

OFFICE OF THE COMMISSIONER OF LABOUR TELANGANA, HYDERABAD

Circular Memo No H2/7770/2013

Dated:14.06.2016

Sub: Labour Laws – Inspections under various Labour Laws – Operational Guidelines – Issued – Reg.

Ref: 1.G.O.Ms No. 31, Dated: 10.12.2015 of Labour Employment, Training & Factories Department.
2. G.O.Ms No. 18, dated: 14.03.2016, LET & F Dept.
3. G.O.Ms No. 23, dated: 24.03.2016, LET & F Dept.
4. G.O.Ms No. 38, dated: 14.05.2016, LET & F Dept.
5. G.O.Ms No. 45, dated: 09.06.2016, LET & F Dept.
6. G.O.Ms No. 47, dated: 10.06.2016, LET & F Dept
7. G.O.Ms No. 49, dated: 13.06.2016, LET & F Dept

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In the references 1st, 2nd, 4th, 5th and 6th cited, the Govt. has issued orders pertaining to the system of inspections under various Labour Laws. The objective 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 govt. operational guidelines of the Inspection Scheme are issued as follows:-

1. Identification of establishments for inspection based upon computerized risk assessment.

Establishments will be categorized Low Risk (L), Medium Risk (M), and High Risk (H) as per the column No. 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.

2. Frequency of Inspections.

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

- | | | |
|-------|-------------------|------------------|
| (i) | Low Risk (L) :- | Once in 5 years. |
| (ii) | Medium Risk (M):- | Once in 2 Years. |
| (iii) | High Risk (H):- | Once Every Year. |

Those establishments which are in Low risk and have been found to be complying with laws will be exempted from inspections in terms of reference 5th cited. Those establishments which are in medium risk and have opted for third party audit will be exempted from inspections in terms of reference 6th cited.

3. 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 2. 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 establishment selected will be such that a uniform mix of different type of establishment in terms of nature of business, size of work force, locations etc is achieved. In case of establishments which are also factories the scheduling of inspections will be done by Director of Factories in terms of reference 2nd

cited, and the same will be adopted by this department for conducting Joint Inspection with the Factories Dept.

4. Issuance of Notice:

A computer generated notice will be issued to the establishment for which inspection is scheduled so as to reach the establishment latest by 15th of the same month. At least 15 days clear time before the inspection will be thus ensured.

5. Allocation of Inspecting Officer:

The allocation of Inspecting officer will be done randomly through the computerized online Inspection Module as follows, based on the local limits fixed vide reference 7th cited.

- (i) Inspecting officer will be in the cadre as specified in column no. 7 of the Table at Annexure-I.
- (ii) In case of applicability of two or more Acts, the cadre of inspecting officer will be that of the Highest cadre as per column no. 7 of the Table at Annexure-I.
- (iii) The pool from which Inspecting officer will be selected in various cadres as at (i) and (ii) will be as follows:
 - (a) ALO – All ALOs working in the Districts.
 - (b) ACL – All ACLs working in the Districts.
 - (c) DCL – All DCLS working in the relevant pool of Districts.
 - (d) JCL – All JCLs working in the State.
- (iv) The same Inspecting Officer will not inspect the same establishment twice consecutively.

In case of unavoidable exigencies such as leave, court appearance etc. only, the inspecting officer will intimate the Commissioner of Labour duly recording the reasons, and the Commissioner of Labour will select replacement inspecting officer in the same category from out of left over officers through computer system.

6. Single Joint Inspection :

Inspection will be conducted on the designated date by the designated inspecting officer in respect of all the Laws by way of a single Joint Inspection.

7. Inspection Report:

The Inspection report will be uploaded by the inspecting officer within 48 Hrs of the completion of the Inspection in the Online Inspection Module. An alert (sms/e-mail) will be sent to the employer so that he may view / download the inspection report.

8. 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 categorized as satisfying and the issue closed.

9. Scrutiny of Compliance Report and Penal Action :

The Jurisdictional JCL (in case where Inspecting Officer is JCL/DCL) or DCL (in case where Inspecting Officer is ACL/ALO) will scrutinize the compliance report to see if the compliance is made. Immediate and effective follow up action on the violations / irregularities shall be ensured if the employer fails to comply even after providing opportunity as in Para 8 by the JCL or the DCL as the case may be. If the compliance report is found to be satisfactory, then the establishment will be categorized as compliant 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.

Sd/- Ahmad Nadeem
Commissioner of Labour

To,
All the JCLs in the State
All the DCLs in the State are requested to communicate the same among the ACLs/
ALOs in their jurisdiction.

Joint Commissioner of Labour

ANNEXURE I

CRITERION FOR RISK ASSESSMENT OF ESTABLISHMENTS AND INSPECTING OFFICERS

Sl No	Name of the Act under which establishment covered	Risk Assessment			Inspecting Officer	
		Low Risk	Medium Risk	High risk	No. of Workers employed in the Establishment (including all classes of Workers)	Inspecting Officer
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	Shops and Establishments Act. 1988.	Those employing up to 9 workers and those enrolled under Self Certification Scheme	Those not enrolled under Self Certification Scheme and employing from 10 to 30 workers	Those not enrolled under Self Certification scheme and employing 31 and more workers	Star hotels, IT Units, EPZ Units, Export Oriented Units, Bio Tech Units, Tourism promotion units (irrespective of number of workers) 31 and above (excluding those in respect of JCL) From 10 to 30 From 1 to 9	JCL DCL ACL ALO
2.	Beedi and Cigar Workers Act , 1966	---	---	ALL	51 and above Up to 50	ACL ALO
3.	Motor Transport Workers Act, 1960	Those employing up to 50 workers and those enrolled under Self Certification Scheme	Those not enrolled under Self Certification Scheme and employing from 51 to 100 workers	Those not enrolled under Self Certification scheme and employing 101 and more workers	301 and above From 101 to 300 From 51 and 100 Up to 50	JCL DCL ACL ALO
4.	Contract Labour (R & A) Act, 1970	Those employing up to 30 workers and those enrolled	Those not enrolled under Self Certification	Those not enrolled under Self Certificatio	301 and above	JCL DCL

		under Self Certification Scheme	Scheme and employing from 31 to 100 workers	n scheme and employing 101 and more workers	From 101 to 300 From 31 to 100 From 1 to 30	ACL ALO
5.	Inter State Migrant Workman (RE & CS) Act, 1979	Those employing up to 20 workers and those enrolled under Self Certification Scheme	Those not enrolled under Self Certification Scheme and employing from 21 to 50 workers	Those not enrolled under Self Certification Scheme and employing 51 and more workers	201 and above From 51 to 200 From 21 to 50 From 1 to 20	JCL DCL ACL ALO
6.	Building and Other Construction Workers Welfare Act, 1996	---	---	All	301 and above From 101 to 300 From 51 to 100 From 1 to 50	JCL DCL ACL ALO
7.	Other establishments (including factories) not covered under 1 to 6 above and to which any of the Labour Laws apply.	Those employing up to 9 workers and those enrolled under Self Certification Scheme	Those not enrolled under Self Certification Scheme and employing from 10 to 50 workers	Those not enrolled under Self Certification Scheme and employing 51 and more workers	301 and above From 51 to 300 From 10 to 50 Up to 9	JCL DCL ACL ALO

