

URGENT

G. Srinivas, IAS
Principal Secretary to Govt.,
Labour & ESI Deptt.
Odisha, Bhubaneswar- 751001



Ph. No. 0674- 2536770 (O)
2535077 (R)

Cell No. 8280044448
Fax No. 2394981

No. 353490/LESI
LL-I-(III) 32/15
Dated the 22nd April, 2015

To

All Collectors,
All Deputy Labour Commissioners,
All Assistant Labour Commissioners,
All District Labour Officers

Sub: Composite Inspection Scheme.

Madam/Sir,

You are aware that the field officers of the labour directorate are required to undertake inspections of different types of establishments under various labour laws. Although Labour Directorate issues month-wise targets to each Inspecting Officer for conducting inspections under different Acts, ~~the same is not carried out in the field in a systematic manner.~~ The Inspectors sometimes visit a single establishment more than once, for inspection under different Acts while many establishments are left uninspected for years together.

~~In order to ensure that field inspections are conducted in a systematic and efficient manner,~~ it has been decided to adopt a **Composite Inspection Scheme**, the details of which are at **Annexure 1**. Under this Scheme, for each calendar year (January to December) a schedule of Inspections will be drawn up for each labour district, listing out all the establishments in the district and the month wise schedule of inspection for these establishments by a specific Inspector. Every inspection shall be held so as to cover all the labour statutes applicable to that establishment. The report of inspection will be submitted in a combined inspection form as per a

prescribed format. The Schedule of Inspection is to be put up by the Assistant Labour Commissioner / District Labour Officer to the Collector & District Magistrate for approval by the 1st of December of the preceding year and may be approved by the Collector latest by 15th December, marking one copy to the Labour Commissioner, Odisha. In case the Collector fails to approve the schedule by 15th December, the same shall be sent by the Assistant Labour Commissioner / District Labour Officer to the Labour Commissioner, Odisha for approval. The list of labour laws requiring inspection is at **Annexure-2**. The format for preparing the Schedule of Inspection is at **Annexure-3**. The format for the report of the combined inspection under different labour laws is at **Annexure-4**.

For the calendar year 2015, the Schedule may be approved by the Collectors by 15th May, 2015. For the calendar year 2016 the schedule is to be approved by the Collectors by 15th December 2015.

You are therefore, requested to take immediate action for preparing and approving the said Schedule of Inspection for your district. The list of establishments requiring inspection are first to be consolidated for the district with inputs from the Labour Officer, Factories Inspector, G.M., DIC, Pollution Control Board, R.T.O., District/Block Officers undertaking construction work, DFO, Urban Local Bodies and Rural Local Bodies in the district. The identified establishments should include all the industrial establishments, shops and commercial establishments, construction sites, beedi and cigar establishments, news paper establishments and motor transport establishments in the district. The list is to be revised each year due to opening of new establishments and closing of some establishments.

The approved Schedule of Inspection for the current year 2015 should be submitted to this office by 3rd week of May, 2015.

Yours faithfully,

Encl.:- As Above.


Principal Secretary to Government

Memo No. 3535 (3) /LESI, Bhubaneswar, dated the 22.4.2015

Copy alongwith copy of enclosures forwarded to P.S. to Hon'ble Minister, Labour & ESI / OSD to Chief Secretary, Odisha / P.S. to D.C.-cum-ACS, Odisha for information of Hon'ble Minister, Chief Secretary, DC-cum-ACS respectively.

[Signature]
22-4-15

Additional Secretary to Government

Memo No. 3536 (2) /LESI, Bhubaneswar, dated the 22.4.2015

Copy alongwith copy of enclosures forwarded to Labour Commissioner, Odisha, Bhubaneswar / Director, Factories & Boilers, Odisha, Bhubaneswar for information and necessary action.

[Signature]
22-4-15

Additional Secretary to Government

Memo No. 3537 /LESI, Bhubaneswar, dated the 22.4.2015

Copy alongwith copy of enclosures forwarded to Labour Commissioner(O)-cum-Member Secretary, Odisha Building & Other Construction Workers Welfare Board, Bhubaneswar for information and necessary action.

[Signature]
22-4-15

Additional Secretary to Government

Memo No. 3538 (9) /LESI, Bhubaneswar, dated the 22.4.2015

Copy alongwith copy of enclosures forwarded to Labour Law-II

Section / IR Section / Audit Section / Social Security Section / Plan & Budget Section of this Department for information and necessary action.

[Signature]
22-4-15

Additional Secretary to Government

COMPOSITE INSPECTION SCHEME**A. Objective**

This Inspection Scheme aims to achieve the objective of simplifying business regulations and bring in transparency and accountability in labour inspections. It envisages objective criteria for selection of units for inspection.

B. Criteria for Inspections

The District Collector would, through the district labour administration, collect and analyse field level data for a transparent and accountable labour inspection system. The Collector will formulate objective criteria for selection of establishments for inspection, keeping in view the industrial situation in the district.

1. Mandatory inspections:

In the following cases, the inspections will be mandatory for all units:-

- i. The establishments where fatal or serious accident has occurred in last two years.
- ii. The establishments where strikes/lock out/retranchment has taken place in last two years.
- iii. Closed establishments till their workers' dues are settled.

2. Optional inspections:

In following cases, the inspections would be generated randomly, either through a computer or manually, taking into account the following factors:-

- i. The establishment is falling in the category of hazardous industry [20%].
- ii. The establishments employing 50% Contract Labour or minimum of 20 number of Contract Labour [20%].
- iii. The establishments where total number of worker is more than 200 [20%].
- iv. All other establishments, as per priority criteria fixed by the Collector [40%].

C. Methodology

1. Master data on establishments to be collected and consolidated at district level.
 2. Annual Inspection Schedule to be finalised taking into account criteria for inspections.
 3. Inspectors to visit establishments as per pre-fixed schedule, and cover all applicable labour laws during a single inspection.
 4. Inspectors to submit detailed inspection report as per prescribed format, within 3 days of inspection, to the next higher authority.
-

D. General Instructions

1. The inspecting officer has to maintain registers of the establishments.
2. He has to record the statement of workers present at the time of inspection.
3. In case of contradiction in the statements of employer's, worker and entries in the record, the inspecting officer will seize the relevant records.
4. Notices/findings of inspection should be handed over to the employer's representative on the work-spot by the inspecting officer himself.
5. The inspection should be carried out during the normal working hours as far as possible.

List of Labour Laws that mandate inspection

- 1) The Minimum Wages Act, 1948 and Rules 1954.
- 2) The Payment of Wages Act, 1936 and Rules 1936.
- 3) The Payment of Bonus Act, 1965 and Rules 1975.
- 4) The Contract Labour (Regulation and Abolition) Act, 1970 and Rules 1975.
- 5) The Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act 1979 and Rules 1980.
- 6) The Child Labour (Prohibition and Regulation) Act, 1986 and Rules 1994.
- 7) The Orissa Shops and Commercial Establishment Act, 1956 and Rules 1958.
- 8) The Orissa Industrial Establishment (National Festival) Holidays Act, 1969 and Rules 1972.
- 9) The Motor Transport Workers Act, 1961 and Rules 1966.
- 10) The Equal Remuneration Act, 1976.
- 11) The Maternity Benefit Act, 1961 and Rules 1966.
- 12) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act) and Rules 2002.
- 13) The Building and other Construction Workers' Welfare Cess Act, 1996 and Rules, 1998
- 14) The Beedi and Cigar Workers (Condition of Employment) Act, 1966 and Rules 1969.
- 15) The Working Journalists (Condition of Service) and Miscellaneous Provision Act, 1955.
- 16) The Sales Promotion Employees (Condition of Service) Act and Rules 1976.
- 17) The Payment of Gratuity Act, 1972 and Rules 1974.

COMPOSITE INSPECTION FORMAT**Report on inspection conducted under various labour laws**

- 1) Date & time of inspection :
- 2) Date of last inspection and by whom :
- 3) Name and address of the establishment :
- 4) Name of the Act under which the establishment is registered with Regd. No. & Date :
- 5) Brief description of the trade / business / work/product :
- 6) Name and address of the employer with
Telephone Number (Off./Res.) & Email address :
- 7) Name and address of the Manager / Occupier or person responsible for supervision and control of the establishment :
- 8) Number of workers employed :

	Regular Worker		Temporary / Casual Worker		Contract Labour	
	Male	Female	Male	Female	Male	Female
Unskilled						
Semi-skilled						
Skilled						
Highly Skilled						
Supervisors						

- 9) Rate of wage paid :

	Regular Worker		Temporary / Casual Worker		Contract Labour	
	Male	Female	Male	Female	Male	Female
Unskilled						
Semi-skilled						
Skilled						
Highly Skilled						
Supervisors						

- 10) Date of commencement of establishment / production / manufacturing :
- 11) Name and address of the person representing the employer / management present at the time of inspection :

4) Payment of Wages Act, 1936 and Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether the wages have been paid within prescribed time limit ? If not, details of unpaid wages.
 - b) Whether prescribed registers are maintained and kept ? If not, extent of violations :
 - c) Whether prescribed notices are displayed ?
 - d) Whether prescribed Return has been submitted within prescribed time limit ?
 - e) Any other violation of the provisions of the Act and Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

5) Payment of Bonus Act, 1965 and Rules made thereunder

- 1) Whether provision of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether bonus has been paid to all eligible employees within prescribed time limit ?
 - b) Whether prescribed Registers are maintained & kept; If not, specify the extent of violations.
 - c) Whether prescribed Return has been submitted within prescribed time limit ?
 - d) Any other violation of the provisions of the Act and Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

6) Equal Remuneration Act, 1976 & Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether remuneration at equal rates paid to men and women workers for performing the same or similar nature of work ? If not, specify the details of differential wages in a separate sheet.
 - b) Whether prescribed Register has been maintained and kept ?
 - c) Whether prescribed return has been submitted within prescribed time limit.
- 3) Summary of violation (mention relevant Sections and Rules) :

7) Child Labour (Prohibition and Regulation) Act, 1986 and Rules made thereunder

- 1) Whether provision of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether any child has been employed in any occupation and/or process set forth in Part-A and Part-B of the Schedule ?
 - b) Whether any child has been employed in employment other than the occupations or processes set forth in Part-A and Part-B of the Schedule ? If yes, whether the conditions as set forth in Sec.-7, Sec.-8 have been complied with and whether the Occupier has sent written notice to the Inspector as required under Section-9.
 - c) Whether prescribed Register has been maintained and kept ?

- 3) Summary of violation (mention relevant Sections and Rules) :

8) Contract Labour (Regulation and Abolition) Act, 1970 and Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether the establishment has been registered ? If yes, Regd. No. & date, maximum number of contract labour for which registration made.
 - b) Details of contractors and number of contract labour employed by them.
 - c) Whether the contractors to whom this Act is applicable, obtained licence ? If yes, the details of licence No. and date, period of validity, maximum number of contract labour for whom licence obtained should be specified contractor wise ?
 - d) Whether the welfare amenities as per this Act have been provided ? If not, extent of violations ?
 - e) Whether the principal employer ensured the presence of his authorized representative at the time & place of the disbursement of wages by the contractors to the workmen ?
 - f) Whether prescribed registers are maintained and kept ? If not, extent of violations.
 - g) Whether prescribed notices have been displayed ?
 - h) Whether prescribed returns have been submitted by the principal employer and the contractors within prescribed time limit ?
 - i) Any other violation of the provisions of the Act and Rules noticed.

- 3) Summary of violation (specify the Sections and Rules) :

9) Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979 and Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether the establishment has been registered ? If yes, Regd. No. & date, details of contractors and maximum number of inter-state migrant workmen to be employed for whom registration obtained.
 - b) The details of contractors and maximum number of inter-state migrant workmen employed by them.
 - c) Whether the contractors to whom this Act is applicable, obtained licence ? If yes, specify the license no. and date, maximum number of inter-state migrant workmen for whom license is obtained ?
 - d) Whether displacement allowance and journey allowance are paid to the inter-state migrant workmen ?
 - e) Whether facilities as per this Act have been provided to the inter-state migrant workmen ? If not, extent of violation.
 - f) Whether prescribed registers are maintained and kept by the principal employer and the contractor(s) ? If not, extent of violations.
 - g) Whether prescribed returns have been submitted by the principal employer and contractor(s) within prescribed time limit
 - h) Any other violation of provisions of this Act and Rules noticed.

- 3) Summary of violation (mention relevant Sections and Rules) :

10) Maternity Benefit Act & Rules made thereunder

- 1) Whether the provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether the provisions of this Act & Rules made thereunder relating to payment of maternity benefit to women employed in the establishment are complied with ? If not, extent of violations.
 - b) Whether prescribed register, record has been maintained and kept ?
 - c) Whether abstract of the Act & the Rules made thereunder has been exhibited ?
 - d) Any other violation of the provisions of the Act & Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

11) Payment of Gratuity Act, 1972 and Rules made thereunder

- 1) Whether the provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether gratuity has been paid to eligible employees as per Sec. - 4 of the Act ?
 - b) Whether prescribed notices have been displayed.
- 3) Summary of violation (mention relevant Sections and Rules) :

12) Beedi and Cigar Workers (Condition of Employment) Act, 1966 and Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether licence has been obtained to use or allow to be used any place or premises as an industrial premises ? If yes, specify the licence number, date and maximum number of employees for whom licence obtained.
 - b) Whether provisions relating to cleanliness, ventilation, overcrowding, latrines & urinal, washing facilities, crèche, First-Aid and Canteen have been complied with ? If not, extent of violations.
 - c) Whether provisions relating to working hours wages for overtime work, interval for rest, spreadover, weekly holidays, annual leave with wages have been complied with ? If not, extent of violation.
 - d) Whether any child or women or young person has been employed in contravention of the provisions of Sections 24 and/or 25 ?
 - e) Whether prescribed registers, records have been maintained and kept ?
 - f) Whether prescribed notices have been displayed ?
 - g) Whether prescribed return has been submitted within time limit ?
 - h) Any other violation of provisions of the Act & Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

13) Building & Other Construction Workers (RE&CS) Act & Rules made thereunder

- 1) Whether the provisions of the Act & Rules are applicable to the establishment ?
- 2) If yes;
 - a) Whether the establishment has been registered ? If yes, Regd. No. & date, maximum no. of workers for whom registration obtained.
 - b) Whether the provisions of the Act and Rules made thereunder pertaining to hours of work, rest intervals, weekly off, payment of wages etc. have been complied with ? If not, extent of violation.
 - c) Whether the provisions of the Act & Rules, made thereunder pertaining to safety and health measures have been complied with ? If not, extent of violation.
 - d) Whether prescribed notices have been displayed ?
 - e) Whether prescribed registers, records are maintained & kept ?
 - f) Whether prescribed return has been submitted within time limit ?
 - g) Any other violation of provisions of the Act & Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

14) Building & Other Construction Workers Welfare Cess Act & Rules made thereunder

- 1) Whether the provision of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether the employer has paid cess within the prescribed time period ? If not, specify the details of unpaid cess amount.
 - b) Whether the employer has furnished information in Form - 1 ?
- 3) Summary of violation (mention relevant Sections and Rules) :

15) Working Journalists & Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 & Rules made thereunder

- 1) Whether the provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether working journalists and non-journalists have been paid wages as per notified rate ? If not, specify details of less payment.
 - b) Whether the provisions of the Act & Rules relating to hours of work, leave, payment of gratuity etc. have been complied with ? If not, specify detail violation.
 - c) Whether prescribed registers, records and muster rolls are maintained and kept.
 - d) Any other violation of the provisions of the Act & Rules noticed.
- 3) Summary of violation (mention relevant Sections and Rules) :

16) Sales Promotion Employees (Condition of Service) Act and Rules made thereunder

- 1) Whether provisions of this Act are applicable to the establishment ?
- 2) If yes;
 - a) Whether letter of appointment in Form-A has been furnished to sales promotion employees ?
 - b) Whether leave facilities as provided under this Act and Rules have been allowed to sales promotion employees ?
 - c) Whether prescribed registers and records are maintained & kept ?
- 3) Summary of violation (mention relevant Sections and Rules) :

Signature of the Employer /
Representative of the employer

Signature of the witness, if any

Signature of the Inspector
with name and designation

OFFICE OF THE

No. _____ / Date _____

Copy forwarded to Sri _____ (Employer)

of M/s. _____, Address : _____

_____ for information. He is requested to rectify the defects as mentioned in the above said report and submit report of compliance to the undersigned within seven days of receipt of this letter positively, failing which legal action shall be initiated for contravention of the provisions of the aforesaid labour law.

Signature of the Inspector

No. _____ / Date _____

Copy forwarded to the Collector & District Magistrate, _____ / Labour
Commissioner, Odisha for favour of information.

Signature of the Inspector

Handwritten signature and stamp:
Signature of the Inspector
B. C. Das
29/12/2014
B. C. Das