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புதுச்சேரி மாநில அரசிதழ்

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The Gazette of Puducherry

PART - II

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GOVERNMENT OF PUDUCHERRY

LABOUR DEPARTMENT

(G.O. Ms. No. 05/Lab./AIL/G/2020, Puducherry, dated 7th August 2020)

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 up on 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 and Establishments Act, 1964 and the Rules made thereunder.

(2) The Puducherry Catering Estt. Act, 1964 and the Rules made thereunder.

(3) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 and the Rules made thereunder.

(4) The Payment of Gratuity Act, 1972 and the Rules made thereunder.

(5) The Contract Labour (Regulation and Abolition) Act, 1970 and the Rules made thereunder.

(6) The Minimum Wages Act, 1948 and the Rules made thereunder.

(7) The Payment of Wages Act, 1936 and the Rules made thereunder.

(8) The Payment of Bonus Act, 1965.

(9) The Maternity Benefit Act, 1961 and the Rules made thereunder.

(10) The Equal Remuneration Act, 1976 and the Rules made thereunder.

(11) The Motor Transport Workers Act, 1961 and the Rules made thereunder.

(12) The Child and Adolescent Labour (Prohibition and 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 up on 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).

ANNEXURE-I

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 Shops and Establishments Act, 1964.	Those employing from 1 to 9 workers	Those employing from 10 to 49 workers	Those employing from 50 and more workers	500 and above workers	Labour Commissioner
2	The Puducherry Catering 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 and Conditions of Service) Act, 1979.				From 50 to 99 workers	Labour Inspectors/ Assistant Inspectors of Labour -do-
5	The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.				Up to 49 workers	
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.					

(1)	(2)	(3)	(4)	(5)	(6)	(7)
12	The Payment of Wages Act, 1936.					
13	The Puducherry Industrial Establishments (National and 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.					

(B)	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 from 50 and more workers	500 and above workers	Labour Commissioner Deputy Labour Commissioner Labour Inspectors/ Assistant Inspectors of Labour -Do- -Do-

ANNEXURE- II

Format 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/ Licence 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 7th/10th 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, <i>etc.</i> , as per provisions of the Acts/Rules.				
15	Whether the conditions of service, holidays, leaves, weekly offs, <i>etc.</i> , 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 and Official seal.

Name and Designation
Date and Official seal.

E. VALLAVAN, I.A.S.,
Secretary to Government (Labour).
