

1 INTRODUCTION

Inspection under various labour laws is carried out by Labour Commissionerate under present labour law enforcement Policy of the Jharkhand Government. Principles and Practices of Labour law enforcement by the enforcement agency require a transparent inspection model by evolving a selection criterion for inspection of industries and establishments.

1.1 Labour laws belong to social legislations category. Main role of labour inspection is the promotion of compliance with labour legislation as well as good labour practices, to achieve basic workers' rights, balanced socio-economic development, and sound and effective industrial relations as a basis for constructive social dialogue and thus a positive investment climate. Labour law enforcement agencies are expected to assist management and workers in developing good labour practices and achieving social justice and decent work for all.

1.2 The Department of Labour is charged with the responsibility to promote good labour practices including sound labour relations, improved conditions at work and minimum wages, fair labour practices and a healthy and safe working environment, through advice, enforcement and other suitable measures. The **Labour Inspection and Enforcement Policy** has been designed to facilitate and ensure more effective implementation of an integrated approach to labour inspection, in line with the principles of the International Labour Organisation Conventions and practices ratified by Government of India, the Indian Constitution and the spirit of our Labour laws.

1.3 The main objective of the model policy is to ensure that all employers and workers comply with the requirements of our Labour law; and that the Government must assist with, and enforce such compliance through a combination of advisory and enforcement measures to ensure decent work for all.

1.4 For this purpose the Department of Labour has Inspection and Enforcement Services which ensures that the Department provides information and advice as well as ensure compliance with our Labour laws by providing and monitoring Labour Enforcement authorities who deal on daily basis with the employees and employers. This Labour Inspection Enforcement Policy document sets out the general principles that all Regional Offices, and inspectors are expected to follow. All serving and newly recruited labour inspectors should be thoroughly trained in the effective implementation of the Enforcement Policy.

2 VISION

2.1 Our vision is to deliver a world class service that is effective and efficient, that eases **the business of prevalent inspection norms and practices** and promotes labour market that is characterized by:

- Rising equity
- Sound labour relations
- Respect for employment standards
- Workers rights and
- Occupational health and safety

3. MISSION

3.1 The staff of the Department of Labour will serve the workers in the formal and informal sector, organized and unorganized sector, those working in the vulnerable sectors as well as those employed in sectors that are more vulnerable by:

- promoting a culture of prevention and voluntary compliance
- improving the working conditions of workers in the vulnerable worker sectors, high risk sectors, designated employers and repeat violators
- securing strategic partnership and co-operation with all stakeholders/ role players
- encouraging and promoting self/co-regulation
- ensuring improved access to services
- developing a professional service within the Department of Labour

4. STRATEGIC OBJECTIVES

4.1 The Inspection and Enforcement Services and all its Inspectors are committed to the following strategic objectives:

- ***To promote good labour practices*** including sound labour relations, improved conditions at work with minimum wages to all, fair labour practices and a healthy and safe working environment. We are enforcing the law to achieve these objectives.

- ***To provide information and advice on our labour laws:*** The Department is the initiator and custodian of labour laws. It is endowed with the responsibility to inform all stakeholders about the provisions of existing labour laws and where appropriate to educate them. However, the Department does not act as a legal advisor.

- ***To ensure compliance with our labour laws:*** We will ensure that conduct both

re-active (i.e. when dealing with complaints and incidents) and pro – active (identified areas of non-compliance and advise on corrective action) inspections to ensure that our laws are complied with but at the same time it intends to **end all types of inspections that creates fear psychosis for the system ie. Inspector Raj.**

5. OUR VALUES

5.1 The Department of Labour should have its own set of values which include:

- Labour centered service: This means that the problems the labour force needs to be dealt with in a manner that will benefit the target group the most.
- Efficiency and effectiveness
- Transparency
- Accountability

5.2 Other values are particularly important in the context of enforcement, namely:

- Consistency: similar cases should be treated in similar fashion
- Equality: equal protection of workers in comparable situation.
- Coherence: clear guidelines for a common intervention approach for all inspectors including exercise of authority, discretion, and judgment

6. ROLE OF THE INSPECTOR

6.1. Inspection procedures

Labour inspection is based on agreed, written procedures that have also been laid down in the Operations Manual, which all inspectors in all field offices are required to follow, after having received appropriate training. **The main elements of these new labour inspection procedures with regard to a first enterprise inspection visit are defined as follows:**

- On the occasion of the first visit to any enterprise in a given year, inspectors will make a full assessment of the state of compliance with labour legislation, covering all relevant social relations and social protection provisions, and also assessing the employer's ability and apparent willingness to comply with these regulations.
- If the violations are not evidently serious, and if the inspector has grounds to believe that the employer will correct them by a given deadline and be reasonably co-operative in future, **advocacy** (structured information and advice on the best way of complying) will be **the primary means of intervention**, together with clear, written instructions on how to comply, and in what time-frame to do so.
- If the inspector decides to prosecute the employer, structured advocacy on the reasons for doing so will be given. This will include information on the employer's legal obligations, on the consequences of continued non-compliance, and on the time-frame for rectification. The reasons for prosecution will be laid down in writing for him or her.
- As far as is reasonably possible, the inspector will also take the size and economic circumstances of the enterprise into consideration when deciding on prosecution. Whilst the law applies to all, inspectors can be more flexible

towards small enterprises, in particular regarding deadlines for compliance with minor violations.

- As far as possible, the inspector will consult with workers' or trade union representatives working in the enterprise and inform them of existing violations of labour legislation encountered and what further action he/she intends to take.
- In the event that the inspector detects violations but decides to give advice or information only (always together with written compliance instructions and a time-frame), possibly combined with a written warning (structured advocacy), a follow-up visit **no later than one month after the compliance deadline has elapsed**, is in principle obligatory, unless "force majeure" prevents it from taking place in time.
- If, on the occasion of a such follow-up visit, the inspector finds that the employer, in spite of previous assurances, has taken no significant steps towards compliance and rectification of the violations noted earlier, the **inspector will as a matter of strict policy initiate prosecution measures**, again combined with structured advocacy, to inform the employer once more of his legal obligations, and of the reasons for now prosecuting.
- Only in exceptional, clearly justified cases, when the employer shows valid reasons and documentary evidence for having had to delay compliance ("force majeure") will the inspector once more give only structured advocacy, combined with a written warning to comply, and a further, final deadline for doing so.
- Employers who are generally in conformity with the law, having shown evidence of their willingness to comply, which inspectors must document in their reports, will not be inspected again for a period of at least twelve months, unless a complaint has been received or an accident has occurred.
- Inspectors will document all the above steps, depending on their decision, in writing and submit their first inspection visit report to the controlling officer for discussion and approval in principle no later than 10 days after the visit.

7. Productivity of labour inspectorates

7.1 Productivity is the relationship between what is produced and the resources required to produce it. It is concerned with inputs, outputs, and the relationship between inputs and outputs. **It is possible to check a labour inspectorate's productivity by:**

- Measuring inputs and outputs;
- Relating inputs and outputs to a definite time-frame.

7.2 One measure of productivity, or performance, is the number of inspections an inspector undertakes per month or per year. This measure of productivity does not indicate the quality of inspection work and has the usual distortions of the average as a statistical measure. But it provides a useful starting point for examining the inspectorate's performance. Therefore, the enforcement agency

(State and field office) should set specific, realistic performance standards binding on all inspectors.

7.3 It is being felt that raising the level of productivity should not be at the expense of quality. For example, it may appear easier to increase the number of inspections by taking short cuts, not undertaking detailed inspections of workplaces, and not writing proper reports. Therefore, **fixed time limits** should be set for each type of inspection. Routine or regular inspections of small enterprises employing less than 10 workmen should be done in not more than one hour. Inspections of medium-sized enterprises employing up to 250 workmen should not take more than half a day; and **no inspection** of any enterprises – even a very large one – **should take more than one day**. Large enterprises must be inspected in teams, **It is best to increase productivity by:**

- Better work planning and programming;
 - Improved transport for inspectors;
 - More and better training; and
 - Better office facilities and support equipment.
 - Improving resource management means giving greater attention to:
 - Setting inspection targets;
 - Making proper work plans;
 - Monitoring inspectors' performance;
 - Evaluating performance to determine why targets have not been met.
 - Even where inspectorate staff resources are declining, it is possible to increase productivity by better planning and resource management, and by adopting new methods and approaches for inspection visits, such as integrated labour inspection.

8. Technological developments

8.1 New technological developments make many new demands on labour inspection. For example industrial machines, computerized technology, genetic engineering, new chemicals, new substances, new forms of work organization, etc. Particularly the latter are of growing concern as they are a primary reason for stress and other occupational diseases, particularly in transition phase incurring sometimes significant, often “hidden” losses and production on-costs. New technologies require inspectorates to adapt to a range of new situations, including: new work processes, different types of hazards, new and unfamiliar working conditions, and new types of work accidents. New technologies – with the potential of major hazards – as used, for instance, in chemical plants, not only affect workers in the immediate working environment, but often also the population in surrounding areas. In their advisory role, inspectors must therefore also always keep in mind what the effects of any ongoing work might be on the general public.

8.2 Examples of consequences of technological developments for labour inspection:

- Which strategies should inspectorates adopt to keep well informed about technological changes and their expected impact?
- How should inspectors' recruitment and training be organized to accommodate new developments?

8.3 How should the inspectorate structure and organization be developed to keep abreast of new technology?

The complexity of new technologies and the need for specialist assistance may involve greater use of external consultants to support mainstream inspectorate staff. It also requires placing greater emphasis on labour protection through prevention at the earliest possible stage. Extensive consultations are usually needed before new plant, processes, and chemical substances – which might pose a threat to the safety and health of workers and the wider community is introduced. Attention should be given to (for example):

The study and approval of factory plans and processes before construction;

The centralized inspection of imported machinery and equipment;

Consultation with employers and workers on enterprise safety and health prevention policies;

The increased participation of all parties in developing a safety and health policy with proper training and education amongst all stakeholders;

The development of an inspection strategy concentrating on priority industries and enterprises, preferably in an integrated approach.

9. THE NEW INSPECTION MODEL

9.1 Introduction

This model has been designed to facilitate and ensure more effective implementation of an integrated approach to labour inspection, in line with the principles of ILO Conventions. The central objective of the model is to make certain that all employers and workers comply with the requirements of a country's Labour Law, and that the Government assist with, and enforces, such compliance through **a combination of advisory and supervisory measures** to ensure decent work for all. International Labour Organization has developed a guideline for labour inspections. It has also codified a model enforcement policy along with Code of Ethical behavior and Training Manual for the same purpose.

As per these guidelines compliance must be enforced not merely for the sake of public order, but also so that all workers in country and their families are

protected, that employers who invest in decent work are not undercut by non-compliant competitors, that a level playing field is created for all, and that the economy and society continue to enjoy opportunities for growth in which all citizens have a fair share.

9.2 New approaches to inspection

Changes in the world of work and the speed at which they occur require different, often new, even unfamiliar, approaches to inspection work. Secondly, our approach in the past year tended to focus more on quantity rather than quality. The focus also was on ensuring that there's improvement in the number of workplaces visited. This in a way improved the productivity of the inspectors as more and more workplaces were visited. Productivity is the relationship between what is produced and the resources required to produce it. It is concerned with inputs, outputs, and the relationship between inputs and outputs. One measure of productivity, or performance, is the number of inspections an inspector undertakes per month or per year. This measure of productivity does not indicate the *quality* of inspection work and has the usual distortions of the average as a statistical measure. But it provides a useful starting point for examining the inspectorate's performance. Therefore, the inspectorate (State and field office) management should set specific, realistic performance standards binding on all inspectors: There's there a need for us to change the way we do things in order to maximize the limited resources we have.

9.3 What does the new inspection entail?

Before we can respond to this question, it is important to first define what an inspection is and its intended outcome

An inspection is the activity carried out by an inspector, which is aimed at ensuring that the person or entity inspected complies with the legislation. In other words, an inspection is carried out with a purpose of achieving a specific goal, which is compliance with the law using the enforcement procedures as stipulated in departmental directives. From this definition, it is clear that an inspection must have an outcome, which is compliance. What then do we mean when we talk about compliance? What did these workplaces comply with? Did they comply with all the laws that we administer? The answer is a resounding **NO**.

9.4 What then should be an acceptable way of defining compliance? Well, an employer can only be said to be complying only if the company complies with all legislations (**not some**). How can we then achieve this considering the limited resources at our disposal? Well, even where inspectorate staff resources are declining, it is possible to increase productivity by better planning and resource management, and by adopting new methods and approaches for inspection visits, such as **integrated labour inspection. What it is integrated labour inspection?**

9.5 This means that a team of inspectors comprising of inspectors with all Directorates of labour department having variable competencies conduct an inspection at a particular target as a team. This team is led by a Team Leader. It is only when the whole team is satisfied with the level of compliance that a pronouncement could be made that Employer A is in full compliance. This type

of inspection is referred to as “Full Audit”. For this approach to yield positive results, proper planning will be very crucial. Planning should not be seen as something that **might** be done if time allows.

9.6 Planning is of fundamental importance if inspectorates are to improve their overall performance. Planning means preparing for the future. It involves preparing for action at some given point in time the next day, next week, next month, next year. Planning is the opposite of chaos and crisis. It attempts to transform chaos into order and reduce uncertainty to a more manageable level. Planning requires considering priorities. **Planning is a tool to transform the possible into reality.** Resources are scarce – through good planning it is possible to establish priorities for their most effective use. What is important is that **everyone has to plan.**

9.7 Preparing for the Inspection Visit and Collecting background information

Once inspection priorities have been established, action plans formulated, and detailed work programmes agreed, it is possible to prepare to conduct the inspection visit itself.

Inspectors must check files and records on the enterprise to be inspected concerning:

- Location of the enterprise and the name of the contact person;
- Total number of workers, number of women workers, young workers, apprentices, and skill levels, etc;
- Nature of the work process and its final products and services;
- Raw materials and equipment used, particularly if chemicals are involved;
- Previous violations of the law and the action taken. This will provide an insight into the general commitment of the enterprise to meeting statutory labour standards;
- Employer’s general attitude to the inspectorate (hostile, indifferent, cooperative);
- work accidents and diseases over the last five years, and in particular fatalities;
- Complaint letters from workers against management, and the action taken to address complaints;
- Existence of a trade union in the enterprise, and whether there is a collective agreement between the union and management. Much of this information can eventually be stored in an electronic database and easily accessed before inspection visits. With electronic reporting the information can be expanded and updated continuously.

10.1 Enforcement

Laws to protect workers' conditions of employment and working environment are meaningless if the legal provisions are not **respected and enforced**. **There can be no good labour legislation without good labour inspection. Labour law enforcement, that is ensuring compliance with rules and regulations, is the primary responsibility of labour inspectors. Inspectors can improve their performance by making better use of existing resources.** This requires that inspection work be carefully planned to ensure that enterprises "at risk" receive priority attention, and those where non-compliance is rare are given lower priority. In addition to this careful planning of inspection work, particularly the arrangements for unannounced routine inspection visits, the conduct of each inspection visit is very important.

- Proper preparation is required for each visit.
- The visit should follow a set standard procedure.
- Follow-up activities should be provided for, particularly submission of inspection reports and check-ups.

10.2 A properly conducted inspection visit can have an impact beyond the immediate concern of law enforcement and compliance. **Inspectors play a front-line role in the work of Labour Commissionerate.** Through general observation and questioning they can identify problem areas which might lead to industrial conflicts and disputes, as well as potential hazards which might cause workplace accidents.

10.2.1 Thus, well-executed inspection visits can play an **important preventive role** in the wider area of labour-management relations. Routine inspection can also encourage workers and their organizations, and management to take greater responsibility for matters that were traditionally handled by labour inspectors. The more inspectors can rely on workers and management to take responsibility for their rights and obligations under the law, the more time they can devote to enterprises where this type of responsibility is lacking.

10.2.2 Inspectors must make every effort to involve union representatives and senior management representatives in each inspection visit. There is an increasing trend to set quantitative standards for labour inspectors, often in the form of a set number of inspection visits to be completed each month. This is to be encouraged, to improve the inspectorate's productivity, but care should be taken not to increase the number of inspections at the expense of quality. Quantity and quality inspection performance improvements should go hand in hand.

11. Planning Inspections

11.1 The importance of planning

Labour inspectorates' work should be properly planned if policy objectives and obligations under the labour laws are to be met. Policy directives, to be effective, have to be translated into action plans. Law enforcement should be systematically planned if the best use is to be made of the scarce resources available to inspectorates. Planning should not be seen as something that might be done if time allows. Planning is of fundamental importance if inspectorates are to improve their overall performance.

11.2 What is planning?

Planning means preparing for the future. It involves preparing for action at some given point in time the next day, next week, next month, next year. Planning is the opposite of chaos and crisis. It attempts to transform chaos into order and reduce uncertainty to a more manageable level. Planning requires considering priorities. Planning is a tool to transform the possible into reality. Resources are scarce – through good planning it is possible to establish priorities for their most effective use. What is important is that everyone has to plan:

11.3 The planning process

11.3.1 Planning involves:

- taking stock of the existing situation;
- Establishing a broad vision of the future;
- Setting objectives for achieving that vision;
- Fixing targets reflecting the results to be achieved;
- Setting standards indicating the quality of outputs to be achieved;
- Relating objectives and targets to a definite time-frame;
- Comparing **expected** costs and benefits **before** implementing the plan;
- Considering monitoring arrangements when implementing the plan;
- Considering the evaluation arrangements required at the end of the plan period.

11.3.2 Planning requires **action strategies** to ensure that objectives, targets, and standards are achieved. When making plans it is crucial that all concerned are clear about their responsibilities, the performance standards to be met, the target indicators, and the time-frame.

11.4 Action planning

Action planning involves deciding who will do what and when. It is likely to be of most concern to labour inspection headquarters staff and to field office managers or their deputies. Before inspectorates prepare detailed action plans, the following questions must be addressed:

- What is the legal definition of an enterprise?
- How many enterprises are liable to inspection under that definition?
- Is it necessary to inspect **all** enterprises legally liable to inspection?
- How frequently should enterprises liable to inspection be visited?
- Should a distinction be made between large and small enterprises (SMEs)?
- Which sectors should be given priority?

11.5 Work programmes

Each inspector's work programme will require preparation based on the labour inspectorate's action plans. Each inspector should know which enterprises to inspect **weekly and monthly**, and how often. Each inspector's work programme must take account of his or her duties (as well as public holidays, training and other absences, and annual leave). Individual work programmes should provide time for unforeseen situations. Individual work programmes should be prepared in consultation with inspectors, superiors, and colleagues. The individual work programme is also an important tool to monitor and evaluate inspectors' performance on an ongoing basis. Timely implementation should therefore be carefully checked by field office and headquarter supervisors.

12. Preparing for the Inspection Visit

12.1 Collecting background information

Once inspection priorities have been established, action plans formulated, and detailed work programmes agreed, it is possible to prepare to conduct the inspection visit itself.

Inspectors must check files and records on the enterprise to be inspected concerning:

- Location of the enterprise and the name of the contact person;
- Total number of workers, number of women workers, young workers, apprentices, and skill levels, etc;
- Nature of the work process and its final products and services;
- Raw materials and equipment used, particularly if chemicals are involved;
- Previous violations of the law and the action taken. This will provide an insight into the general commitment of the enterprise to meeting statutory labour standards;
- Employer's general attitude to the inspectorate (hostile, indifferent, cooperative);
- Work accidents and diseases over the last five years, and in particular fatalities;
- Complaint letters from workers against management, and the action taken to address complaints;
- Existence of a trade union in the enterprise, and whether there is a collective agreement between the union and management.

12.2 If the employer is known to be uncooperative and aggressive towards inspectors, additional Preparation may be required.

Example: It may be desirable for a senior, experienced inspector to undertake the inspection, Or for a more experienced colleague to accompany a less experienced inspector. It will also be necessary to consider carefully whether inspection should be on appointment or by surprise.

13. Types of inspection visit

13.1 The background information to be collected for each inspection visit will depend on the type of inspection.

There are normally three types of inspections:

- Routine Inspections
- Follow-up Inspections
- Re-active Inspections.

13.2 Routine (or regular or standard) inspection visits are concerned with checking compliance with the law and advising enterprises on how to comply with legal provisions. Such visits usually cover the full range of matters covered by the mandate of the inspectorate.

Example: As the inspectorate is responsible for **terms and conditions of employment**.

13.2.1 The visit will concentrate at least on: wages, hours of work, overtime, rest periods, leave, maternity benefits, minimum age regulations, welfare facilities, and amenities.

13.2.2 As the inspectorate is also responsible for **safety and health**, and the **working environment**, the same visit will include checking of: machine safety, materials handling, chemicals and hazardous substances, electrical installations and wiring, scaffolding on construction sites, as well as safety of ladders, equipment operation, fire safety, and general housekeeping

13.2.3 In an integrated inspection service, inspectors must be competent to deal with basic issues in both these major areas of labour protection. All routine visits require follow-up by a return visit of an inspector. But some will, particularly where the inspector has given a deadline for rectifying problems or shortcomings, or issued a warning letter, an improvement notice, or prohibition notice.

13.3 Follow-up visits are undertaken to determine the extent to which the enterprise has responded to the outcome of an earlier routine visit. Inspectors have a degree of discretionary power, not for the content of the law they are required to enforce, but for the time given to enterprises to address shortcomings.

13.4 Re-active Inspections may be in response to, or investigation of a specific complaint from a worker in an enterprise. They may concern a particular problem relating to the inspectorate's priorities (fire safety, illegal employment, asbestos,

etc.), or may involve investigating a particular problem, for example a serious work accident. Such visits relate to a specific issue and to collecting information to assist in decision making on that issue.

14. Preparing materials

14.1 The inspector should put together the materials and items required for conducting the inspection efficiently. These include:

- The Inspection Service Instructions setting out inspection procedures;
- The labour laws and related regulations; these documents must be kept up to date with recent amendments;
- An official identification card verifying the inspectors' credentials;
- A copy of any collective agreement (sector or enterprise) between management and the relevant trade union;
- The prescribed inspection forms;
- Checklists to assist in dealing with certain issues such as basic OSH, and for collecting information;
- If possible, the factory floor plan;
- Any available promotional material for awareness raising and educational purposes. A floor plan will assist the inspector in accessing areas where machines are located, identifying storage areas (particularly for chemicals), examining internal traffic flows, and the general flow of raw materials and products. This is particularly valuable for visits to large establishments.

14.2 Information is an important resource, just as staff, vehicles, and finance is resources.

Without a proper records management system inspectors will be wasting valuable time in collecting information from various sources and locations, and in subsequently processing it

15. Confirming the visit

15.1 It is necessary to decide whether a visit will be announced, thus by appointment, or unannounced, thus by surprise.

Example:

If an inspection visit is announced, the inspector will make a firm appointment to visit the enterprise at a particular time on a particular day. The appointment should be confirmed the day before the visit. The labour law usually provides for inspectors to make surprise visits at any reasonable hour. For special visits, an appointment is usual, while follow-up visits may be announced or unannounced. Should regular or routine inspection visits be announced or unannounced? The decision should be based on the type of intervention most likely to improve workplace protection.

15.2 The main **advantages of an announced visit** are that it gives the enterprise time to:

- Get together relevant information;

- Alert managers and workers to the timing of the visit;
- Arrange meetings to facilitate the inspector's visit.
- It also gives greater assurance that senior managers will be present. In the final analysis,
- They have the responsibility for compliance; they have to "get it right" on a sustainable basis even when the inspector is not there. The main **disadvantages of an announced visit** are that it provides the enterprise an opportunity for:
 - Window dressing (e.g. borrowing safety equipment such as fire extinguishers from other enterprises);
 - Senior management to be deliberately absent;
 - Documents to be "missing".

15.3 The unannounced visit enables the inspector to observe actual and true conditions in the enterprise. A surprise visit should therefore be made if the inspector has reason to believe that an announced visit would allow time for concealing irregularities. An inspection visit resulting from a formal complaint should also normally be unannounced to prevent documents and evidence from being concealed, and to protect complainants from harassment and discriminatory behavior before inspection.

16. Mobility

16.1 As part of the preparation for an inspection visit it is necessary to ensure that transport is available at the required time. It is preferable for the inspectorate to have its own transport, but this is not always the case.

17 The uncooperative manager

17.1 Some managers may refuse to cooperate with the inspector, or provide the least possible assistance, or be outright hostile and, in some cases, even aggressive. In such circumstances the inspector should first rely on a combination of technical power and person power. This would mean explaining to management their obligations as duty holders under the law, but also some of the benefits to be derived from the visit.

- **Example:** Improved safety and health, and better motivation of the workers;
- Better work practices, better quality and higher productivity;
- Solution of problems before they escalate into major disputes.

17.2 The inspector should outline, persuasively and convincingly, how his or her work can contribute to improved labour relations in the above sense, since good health (and good conditions) for the workers is good business (and thus profitable) for the employer. The actual message is important, but so is the way in which it is presented.

17.3 It is very important to remember that inspections should always be non-confrontational. If an inspector reaches an impasse, it is better to break off

the visit, return to the office and discuss immediately with the field office/district director (or, in his/her absence, with senior colleagues) what steps to take next. However, the case should not be dropped. An immediate, swift reaction to such – illegal – obstruction is imperative, if necessary and as a last resort, with assistance from the police.

17.4 If technical power and person power fail to obtain cooperation from management, the inspector should resort to his or her position power, i.e. the authority provided by the law. This requires that the inspector be fully conversant with his or her powers conferred by national regulations. These should be brought to management's attention.

17.5 Finally, the inspector may indicate that he/she will initiate legal proceedings against the employer for obstruction. Before commencing the inspection visit the inspector should indicate that he or she wishes to be accompanied by a representative of management and/or of the workers. This is to be encouraged for normal inspections, not only to promote cooperation between the parties (mainly management) and the inspectorate, but also to access information that might otherwise be difficult to obtain.

17.6 By having informed persons present throughout the inspection, the inspector will have many of his or her questions answered on the spot. In some cases it might be preferable for the visit to proceed without a representative of management present, for example where the inspector wishes to ask questions of workers who may be reluctant to respond when a management or a worker representative is present. Inspectors should, where necessary, insist on their right to talk to workers alone, that is, in the absence of any management staff.

18. The shop floor visit

18.1 Once the inspector has completed the formalities with management, the actual inspection can commence. Where should the inspector start? There are no fixed rules for the order to follow; it will depend on the nature of the inspection, its objectives, and information obtained during preparations and preliminary discussions. The inspector may wish to see first the work premises. If this is the priority, the inspection should be conducted systematically, preferably by following the production process, from the arrival and storage of raw material to the final product stage.

18.2 For a first inspection, it is desirable for the inspector to have a comprehensive overview of the enterprise's work and learn about its raw materials, processes, machinery, storage facilities, power supply, and general technology level, as well as its wages registry, collective agreements, time sheets, and other legally required documentation, etc.

18.3 Before visiting the production area, the inspector may prefer first to examine such documents and records on wage scales, overtime worked, rest periods, leave arrangements, and other matters relating to the terms and conditions of employment, as well as, for example, on chemical safety (data sheets), accident records, etc. Such an examination would be done alone, not in the presence of any worker or management representative, although it may be necessary to request accounts or finance clerks to respond to specific queries, or safety engineers or similar personnel to give additional information.

18.4 Examining various records can provide useful insight on how the enterprise conducts its affairs. **Example:** Poorly kept financial records, missing information, and outstanding payments are a signal that management is weak and uncaring, thereby alerting the inspector to the possibility of deficiencies in other areas (such as occupational safety and health) as well.

18.5 The inspector may decide to go immediately and directly to a section of the factory if he or she has reason to believe that there is a particular problem there. For example, if illegal labour is thought to be prevalent in the factory; or an unsafe machine, or toxic substances constituting an immediate danger are being used, the inspector would adjust his or her programme accordingly.

19. Regular (general, standard) inspection

19.1 The items to be covered in a regular inspection of the terms and conditions of employment as well as the working environment (integrated inspection) will depend on specific regulations and requirements of the current Labour Law and the Safety and Health Acts and regulations. Inspection will involve examining books and records, as well as observing the physical conditions under which work takes place.

19.2 Regulations usually require that a register of overtime be kept and that the wages register, payroll or wages book and individual pay slips show the hours worked. If such records are accurately maintained, the inspector can readily check whether the hours of work comply with the law, and whether overtime has been worked and paid for at the correct rates. If there is no such register, or proper records have not been kept, the inspector will have to make specific checks, such as the actual time employees enter and leave the enterprise, or the duration of meal breaks, and may question individuals as to the number of hours used for calculating wages for their last pay period. He/she will also interview several workers to establish the facts – typically in the absence of any management representative and in such a manner as to avoid subsequent victimization. Unauthorized overtime could be checked by an unannounced visit outside normal working hours.

19.3 Safety and health issues

Supervising safety, health and welfare standards is a principal function of all labour inspectors. It is part and parcel of every regular inspection. There is no set sequence for safety and health-related inspection work. Again, it is normal to follow the production flow, checking machinery, equipment, and processes as

raw materials are progressively transformed into finished products. Both employment and OHS concerns can in this way be very conveniently combined.

19.4 While moving through the enterprise, the inspector should note the building's condition, location of and free access to (emergency) exits, electrical wiring, general housekeeping, sanitary conditions, water outlets, fire-detection and fire-fighting equipment, internal traffic movement, including warnings of dangerous sectors, proper posting of signs, and the provision of proper fencing between work areas and traffic flow areas, and proper marking of the latter. Checklists can be very useful in this context. The inspector can significantly reduce risks by ensuring that obvious safety regulations are strictly observed.

19.5 Investigating complaints

Inspection visits are often undertaken in response to a particular complaint. In such cases the inspector should not disclose the reasons for his or her presence, or the name of the informant, and when interviewing workers for purposes of investigation, should talk to as many as possible to avoid inadvertently disclosing the source of the complaint or information. The inspector will act as though a normal inspection is being undertaken, but will ensure that the subject matter of the complaint is addressed during the course of inspection

19.6 Follow-up visits

Follow-up visits are required to check whether an instruction or order from a previous visit to rectify a shortcoming (improvement notice) has been complied with within a timeframe set by the inspector. Inspection should be undertaken shortly after the time given to rectify the problem has expired. Follow-up visits need not be announced and should normally concentrate on a particular issue or set of issues raised during or after the initial visit. The inspector can go directly to the part of the enterprise to be inspected or call for documentary evidence on the particular subject.

19.7 Investigating work accidents

An accident is a sudden, unintended occurrence, normally causing bodily harm or injury or material damage. Unfortunately, accidents occur all too frequently and have to be investigated by inspectors to **determine causes** and **establish preventive measures**. The main purpose of investigation is to learn how similar accidents can be prevented by such means as mechanical or organizational improvements, such as through improved supervision or more and better training of workers. Such investigations should also be used to publicize a particular hazard among workers and supervisors (and fellow inspectors), to draw attention to accident prevention in general and, in some cases, to determine the facts concerning legal liability or worker's compensation.

The investigation should attempt to answer at least these questions:

- **When** did the accident occur?
- **Where** did it occur?
- **Who** was injured?
- **What** happened (cause and effect)?

- **What** were the contributory factors? And
- **How** can similar accidents be prevented?

19.8 Investigation should always be conducted on the spot, and will be made easier if the inspector comes to the site as soon as possible. After an accident, the site should therefore to the extent possible be left undisturbed, unless special measures have to be taken to ensure the safety of the injured or other persons, or to prevent further property damage.

19.9 It is necessary to inspect the accident site carefully and interview witnesses, preferably individually and not in the presence of the employer or his representative. In doing so, the inspector should question persons without apportioning blame. The aim is to determine the facts to prevent another accident rather than to establish guilt. Injured persons should be interviewed as soon as possible after the accident, either at the workplace, hospital, or home. If possible, photographs should be taken of the accident site, and sketches made of the layout and the machines involved, showing the movement of goods and people

19.10 The inspector should attempt to find out four main things:

- The immediate cause (such as a broken cable as a result of it being overloaded, old, or frayed; a broken step or no handrail; an oily floor);
- Not immediately apparent but equally important factors, such as fatigue (suggested by the time of the accident), inadequate training, and alcohol abuse;
- Failures in organization and the OHS management system of the enterprise; and
- Failure to abide by the law or regulations. Once the facts have been determined, the inspector will have to decide what to do.

20. Closing meeting

20.1 After the inspector has visited the premises, spoken with employees and examined the records, a closing meeting should be held with management representatives and, where possible, also with representatives of the workers or trade union officials. In fact, the inspector should encourage the employer to invite worker representatives to this meeting. That is the time for an open discussion of the problems found during inspection, and on the best way of complying with legal requirements, and it should not be rushed. The closing meeting should not be used as an opportunity to intimidate the employer, and should not become a confrontation. Heated exchanges should be avoided.

20.2 The inspector has to balance the dual functions of enforcing the law and providing advice and information. He or she should clearly and objectively state what needs to be done, and the likely repercussions of failure to comply with legal provisions within a clear time-frame. However, if the situation warrants it, the deadline for implementing measures required or proposed by the inspector

can be discussed or “negotiated” in return for the employer’s firm commitment to comply. This process is called “negotiated compliance”. It has to be fully based on prevailing legal standards and requirements, but it does increase the level of acceptance of measures imposed by the labour inspectorate.

20.3 During the closing meeting, the inspector should address the key issues.

For example:

- **Summarize** the general standard of working conditions in the enterprise, including the state of housekeeping, emphasizing what is satisfactory, but clearly pointing out what needs improvement to ensure compliance with the law;
- **Discuss** the unfair, unsafe, and unhealthy or otherwise unlawful conditions observed, outlining all apparent violations and possible legal consequences;
- **Propose** priorities for improving working conditions and the working environment by identifying three or four important issues;
- **State** those measures which have to be implemented without delay;
- **Inform** the employer of the period allowed for implementing time-consuming measures;
- **Inform** those present of the role and purpose of labour inspection, indicating the services it can provide to the employer and the workers; and
- **Present** all findings in a balanced, impartial manner, highlighting also the good points.

21. Key Factors

21.1 In conducting the inspection the inspector should be aware of a set of important issues. **These key factors are:**

- The real purpose of inspection should be kept in mind. It is not to show the inspector’s superiority and position power, or to initiate legal proceedings, or indeed to “punish”, but to ensure a fair, safe, healthy and productive working environment;
- Inspection must be conducted systematically and follow a routine procedure;
- The employer or employer’s representative and employees should be involved during inspection, most importantly at a closing meeting;
- The enterprise and its working environment, not an individual employer or manager, are being inspected. The inspector should put aside personal likes and dislikes and proceed with the job;
- The inspector, not the employer (or manager), is in charge of inspection. The inspector has the support of the law in conducting inspection. This should be pointed out firmly to an uncooperative employer or his representative. In addressing these key factors, inspectors must show good communication skills. How the inspector relates to people is important in determining whether his or her message will be acted upon. It is important not only what an inspector says, recommends, or orders, but also how he or she gets that message across.

22. Follow-up

22.1 After the inspection visit

Once the inspector has left the enterprise and prepares to write the inspection report, certain steps may be necessary.

Inspectors should:

- **Consult** technical colleagues and check relevant legal texts, guidelines and publications to ensure that recommendations proposed or instructions given are correct;
- **Consult** the notes taken during the inspection visit and the issues raised at the closing meeting;
- **Re-examine** the problems identified and confirm, through personal reflection, that they are, in fact, the priority ones;
- **Decide** what action to take on each problem. This will depend on an assessment of its seriousness, the inspector's powers under the law and, most importantly, what is likely to improve the workplace situation in a sustainable manner. The inspector could decide to confine action to advising on how best to comply with the law or, if the problem is not, or not entirely, covered by legal provisions, advising on how to rectify the situation. Where a problem relates to certain sections of the law or regulations, the sections should be referred to in any notification to the enterprise. Where advice or a recommendation is based on a standard or technical norm not specified by law, the distinction should be made clear.

22.2 Record keeping

The outcome of the inspection visit is part of the inspectorate's "institutional memory". The inspection report must be added to the file on the enterprise. It is desirable to file also the inspector's working notes and comments for future reference. Information on each visit becomes part of the inspectorate's statistical database.

23. Reporting on the Inspection Visit

23.1 Format of inspection reports

The inspection report format should generally consist of:

- A standard format in which the inspector provides information in response to a series of questions on a prescribed form; and
- A narrative format in which the inspector presents information in full sentences and paragraphs under a series of broad headings.

The report format must relate to the inspection report's purpose. The report is a tool for action as well as an important source of information. The format should provide all relevant data for decision making.

23.2 Preparing to write the report

The prime purpose of inspection work is to convey information as a basis for sustainable improvement action by the enterprise, and by the inspectorate (the inspector and the inspectorate hierarchy). It is important to consider to whom the report is addressed. If it is an internal document solely for the inspectorate's use,

its content and style will be different from a report meant for other parties. The normal practice is for the inspection report to be kept in the inspectorate, with the enterprise and other parties concerned being notified of relevant matters by letter. In this way the confidentiality of the information collected from enterprises can be maintained. The inspector always should distinguish between **fact** and **opinion**. Information presented as fact should be verified for accuracy; that which is subjective should not be presented as final, definitive statements, but should reflect sound judgment based on competence and experience. If necessary, senior colleagues or specialists should be consulted.

23.3 Writing the report

Writing the report will depend on the different elements of the format used.

For the narrative part of the report, the material will have to be arranged in logical sequence leading to a series of: findings; conclusions; and recommendations.

The report should be completed as soon as possible after the inspection, preferably the same day. There should be **binding deadlines** throughout the inspectorate with **clear, achievable performance standards**. For example, a routine inspection report should be submitted to the controlling officer no later than one week after the visit. **Keeping deadlines and then taking timely action and providing feedback – must be closely monitored by supervisors at district levels.**

23.4 Content

The report of a first or regular inspection visit will normally cover at least the following items based on the nature of the Act(s) under which inspection was made.:

23.4.1 General information on the enterprise:

- Name;
- Legal status (company, partnership);
- Relation to other entities and companies (e.g. subsidiaries);
- Nature and description of business;
- Location and address;
- Contact person, and telephone and fax numbers;
- Number of employees (disaggregated by sex, young workers, occupational categories);
- Special processes (e.g. use of chemicals);
- If it is a “special conditions” (high risk/hazardous) enterprise or not.

23.4.2 Working conditions:

- Hours of work;
- Minimum wages and allowances paid;
- Weekly rest periods and holidays;
- Other legal conditions of employment requirements;
- Safety conditions;

- Health conditions;
- Medical and welfare services;
- General state of “house keeping”;
- Rating of enterprise in terms of work hazards;

Principles and Practice of Labour Inspection

- Rating of enterprise management’s ability and willingness to at least maintain, if possible improve, existing standards.

23.4.3 Industrial relations:

- Existence of a trade union;
- Collective agreement applicable or not;
- Number and function of workers’ representatives;
- Existence of a functioning consultative committee, such as: works council, workers'committee, OHS committee;
- Frequency of strikes, if any.

23.4.4 Inspection details:

- Nature of inspection (routine, special, follow-up, investigation);
- Nature of all contraventions;
- Priority areas for attention;
- Action to be taken on each priority area.

23.4.5 Any other information or data considered useful.

The report should indicate the inspector’s name, all parties to whom it is addressed, and should be dated and signed. Reports of any subsequent visits would update information on general matters, working conditions, industrial relations, as well as basic safety and health, and concentrate on the nature of contraventions, the action proposed to remedy them, and whether the employer has complied or not. If not, what were the reasons given, and does the inspector judge them valid or not.

LABOUR COMMISSIONER JHARKHAND INSPECTION MANUAL

Objective: The Inspection Scheme aims to achieve the objective of simplifying business regulations and bring in transparency and accountability in labour inspections in a just and transparent manner as per above mentioned principles

and guidelines. It envisages objective criteria for selection of units for inspection.

Criteria of Inspections

Mandatory inspections:-

1. 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/retrenchment has taken place in two years.
 - iii) Closed establishments till their workers' dues are settled.

2. GOI has recommended for setting up a State Analysis and Intelligence Unit (SAIU) for collecting, analysing field level data for a transparent and accountable labour inspection system. The cases forwarded through State Analysis & Intelligence Unit (SAIU) will be based on data and evidence. Labour Commissioner Organization will formulate an objective methodology for selection criteria of the cases by the SAIU keeping in view its priorities and the provisions of ILO C-81. Until a separate unit is established existing resources of statistical wing of the department may be used for the purpose.

Optional inspections:-

In following cases, the inspections would be generated through computer using pre-decided number tables 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 50 number of Contract Labour [20%].
- iii) The establishments where total number of worker is more than 250.[20%]
- iv) All shops and other establishments employing minimum of 10 number employees[40%].

3 Methodology:

To facilitate this inspection scheme following is required:

1. Employers to feed master data and periodical returns.
2. Inspectors to feed detailed inspection report.
3. Inspectors to feed accident returns.
4. Computer programme to be developed taking into account the criteria.
5. Computerized generation of inspection programme and communication to the inspecting staff keeping in view the confidentiality aspects

5 General Instructions to carryout inspections under the scheme:

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. As far as possible Inspection report should be prepared on the work –spot by the inspecting officer himself and handover to the employer’s representative.
5. The inspection should be carried out during the normal working hours as far as possible.
6. The inspection report should be uploaded preferably within 3 days but not later than seven days by the inspector.
8. In case of violations by the inspecting staff, System generated notices, alerts, reminders and showcauses to the inspector concerned and his controlling authority.

For easing the business of inspections and preparation of ensuing inspection Reports and show cause notices technology friendly and easy to understand standardized formats have become need of the hour. It has been standardized for the following 14 Acts as follows:

MODEL INSPECTOR REPORT CUM-SHOW CAUSE NOTICE UNDER

1. Building and Other Construction Workers (RE & CS) Act, 1996 & Jharkhand Rules, 2006
2. (a) Contract Labour (R & A) Act, 1970 & Bihar Rules, 1972 (PRINCIPAL EMPLOYER)
(b) Contract Labour (R & A) Act, 1970 & Bihar Rules, 1972 (CONTRACTOR)
3. (a) Inter-State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (PRINCIPAL EMPLOYER)
(b) Inter-State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (CONTRACTOR)
4. Minimum Wages Act, 1948 & Jharkhand Rules, 1951
5. Payment of Wages Act, 1936 & Jharkhand Rules 1937
6. Payment of Gratuity Act, 1972 & Jharkhand Rules, 1972
7. Maternity Benefit Act, 1961 & Jharkhand Rules, 1964
8. Child Labour (P&R) Act, 1986 & Jharkhand Rules, 1988
9. Payment Of Bonus Act, 1965 & Central Rules, 1975
10. Equal Remuneration Act, 1976 & Central Rules, 1976
11. Jharkhand Shops and Establishment Act 1953 and Rules 1955
12. Motor Transport Workers Act and Jharkhand Rules 2001
13. The Beedi and Cigar Workers’ (Conditions of Employment) Act 1966 and Bihar rules 1969
14. Factories Act 1948 and Jharkhand Rules 1950

Particulars to be noted while on visit:

Labour Identification Number of portal of the establishment (if LIN number not given than give following details)

1. Name & address of establishment/employer

2. Name & location of work
3. Period of work
4. Name & address of principal employer
5. Registration code under PF/ESI/Registration No./License No.
6. Working Hours
7. (a) Wage period and date of payment
(b) Rates of notified wages
8. Weekly holiday:-

9. Number of workers employed on the date of inspection:-	Contract	
Male		
Female		
Total		

GOVERNMENT OF JHARKHAND
DEPARTMENT OF LABOUR , EMPLOYMENT & TRAINING
OFFICE OF -----

Memo No Dated:

To,

Sub: Inspection Report in respect of _____ under
 _____.

Dear Sir,

(a) (i) I am to inform you that during my inspection of your establishment of ----
 ----- on _____ at A.M./ P.M. _____ .

While executing the work of _____ which constitutes a
 scheduled employment under the Minimum Wages Act, and in respect of which
 minimum rates of wages have been fixed by the of Govt. of Jharkhand .

(ii) during my inspection of your establishment under below mentioned labour
 laws :

1.-----

2. -----

3.-----

etc.

(iii) Certain irregularities were observed during my inspection are given in
 inspection report at page
 No. _____

(b) You are requested to rectify the irregularities immediately and report
 compliance within a fortnight endorsing a copy to me, failing which legal action
 by way of prosecution/ Claim application will be taken against you/ your
 management.

(c) As the irregularities were also observed in the past, you are requested to
 show cause within ten days endorsing a copy to me as to why legal action should
 not be taken against you/your management for the contraventions noted in
 Inspection Report.

(d) The under mentioned documents are seized in exercise of power conferred
 on me under Section. _____.

Yours faithfully,

---- cum Inspector/ Inspecting Officer

Copy forwarded to Controlling Officer

Particulars of the Establishment filled during inspection :

**Contract
Labour(R&A)Act,1970&BiharRules,1972(PRINCIPALEMPLOYER)**

1. Name & location of the Estt.	
2. Name & full address of the principle employer	As addressee
3. Nature of Work	
4. No. and Date of Certificate of Registration	
5. Amount of Registration Fee paid	--
6.(I) No. of workmen employed directly on the date of inspection:	Male- Female- Total -
(II) Maximum No. of workmen employed through Contractor on any day in the preceding 12 months:	Male- Female- Total -
(III) No. of Contractor through whom Employed	
7. Name & address of the Principal Employer's representative present during inspection	

Contract Labour(R&A)Act,1970& BiharRules,1972(Contractor)

1.Name &Location ofContractwork:-	
2. Name &Present address of the Contractor(S).	
3.NatureofworkinwhichContractLabour is Employed	
4.PermanentaddressoftheContractor:-	
5.DateofCommencementoftheContract work:-	
6 Probable date of Completion of the contract Work	
7 .No. ofworkersemployedonthedate of inspection	Male– Female– Total–
8.Max.No.ofworkmanemployedonany date inthepreceding12months	Male– Female– Total–
9.No.&dateofLicence	
10.AmountofLicencefee paid	
11.Amountpaid asSecurity:	
12.Name& addressof the P.E.	
13. No.&dateof theCertificate ofRegd.Of thePrincipal Employer.	
13.Name, Designationand address of theperson responsibleforsupervisionandcontrol of theContractor'sestt.	Asat Sl.No.12
15.Name, Designation& addressof the Contractor's Representative present during Inspection.	
16Registers, Recordsanddocumentschecked.	

Building and Other Construction Workers (RE & CS) Act, 1996 & Jharkhand Rules, 2006

1. Name and location of the Building or the other Construction work.	
2. Name and present address of the Employer (s):	As address
3. Permanent address of the Employer (s):	
4. Nature of building or other construction work carried on in the establishment.	
5. Date of commencement:	
6. No. of building workers on the date of inspection.	Male- Female- Total =
7. Maximum number of building workers employed in the preceding 12 months.	Male- Female- Total =
9. Number and date of registration certificate	
10. Amount of Registration fee paid.	
11. Name, designation and address of the person responsible for the supervision and control of estt./building or the other construction work:	
12. Name and address of the representative of the employer present during inspection.	
13. Hours of work:	
14. Weekly holidays:	
15. Wage period:	
16. Date of payment of wages	
17. Name of the PE	

Payment of Wages Act, 1936, & Jharkhand Rules, 1937**Minimum Wages Act, 1948 & Jharkhand Rules, 1951**

1	Name and address of the establishment			
2	Name & Present address of the employer			As addressee.
3	Permanent add. of the Employer.			As addressee
4	Date of Commencement.			
5	Probable date of completion			
6	Nature of work of the estt.			
7	No. of workers employed on the date of inspection		M- F- Total -	
I	Daily rated			Nil
ii	Piece rated.			Nil
8	Wage period			
9	Date of Payment (s)			
10	Hours of work			
11	Weekly Holiday.			
12.A	Name & Add. of the representative present during inspection.			
12.B	Name of the Employing department.			
13	Particulars of alternative forms approved if any.			
A	No. & dates of order approving alternative forms.			
b.	Register (a) approved.			
	Records/Register checked:-			
14	Registers checked & attested			

Payment of Gratuity Act, 1972 & Jharkhand Rules, 1972

Name of the establishment	
Nature and description of work	
Name and address of the responsible Officer	As addressee
Date of commencement	
Probable date of Completion	
No. of employees present on the date of Inspection	Male – Female – Total –
Max no. of employees employed on any day during 12 months	Male – Female – Total –
Weekly Holidays	
Date of Payment:	
Name and address of the employer's representative present during Inspection	

Payment Of Bonus Act, 1965 & Central Rules, 1975

1. Name & Location of the manager/person liable under section 2[14]	As addressee
2. Date of commencement and completion accounting year	
3. No. of workers employed on the date of inspection	Male- Female- Total –
a) Opening of accounting year:	
b) Closing of accounting year:	
Whether the establishment employed 20 or more workers during the accounting year, if so, the relevant evidence to be noted	
4. Name and designation of the employer's representative present during the inspection	
5. Amount of the available surplus Rs. ____ and Allocable surplus Rs.	-
6. Percentage of bonus paid	
7. Register checked and signed	-

Equal Remuneration Act, 1976 & Central Rules, 1976

1.	Name & location of the establishment	
2.	Nature and description of employment carried in the estt. where the act applies	
3.	Notification no. with date which brought the Act in force on employment as above	
4.	Date of commencement	
5.	Date of completion	
6.	Name and address of the employer (Name of partners/Directors in case of employer is a company or firm)	
7.	Total No. of workers employed	Male- Female - Total –
8.	Wage Period	
9.	Date of Payment	
10.	Weekly Holiday	
11.	Name & address of the representative of employer present during inspection	
12.	Register / Records checked and attested	

Inspection Report Format

1. Building and Other Construction Workers (RE & CS) Act, 1996 & Jharkhand Rules, 2006

PERTAINING TO REGISTRATION/LICENCE

1. Building workers numbering 10 or more were found employed on/were employed during preceding 12 months without a valid certificate of registration. [Breach of Sec. 7]
2. Employer has not observed conditions of registration - [Breach of Rule 27.]
3. Number of Workmen employed as building workers has exceeded the maximum number of workers as specified in the certificate of registration [Breach of Rule 27 (1) (b).]
4. The employer has not intimated change in the ownership or management within 30 days or in the number of workers or conditions of work within 15 days to the Inspector - [Breach of Rule 27(2) read with Sec. 7(4)]

PERTAINING TO NOTICES

1. Copy of the certificate of registration not displayed at the workplace. - [Breach of Rule 27(5).]
2. I] Notice containing the rates of wages, hours of work, wage periods, date of payment of wages and the names and addresses of inspector having jurisdiction in relation to the establishment and the date of payment of unpaid wages not displayed at the conspicuous place in English, Hindi and local language - [Breach of Rule 241(1) & 253.]
II] Copy of the notice mentioned in (1) above not sent to the inspector concerned - [Breach of Rule 241 (2)]

NOTICE OF COMMENCEMENT/COMPLETION

1. Notices of commencement/completion of work in form IV not submitted/does not contain complete information/not submitted in time to the inspector. - [Breach of Rule 242(1) & Rule 27(3).]

2. Change in particulars of notice of commencement/completion not submitted to the Inspector within two days of occurrence of such change—
[Breach of Rule 242(2)]
3. Register of overtime inform XXII—[Breach of Rule 244(1)]

DISPLAY OF ABSTRACT OF THE ACT

1. The abstract of Act and rules made thereunder in English, Hindi and Language understood by majority of workers not displayed at the worksite---[Breach of Rule 244(5).]
2. An employer did not display a notice showing the period of which wages are to be paid, place and time of disbursement, at a conspicuous place at construction site in English, Hindi and local language.--[Breach of Rule 255]

PERTAINING TO RETURN:

1. The employer failed to send annual return for the year in form XXVI in duplicate.[Breach of Rule 245]
2. The employer did not send the annual return for year _____ in time to the inspector i.e. not later than 15th _____ of February following the end of each calendar year. –[Breach of Rule 245.]
3. Copy of the annual return not sent to the inspector having jurisdiction.[Breach of Rule 245]

PERTAINING TO WAGES:

1. Wages to the Building workers were not paid before the expiry of 7th/10th day after last day of the wage period in respect _____ of which the wages are payable, i.e.-----[Breach of Rule 254(a).]
2. Wages to the building workers were not disbursed during working hours/at the time and place notified in advance and final payment of wages made within 48 hours of completion of work.—[Breach of Rule 254©.]

PERTAINING TO REGISTERS AND RECORDS

1. The employer failed to maintain register of building workers in Form XV at all/correctly—[Breach of Rule 243.]
2. The employer failed to maintain the following registers/alternative combined register duly approved/similar register under Payment of Wages Act, Minimum Wages Act, Contract Labour. (R & A) Act/updated.
 - i) Muster roll and wage registers in form XVI and XVII or a combined register of wages cum muster roll in form XVII. [Breach of Rule 244(a).]
 - ii) Registers of damage or loss, fine and advances in forms XIX, XX and XXI respectively. [Breach of Rule 244(b).]
 - iii) Registers of overtime in Form XXII. [Breach of Rule 244(c).]
3. Signature/thumb impressions of the building workers against relevant entries in wage register or wages cum number roll register not obtained and entries not authenticated by him/his representative—[Breach of Rule 244(2)(c)]

PERTAINING TO WELFARE AND HEALTH

1. The employer failed to provide latrine and urinal at the prescribed scale/of the prescribed type—[Breach of Rule 247.]
2. The employer failed to provide canteen of the prescribed type though employing 250 or more building workers—[Breach of Rule 248 (1).]
3. The food stuff and other items served in the canteen do not conform to the normal dietary habits of the building workers—[Breach of Rule 249.]
4. Arrangements have not been made to supply tea & snacks to the building workers at their work places though canteen is located at 0.2 kms away from such work places—[Breach of Rule 250.]
5. The food stuffs, beverages and other items served in the canteen are not charged on no profit no loss basis/has included the expenditure on items

specified in subrule 2 of rule 251 in fixing the charges for the items served in the canteen—[Breach of Rule 251.]

6. The employer failed to provide wholesome drinking water [Breach of Sec 32.]
7. The employer failed to provide crèche facility though 50 or more female building workers are employed. [Breach of Sec 35.]
8. The employer failed to provide residential accommodation to building workers as per the prescribed given. [Breach of Sec 34.]

MEDICAL FACILITIES

1. Building workers employed in job having inherent risks and hazards are not periodically examined at intervals specified by Chief Inspector and in accordance with schedule VII of the rules—[Breach of Rules 226 (a) (I) & (iii)]
2. Operators of cranes, winches, lifting appliances and transport equipment have not been medically examined at intervals specified by Chief Inspector and in accordance with schedule VII of the rules—[Breach of Rules 226(a)(ii) & (iii)]
3. The building workers exposed to occupational health hazards not medically examined for diagnosis of occupational diseases—[Breach of Rule 226(a) (iv)]
4. The building workers have been charged for the medical examination— [Breach of rule 226(b).]
5. The building workers have not been issued medical certificate in respect of the medical examination/record of medical examination not maintained in form XII— [Breach of Rule 226(c) & (d).]
6. The employer failed to provide for workers involved in hazardous processes as specified in schedule IX of the rules and occupational health centre (Mobile or static) services and facilities laid down in schedule of the rule in the occupational health centre/to appoint a medical officer with qualifications prescribed in schedule XI of the rules— [Breach of Rule 228.]

7. No ambulance room is provided at the construction site nor an ambulance room is provided in a nearby hospital as per scale given in schedule IV of the Act. [Breach of Rule 229.]
8. The record of cases of sickness and accidents treated at the ambulance room has not been maintained/produced before the inspector. [Breach of Rule 229(d)]
9. The employer failed to ensure provision of an ambulance van/make arrangements for ambulance van with nearby hospital equipped with standard facilities specified in schedule V of the rules—[Breach of Rule 230.]
10. The employer failed to ensure provision of sufficient number of stretchers at the construction site— [Breach of Rule 231.]
11. The employer though employing 500 or more building workers failed to ensure provision of special medical service or occupational health service with functions specified. [Breach of Rule 232(1)(a)]
12. The employer failed to ensure that the special medical or occupational health service collaborates with Labour department—[Breach of Rule 232(1) &(c).]
13. The employer failed to ensure that the special medical or occupational health service is headed by construction medical officer with adequate staff, laboratory and equipment—[Breach of Rule 231 (I) &(d)]
14. The special medical or occupational health service does not conform to the rule 229(1) (d) —[Breach of Rule 231(I) &(d)]
15. Requisite records are not maintained in the spl. Medical or health service/information on the health of building workers and about nature and causes of occupational diseases not communicated to Chief Inspector—[Breach of Rule 232 (1)&(e)]
16. Employer failed to ensure that notice is sent to the inspector in form XIII about occurrence of occupational disease to building workers/construction

medical officer sends the information regarding the workers suffering occupational diseases to Chief Inspector – [Breach of Rule 233.]

17. Sufficient number of first aid boxes of specified type with articles specified in schedule III of the rules not maintained/provided – [Breach of Rule 234(a)]
18. The employer has failed to ensure provision of essential lifesaving aids and appliances required to handle injuries specified in subclauses (i) to (xii) in clause (a) of rule 235 to injured or sick building workers during their transit to hospital – [Breach of Rule 235(b)]

PERTAINING TO SAFETY ORGANISATION & SAFETY

1. The employer 500 or more building workers employer has failed to constitute a safety committee/has not constituted the safety committee as per sub rule (1) of rule 211/has not assigned the functions stipulated in subrule (2) of the said rule – [Breach of Rule 211(1)&(2).]
2. The meetings of safety committee not called at regular intervals or at least once a month/the decisions and recommendations of the committee have not been complied with – [Breach of Rule 211(3)&(5).]
3. Though employing five hundred or more workers the employer has failed to appoint safety officers at the scale prescribed in schedule VIII of the rules – [Breach of Rule 212.]
4. Notice of accident causing loss of life [including of accident which subsequently resulted in death]/disabling a building worker for a period of 48 hours or more not sent within 4 hours or 72 hours respectively to DLC and authority under Sec. 39, the board, the Chief Inspector and next of kin of the Building worker concerned – [Breach of rule 213(1)&(4).]
5. Notice of accident, which is either fatal [including of accident which subsequently resulted in death] or disabled a worker from work for more than 10 days not also sent to I/C of nearest police station and to Distt. Magistrate/SDM – [Breach of Rule 213 (2) &(4)]
6. A dangerous occurrence mentioned in sub rule (5) of rule 213 not reported to authority under Sec. 39 to Inspector – [Breach of Rule 213(7).]
7. Though there was collapse of lifting appliance, the place of occurrence was not kept undisturbed – [Breach of Rule 213(6).]
8. A report on accident resulting in death or disablement not sent in form XIV to

Chief Inspector authority under Sec. 39 and the board subsequent to notice—
[Breach of Rule 213(7).]

9. The employer did not provide the following head protection and other protective apparel as required. [Breach of Rule 47]
10. a) Fifty or more building workers are employed in the establishment but the Employer has not prepared Health and safety Policy duly approved by the Chief Inspector. [Breach of Rule 40(1)]
 - b) A copy of such policy has not been sent to State Government. [Breach of Rule 40 (2)]
 - c) A copy of such policy has not been displayed in Hindi and a local language understood by the majority of building workers at the construction site. [Breach of Rule 40 (4)]
11. The employer has not ensured the provision of Safety Belt. [Breach of Rule 181.]
12. The employer has not ensured the provision of Safety Net [Breach of Rule 182.]
13. The employer has not provided Fire Protection facility at the construction site as prescribed. [Breach of Rule 36]
14. 500 or more building workers are employed in the establishment but the employer has not ensured Emergency Action Plan. [Breach of Rule 37]
15. The Employer has not provided for Fencing of Motors. [Breach of Rule 38]
16. The employer has not ensured the provisions regarding Lifting and carrying of excessive weight [Breach of Rule 39]
17. The employer has not provided for Eye Protection [Breach of Rule 46.]
18. The employer has not ensured provision regarding Vehicular Traffic [Breach of Rule 49.]
19. The employer has not ensured the use of safety helmets and shoes. [Breach of Rule 55]
20. The employer has not ensured the adequate measure to building workers against the harmful effect of excessive noise or vibration at construction site. [Breach of Rule 37]

PARTAINING TO WORKING CONDITION

1. The building workers were allowed/asked to work for more than 9 hrs a day or 48 hrs a week though asked to work for more than 9 hours a day or 48 hrs a week were not paid wages in respect of extra work at double the rate—[Breach of Rule

237 (1)&(4)]

2. Workerswererequiredtoworkcontinuouslyformorethan5hourswithoutan interval ofrest ofat least halfanhour–[BreachofRule 237(2).]
3. Thespreadoverinrespectofbuildingworkersincludingintervalsofrest exceed 12hours in aday – [BreachofRule 237(3).]
4. Thebuildingworkersnotallowedaweeklydayorrest/asubstitutedweeklyday ofrest [Breach ofRule 238 (1)&(2).]
5. Thesubstitutedweeklydayofrestnotincludedintheweekinwhichthe substituteddayorrest occurs–[BreachofRule238 (3)]
6. Wagesinrespectoftheworkdoneonarestdaynotpaidattheovertime rate– [BreachofRule 238(4).]
7. Incaseofnightshiftthebuildingworkersnotgiventheweeklydayofrestin accordancewith rule 239–[BreachofRule 239.]
8. TheConditions prescribedinrespectoftheclassesofbuildingworkersspecified in the subSec. (2)ofSec.28oftheAct asmentionedbelownotobserved.
 - i] Suchworkerswereallowed to workcontinuouslyfor15hoursa day.
 - ii] Suchworkerswereaskedtoworkcontinuouslyfor morethan14days.
 - iii] Thoughsuch workersweredeprivedofweeklydayofrest[sinceasked to includingintervalsofrestof60hoursinaweekwithoutadayofrestof24 hours.workforcontinuously14days]notpaidO.T.inrespectofsuchweekly ret –[BreachofRule 240(2).]

SERVICE CERTIFICATE

1. Notissued service certificateto buildingworkerson terminationoftheirservices inforXXIV—[Breachof Rule 244 (2) (b).]

WAGE SLIP/WAGEBOOK

1. TheemployerhasnotissuedwagebooksinformXXIIIto buildingworkers employedbyhim–[BreachofRule 244(2)(a)]

SPECIFICIRREGULARITIESREGARDINGBUILDINGWORKERSUNDERBOCWAct, 1996

1. TheContractorfailedtomakepaymentofcompensation/madeshort paymentofcompensationin thecaseofdeath/disablementofbuildingworker,itwas theliability oftheEmployertomakethepaymentofcompensationin fullorunpaid balancedueinaccordancewiththeprovisionsofEmployeesCompensation Act,1923andhemay recovertheamountsopaid

from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor. But the Employer also failed to do so. [Breach of Section 45(2).]

OBSTRUCTING THE INSPECTOR

1. Obstructions were created in discharge of duties by the inspector/ Refusal or willfully neglect were made to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 49].

Other irregularities

- 2 (a) _____
Contract Labour (R&A) Act, 1970 & Jharkhand Rules, 1972 (PRINCIPAL EMPLOYER)

PERTAINING TO REGISTRATION / LICENCE

1. Contract Labour numbering _____ were found employed on/were employed during preceding 12 months without obtaining valid certificate of Registration, [Breach of Section 7 read with Sec. 9.]
2. The following changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/within the prescribed time limit to the Registering Officer, [Breach of Rule 18(4).]
 - (a)
 - (b)

PERTAINING TO NOTICES

1. The notices showing the following were not displayed/amended in conspicuous places at the establishment. [Breach of Rule 81(1) (i).]
 - a. The Rates of Wages in English/Hindi/local language.
 - b. The Hour of Work in English/Hindi/ local language.
 - c. The date of Payment in English/Hindi/ local language.
 - d. The Wage period in English/Hindi/local language.
 - e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/ local language.

f. Date of payment of un-paid wages in English/Hindi/ local language.

2. A copy each of the notice displayed has not been sent to the Inspector as required/the changes in the notices displayed have not been sent to the Inspector as required, [Breach of Rule 81(2).]

NOTICE OF COMMENCEMENT/COMPLETION

1. Failed to intimate the date of commencement/completion in respect of the contractors engaged within 15 days of the commencement/completion of the work in Form VIB to the Inspector. [Breach of Rule 81(3)]

PERTAINING TO RETURNS

- 1- Annual Return [in duplicate] for the year ending ___ was not submitted in Form XXV – [Breach of Rule 82(2)].
- 2- Annual Return [in duplicate] for the year ending ___ was not submitted within time limit i.e. before 15th Feb following the end of the year. [Breach of Rule 82(2).]

PERTAINING TO WAGES

- 1- During Inspection of Contractor, Sri/M/s at it is observed that Contractor failed to make payment of wages/paid less wages as per Annexure though the statutory time limit for payment of wages by the contractor to the contract labour has already lapsed. The PE also failed to make payment to the contract labour [Breach of Rule Sec. 21(4).
2. The Principal Employer failed to ensure the presence of his authorised representative at the place and time of disbursement of wages to workmen by the Contractor. [Breach of Rule 72.]
3. Authorised representative of the Principal Employer has not recorded a Certificate under his signature as required under Rule, 72. [Breach of Rule, 73.]

PERTAINING TO REGISTER AND RECORDS

1. Register of contractors in Form XII has not been maintained at all/correctly. [Breach of Rule 74.]
2. The following registers and records required to be maintained under the Act or the Rules were not produced on demand, [Breach of Rule 80(4)] (a) (b)

PERTAINING TO WELFARE AND HEALTH

1. The Principal Employer failed to provide at all/failed to provide within the time limit the following prescribed welfare amenities which the Contractor Shri M/S engaged in the work of failed to provide within the prescribed [Breach of Sec 20(1) of the Act.]

MEDICAL FACILITIES

1. The Principal Employer failed to provide at all/failed to provide within the time limit following prescribed health amenities which the Contractor Shri/M/S..... engaged in the work of failed to provide originally. [Breach of Section 20(1) of the Act]

Specific Irregularities regarding contract labour (R&A) Act, 1970 & Bihar Rules, 1972

Prohibition of contract labour

1. The Appropriate Government i.e. Central Government by gazette notification No..... has prohibited the employment of contract labour in the work in the establishment of the contract labour has still been engaged in that work in that establishment. [Breach of Section 10]

PERTAINING TO FURNISHING INFORMATION/STATISTICS

1. The Principal Employer failed to furnish the following statistics in relation to contract Labour through the same was called for. [Breach of Rule 83(1) read with Section 24 of the Act.]
 - i) Exact no. of contractors ii) exact no. of contract workers iii) exact no. of staff/officers strength (male/female) in the roll of the company iv) copy of the registration certificate.

OBSTRUCTING THE INSPECTOR

1. Obstructions were created in discharge of duties by the inspector/Refusal or willfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22.]

Other Irregularities

2 _____ (b)

Contract Labour (R&A) Act, 1970 & Bihar Rules, 1972 (CONTRACTOR)

PERTAINING TO REGISTRATION/LICENCE

1. Executing contract work through contract labour numbering _____ with effect from /during the period _____ to without obtaining licence. [Breach of Sec 12(1).]
2. Executing Contract work through contract labour numbering..... on..... which exceeds the maximum number specified in the licence i.e..... [Breach of Rule, 25(2)(ii).]

PERTAINING TO NOTICES

1. The notices showing the following were not displayed/amended [Breach of Rule 81(1)(i).]
 - a. The Rates of Wages in English/Hindi/ local language.
 - b. The Hours of Work in English/Hindi/ local language.
 - c. The date of Payment in English/Hindi/ local language.
 - d. The Wage period in English/Hindi/ local language.
 - e. Names and addresses of the Inspectors having jurisdiction in English/Hindi/ local language.
 - f. Date of payment of un-paid wages in English/Hindi/ local language..
- 2 (i) Copy of each of the notices displayed have not been sent to the Inspector [Breach of Rule, 81(2)]
 - (ii) Notices showing wage period and the place and time of disbursement of wages have not been displayed at the workplace and a copy of the said notices has not been sent to the Principal Employer under acknowledgement. [Breach of Rule, 71.]
 - (iii) Copy of the license has not been displayed at the place of work. [Breach of Rule, 25(2)] read with condition of License (IX).]

NOTIC OF COMMENCEMENT/COMPLETION

- 1.IntimationabouttheCommencement/Completionofcontractworkhas not been submitted to the Inspector in Form VI-A within 15 days. [Breach of Rule,.25(2)(viii).]

DISPLAYOFABSTRACT OFACT

- 1.AnabstractofAct&RulesintheFormapprovedbytheCommissioner of Labour hasnotbeen displayedinEnglish/Hindi andinthelocal language.[BreachofRule, 79.]

PERTAININGTO RETURNS

- 1.Theemployerfailedtosendhalfyearlyreturnfortheperiod inform XXIV.[BreachofRule82(1)]
- 2.Theemployerdidnotsendthehalfyearlyreturnfortheperiod _____ informXXIVintimei.e.notlaterthan 30 daysfromthecloseofthehalfyear.[Breach ofRule82(1)]

PERTAININGTO WAGES

- 1.Contractorthasnotensuredthepresenceoftherepresentativeauthorizedbythe Principal Employer atthe time ofthedisbursementofwages.[BreachofRule,72.]
- 2.Contractorthasnotensuredthepaymentofwagestothecontractlabourbefore theexpiryof7th/10thday,afterlastdayofthewageperiodinrespectofwhich thewages are payable.i.e----- [Breach ofRule65.]

PERTAININGTO REGISTERANDRECORDS

1. Register of persons employed in Form XIII has not been maintained at all/ correctly[BreachofRule,75readwithRule,80(1).]
- 2.FollowingRegistershave notbeenmaintainedatall/correctly.[Breach ofRule78]
 - i. Muster Roll informXVI
 - ii.Register ofWagesinFormXVII.
 - iii.Registerofwages–cum–MusterRollinformXVIIIofthewageperiodis fortnight or less.
 - iv.Register ofdeductionfor damageandlossinFormXX.

v. Register of fine in form XXI.

vi. Register of advance in form XXII. vii. Register Overtime in Form XXIII.

3. (i) Contractor has not obtained the signature or thumb impression of the worker concerned against the entries relating to them on the Register of wages or Muster Roll –cum- Wage Register. [Breach of Rule 78(2)(C).]

[ii] Contractor has not ensured the authentication of entries in Register of Wages or Muster Roll-cum- Wage Register by way of the initials of the contractor or his authorized representative [Breach of Rule 78(2) (C).]

[iii] Contractor has not ensured the entries in Register of Wages or Muster Roll-cum- Wage Register duly certified by the authorized representative of the Principle Employer as required by Rule 73 [Breach of Rule 78(2) (C).]

PERTAINING TO WELFARE AND HEALTH

1. Welfare facilities regarding wholesome drinking water, Latrine and Urinals and washing facilities has not been provided. [Breach Sec. 18 Read with Rule, 40 & 51 to 57.]
2. The contractor did not provide crèche facility though 20 or more women are employed as contract labour. [Breach of Rule 25(2)(vi)]
3. The contractor failed to provide canteen facility though 100 or more contract labours are employed in the establishment in which the work is likely to continue for six months or more within 60 days of the commencement of the employment. [Breach of Rule 42.]
4. The contractor failed to provide rest-rooms to contract labours who are required to halt at night in connection with the working of the establishment and the employment of migrant workmen is likely to continue for three months or more within 15 days of the commencement of employment in the establishment. [Breach of Rule 41.]

MEDICAL FACILITIES

1. First Aid facilities have not been provided as per specification laid down under Rule – 59 [Breach of Section 19 read with Rules, 58 to 61.]

PERTAINING TO WORKING CONDITION

1. Contractor has not issued Employment Card in Form XIV to each worker within three days of his employment. [Breach of Rule, 76(i).]
2. Employment Card has not been maintained up to date and any change in particular setc. has not been entered therein. [Breach of Rule, 76(ii).]
3. Contractor has not adhered to service conditions specified by Labour Commissioner issued under Rule 25. Specify the clauses violated:
 - 1
 - 2

SERVICE CERTIFICATE

1. The contractor has not issued service certificate in Form XV to the workman whose services have been terminated. [Breach of Rule 77.]

WAGE SLIP/WAGE BOOK

1. Wage slips in Form XIX is not being issued to the workmen at least a day prior to the disbursement of wages although wage period is more than a week, [Breach of Rule, 78(2)(b).]

Specific Irregularities regarding Contract Labour (R&A) Act, 1970 & Jharkhand Rules, 1972**Prohibition of contract labour**

1. The Appropriate Government i.e. Jharkhand Government by gazette notification No. has prohibited _____ the _____ employment _____ of contract labour in the _____ work in the establishment of _____, the contract labour has still been engaged in that work in that establishment. [Breach of Section 10].

SIMILAR WAGES FOR SAME AND SIMILAR KIND OF WORK

1. It is observed that the workmen employed by the contractor

perform the same or similar kind of work as the workmen directly employed by the Principal employer of the establishment, but the wages rates, holidays, hours of work and other conditions of service of the workmen or the contractor are not the same as applicable to the workmen directly employed by the Principal Employer of the establishment on the same or similar kind of work. [Breach of Rule 25(2)(v)(a)]

		Contract labour	Direct workmen
1.	Wage rates		
2.	holidays		
3.	Hours of work		
4.	Other conditions of service		

OBSTRUCTING THE INSPECTOR

1. Obstructions were created in discharge of duties by the inspector/Refusal or willfully neglect were done to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [Breach of Section 22.]

Other irregularities

3. (a) Inter-State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (PRINCIPAL EMPLOYER)

PERTAINING TO REGISTRATION/LICENCE

1. Interstate Migrant workmen numbering 5 or more are employed/were employed during the preceding 12 months without obtaining a valid certificate of Registration. [Breach of Section 6]
2. The following changes in respect of particulars specified in the Certificate of Registration have not been intimated at all/within the prescribed time limit (i.e. 30 days when such changes take place) to the Registering Officer, [Breach of Rule 4(3).]

(a) (b)

PERTAINING TO NOTICES

1. A Notice showing the wage period, place and time of disbursement of wages was not displayed at the place of work and its copy not sent by the contractor to the Principal Employer under acknowledgement [Breach of Rule 33.]
2. Notices showing the rates of wages, hours of work, wage period, dates of payment of wages, name and addresses of Inspector having jurisdiction and date of payment of unpaid wages were not displayed at a conspicuous place at the establishment/worksites in Hindi, English & language understood by majority of workers, [Breach of Rule 55(1)(i).]

3. A Copy of the licence has not been displayed prominently at the premises where Migrant workmen are employed. [Breach of Rule 11(2) (xii)]

DISPLAY OF ABSTRACT OF FACT

1. An abstract of the Rules as approved by the Labour Commissioner was not displayed in Hindi, English & a language spoken by the majority of the migrant workmen, [Breach of Rule 54]

PERTAINING TO RETURNS

1. Annual Return (in duplicate) for the year ending was not submitted in Form XXIV [-Breach of Rule 56(2).]
2. Annual Return [in duplicate] for the year ending was not submitted within the time limit, i.e. before 15th Feb following the end of the year. [Breach of Rule 56(2).]

PERTAINING TO WAGES

1. During Inspection of Contractor, Sri/ M/s-----at----- it is observed that Contractor failed to make payment of wages/paid less wages as per Annexure though the statutory time limit for payment of wages by the contractor to the migrant workmen has already lapsed. The PE also failed to make the payment to the migrant workmen [Breach of Rule Sec. 17(4) and Rule 28]
2. The Principal Employer failed to ensure the presence of his authorised representative at the place and time of disbursement of wages to workmen paid by the Contractor. [Breach of Section 17(2) read with rule 34.]
3. Authorised representative of the Principal Employer has not recorded a Certificate under his signature as required [Breach of Rule Section 17(2) read with rule 35.]
4. PE failed to make the payment of the displacement allowance to the migrant workmen in the event of failure of the Contractor to make such payment as required under Sec 14. [Breach of Sec 18.]
5. PE failed to make the payment of the journey allowance to the migrant workmen in the event of failure of the Contractor to make such payment as required under

Sec 15[Breach of Sec 18.]

PERTAINING TO REGISTER AND RECORDS

1. Register of contractors in Form XIII has not been maintained at all/correctly.
[Breach of Rule 48.]
2. Register of Migrant Workmen in Form XIII has not been maintained at all/correctly [Breach of Rule 49.]
3. The following registers and records required to be maintained under the Act or the Rules were not produced on demand, [Breach of Rule 53(4).] (a) (b)

PERTAINING TO WELFARE AND HEALTH

1. The Principal Employer failed to provide at all/failed to provide within time limit following prescribed welfare amenities which the Contractor Shri/M/s engaged in the work of failed to provide originally. [Breach of Rule 46 read with section 18 of the Act.]
2. The Principal Employer failed to provide at all/failed to provide within time limit Displacement Allowance amounting to Rs. _ which the Contractor Shri/M/s engaged in the work of failed to provide originally [Breach of Rule 46 read with section 14 of the Act.]
3. The Principal Employer failed to provide at all/failed to provide within time limit Journey Allowance amounting to Rs. which the Contractor Shri/M/s engaged in the work of failed to provide originally [Breach of Rule 46 read with section 15 of the Act.]
4. The Principal Employer failed to provide at all/failed to provide within time limit the facility of rest room which the Contractor Shri/M/s engaged in the work of failed to provide originally as per Rule 40(1). [Breach of Rule 40(2)]
5. The Principal Employer failed to provide at all/failed to provide within time limit the facility of residential accommodation which the Contractor Shri/M/s

engaged in the work
of
failed

to provide originally as per the specifications given in Rule 45(1),(2),(3),(4). [Breach
of Rule 45(5)]

PERTAINING TO SAFETY ORGANISATION AND SAFETY

- 1. Protective clothing not provided. [Breach of Rule 38.]

PERTAINING TO WORKING CONDITION

- 1. The particulars regarding recruitment and employment of Migrant workmen were not submitted in form X. [Breach of Rule 21 with section 12(1)(a).]
- 2. A pass-book affixed with a passport size photograph of the workmen and indicating the other particulars as required under Section 12(1)(b) read with Rule 23(1) was not issued to the migrant workmen. [Breach of rule 23(1) read with Section 12(1)(b).]
- 3. Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman is in the following manner less favourable than those obtaining in the establishment or in similar employment in the area in which the establishment is located. [Breach of Rule 36]

SERVICE CERTIFICATE

- 1. The following Migrant workmen were not issued service certificate in form XIV at though their service were terminated [Breach of Section 16 & Rule 50]

Other irregularities

3

(b) Inter-
State Migrant Workmen (RE & CS) Act, 1979 & Jharkhand Rules, 1980 (CO
NTRACTOR)

PERTAINING TO REGISTRATION AND LICENCE

1. Inter-State Migrant workmen numbering 5 or more were employed w.e.f.without obtaining a valid licence as required under Section 8(1)(b).

PERTAINING TO NOTICES

1. A Notice showing the wage period, place and time of disbursement of wages was not displayed at the place of work and its copy not sent by the contractor to the Principal Employer under acknowledgement. [Breach of Rule 33.]
2. Notices showing the rates of wages, hours of work, wage period, dates of payment of wages, name and addresses of Inspectors having jurisdiction and date of payment of unpaid wages were not displayed at a conspicuous place at the establishment/worksites in Hindi, English & language understood by majority of workers. [Breach of Rule 55(1)(i).]
3. A Copy of the license has not been displayed prominently at the premises where Migrant workmen are employed. [Breach of Rule 11(2) (xii)]

DISPLAY OF ABSTRACT OF ACT

1. An abstract of the Rules as approved by the Labour Commissioner was not displayed in Hindi, English & a language spoken by the majority of the migrant workmen, [Breach of Rule 54]

PERTAINING TO RETURNS

1. The employer failed to send half yearly return for the period inform XXIII. [Breach of Rule 56(1)]
2. The employer did not send the half yearly return for the period _____ in form XXIII in time i.e. not later than 30 days from the close of the half year. [Breach of Rule 56(1)]

PERTAINING TO WAGES

1. Contractor has not ensured the presence of the representative authorized by the Principal Employer at the time of the disbursement of wages [Breach of section 17(3).]

2. Contractor has not ensured the payment of wages to the contract labour before the expiry of 7th/ 10th day after last day of the wage period in respect of which the wages are payable, i.e.----- [Breach of Rule 28.]

3. Displacement allowance of a sum shown below against each workman was not paid to the following migrant workmen. [Breach of Sec. 14.]

Sl. No.	Name of the Migrant workmen and his address	Present address	Amount

4. Journey allowance of a sum shown below against each workman was not paid to the following migrant workmen. Breach of Sec. 15.

Sl. No.	Name of the Migrant workmen and his address	Present address	Amount

5. Following migrant workmen were not given same wages as are being given to other workmen. Breach of Section 13(1)

Sl. No.	Name and address of workers	Category	Wages actually paid	Wages of the other workers	Difference

PERTAINING TO REGISTER AND RECORDS

1. Register of Migrant Workmen in Form XIII has not been maintained at all/correctly [Breach of Rule 49 and Section 23.]
2. Displacement-cum-Outward Journey Allowances Sheet has not been maintained in Form XV. [Breach of Rule 51(1) and section 23.]
3. Entries in the Displacement-cum-Outward Journey Allowances Sheet have not been authenticated by the Contractor. [Breach of Rule 51(2) and section 23.]
4. Return Journey Allowances Register in Form XVI has not been maintained. [Breach of Rule 51(1) and section 23.]
5. Entries in the Return Journey Allowances Register have not been authenticated by the Contractor. [Breach of Rule 51(2) and section 23.]
6. Following Registers have not been maintained at all.
 - i. Muster Roll in Form XVII. [Breach of Rule 52(2) (a) and section 23.]
 - ii. Register of Wages in Form XVIII. [Breach of Rule 52(2) (a) and section 23.]
 - iii. Register of deductions Form XIX. [Breach of Rule, 52(2) © and section 23.]
 - iv. Register of fine in Form XX [Breach of Rule, 52(2) (d) and section 23.]
 - v. Register of advance in Form XXI [Breach of Rule, 52(2) (f) and section 23.]
 - vi. Register Overtime in Form XXII. [Breach of Rule, 52(2) (e) and section 23.]
7. (i) Contractor has not obtained the signature or thumb impression of the migrant workmen concerned against the entries relating to him on the Register of wages. [Breach of Rule 52(2)(b)]
 - (ii) Contractor has not ensured the authentication of entries in Register of Wages by way of signature of the contractor or his authorized representative. [Breach of Rule 52(2)(b).]

PERTAINING TO WELFARE AND HEALTH

1. The contractor failed to provide following facilities within seven days of the commencement of the employment in the establishment
 - (a) Wholesome Drinking water [Breach of Rule 39.]
 - (b) Sufficient no. of Latrine & Urinals [Breach of Rule 39/42.]
 - (c) Washing facilities [Breach of Rule 39.]
2. The contractor failed to provide Displacement Allowance to migrant

workmen amounting to Rs. . [Breach of Section 14.]

3. The contractor failed to provide Journey Allowance to _____ migrant workmen amounting to Rs. . [Breach of Section 15]
4. The contractor failed to provide crèche facility though 20 or more women are employed as migrant workmen in the establishment in which the work is likely to continue for three months or more within 15 days of the commencement of the employment. [Breach of Rule 44.]
5. The contractor failed to provide canteen facility though 100 or more migrant workmen are employed in the establishment in which the work is likely to continue for six months or more within 60 days of the commencement of the employment. [Breach of Rule 41.]
6. The contractor failed to provide rest-rooms for migrant workmen who are required to halt at night in connection with the working of the establishment and the employment of migrant workmen is likely to continue for three months or more within 15 days of the commencement of employment in the establishment. [Breach of Rule 40.]
7. The contractor failed to provide residential accommodation to migrant workmen as per the specification given in rule 45 within 15 days of the commencement of employment in the establishment. [Breach of Rule 45.]
8. The contractor failed to provide following protective clothing to migrant workmen. [Breach of Rule 38.]
 - i) One woollen coat and one woollen trouser once in two years where temperature falls below 20 degree centigrade.
 - ii) Additionally one woollen overcoat where temperature falls below 5 degree centigrade.

MEDICAL FACILITIES

1. Medical/First Aid facilities have not been provided as per specification laid down under Rule 37 – [Breach of Section 16 read with Rules 37.]

PERTAINING TO SAFETY ORGANISATION & SAFETY

Protective clothing not provided. [Breach of Rule 38.]

PERTAINING TO WORKING CONDITIONS

1. The particulars regarding recruitment and employment of Migrant workmen were not submitted in form X. [Breach of Rule 21 with section 12(1)(a).]
2. A pass -book affixed with passport size photograph of the workmen and indicating the other particulars as required under Section 12(1)(b) read with Rule 23(1) was not issued to the migrant workmen. [Breach of rule 23(1) read with Section 12(I)(b).]
3. Holidays, hours of work including extra wages for overtime work done and other conditions of service of migrant workman is in the following manner less favourable than those obtaining in the establishment or in similar employment in the area in which the establishment is located. [Breach of Rule 36]

SERVICE CERTIFICATE

1. The following Migrant workmen were not issued service certificate in form XIV at
 though their service were terminated [Breach of Section 16 & Rule 50]

SIMILAIR WAGES FOR SAME AND SIMILAIR KIND OF WORK

1. It is observed that the wages rates, holidays, hours of work and other conditions of service of the interstate migrant workmen working in the establishment are not the same as to other workmen in the establishment performing same or similar kind of work. [Breach of Section 13.]

		Migrant workmen	Other workmen
1.	Wage rates		
2.	holidays		
3.	Hours of work		
4.	Other conditions of service		

Other irregularities

4. Minimum Wages Act, 1948 & Jharkhand Rules, 1951

PERTAINING TO NOTICE

1. The following notices were not displayed at the main entrance of the establishment and at its office: - [Breach of Rule 22] - (1)
- a. Notice containing minimum rates of Wages in Hindi and in local language.
 - b. Name and address of Inspector in Hindi and in local language.

DISPLAY OF ABSTRACT OF ACT

1. The abstract of the Act and Rules made thereunder in Hindi/local language was not displayed at the main entrance of the establishment and in its office. [Breach of Rule 22] - (2)

PERTAINING TO RETURNS

1. Annual return in Form III for the year ----- has not been submitted. [Breach of Rule 21(4-A)]
2. Annual return in Form III for the year ----- has not been submitted before 1st February following the end of the year. [Breach of Rule 21(4-A)]

PERTAINING TO WAGES

- (1) In the cases detailed below the wages were paid after the expiry of the statutory time limit [Breach of Rule (21)(1)]

Sl. NO.	Name of Establishment	Category of Employees	No. of employees	Wage period	Due date of payment	Date of actual paym

(2) In the cases detailed below, the workers have not yet received their wages though the statutory time limit has expired [Breach of Rule 21.] – (I) (a) (b)

Sl. NO.	Name of Establishment	Category/Section of employees	No. of employees	Wage period[s] for which wages not paid	Amount of wages due

N:B:

Where the delay in payment is over one month full particulars of employees, viz., name, designation, address, amount due and the wage period, etc., should be noted on a separate sheet which will form an enclosure to the claim application to be filed immediately after the expiry of the notice period given to the employer.

(3) The persons noted below were paid their wages at a rate less than the minimum rate of wages fixed for their respective categories [Breach of Section 12.] - (I)

Sl. No	Name of employee	Address of employee	Category	Wage Period	No. of days of attendance	Minimum Rate of wages	Rate of wages actually paid	Amount of wages paid

(4) The employees were paid their wages on..... which was a holiday, [Breach of Rule 21.] – (I) (iv)

PERTAINING TO REGISTER AND RECORDS

1. Muster Roll in Form V is not maintained at all/correctly and kept at the work spot. [Breach of Rule 26(5).]
2. Attendance of each person employed in the establishment is not recorded daily in that Form within 3 hours of the commencement of work shift. [Breach of Rule 26(5)]
3. Register of wages in Form X is not maintained at all/correctly [Breach of Rule 26(1).]
4. Register of Overtime in Form IV is not maintained at all/correctly. [Breach of Rule 25(2).]
5. Register of fine in Form I is not maintained at all/correctly. [Breach of Rule 21(4).]
6. Register of deduction for damage or loss in Form II is not maintained at all/correctly. [Breach of Rule 21(4).]
7. Acquittance of employees were not obtained on wage register. [Breach of Rule 26(3).]
8. Entries in the wage register have not been authenticated by the employer or any person authorised by him. [Breach of Rule 26(4).]

PERTAINING TO DEDUCTION

- (1) In the cases detailed below fines were imposed unauthorisedly. [Breach of Rules 21(3) and 21(4)]

S.No.	Name of employee	Address of employee	Category	Wage Period	Amount objected to	Reasons for objection

- (2) In the following cases of deductions were made unauthorisedly. [Breach of Rule 21(2) and Rule 21(4)]

S.No.	Name of employee	Category	Wage Period	Nature and amount of deduction	Reason for objection

WAGE SLIP/WAGEBOOK

1. WageslipsinformXIarenottissuedbytheemployeratleastadaypriordisbursementof wages.[Breach ofRule26(2).]
2. Acquittanceofemployees werenot obtained on wage slips. [Breach of Rule 26(3).]
3. Entries inthewage slips have not beenauthenticated[BreachofRule 26 (4)]

Other irregularities

9. PERTAINING TO IDENTITY CARD OF EMPLOYEE

1. Identity card of employees in From-XIII has not been given [Breach of Rule- 26(5-A) read with sec. 18(1) of Minimum Wages Act, 1948].

2. Service Certificate in From-XIV has not been given in case of termination of employment [Breach of Rule-26(5-B) read with sec. 18(1) of Minimum Wages Act, 1948]

5. Payment of Wages, Jharkhand Rules 1937

DISPLAY OF ABSTRACT OF FACT

1. The abstract of the Act & Rules made there under in form in English & in Hindi in the language understood by majority of persons was not displayed. [Breach of Rule 22 read with Sec. 25 of payment of wages Act 1936]

PERTAINING TO RETURNS

1. Annual Return in Form I V for the year..... was not submitted at all. [Breach of Rule 18.]
2. Annual Return in Form IV for the year was submitted late on.....to ----- [Breach of Rule 18.]

PERTAINING TO WAGES

1. The wages to the employed person were not paid before the expiry of 7th/10th day after last day of the wage period in respect of which the wages are payable, i.e. ----
-[Breach of section 5.]
2. The undermentioned employees have not been paid their wages so far even though the statutory time limit has expired [Breach of Sec. 5.]

Sl No.	Name of workers	Category / Section of employees	No. of employees	Wage period for which wages were not paid	Amount of wages due

N:B Where the delay in payment is over one month, full particulars of employees, viz. name, address, designation, amount due and the wage period etc. should be noted on a separate sheet which will form an enclosure to the claim application to be filed immediately after the expiry of the notice period given to the employer.

3. In the cases mentioned below wages were paid after the expiry of the statutory time limit laid down in Section 5. [Breach of Sec 5]

Sl No.	Name of workers	Category/Section of employees	No. of employees	Date by which wages were payable	Date on which wages were actually paid

PERTAINING TO REGISTER AND RECORDS

1. Maintenance of Registers:

Wages Register Form VI	Fines Register Form I	Deductions Register Form II	Advances Register Form III

(a) Not maintained in prescribed form. [Breach of Section 13-A(1)]

(b) Not preserved for 3 year [Breach of section 13-A(2)]

(c) Not produced on demand [Breach of Section 14(4)(d)]

3. In the Register of Fines.

(a) List of Acts and Omissions not entered at the beginning [Breach of Rule 3(2)]

(b) The approved purpose on which fines fund may be expended not entered at the beginning [Breach of Rule 3(3)].

PERTAINING TO DEDUCTION

1. In the cases detailed below, fines were imposed unauthorisedly [Breach of Section 8-(1) of the Act read with Rule 13.]

2.

SL.No.	Name of employee	Address of employee	Category	Wage period	Amount objected to	Reasons for objection

3. In the cases detailed below, deductions for damage or loss were made unauthorisedly. [Breach of Section 10(1) of the Act read with Rule 14]

Sl. No.	Name of employee	Address of employee	Category	Wage period	Amount objected to	Reasons for objection

4. In the following cases, recovery of advance made before employment unauthorisedly. [Breach of Section 12(a) and 12(b) read with Rule 17]:-

Sl. No.	Name of employee	Category	Reason for objection

5. In the following cases unauthorised deductions were made from the wages of employee [Breach of Section 9/11/12A/13.]

Sl. No.	Name of employee	Category	Amount of deduction	Reason for objection

Others Irregularities

6. Payment of Gratuity Act, 1972 & Jharkhand Rules, 1972

PERTAINING TO NOTICE

1. The notice in English and in Hindi and in a local language understood by majority of employees showing in bold letters the name of the officer, with designation, authorized by the employer to receive on his behalf the notice under the Act or the Rules, has not been displayed conspicuously at or near the main entrance of the establishment. [Breach of Rule 4(1).]
2. Fresh notice required to be displayed in lieu of illegible notice/notice requiring change has not been displayed- [Breach of Rule 4(2).]

NOTICE OF COMMENCEMENT/COMPLETION

1. Notice of opening of the establishment in Form "A" has not been submitted to the controlling authority of the area, though statutory time limit of 30 days has already expired- [Breach of Rule 3(1).]
2. Notice of change in Form "B" intimating the change in the name & address of employer or business has not been submitted to the Controlling Authority of the area even though a period of 30 days has expired- [Breach of Rule 3(2)]
3. Notice of Closure in Form "C" intimating the intention of closure of the business has not been submitted to the controlling authority at least sixty days before the closure. [Breach of Rule 3(3)]

DISPLAY OF ABSTRACT OF THE ACT

1. An Abstract of the Act & Rules in Form "U" has not been displayed at a conspicuous place at or near the main entrance of the establishment in English & Hindi- [Breach of Rule 20.]

PERTAINING TO REGISTER AND RECORDS

1. In the following cases, duplicate copy of the nomination form "F" duly attested by the employer (As token of the recording of the nomination) has not been returned to employee-[Breach of Rule 6(2).]

Sl. No. Name & Designation of the Employees

2. Details of personnel resigned/retired/died/disabled during the last 3 years, their gratuity entitlement and amount of gratuity paid to them with date as per their entitlement was not provided on demand.[Breach of Section 7B (a).]

Sl. No.	Name & designation of the personnel	Date of Joining	Date of separation	Last salary Drawn	Amount of gratuity, if paid	Date of payment of gratuity, if paid

Specific provisions regarding Payment of Gratuity Act, 1972 & Jharkhand Rules, 1972

1. Payment of Gratuity:-

(I) In the following cases, the employer failed to determine the amount of gratuity and given notice in writing to the persons to whom gratuity is payable and also to the controlling authority-[Breach of Sec. 7(2).]

Sl.No.	Name of the persons	Employees.	Remarks:

(II) In the following cases, the employer has failed to issue notice in form "L"/form "M" as the case may be to the applicant employee within 15 days of receipt of application endorsing copy to the controlling Authority -[Breach of Rule b(1).]

Sl.No.	Name of the persons	Employees.	Remarks:

(III) In the following case the amount of gratuity paid to the persons falls short by the sum indicated below against each person-[Breach of Sec. 4(2).]

Sl. No	Name of the person	Date of employment	Date of termination	Total No. of completed years of service	Rates of wages last drawn	Amount of gratuity payable	Amount of gratuity actually paid	Difference	Remarks

2. There was delay in paying the gratuity to the following personnel and owing to this interest admissible was not paid to the following officials/officers [Breach of Section 7(3A)]

Other irregularities

7. Maternity Benefit Act, 1961 & Jharkhand Rules, 1964

DISPLAY OF ABSTRACT OF THE ACT

1. The Abstract of the Act & Maternity Benefit (Mines & Circles) Rules in Form Kis not found displayed in English & Hindi [Breach of Rule 15 read with Section 19.]

PERTAINING TO RETURNS

1. Annual Returns in Form L, M, N, and O has not been submitted at all to the competent Authority. [Breach of Rule 16.]
2. Annual Returns in Form L, M, N, and O has been submitted within the stipulated time limit to the competent Authority. [Breach of Rule 16.]

PERTAINING TO REGISTERS AND RECORDS

1. Muster Roll in Form A is not maintained/Produced for inspection as required. [Breach of Rule 3 & sec .20]

PERTAINING TO WELFARE AND HEALTH

1. Nursing break have not been given as per Section 11 - [Breach of Rule 6.]
2. Leave for miscarriage has not been given [Breach of Sec 9.]
3. Leave for illness has not been given [Breach of Sect 10.]
4. Payment of maternity benefit has not been given to the following women workers [Breach of Sec 7.]
 - i.
 - ii.
5. Payment of medical bonus has not been paid to the following women workers. [Breach of Sec 8]

OBSTRUCTING THE INSPECTOR

1. Failed to produce register or document in his custody kept in pursuance of this Act or the rules made thereunder or conceals or prevents any person from appearing before or being examined by the Inspector. [Breach of Section 22].

Other irregularities

8. Child Labour(P&R) Act,1986& Jharkhand Rules,1988

PERTAINING TO PROHIBITION OF EMPLOYMENT OF CHILDREN

1. Following Child/ Children found employed in occupation specified in Part A of the schedule/Processes specified in Part B of the Schedule .[Breach of Section 3]

DISPLAY OF ABSTRACT OF THE ACT

1. Notice containing Abstract of Section 3 and section 14 in English and local language not displayed.[Breach of Section 12]

PERTAINING TO REGISTER AND RECORDS

1. Register in respect of Children employed or permitted to work was not maintained at all.[Breach of Rule 16.]
2. Register in respect of children employed or permitted to work was not maintained in form 'A' / was maintained in Form A but the following columns were missing. [Breach of Rule 16 read with section 11 of the Act].

PERTAINING TO WORKING CONDITION

1. The following children were required/permitted to work for.....hours, whereas.....permitted hours are prescribed for this establishment under.....Act/Rules. [Breach of section 7(1) of the Act]
2. The period of work of the following children inclusive of interval for rest is spread over more than six hours (including the time spent on waiting).[Breach of section 7(3).]
3. The period of the work of the following children exceeds three hours without an interval for rest for one hour.[Breach of section 7(2).]
4. Child labour found working between 7.00 PM and 8 A.M. (Breach of Rule 7 (4).

PERTAINING TO HEALTH and SAFETY

1. Proper cleanliness system of disposal of wastes and Effluents, Ventilation and Temperature, Dust and Fumes, Artificial humidification Lighting, drinking water, Latrines and urinals, spittoon, fencing of machinery etc. taken care of as per rule 17 (Breach of Rule 17).
2. Male Child worker found to be lifting more than 14 kg and female worker more than 12 kgs (Breach of Rule 17 (18))
3. Certificate of Age of Persons in employment in any of the occupation set forth in Part A of the schedule or in any workshop of Part B not produced from the appropriate Medical Authorities. (Breach of Rule 19)

Other irregularities

9.PaymentofBonusAct,1965& CentralRules,1975

1. Registershowingcomputationofallocablesurplusisnotatallmaintained/notkept inform‘A’ as thecols.No.....are missing.[Breach ofRule4(a).]
2. Registershowingsetonandsetoffis not at allmaintained/ not atallmaintained/not keptinform‘B’ as cols.No.....are missing.[BreachofRule 4(b)]
3. Registershowingpaymentofbonustoemployeesfortheaccountingyearending on.....isnotatall maintained/notkeptinform‘C’ asCols. No.....are missing.[Breach ofRule4(c)]

PERTAININGTO RETURNS

- 1 AnnualReturninForm‘D’hasnotbeensenttotheInspectorforthe accountingyearendingon31March20...within30daysafterthe expiry ofthetime limit as specifiedinsection19ofpayment ofBonusAct- [Breach ofRule 5.]

SpecificIrregularitiesregarding paymentofBonusAct,1965

1. Theemployeesnotedbelowwererepaidlessthanproportionatebonus.[Breachofsection 13]
2. Customary/interimbonushasnotbeenadjustedproperlyinthefollowingcases.[Breach ofSec17]
3. The following employees have not been paid bonus for the accounting year[Breach ofSection8]
4. Employeeshavenotbeenpaidbonusthoughthestatutorytimelimitundersection19(a) 19(b)hasexpired. [Breach ofSection19(a)19(b)]
5. In the following cases bonus was paid after expiry of the statuary time limit as provided.[Breach of section19(a)(b)]
6. Workingdayshavenotbeencorrectlycomputed fortheA/cyearinasmuchasaccount hasnot beentakenofthefollowingdays,in thecasedetailedbelow[Breach ofSec 14]
7. Accounting year was changed without previous permission in writing of the authority.[BreachofSec. 2(1)(iii)(b).]

PERTAINING TO FURNISHING INFORMATION/STATISTICS.

- i. Thedetailsofcomputationofbonuswas not furnished ondemand thoughthesame was calledfor. [Breachofsection27(2).]
- ii. Thefollowingbooks,accounts,registers,documentswerenotproducedduringthe courseofinspection,eventhoughtheirproductionwasdemanded.[BreachofSection 27(4)]

Otherirregularities

10. Equal Remuneration Act, 1976 & Central Rules, 1989

PERTAINING TO REGISTERS AND RECORDS

1. The register in Form 'D' has not been maintained at all. [Breach of section 8 read with Rule 6]

Specific Irregularities regarding equal remuneration Act, 1976 & Central Rules, 1976

1. The following workers was / were paid remuneration at less rates as compared to the rates paid to workers of opposite sex for performing the same work or work of similar nature. The difference in wages as details should be paid immediately to the concerned person. [Breach of section 4(1)].
2. The rates of remuneration of the following workmen has been reduced with effect from to equate them with the workmen of opposite sex. This should be restored forth with the difference paid back to the concerned workmen. [Breach of section 4(2).]
3. The following cases, the workmen/workers are discriminated against while making recruitment. [Breach of Section 5.]

PERTAINING TO FURNISHING INFORMATION/STATISTICS

1. Details of the salary with component in respect of all employees not produced on demand. [Breach of Section 9 (2) (b)]

Other irregularities

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11. The Beedi & Cigar Worker (Conditions of Employment) Act, 1966

PERTAINING TO REGISTRATION/LICENCE

1. Employer use the place or premises as an industrial premises without a **valid licence** issued under the Act. [Breach of Section 3]
2. Employer has not observed **condition of licence**. [Breach of Section 4, Rule 3]
3. **Renewal of Licence** issued under the Act [Breach of Rule 4 and Section 4]
4. Form and terms & conditions of renewal of licence
 - (1) Licence under section 4 is not in Form II [Breach of Rule 5]
 - (2) Conditions of licence :
 - i. the manufacturing process not carried on, in that part of the Industrial Premises specified for the purpose of licence [Breach of Rule 5(2)(i)]
 - ii. Maximum number of employee employed more than specified in the licence [Breach of Sec. 5(2)(ii)]
 - iii. Power driven machinery not specified in Licence being used in manufacture process. [Breach of Sec. 5(2)(iii)]
 - iv. Structured alterations made in any building on such premises without the prior permission in writing of the competent authority [Breach of Sec 5(2)(iv)]

PERTAINING TO WELFARE AND HEALTH

1. Industrial premises not **kept clean** and free from effuvia arising from any drain, privy or other nuisance [Breach of Sec. 8, Rule 10 (a)(b)(c)]
2. Record of date of **white washing, colour washing, varnishing, painting & cleaning** not maintained by the employer in a register in Form III. [Breach of Rule 10(2)]
3. Industrial Premises didnt maintain prescribed standards of **lighting, ventilation and temperature**. [Breach of Sec. 9 & Rule 11]
4. Separate **Latrine & urinal accommodation** not provided in every industrial premises for male & female employee. [Breach of Sec. 12 & Rule 12, 13]
5. Provision of Construction and maintenance of **drainage system** Industrial Premises not followed. [Breach of Rule 16]
6. **Washing facilities** not provided and maintained in the industrial premises for both male & female employee. [Breach of Rule 18(1), 18(2)]
7. In every Industrial premises where more than 30 (thirty) female employees are employed **crèches** not provided in the mentioned standards. [Breach of Sec. 14, Rule 19]
8. Industrial premises didnt provide, prescribed **First Aid facilities**. [Breach of Sec. 14, Rule 20]
9. The employer didnt provide and maintain **canteen** in every industrial premises wherein not less than 250 employees are ordinarily employed. [Breach of Sec. 16, Rule 2]

PERTAINING TO WORKING CONDITION OF AN EMPLOYEE

1. Employee was found working or allowed to work in the industrial premises for more than nine hours in a day or for **more than 48 hours**. [Breach of Sec. 17]

2. Employer didnt exhibit a notice in **Form IV** specifying clearly the **daily hours of work, intervals of rest & weekly holiday**. [Breach of Rule 22]
3. Employer didnt maintain a register showing the hours of work including **overtime** in **Form V**. [Breach of Rule 22(2)]
4. Employer didnt keep up to date register in **Form VI** of employee's employed in his Industrial Premises. [Breach of Rule 24(1)]
5. The Employer didnt maintain an **up to date register in Form VII** for the home workers. [Breach of Rule 24(2)]
6. The Employer didnt provide each employee (including home workers) a **Leave Book in Form VI or Form VII** [Breach of Rule 25(1)]
7. In case where Raw materials supplied to home worker at his home, the wages due to him were not being paid at his home. [Breach of Rule 30]

PERTAINING TO SAFETY

- (1) In Industrial Premises, the employer didnt provide **adequate fire fighting equipment**. [Breach of Rule 31]

PERTAINING TO RETURN

- (1) The employer didnt send Monthly return in Form XI & Annual return in Form XII on or before 30 April. [Breach of Rule 32]

PERTAINING TO REGISTERS AND RECORDS

1. Employer didnt maintain a muster roll in Form XIII [Breach of Rule 33(1)]
2. Employer didnt provide **log book** to the 'home workers' in Form XIV [Breach of Rule 33(2)]
3. Employer didnt maintain a home worker **employment register** in Form XV [Breach of Rule 33(3)]
4. Employer didnt maintain/produce a visitor's book in which an Inspector visiting the premises may record his remarks. [Breach of Rule 33(4)]
5. Employer didnt maintain a register of overtime work in Form XVI [Breach of Rule 33(5)]
6. Record of outside work, under subsection 2 of section 29 not maintained by the employer. [Breach of Sec. 29(2), Rule 34]
7. Every employer didnt furnish information required by Inspector : [Breach of Rule 35(1)]

DISPLAY OF ABSTRACT OF THE ACT :

- (1) An abstract of Act and the Rules made thereunder shall be displayed in some conspicuous part of every Industrial Premises. [Breach of Rule 33(6)]

12.Jharkhand shops and Establishment Act, 1953 and Rules, 1955

Pertaining to Registration

- a) Whether the establishment is registered under the Act (Related to section 6 and Rule 3 (1) of Rules).
- b) Whether registration certificate was displayed as per rule 3(b)
- c) Whether the details furnished in form- I and Form IV was incorrect. This is punishable under Rule-.8
- d) Whether any change has occurred in information furnished in Registration Certificate.
- e) Whether ownership of establishment has undergone a change. If yes then whether as per rule
- f) Whether the establishment has been found closed. If yes then whether the information of closure of establishment in Form V, as prescribed under Rule 9, was given or not?
- g) Whether the registration certificate was amended as per rule 10.

Business beyond prescribed hours.

- 1. Whether establishment was open before 8 am/ after 10 pm. Which is violation of Sec. 7.
- 2. Whether goods were being sold before opening and after closing hours. This is violation of Section 8.

Pertaining to Service condition of workers.

- a) Whether the days of weekly holiday of workers was displayed in form VII. If not then, it is violation of Rule 12.
- b) Whether the working hours of employees was displayed in form VIII. If not then this is violation of Rule 13.
- c) Whether the desired information pertaining to all working employees in form VII and VIII was displayed. If not then this is violation of Rule 12 and 13.
- d) Whether the required notices as per Rule 32 were displayed in legible form at the main entrance of the establishment.
- e) Whether the employees working in establishment are given holidays as per details furnished in form VII are being followed. This is violation of Rule 12 .
- f) Whether all the employees working in establishment been given service card as per section 12(B) and Rule 12(A).

Pertaining to employment of children.

10. Whether employees having less than 14 years of age were found working. This is violation of Section 13.

11. Whether any child/adolescent/women was working before 8 am or after 10pm at night which is violation of section 14.

12. Whether workers working in the establishment who work as entitled in form VIII works as made to work at a time which areas not their hour of work. Whether the workers have separated that they are made to work continuous by for five hour able in total for rest which is violation of section 10.

Miscellaneous

13. Following employees are not being paid wages and overtime wages which is violation of section 21/23

14. Inspection book was not kept as per rule 29. Not produced when demanded which is violation of Sec 33(1) 33(2)

15. As provided by Act and rules following registers were not maintained. Not produced when demanded which is violation of section 33(1) 33 (2)

a) Leave with wages register in Form IX as per rule 14.

b) Register of wages and overtime payment in form X as per rule 17.

c) Register of fines and deductions in Form XI as per Rule 19.

16. Sufficient provision was not made for safe and clean drinking water and place of water distribution was not clean which is (Breach of Rule 36.)

1. PERTAINING TO REGISTRATION

1. Motor transport workers numbering 2 or more were found employed on/ were employed during preceding 12 months without a valid certificate of registration.
[Breach of Sec.3(1)]
2. Employer had not renewed of certificate of registration of motor transport undertaking for current year. [Breach of Rule 6]
3. The employer had not amended of certificate of registration within 30 days of the day when come of amendment (regarding.....)
[Breach of Sec. 7(2)]

2. PERTAINING TO FACILITIES TO BE AFFORDED TO INSPECTOR

1. The employer did not afford the chief inspector/inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act .
(Breach of sec -6)

3. PERTAINING TO WELFARE AND HEALTH

- 1.The employer failed to provide canteen of the prescribed type though employing 100 or more motor transport workers. [Breach of Rule 2]
- 2.The employer had not submitted plans and site plan of the building to be constructed or adopted for use as a canteen for the approval of the chief inspector. [(rule 17 (2))]
3. The canteen building was situated at a distance not more than 50 feet from latrine, urinal or other sources of dust . [(Breach of rule-17 (3))]
- 4.The canteen building was not constructed in accordance with the approved plan. [(Breach of rule-17 (4))]
- 5.The floor and inside walls upto a height of 4 feet from the floor was not made of smooth and impervious material. [(Breach of rule-17 (5))]
- 6.The doors and windows of canteen building was not fly proof construction and adequate ventilation . [Breach of rule-17 (6)]
- 7.The canteen and the precincts thereof were not maintained in a clean and sanitary condition . [Breach of rule-17 (9)]
8. The canteen was not equipped with sufficient utensil, crockery, cutlery, furniture etc. [Breach of rule-19 (1)]
- 9.The furniture,utensils and other equipment were not maintained in a clean and hygienic condition . [Breach of rule-19 (2)]
- 10.Food,drink and other items served in the canteen was not sold on a non - profit basis . [(Breach of rule-19 (1))]

11. The change per portion of food stuff, beverages and other items served in the canteen were not conspicuously displayed in the canteen .
[Breach of rule-20 (2)]
12. Proper accounts, pertaining to the canteen was not maintained.
[Breach of rule-21 (1)]
13. All books of accounts registers or any other documents used in canteen with the running of a canteen was not produced on demand before inspector .
[Breach of rule-21 (1)]
14. The employer had not Constituted a Canteen Managing Committee .
[(Breach of rule-22)]
15. The employed failed to provide and maintain of rest room for the use of motor transport workers . [Breach of sec-9 (1) and rule 23]
16. The employer failed to provide free of cost uniforms and raincoats to Drivers, Conductors Traffic inspectors and Ticket examiners as specified in schedule I of the rule . [Breach of sec-10 and rule 24]
17. The employer failed to provide an allowance for washing of uniforms / adequate arrangements for the washing of uniforms . [Breach of sec-10 and rule 24(2)]
18. The employer failed to provide dispensary for motor transport workers at the operating centre/ halting station .
[Breach of sec-11 and rule 25 (1)]
19. The employer failed to provide and maintain first aid boxes equipped with the prescribed contents in every transport vehicle and operating centre/ halting station [Breach of sec-12 and rule 26]
20. The employer having less than 250 motor transport workers failed to provide first aid boxes or cupboards equipped with prescribed contents and arrange in charge of an employee of undertaking trained in first aid.
[Breach of sec 11 and rule 25(4)]

4. PERTAINING TO HOURS AND LIMITATION OF EMPLOYMENT

1. The employer allowed or required to work for more than eight hours in a day and forty eight hours in any week without approval of chief inspector . [Breach of sec-13]

2. The employer had employed adolescent between the hours of 10.p.m to 6 a.m . [Breach of sec-14(b)]
3. The employer had engaged adolescent continuously more than 6 hours without giving half an hour rest . [Breach of sec-14 (a)]
- 4.The employer failed to provide half an hour rest to adult motor transport worker in a day . [Breach of sec-15 (1)]
- 5.The employer engaged motor transport workers more than twelve hours in a day with rest. [Breach of sec-16 (2)]

- 6.The employer failed to arrange hour of work of motor transport worker in maximum two spells on any day . [Breach of sec-17]
- 7.Notice of hours of work in proper formate (form v) was not displayed and correctly maintained by the employer . [Breach of sec-18(1)] and rules 28(2)]
8. Motor transport workers had not provided for a day of rest in every period of seven days. [Breach of sec-19 (1) and rules 29(1)]
- 9.The employer had not allowed compensatory day of rest within the month by which motor transport workers are deprived of any of the days of rest.[Breach of sec-20 and rule 30(1)]

5. EMPLOYMENT OF YOUNG PERSON

- 1.The employer had allowed a child in a capacity in the motor transport undertaking. [Breach of sec-21]
2. Adolescent had allowed to work in motor transport undertaking without a certificate of fitness. [Breach of sec-22(a)]

6. WAGES AND LEAVE

1. The employer of motor transport undertaking. had not paid overtime wages at preceribed rate . [Breach of sec-26(1) and rule 31]
2. The employer had not allowed leave with wages of entitled motor transport workers. [Breach of sec-28 (1).
3. The leave allowed to a motor transport worker under sec 27, but the employer had not paid wages at the rate of equal to daily average wages. [Breach of sec-27].
4. The employer had not paid in advance to a motor transport worker who had been allowed leave for more than four days under sec 27. [Breach of sec-28 (2)]

7. PERTAINING TO MAINTAIN REGISTERS

1. The employer had not maintained a register of leave with wages in form no. VII . [Breach of rule 33-(1)]
2. The employer had not provided to each worker a leave book in form VIII . [Breach of rules 34]
3. The employer failed to maintain a Register of workers in form IX [Breach of rules 35]
4. The employer failed to maintain muster roll in form X [Breach of Rule 36]
5. The employer failed to maintain overtime muster roll in form XI [Breach of Rule 37]
6. The employer had not provide individual control book to each motor transport worker in form XII [Breach of Rule 38]
7. The employer failed to maintain original copies of the individual Control Book in separate files for each motor transport worker. [Breach of Rule 38(2)]
8. The employer had not furnished annual return in form XIII to inspector [Breach of rule -39]

For effective implementation of the above mentioned scheme standardization of job chart is the need of the hour. Suggested Job chart for the officers of Labour department are as follows:

Job Chart of Labour Enforcement officers:-

Perusal of reports submitted by these officers suggest they are conducting periodical inspections only under M W Act 1948, P W Act 1936, Child Labour (Regulation and Prohibition) Act 1986, Equal Remuneration Act & BOCW (RE&cs) Act 1996 only. They are either not conducting inspections under other labour laws under which they notified inspectors, are or they are not submitting the return to their controlling authority.

From the perusal of their reports it is also evident that multiple inspections are reported under different labour laws but in practice the workers belong to the same establishment and this gives impression that multiple inspections have been carried out and target is being fulfilled. Number oriented inspection system has created statistical myths about prevalent inspection system whereas quality inspection with effective followup and labour welfare has been rendered to the background. This cadre is the backbone of the enforcement system and therefore we require to restructure and revamp the system. For this following scheme is suggested :

Each Labour Enforcement Officer shall perform the following work, as under:-

(A) Inspections:-

(a). LEO will conduct inspections of 30 establishments (20) unorganised sector establishments compulsorily).

(b). LEOs will conduct the inspection of the establishment and issue Inspection Reports in the following manners:-

(I) Establishment means unit or branch of the organization i.e. branch of the establishment etc.

(II) A detailed, in depth inspection of the establishment alone will count as an inspection. In other words, LEOs must make a thorough inspection of the establishment covering all the items of the inspection and report in the required Performa. He should also make an inspection of the establishment in the same visit, under all the Labour Laws, applicable to it.

(III) LEOs will ensure and record the statement of workers available at the work spot, with details i.e. name, present and permanent address, amount of wages paid and deductions made by employers, collect the full details of employers, his e-mail

ID, Mobile No. etc. and also collect all material evidences in support of his inspection.

(IV) It is highly desirable that the inspection report should be issued to the responsible person of the establishment only, who is duty bound to rectify the irregularities detected during the course of inspection.

(V) The inspection report may be issued at the work spot to the representative, preferably, to the employer. Inspection report may also be sent through email ID to the employer and a copy must be sent through registered post **within three days** of the inspection.

(B) Collection of cess:-

LEOs will conduct periodical survey and verification work under BOCW (RE&CS) Act 1996 and schemes made thereunder in accordance with issued procedure and guidelines from time to time expeditiously.

(C) Maintenance of Registers/Records:-

LEOs will regularly maintain following registers apart from routine diary and dispatch Register, Stamp Register etc.:-

- (i) Registers in respect of Permanent & Temporary Establishments respectively and status of cess collection vis-à-vis liability of the employer to pay it.
- (ii) Prosecution Proposal/Claim Proposal /Court Case Register/File Register/ Complaint/ Grievance Register
- (iii) Register of awarded amount, its recovery and disbursement to the workers.

(D) Court Cases/Claim Cases:-

LEOs will file the prosecution/claim cases before the court/authority within a week from the date of sanction positively but not later than the last date of filing the same.

(1) The work connected with court cases performed by LEOs will count in the following manners:-

- (a) Each day of court attendance outside the headquarters of the Labour Enforcement Officers will be counted as one establishment inspected.
- (b) Two days court attendance where the courts are situated in the LEOs headquarter, will be counted as one establishment inspected.
- (c) Each day of court attendance, and conducting of court cases as Assistant Public Prosecutor (APP) when proceedings such as examination of witness, or arguments, etc. have taken place, whether at the headquarters of LEOs or outside, will be counted as one establishment inspected.
- (d) Serving of Summons personally by the LEOs will also count as half establishment inspected.
- (e) The LEOs will collect regular progress of prosecution/claim cases from courts/authorities and submit to the senior officers regularly on monthly basis.

(f) The LEOs in conducting the court cases got successful conviction will be given due consideration in the assessment of performance as well as the same shall be reflected in APAR also by the Reporting and Reviewing Officers.

(g) Claim cases.

(i) LEOs will file the claim cases before the appropriate authorities within a week from the date of sanction positively but not later than the last date of filing the same.

(ii) The performance of LEOs will be assessed on the basis of number of successful claims, awarded in his favour, so distributed among the workers and efforts made by him for undisbursed amount, the assessment of this shall be recorded in the Annual Appraisal Recordl Performance by the Reporting/Reviewing Officers.

(iii) LEOs will regularly report the progress of the claim cases to the Senior Officers (before 5th day of every month).

(E) Workers/Union/General Public Complaints:-

LEOs will expeditiously dispose of all complaints within one month.

(F) LEOs have been notified as Block Key Managers under RSBY scheme and they have to carry out all activities in this regard and inspect at least two hospitals in a month to ensure that scheme is being implemented.

(G) Special Enquiries:-

LEOs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days. They will Physically verify at least assets of 5 beneficiaries of JBOCWW Board

(H) Web Portal:-

LEOs will upload their inspection reports on **web portal preferably** within Three days from the date of inspection but not later than seven days.

(I) Other Reports:-

LEOs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

(J) Any other duties assigned by higher authorities will be completed as earliest as possible.

Job Chart of Labour Superintendants (Agriculture Labour):-

Besides performing the Administrative and Financial work as Head of the Office and DDO with disbursing powers as well as close supervision of the field work of Labour Enforcement Officers (LEOS) placed under him every **Superintendants (Agriculture Labour) shall:-**

- (i) Carry out at least ten (10) check inspections in every month over the inspections carried out by the Labour Enforcement officers placed under him. Check inspections should be carried out in such a manner that the inspections of all Officers under him are covered once in a period of three months.
- (ii) Carry out at-least Twenty (20) original inspections out of which ten (10) inspections of bigger unorganised establishments (where 10 or more workers are employed). At least five (5) of these inspections should be from construction sector. .
- (iii) Dispose off at least ten (10) Applications filed under the M.W. Act, before him within a period of three (03) months.
- (iv) Carry out detailed inspection of the office of each Labour Enforcement Officer under him once in a year
- (v) Inspect atleast 5 empanelled hospitals under Rsby
- (vi) Physically verify at least assets of 5 beneficiaries of JBOWW Board.
- (vii) Submit all periodical reports and returns to the concerned Authorities
- (viii) Act as Public Grievance Officer for the Grievances relating to his jurisdiction
- (ix) Any other work assigned by higher authorities

(B) Workers/Union/General Public Complaints:-

LSs will expeditiously dispose of all complaints within one month.

(C) Special Enquiries:-

LSs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days.

(D) Web Portal:-

LSs will upload Their inspection reports on **web portal preferably** within three days but not later than seven days from the date of inspection.

(E) Other Reports:-

LSs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

Job Chart of Assistant Labour Commissioner (Agriculture Labour):-

Besides performing the Administrative and Financial work as Head of the Office and DDO with disbursing powers as well as close supervision of the field work of Labour Enforcement Officers (LEOS) **Superintendants (Agriculture Labour) placed under him shall:-**

- (i) Carry out at least ten (10) check inspections in every month over the inspections carried out by the Labour Enforcement officers And Labour Superintendant (Agriculture Labour) placed under him. Check inspections should be carried out in such a manner that the inspections of all Officers under him are covered once in a period of one year.
- (ii) Carry out original at-least Fifteen (15) original inspections out of which 5 (five) inspections of bigger establishments (where 50 or more workers are employed) and four (04) would be construction site.
- (iii) Dispose off at least fifteen (15) Applications filed under the M.W. Act, before him within a period of three (03) months.
- (iv) Carry out detailed inspection of the office of atleast one office of Labour Enforcement Officer every month and that of LS (AG) under him once in a year
- (v) Inspect atleast 5 empanelled hospitals under Rsby
- (vi) Physically verify at least assets of 5 beneficiaries of JBOWW Board.
- (vii) Submit all periodical reports and returns to the concerned Authorities
- Act as Public Grievance Officer for the Grievances relating to his jurisdiction
- (viii) Any other work assigned by higher authorities

(B) Workers/Union/General Public Complaints:-

ALCs will expeditiously dispose of all complaints within one month.

(C) Special Enquiries:-

ALCs will expeditiously dispose of all special enquiries whatever assigned to them within 15 days.

(D) Web Portal:-

ALCs will upload their inspection reports on **web portal preferably** within three days but not later than seven days from the date of inspection.

(E) Other Reports:-

ALCs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

Job Chart of Deputy Labour Commissioner (Agriculture Labour):-

Besides performing the Administrative and Financial work as Head of the Office and DDO with disbursing powers as well as close supervision of the field work of Labour Enforcement Officers (LEOS) , **Superintendants (Agriculture Labour), and ALCs placed under him shall:-**

(i) Carry out at least ten (10) check inspections in every month over the inspections carried out by the Labour Enforcement officers, Labour Superintendant (Agriculture Labour) and ALCs placed under him. Check inspections should be carried out in such a manner that the inspections of all Officers under him are covered once in a period of one year.

(ii) Carry out original at-least Fifteen (10) original inspections out of which three (03) inspections of bigger establishments (where 50 or more workers are employed) and two (02) would be construction site.

(iii) Dispose off at least ten (05) Appeals filed under the M.W. Act, before him within a period of three (03) months.

(iv) Carry out detailed inspection of the office of atleast one office of Labour Enforcement Officer every month and that of LS (AG) ALC under him once in a year

(v) Inspect atleast 5 empanelled hospitals under Rsby

(vi) Physically verify at least assets of 5 beneficiaries of JBOWW Board.

(vii) Submit all periodical reports and returns to the concerned Authorities

(viii) Act as Public Grievance Officer for the Grievances relating to his jurisdiction

Any other work assigned by higher authorities

(B) Workers/Union/General Public Complaints:-

DLCs will expeditiously dispose of all complaints within one month.

(C) Special Enquiries:-

DLCs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days.

(D) Web Portal:-

DLCs will upload Their inspection reports on **web portal preferably** within three days but not later than seven days from the date of inspection.

(E) Other Reports:-

DLCs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

Job Chart of Deputy Labour Commissioner :-

Besides exercising overall supervision of all the Officers and staff posted in the Region headed by him, the Dy. LC shall perform administrative and financial functions as delegated to him from time to time, as under:-

- (i) Carry out detailed inspection of the office of each ALC and LS under him, at least once in a year. He/she may carry out counter inspection of the office of LS based on the inspections carried out by ALCs.
- (ii) Prepare a Calendar for office inspections of ALCs and LS in the Region in each financial year.
- (iii) Dispose off at least five (05) major Industrial Disputes effectively in a month.
- (iv) Carry out at least two (02) check inspections in every month over the inspections carried out by LS and ALC placed under him. Check inspections should be carried out in such a manner that the inspections of all the officers under him are covered once in a period of three months.
- (v) Carry out original at-least five (05) inspections of bigger organized establishments (where 250 or more workers are employed) inspections.
- (vi) Dispose of all Applications filed under the P, W Act 1948, before him/her within a period of 03 months.
- (vii) Dispose of all Applications filed under the Payment of Gratuity Act 1972, before him/her. within a period of 03months
- (viii) Dispose of all Applications and Appeals filed under the S&E Act 1953, before him/her. within a period of 03months
- (ix) Dispose of all Application for benefits under Building and Other Construction Workers (RE&CS) Act, 1996 within 07 days.
- (x) Ensure timely submission of the Monthly Statement Reports, of the field officers and Court cases.
- (xi) Hold at-least two (02) periodical meetings with State Labour Department, Employers' Associations/ Federations, Trade Unions/Federations regarding implementation of labour laws in the Region.
- (xii) Ensure up to date maintenance of Form A, B & C Registers required to be maintained by the field officers in the Region
- (xiii) Act as Appellate Authority under Right to Information Act, 2005.
- (xiv) Any other work assigned by higher authorities

(B) Workers/Union/General Public Complaints:-

DLCs will expeditiously dispose of all complaints within one month.

(G) Under RSBY scheme and they have to coordinate all activities in this regard and inspect at least two hospitals in a month to ensure that scheme is being implemented.

(C) Special Enquiries:-

DLCs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days.

(D) Web Portal:-

DLCs will upload their inspection reports on **web portal preferably** within three days but not later than seven days from the date of inspection.

(E) Other Reports:-

DLCs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

Job Chart of Assistant Labour Commissioners :-

Besides performing the Administrative and Financial work as Head of the Office and DDO with disbursing powers as well as close supervision of the field work of Labour superintendants (LS) placed under him every Assistant Labour Commissioner shall:-

- (i) Dispose off at least Seven (07) Industrial Disputes, 1947 effectively in a month
- (ii) Carry out at least two (05) check inspections in every month over the inspections carried out by the Labour Superintendants placed under him. Check inspections should be carried out in such a manner that the inspections of all Officers under him are covered once in a period of three months.
- (iii) Carry out original at-least Eight (Eight) original inspections out of which five (05) inspections of bigger unorganised establishments (where 50 or more workers are employed) .
- (iv) Dispose off at least ten (10) Applications filed under the M.W. Act, before him within a period of three (03) months.
- (v) Dispose off at least two (02) Applications filed under the P.W. Act, before him within a period of three (03) months
- (vi) Dispose off at least two (02) Applications filed under the S.&E. Act, before him within a period of three (03) months
- (vii) Carry out detailed inspection of the office of each Labour Superintendant under him once in a year
- (viii) Dispose of all Applications of cess assessment under Building and Other Construction workers (RE&CS) Act, 1996 within a period not later than three months.
- (ix) Submit all periodical reports and returns to the concerned Authorities.
- (x) Act as Public Grievance Officer for the Grievances relating to his jurisdiction.
- (xi) Act as PIO relating to the information pertaining to his jurisdiction under Right to Information Act, 2005.
- (xii) Any other work assigned by higher authorities.

(B) Workers/Union/General Public Complaints:-

ALCs will expeditiously dispose of all complaints one month.

(G) Under RSBY scheme and they have to carry out all activities in this regard and inspect at least four hospitals in a month to ensure that scheme is being implemented.

(C) Special Enquiries:-

ALCs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days.

(D) Web Portal:-

ALCs will upload their inspection reports on **web portal preferably** within three days but not later than seven from the date of inspection.

(E) Other Reports:-

ALCs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.

Job Chart of Labour Superintendants:-

Besides performing the Administrative and Financial work as Head of the Office and DDO with disbursing powers as well as close supervision of the field work Labour Superintendant shall:-

- (i) Dispose off at least two (02) Industrial Disputes, 1947 effectively in a month.
- (ii) Carry out original at-least Twenty (20) original inspections out of which 12 (Twelve) inspections of unorganised establishments (where less than 50 workers are employed)
- (iii) Dispose of all Applications of Registration of establishment and beneficiary under Building and Other Construction workers (RE&CS) Act, 1996 within a period not later than seven (07) days
- (iv) Dispose of all Applications of Registration/ License under Contract Labour (R&A) Act, 1972 within a period not later than seven (07) days
- (v) Dispose of all Applications of Registration under S&E Act, 1953 within a period not later than seven (07) days
- (vi) Dispose of all Applications of Registration Motor Transport Workers' Act , within a period not later than seven (07) days
- (vii) Dispose of all Applications of Registration Beedi and Cigar Workers (Conditions of Employment) Act 1966 within a period not later than seven (07) days
- (viii) Dispose of all Applications for benefits of under Building and Other Construction workers (RE&CS) Act, 1996 and forward it to higher authorities after recommendation where required, within a period not later than seven (07) days.

(ix) Work as DKM under RSBY scheme and conduct at least two inspections of the hospitals. Hold coordination meetings of all stake holders in every month and ensure proper implementation of the scheme.

(x) Submit all periodical reports and returns to the concerned Authorities

(xi) Act as Public Grievance Officer for the Grievances relating to his jurisdiction

(xii) Act as ACPIO relating to the information pertaining to his jurisdiction under Right to Information Act, 2005

(xiii) Any other work assigned by higher authorities

(B) Workers/Union/General Public Complaints:-

LSs will expeditiously dispose of all complaints within one month.

(C) Special Enquiries:-

LSs will expeditiously dispose of all special enquiries whatever assigned to him within 15 days.

(D) Web Portal:-

LSs will upload Their inspection reports on **web portal preferably** within three days but not later than seven days from the date of inspection.

(E) Other Reports:-

LSs will ensure submission of all reports/returns, daily diary, tour programs, any deviations made must be got approved by the superior officers before proceeding on tour, assessment reports etc. to the senior officers regularly and periodically within stipulated time preferably through e-mail.
