

**OFFICE OF THE COMMISSIONER OF LABOUR TELANGANA, HYDERABAD.**

**Circular Memo.No.H/7770/2013.**

**Dated: 17/12/2015**

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

Ref: G.O.Ms.No.31 Dated 10.12.2015 of Labour, Employment, Training & Factories Department.

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In the reference 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 Inspections 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 categorised 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 categorisation 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.

**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 establishments 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.

**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 15<sup>th</sup> 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 computerised online Inspection Module as follows.

- (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 officer as per column no. 7 of the Table at Annexure I.

- (iii) The pool from which Inspecting officer will be selected in the various cadres as at (i) and (ii) above will be as follows:
  - (a) Asst. Labour Officer (ALO) – All ALOs working in the Districts.
  - (b) Asst. Commissioner of Labour (ACL) – All ACLs working in the Zone.
  - (c) Deputy Commissioner of Labour (DCL) – All DCLS working in the Zone.
  - (d) Joint Commissioner of Labour (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.

**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 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.

**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.

Sd/- Ahmad Nadeem  
Commissioner of Labour

To,  
All the JCL's/ DCL's/ACL's/ALO' in the State.

//Forwarded By Order//

Assistant 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 enrolled under Self Certification Scheme.	Those not enrolled under Self Certification Scheme and employing upto 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 <b>(irrespective of number of workers )</b>  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  upto 50	ACL  ALO
3.	Motor Transport Workers Act, 1960	Those enrolled under Self Certification Scheme	Those not enrolled under Self Certification Scheme and employing upto 100	Those not enrolled under Self Certification scheme and employing	301 and above  From 101 to 300  From 51	JCL  DCL  ACL

			workers	101 and more workers	and 100 Upto 50	ALO
4.	Contract Labour ( R & A ) Act, 1970	Those enrolled under Self Certification Scheme.	Those not enrolled under Self Certification Scheme and employing upto 100 workers	Those not enrolled under Self Certification scheme and employing 101 and more workers	301 and above From 101 to 300 From 30 to 100 From 1 to 30	JCL DCL ACL ALO
5.	Inter State Migrant Workman (RE & CS ) Act, 1979	Those enrolled under Self Certification Scheme.	Those not enrolled under Self Certification Scheme and employing upto 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	Those enrolled under Self Certification Scheme.	Those not enrolled under Self Certification Scheme and employing upto 50 workers	Those not enrolled under Self Certification scheme and employing 51 and more workers	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 enrolled under Self Certification Scheme.	Those not enrolled under Self Certification Scheme and employing upto 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 Upto 9	JCL DCL ACL ALO