

GOVERNMENT OF TELANGANA
ABSTRACT

Labour, Employment, Training and Factories Department – Introduction of Self Certification Scheme to facilitate Ease of Doing Business in the State – Revised Orders – Issued.

LABOUR EMPLOYMENT TRAINING & FACTORIES (LABOUR) DEPARTMENT

G.O.Ms.No. 8

Dated: 21-04-2017.

Read the following:

1. G.O.Ms.No.31, LET&F (Labour) Department, Dated: 10.12.2015.
2. G.O.Ms.No.45, LET&F (Labour) Department, Dated: 09.06.2016.
3. From the Commissioner of Labour, Telangana, Hyderabad, Letter No.H2/397/2017, Dated: 20.01.2017.

ORDER:-

In the G.O. 1st read above, orders were issued introducing a Self Certification Scheme to facilitate Ease of Doing Business in the State by allowing employers to self certify the compliance of various labour laws so as to catalyze creation of employment opportunities while ensuring safety, health and social security for every worker. Certain amendments were issued in the G.O. 2nd read above.

2. In the circumstances reported by the Commissioner of Labour, Telangana, Hyderabad in the letter 3rd read above, it is decided to further amend and to issue revised comprehensive orders on the Self Certification Scheme.

3. Accordingly, the following revised comprehensive orders are issued on Self Certification Scheme in accordance with Business Reforms Action Plan, 2017:-

(1) The scheme shall be applicable to the following Acts:-

- (i) The Equal Remuneration Act, 1976
- (ii) The Minimum Wages Act, 1948
- (iii) The Telangana Shops and Establishment Act, 1988
- (iv) The Payment of Bonus Act, 1965
- (v) The Payment of Wages Act, 1936
- (vi) The Payment of Gratuity Act, 1972
- (vii) The Contract Labour (Regulation and Abolition) Act, 1970
- (viii) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- (ix) The Building and other Construction Workers (RE & CS) Act, 1996
- (x) The Motor Transport Workers Act, 1965
- (xi) The Factories Act, 1948
- (xii) The Maternity Benefit Act, 1961 and
- (xiii) The Telangana Labour Welfare Fund Act, 1987

2. The enrolment under the Scheme by any Establishment is voluntary. In other words, any Establishment will be free to join or not to join the scheme.

3. There is no time limit for joining the scheme. The Establishment can opt to join the scheme at any point of time by applying online in the portal maintained by the Labour Department in the prescribed pro-forma along with remittance of security deposit in the form of Bank Guarantee (valid for 5 years) or DD in favor of Commissioner of Labour, Telangana, Hyderabad or through online transfer of amount. If no reply is received by the Establishment within 60 days of the application made under Self-Certification Scheme, the applicant shall be deemed to have been enrolled under the scheme.

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4. The Security Deposit payable shall be as follows:

No of Employees	Amount (Rs)
Up to 20 workers	2,500
21 to 100 workers	5,000
101 to 300 workers	12,500
301 to 500 workers	20,000
Above 500 workers	25,000

5. The Security Deposit is returnable to the establishment after 5 years. No interest will be paid on the security deposit. The Security deposit will be forfeited in the following circumstances after giving an opportunity of a proper hearing.

- (i) On failure to file Annual Return under the Scheme
- (ii) On failure to maintain the prescribed Register(s).
- (iii) On failure to take corrective action on the deficiency pointed out during the inspections
- (iv) On failure to fully comply with the provisions pertaining to workers health and safety, which led to an accident in the factory.

6. In case, any Establishment decides to exit from the Self-Certification Scheme before 5 years, then, there shall be proportionate deduction of Security Deposit, i.e., 20% if the Establishment exit is before one year, 40% if the exit is between 1 to 2 years, 60% if the exit is between 2 to 3 years, 80% if the exit is between 3 to 4 years and 100 % if the exit is after 4 years. However, in case any compliance report pertaining to an inspection carried out within the scheme period is pending or any enquiry is either pending or in progress on a complaint received during the scheme period, then such Establishment will be barred from exiting the scheme till the time the compliance report pertaining to the inspection is successfully presented or till the completion of enquiry.

7. Benefits for the Establishments opting for the Self Certification Scheme:-

- (a) Establishments categorized as low risk will be exempted from Inspection.
- (b) Establishments other than low risk will be treated on par with low risk establishments is as far as frequency of inspections is concerned, i.e. they will be subjected to compliance inspections once in 5 years.

8. Maintenance of Integrated Register and Filing of Return:-

- (a) The Establishment will be required to maintain the integrated Registers in the Prescribed Pro-forma.
- (b) The concerned Establishment shall file the self-certification along with the Annual Return with the concerned Joint / Deputy / Assistant Commissioner of Labour / Asst. Labour Officer in the prescribed pro-forma for each financial year between 1st and 30th April of next financial year.

9. An Establishment whose security deposit has been withheld/Forfeited due to reasons mentioned in Para 4 will automatically be excluded from the scheme. However it will still be possible for that Establishment to rejoin the scheme after making a fresh application and depositing the Security deposit afresh.

10. The amount of Security Deposit mentioned at Para 3 will be subject to revision. However for the already enrolled Establishments, the security deposit structure will remain unchanged during the scheme period. The forms prescribed under this scheme may be modified, if necessary.
 11. If there is an increase in the number of workers after the Establishment has enrolled in the scheme, such that, as per Para 3 additional security deposit is required to be deposited, then such additional security deposit (differential amount) valid for the balance period of the scheme, shall be deposited by the Employer within 30 days of such increase in the number of workers, failing which it will be deemed to have been excluded from the scheme.
 12. The Establishments already enrolled under the existing Self Certification Scheme will be deemed to be migrated to the revised scheme.
4. The Commissioner of Labour, Telangana, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

DR. RAJAT KUMAR,
PRINCIPAL SECRETARY TO GOVERNMENT

To,
The Commissioner of Labour, Telangana, Hyderabad.

Copy to:

The Commissioner of Printing, Stationary and Stores purchases (PW), Chanchalaguda, Hyderabad (for publication in the Gazette and supply of 500 copies to the Commissioner of Labour, Telangana, Hyderabad and 20 copies to Government).

The Industries and Commerce Department, Telangana.

The P.S. to Hon'ble Minister (Home & Labour)

The P.S. to Principal Secretary to Government, LET & F Department

The Law (F) Department

S.F/S.C

// FORWARDED :: BY ORDER //

SECTION OFFICER