No
5	Is maternity benefit register maintained?	Yes	No
6	Has applicant female worker submitted maternity certificate of medical practitioner / civil or other hospital?	Yes	No
7	Is ESIC applicable to factory?	Yes	No
8	Is medical bonus paid?	Yes	No
9	Registers for attendance, female workers application, maternity benefit and other allowance are maintained or not.	Yes	No

C. The Factories Act, 1948:

Shri _____, responsible person of the factory present at the time of inspection is given details of the factory as below.					
1	Name and address of the factory.				
2	License No:	No of workers :	Horse Power:	Details of Renewal	
3	Approved plan no.:	Date :	Details of the stability certificate		
4	Name of occupier :				
	Address :				
	Mobile:	Factory Contact No. :	Residence:		
	E-mail:				
5	Name of factory manager & mobile no.:				
6	No of workers	General & First Sift	Second sift	Third sift	Total workers
	Male				
	Female				

7	Are the following facilities available in the factory?					
		Toilet	Urinal	wash place		
	Male					
	Female					
8	Clock room	Mesh room	Lunch room	Canteen	Crèche room	
	1	Is canteen facility provided in the factory?		Yes	No	N.A.
	2	Is lunch and rest room facility provided the factory?		Yes	No	N.A.
	3	Is crèche room facility provided in the factory?		Yes	No	N.A.
	4	Is clock room facility is provided?		Yes	No	N.A.
	5	Is drinking water facility is provided?		Yes	No	N.A.
	9	Is First Aid box / facilities provided in the factory?			Yes	No
No of First aid trained person : _____						
10	Is welfare officer appointed?			Yes	No	N.A.

By order and in the name of the Governor of Gujarat.



(R. H. Vasava)

Deputy Secretary to the Government.

To,

1. The Commissioner of Labour, Gujarat State, Gandhinagar.
2. The Director Industrial Safety & Health, Gujarat State, Ahmedabad.
3. The Welfare Commissioner, the Gujarat Labour Welfare Board, Ahmedabad.
- ✓ 4. The Deputy Commissioner of Labour, Ahmedabad/ Surat / Vadodara/Rajkot
5. The Joint Director Industrial Safety & Health, Ahmedabad/Surat/Vadodara/Rajkot.
6. The Deputy Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar.
7. The Industries Commissioner, Gujarat State, Gandhinagar.
8. The Dy. S.O. Select file / Branch Select file.