

GOVERNMENT OF PUDUCHERRY

Abstract

LABOUR - Ease of Doing Business - Self Certification-cum-Online Common Inspection Scheme - Business Reform Action Plan - Orders - Issued.

LABOUR DEPARTMENT

G.O.Ms.No. 05/Lab/AIL/G/2020

Puducherry, the 18/20

READ: D.O. letter No.13025/39/2015/LR/CELL dated 4th June 2018 of the Ministry of Labour & Employment, New Delhi.

ORDER :

The following Notification shall be published in the next issue of the Official Gazette of Government of Puducherry:-

NOTIFICATION

The Government of Puducherry has proposed to formulate "Self Certification -cum- Online Common Inspection Scheme" for Shops and other Establishments in the Union Territory of Puducherry to liberalise the enforcement of Labour Laws in pursuance of implementation of the "Business Reform Action Plan - Ease of Doing Business" as formulated by the Government of India.

The Scheme shall consist of the following provisions:

- 1. PREAMBLE:** This Self Certification-cum- Online Common Inspection Scheme is being introduced to streamline the implementation of various labour laws by the Department of Labour to facilitate the employer/entrepreneur without letting of labour welfare. The scheme provides for transparency in the implementation of labour laws to effectively protect the interest of employer/employee. This scheme is simplified in a systematic manner so as to ensure compliance of the labour acts and enables the Ease of doing business. This lays a strong emphasis on labour reforms for creating a conducive environment and relationship between the Employers and Workers.
- 2. On-line Common Inspection Scheme:** Based on the recommendations of the Business Reform Action Plan, with a view to regulate the inspections conducted by the Inspecting Officers from the level of Assistant Inspector of Labour to the Commissioner of Labour, giving specific responsibility and accountability in taking up inspections of various categories of establishments along with its allocation depending upon number of employees and category of the establishment etc., under various Labour Laws.
- 3. Objective:** The objective of this Self Certification-cum-Online Common Inspection Scheme is to bring more transparency in the Inspection Procedures by introducing Computerized system of Risk Assessment based inspection with random allocation of Inspecting Officers. In pursuance of the directions of the Government, operational guidelines of the systemized Inspection Procedures are to be followed in the Labour Department are as follows:

The Acts covered under online inspection system are:

- (1) The Puducherry Shops & Establishments Act, 1964 and the Rules made there under.
- (2) The Puducherry Catering Estt. Act, 1964 and the Rules made there under.

- (3) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Rules made there under.
- (4) The Payment of Gratuity Act, 1972 and the Rules made there under.
- (5) The Contract Labour (Regulation and Abolition) Act, 1970 and the Rules made there under.
- (6) The Minimum Wages Act, 1948 and the Rules made there under.
- (7) The Payment of Wages Act, 1936 and the Rules made there under.
- (8) The Payment of Bonus Act, 1965.
- (9) The Maternity Benefit Act, 1961 and the Rules made there under.
- (10) The Equal Remuneration Act, 1976 and the Rules made there under.
- (11) The Motor Transport Workers Act, 1961 and the Rules made there under.
- (12) The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986.
- (13) The Sexual Harassment of women at work place (Prevention, Prohibition and Redressal) Act, 2013.
- (14) The Bonded Labour System (Abolition) Act, 1976.
- (15) The Puducherry Industrial Establishments (National and Festival Holidays) Act, 1964.
- (16) The Industrial Employment Standing Orders Act, 1946.
- (17) The Working Journalists and other Newspaper Employees (Conditions of service and Miscellaneous Provisions) Act, 1955.
- (18) The Sales Promotion Employees (Conditions of Services) Act, 1976.

4. IDENTIFICATION OF ESTABLISHMENTS FOR INSPECTION BASED UPON COMPUTERIZED RISK ASSESSMENT:

Selection of establishments for online inspection shall be on Risk assessment on the following criteria:

1. Number of workers
2. Nature of activity of the establishment
3. Status of compliance on the basis of combined annual return (or) Self-certification-cum-Combined annual returns.
4. Complaints (from workers, trade unions, managements, citizens etc.,)
5. Compulsory Inspections (eg. Orders of Courts and other Judicial & Administrative instructions)
6. An establishment inspected in a year will not be inspected in the next two years (Except check inspections in dispensing pumps).

Establishments will be categorised as Low Risk, Medium Risk and High Risk as per the column Nos.3 to 5 of the table at **Annexure-I**.

The above categorization will be done through the Online Inspections Module developed as part of the Web portal of the Labour Department, Puducherry.

5. FREQUENCY OF INSPECTIONS:

The establishments will be subjected to Compliance Inspection with the following frequency:-

- (i) Medium Risk (M) : Once in 2 years
- (ii) High Risk (H) : Once in every year.

6. SELF-CERTIFICATION SCHEME:

Self-certification scheme has been proposed for the following establishments:

- (a) Medium risk category of establishments
- (b) Low risk category of establishments

The format for applying "Self-certification" scheme has been given in **Annexure-II**. Low risk category of establishments enrolled under the self-certification-cum-Online Common Inspection Scheme shall be exempted from physical inspection. The medium risk category of establishments in the above scheme shall be randomly inspected once in two years. However, in addition to that such establishments may be inspected with the authorization of the Commissioner of Labour in case of complaint or other exigencies.

7. SCHEDULING OF INSPECTIONS:

The Scheduling of inspections will be done through the Online Inspection Module. The number of establishments to be inspected will be calculated on monthly basis for each category (L,M,H) as per the criteria in Para 4. The establishments will be selected randomly by the computer in the first week of the month for the inspections to be conducted in the succeeding month. The selection of establishment will be in terms of nature of business, size of work force, locations, complaints etc.,

8. INSPECTION REPORT: The Inspection report will be uploaded by the inspecting officer within 48 Hrs of the completion of the inspection in the On-line Inspection Module. An alert (sms/email) will be sent to the employer so that he may view/download the inspection report.

9. NOTICE OF DEFICIENCIES AND COMPLIANCE: In case of noticing defects in the compliance of any of the Labour Laws, the Inspecting Officer will issue a notice to the Employer through the online inspection module. The Employer will be required to take corrective action and upload compliance report within 15 days. In case the establishment is found to be complying with the labour laws, the inspections will be deemed as satisfying and the issue closed.


10. **COMPLAINTS:** In case any complaint is received alleging violation of any labour law/false declaration under Self Certification Scheme by any Employer/Establishment, such cases will be referred to the Commissioner of Labour who will decide on the further course of action.

The above operational guidelines shall be followed scrupulously and any violation in this regard will be construed as dereliction of duty and erring officials will be liable for disciplinary action.

11. **ESTABLISHMENTS EXEMPTED FROM ON-LINE INSPECTION:**

1. Start-up Establishments for a period of 3 years from the date of commencement of work/business (except branches of establishment existing beyond 3 years).
2. Establishments having no employees.
3. Establishments submitted combined annual return and having no violations consecutively for 3 years.
4. Any other establishment specifically exempted by the Government.
5. Establishment inspected in the first year will be exempted for the next 2 years for inspection by any inspecting officer.

// BY ORDER OF THE LIEUTENANT-GOVERNOR//


(E. VALLAVAN, I.A.S.)
SECRETARY TO GOVERNMENT
(LABOUR)

To
The Director of Stationery & Printing, Puducherry, } with a request to supply 50 copies of
the notification to this Department.

Copy to:-

1. The Secretary, Department of Industry and Commerce, Govt. of India, New Delhi.
2. The Regional Administrative Officer, Mahe/Yanam.
3. Deputy Labour Commissioner, Puducherry.
4. The Inspector of Factories, Puducherry/Karaikal.
5. The Labour Officer (Enforcement), Puducherry.
6. The Labour Officer, Karaikal.
7. The Assistant Inspectors of Labour, Puducherry/Karaikal/Mahe/Yanam.
8. The Web Master, Labour Department, Puducherry.
9. G.O. Copy / Spare.

ANNEXURE-1
CRITERION FOR RISK ASSESSMENT OF ESTABLISHMENTS AND INSPECTING OFFICERS

Sl. No.	Name of the Act under which establishment covered	Establishment Category			Inspection	
		Low Risk	Medium Risk	High Risk	No. of workers in the Establishment (including all classes of Workers)	Inspecting Officer
1	2	3	4	5	6	7
(A) LABOUR LAWS						
1	The Puducherry Establishments Act, 1964	Those employing from 1 to 9 workers	Those employing from 10 to 49 workers	Those employing 50 and more workers	500 and above workers	Labour Commissioner
2	The Puducherry Establishments Act, 1964				From 250 to 499 workers	Deputy Labour Commissioner
3	The Contract Labour (Regulation and Abolition) Act, 1970				From 100 to 249 workers	Labour Inspectors/Assistant Inspectors of labour
4	The Inter-state Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979				From 50 to 99 workers	-do-
5	The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986				Upto 49 workers	-do-
6	The Maternity Benefit Act, 1961					

7	The Motor Transport Workers Act, 1961				
8	The Minimum Wages Act, 1948				
9	The Payment of Bonus Act, 1965				
10	The Equal Remuneration Act, 1976				
11	The Payment of Gratuity Act, 1972				
12	The Payment of Wages Act, 1936				
13	The Puducherry Industrial Establishments (National & Festival Holidays) Act, 1964				
14	The Puducherry Industrial Establishments (Conferment of Permanent Status to workmen) Act, 1981				
15	The Industrial Employment Standing Orders Act, 1946.				
16	The Working Journalists and other Newspaper Employees (Conditions of service and Miscellaneous Provisions) Act, 1955				
17	The Sales Promotion Employees (Conditions of Services) Act, 1976				

Other Establishments (excluding plantation) not covered under 1 and 2 above and to which any of the Labour Law apply to Labour Department.	Those employing from 1 to 9 workers.	Those employing from 10 to 49 workers	Those employing 50 and more workers	500 and above workers	Labour Commissioner
				From 250 to 499 workers	Deputy Labour Commissioner
				From 100 to 249 workers	Labour Inspectors/Assistant Inspectors of labour
				From 50 to 99 workers	-do-
				Upto 49 workers	-do-

ANNEXURE- II

Formular for applying Self-certification under various Labour Laws:-

1	Name and Address of the Establishment			
2	Registration No.			
3	Name and address of the occupier			
4	Name and address of the Manager			
5	Name of the other Acts under which Registration / License obtained (if so please specify the No. and date of such approvals)			
6	No. of workers employed			
		Men	Women	Total
	(a) Regular			
	(b) Contract			
	(c) Others			
7	Whether minimum wages paid (specify the name of the scheduled employment)			
8	Whether required register under all the relevant Acts maintained by the Principal Employer and Contractor			
9	Whether returns as per Schedule under the Acts/ Rules submitted before due date			
10	Whether Maternity Benefit extended to the women employees			
11	Whether arrangements are made to pay wages to the employees by 7 th /10 th of the succeeding month			
12	No. of employees paid bonus			
13	Whether wages paid to the employees through Bank Account			
14	Whether the retired/resigned employees are paid gratuity, leave encashment etc as per provisions of the Acts/Rules			
15	Whether the conditions of service, holidays, leaves, weekly offs etc allowed to the employees under the relevant Acts/Rules			

CERTIFICATE


- (a) Certified that we have gone through the scheme and have fully understood the contents of this scheme and undertake to abide by the same.
- (b) Certified that we have complied/are complying with all the provisions under all the Acts and Rules applicable to the establishment.
- (c) Certified that we will furnish the Combined Annual Return.
- (d) We are the authorized persons to issue the above certificate and the above certificate is issued with full knowledge of the statutes. We jointly and severally responsible for any information found incorrect subsequently and liable for prosecution under the provisions of the Acts/Rules.

Signature of the Manager

Signature of the Occupier

Name and Designation
Date & Official seal

Name and Designation
Date & Official seal


(E. VALLAVAN, I.A.S.,)
SECRETARY TO GOVERNMENT
(LABOUR)