



सत्यमेव जयते

Government of Gujarat

No.LBL/19/2016/24282/M(3)

Labour and Employment

Department,

Sachivalaya, Gandhinagar.

Dated: 14/10/2016.

To,

Joint Secretary,
Ministry of Labour and Employment,
Government of India,
Shram shakti bhavan, Rafi Marg,
New Delhi – 110 119.

Sub: Regarding Introduction of Self Certification returns for Startups.

Respected Sir,

This has reference to your D.O. No.Z-13025/39/2015-LR Cell.
Dtd.26/09/2016 on the subject cited above.

In this regard, it is to state that, we have instructed the State Labour Commissioner and the Director, Industrial Safety & Health to regulate the inspections in the Start-ups, as suggested and allowed to submit self-certified returns.

I am further to say that Government of Gujarat, Labour and Employment Department has amend the certain labour laws by the Labour Laws (Gujarat amendment) Act, 2016 (copy enclosed) and inserted the provisions of the Self certification cum Consolidated Annual Return Scheme in the following Laws,

1. Minimum Wages Act, 1948
2. Factories Act, 1948
3. Payment of Bonus Act, 1965
4. Payment of Gratuity Act, 1972

BS
21/10/16
Sh. Suraj

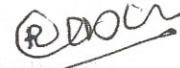
5. Contract Labour Act, 1970

I am further to say that we have introduced Self certification cum Consolidated Annual Return Scheme vide this departments Resolution No.LBL/192015/897992/M-3. Dtd.31/03/2016. (Copy enclosed)

Thanking you,

Yours faithfully,

Encl: As above



(R.H.Vasava)

Deputy Secretary to
Government of Gujarat
Labour and Employment Department

93/12

**Self Certification – cum- Consolidated Annual
Return Scheme Under the Labour Laws
(Gujarat Amendment) Act, 2015.**

**Government of Gujarat
Labour and Employment Department
Resolution No.: LBL/192015/897992/M (3),
Sachivalaya, Gandhinagar.
Date: 31st March, 2016.**

RESOLUTION

Preamble:

Gujarat is the leading developing State and to fulfill the aim of “Make in India” and “Start Up India” concept of the Central Government, the State has strongly emphasized on the Reforms in the Labour Laws for creating industrial friendly atmosphere and conducive Labour Environment with increasing transparency in the system of Labour Inspections and also aiming at elimination of Inspector Raj, without compromising the economic and welfare interests of the workers.

Therefore, the Gujarat State has amended various labour laws as, the Labour Laws (Gujarat Amendment) Act, 2015, which includes the Self Certification and submission of Consolidated Annual Returns applicable to following five (5) Labour laws, as amended, as follows;

- 1) Section-18A of the Minimum Wages Act, 1948
- 2) Section-111AA of the Factories Act, 1948
- 3) Section-26A of the Payment of Bonus Act-1965
- 4) Section-10B of the Payment of Gratuity Act. 1972
- 5) Section-29A of the Contract Labour (Regulation and Abolition) Act, 1970.

Objective:

The objective of the Self-Certification-cum-Consolidated Annual Return, is to curtail unnecessary visits of the Government officials for inspection of units covered under the amendment, without compromising on the safety, health, social security and welfare of the workers and facilitates submission of Consolidated Annual Return in lieu of various returns under different labour laws.

Applicability, Validity and Procedure of the Scheme:

1. The 'Self-Certification-cum-Consolidated Annual Return Scheme' shall be applicable to every employer who have employed 50 or more employees in an establishment registered either under;
 - the Factories Act, 1948 or,
 - the Contract Labour (Regulation and Abolition) Act, 1970.
2. The Scheme shall apply from the date of issue of this Resolution.
3. Every such employer shall submit online application on E-Shram Seva web portal on the web site of the Commissioner of Labour (www.col.gujarat.gov.in) with all annexure and the documents in prescribed form (**Annexure: D**) as prescribed by the Government to the Assistant Commissioner of Labour of the district of the establishment and a copy of the same to the District head of the office of the Director of Industrial Safety and Health.
4. The 'Self-Certification-cum-Consolidated Annual Return Scheme' shall not be applicable to the following factories registered under the Factories Act, 1948,
 - (A) All the classes of factories wherein any of the operations declared to be "dangerous operation" under the rule 102 of Gujarat Factories Rules, 1963, are carried on or ordinarily so carried on, with or without the aid of power.
 - (B) All classes of factories wherein any of the "dangerous machines" mentioned in schedule to rule 54 of the Gujarat Factories Rules, 1963, are being used with the aid of power, or ordinarily so used.
 - (C) All the classes of the factories involving "hazardous processes" mentioned under section 2(cb) of the Factories Act, 1948 (The First Schedule of the Factories Act, 1948).
5. Every employer who is covered under this scheme shall continue to be governed under it, even if, the number of employees subsequently reduced to less than 50.
6. The responsibilities of the employer under different labour laws as given in the List (Annexure- IV) shall have to be fulfilled by the every applicant employer. The list of responsibilities and obligations under the different labour laws are illustrative and not exhaustive.
7. The scheme shall be optional for every employer who has employed less than 50 employees in an establishment registered, either under the

99/12


Factories Act, 1948 or the Contract Labour (Regulation and Abolition) Act, 1970. Every such employer shall submit their application, to the Assistant Commissioner of Labour of the district of the establishment and a copy of the same to the District head of the office of the Director of Industrial Safety and Health, online in E-Shram Seva web portal on the web site of the Commissioner of Labour (www.col.gujarat.gov.in) with all annexure and documents as prescribed by the Government.

8. The employer of Factories and other Establishments which are covered under the Scheme and whose application is sanctioned by the Commissioner of Labour under the Scheme and submitting necessary annual returns, as prescribed in the Scheme, to the Assistant Commissioner of Labour and complying with the provisions of Labour Laws, shall be exempted from the routine inspections by the authorities appointed under the five labour laws, from the date of sanction of his application, subject to regular filing of annual returns in Annexure-V and also there should not be any complaint received by the authorities for breach any Labour laws, against such registered Establishment.
9. After sanctioning of the application under this Scheme, the concerned Employer/Entrepreneur/Establishment shall file the Consolidated Annual Return in the prescribed Performa as given at Annexure- V along with the required documents and information. The return can be filed on line on www.col.gujarat.gov.in in E-Shram Seva web portal, between 1st of January and before 1st of March of every year.
10. In the case, where any establishment registered under this Scheme, do not file the said Consolidated Annual Return or if any complaint for violation of any Labour laws, is received by the authorities, the penal actions as prescribed under the said Labour Laws, shall be initiated against such establishments.
11. Every year random inspections of the establishments, who have been registered under this Scheme, will be carried out as may be decided by the concerned HOD/Labour and Employment Department.
12. The Registration of the establishments who have registered under the Voluntary Self Certification Scheme, as per the GR No. FAC / 2003 / 3043/M-3, dtd.05.12.2003 of this Department and have valid-live Registration Number, as on date of issue of this resolution, their Registration stands CANCELLED. They will have to re-register themselves under this new Scheme, as per the provisions of this GR, if it is applicable to them.
13. The amount of Security Deposit, if any pending with the Government, will be refunded on written request for refund along with the proof of payment of deposit, the original certificate and the proof of application for new registration (if applicable), to the Deputy Commissioner of Labour.

- 9/11/2
14. The Scheme of Voluntary Self Certification - cum - Annual Return, as published by the Labour and Employment Department, GR dtd.05.12.2003, No.: FAC/2003/3043/M-3, stands cancelled from the date of issue of this GR.
 15. Due to implementation of the provisions, as amended by the Labour Laws (Gujarat Amendment) Act, 2015, for the Self Certification and Consolidated Annual Return, the rules under above 5 Labour Laws, conflicting with any provisions under this GR, are being amended to that effect and will be issued separately.

By Order and in the name of Governor of Gujarat,

Annexures: I to V.


(R. H. Vasava)
Deputy Secretary to Government

To:-

1. The Commissioner of Labour, Gujarat State, Gandhinagar.
2. The Director, Industrial Safety and Health, Gujarat State, Ahmedabad.
3. The Deputy Commissioner of Labour, Ahmedabad/Surat/Vadodara/Rajkot.
4. The Joint Director, Industrial Safety and Health, Ahmedabad/Surat/Vadodara/Rajkot.
5. The Deputy Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar.
6. The Under Secretary, Legislative & Parliamentary Affairs Department, Sachivalaya, Gandhinagar.
7. The Branch Select file.
8. The Deputy Section Officer Select file.

C812

(ACCOMPANIMENT OF GOVERNMENT RESOLUTION NO: No.: LBL/19.2015/897992/M (3).
Dated 31st March, 2016 of the Labour and Employment Department)

ANNEXURE-I

From:

M/S

.....
.....

To:

The Assistant Commissioner of Labour,

.....District.

Subject: Application for permission to be covered under Self-Certification-cum-consolidated Annual Return Scheme under laws being implemented by Department of Labour and Employment as per the terms & conditions of Scheme.

Sir,

With Reference to Government Resolution of Labour and Employment Department No.LBL/19.2015/897992/M (3). Dated 31st March, 2016 regarding Self Certification Scheme, it is to state that I/We have gone through the said scheme and have understood the same. I/We wish to be covered under the said scheme. As such I/We request you kindly issue me/us necessary approval for the same. The necessary information and other documents as required under the scheme are enclosed. I/We undertake to abide by all terms and conditions of the scheme. It is also certified that I/We am/are competent & duly authorized to make any statement or provide any information to any Central/State Government agency on behalf of this establishment/enterprise.

Kindly issue the necessary approval at the earliest.

Yours faithfully,

(Name & Address of the Manager/Owner)

Encl.: (1) Annexure II (List of documents)
(2) Annexure III (Self Affidavit/Certificate)

ANNEXURE-II

LIST OF DOCUMENT TO BE ATTACHED WITH ANNEXURE. I

1	Status of the unit. (Company/Firm/Others/(Please specify))	:	
2	Nature of the unit (What work/business, it is carrying on)	:	
3	Status of the industry (SSI/MSI/LSI) (attach attested copy of registration with department of industries)	:	
4	Registration No. and date along with attested copy of registration under the Factories Act, 1948 if applicable.	:	
5	Registration No. and date under The Contract Labour (Regulation & Abolition) Act, 1970, if applicable.	:	
6	License No. and date under Contract Labour (Regulation & Abolition) Act, 1970, if applicable.	:	
7	List of raw materials used and end products if the unit is a manufacturing or processing unit.	:	
8	Number of workers being employed.	:	

NOTE: In case any of the above is not being attached / provided, please give specific reason.

Reasons: 1.

.....

2.

.....

Any other Information :

.....

.....

.....

Place:

Date:

Manager/Owner/Partner

Name of the Applicant Establishment:

24/2

(ACCOMPANIMENT OF GOVERNMENT RESOLUTION NO: No.: LBL/19.2015/897992/M (3).
Dated 31st March, 2016 of the Labour and Employment Department)

ANNEXURE-III

SELF DECLARATION/CERTIFICATE BY THE APPLICANT

I S/o Shri
R/o and occupier/manager of M/S
here by states as under:

That I have applied for grant of coverage of unit by the name of
situated at (complete address of the unit) under the Self-Certification-
Cum-Consolidated Annual Return Schemes of Labour and Employment Department, Government of Gujarat as
notified vide resolution No No.LBL/19.2015/897992/M (3). Dated 31st March, 2016.

1. That I have gone through the scheme and have fully understood the contents of this scheme and under take to abide by all the provisions in the scheme and the directions as given by the Office of the Commissioner of Labour and Director, Industrial Safety and Health.
2. That it is declared that I/we are complying and will continue to comply with all provisions of labour laws covered under this Self-Certification Scheme.
3. That I agree to accept the penalty as prescribed under the law in case of violation detected in the unit under any labour law covered under the scheme after filing of the return under the scheme.

PLACE:

DATE :

Signature of Applicant:

Name:

Designation:

ANNEXTURE : IV

RESPONSIBILITIES OF THE EMPLOYERS UNDER DIFFERENT LABOUR LAWS

Now from 2015, in Gujarat State all the establishment has to register themselves online on web portal of Commissioner of Labour – E-Shram Seva and get their Registration Number submitting necessary primary details of the establishment. After getting themselves registered they have to make applications, as required and applicable to them, under various Labour Laws, online on the same. If required, they have to upload Annual Returns and details as asked by the Labour Department.

While registering under Self Certification – cum- Consolidated Annual Return Scheme, 2015, the registered establishments will have to comply with all the provisions of following Labour Laws, which are illustrative and not exhaustive and are meant for general guidance only. For details please refer to respective latest Act, Rules and Circulars.

1. The Minimum Wages Act, 1948 and Gujarat Minimum Wages Rules, 1961.

The employer has to:

- Pay the Minimum Wages to the workers as notified by the Gujarat Government from time to time. (Section -12) through ECS.
- Fix and allow weekly day of rest/ substitute rest day.(Rule-23)
- Fixation of number of daily working hours in case of adult for 9 hours(Rule-24)
- In case of over time working, to pay the workmen at double the rate of their ordinary wage.(Rule-25(1) and to maintain a register of over time in Form IV.
- To maintain the following records and to produce the same for inspection to the inspecting authority:-
 - a. Register of fines in form *I and register of deductions for damages for loss in Form-II (Both as laid down under Rule-21(4) of the rules) are being maintained.
 - b. Annual return in Form-III according to rule 21 (4) is being /would be sent to the Government.
 - c. Register of wages in Form-IV. A containing signatures/thumb impression of the workmen.
 - d. Wage slips duly signed by the workmen in Form-IV B.
- Display the following notice in English, Gujarati and in a language as understood by the majority of the workers in the employment at the main entrance of the establishment and in the office in eligible conditions (Rule-22).
 - a. Abstract of the Minimum Wages Act, 1948 and the rules made by the Gujarat Government there under in Form-III-A.
 - b. Name and address of the inspector ;
 - c. The prevalent Minimum Wages as notified by the Government
 - d. Authenticate the entries in the register of wages and wages slips are authenticated by himself or by any person authorized by him in this behalf.
 - e. Abide by the provision of the Minimum Wages Act, 1948 and the rules framed by the Gujarat government from time to time.

2. The payment of Bonus Act,1965 and Payment of Bonus Rules,1975:
(Applicable only where 10 or more persons are employed on any day in the preceding Twelve Months.)

The employer has to:

- Maintain in form "A" the record in respect of computation of the 'Available Surplus' in respect of any accounting year (Rule 4(a)).
- maintain the "Set on and Set off of allocate surplus (Section 15)in Form-B[Rule-4(b)]
- maintain the record of the Bonus paid to employees for any accounting year From-C[Rule 4(c)]
- Submit Annual return in Form-D
- Pay the Bonus to the employees within 8 months of the close the accounting year;
- Produce the account, books, registers or other documents whenever asked for inspection.

CFM

3. **The Contract Labour (Regulation and Abolition) Act, 1970 and Gujarat Rules:**
(Applicable where 10 or more persons are employed in on any day in the preceding twelve months).

- The contractor of the establishment shall provide the following facilities to the contract labour and in case of failure on the part of contractor to do so the principal employer i.e. the establishment shall provide the same and may recover the expenses from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor as laid down u/s 20 of the Act :
- (a) Canteen facilities (where the contract labour is numbering one hundred or more [Section 16, Rule 42]
- (b) Restrooms or suitable alternative accommodation to the contract labour [Section 17, Rule 41];
- (c) Other facilities like sufficient supply of wholesome drinking water and convenient places, efficient number of latrines and urinals of the prescribed type, washing facilities [Section-18, Rule 40 & 51 to 57];1
- (d) First-aid facilities to be made available to the contract labour during all working hours with prescribed contents [Section-19 Rule 58 to 62]

4. **The Payment of Gratuity Act, 1972 & Payment of Gratuity (Gujarat) Rules, 1973.**
(Applicable where 10 or more persons are employed in on any day in the preceding twelve months).

The employer has to :

- give a notice of opening in Form-A to the Controlling Authority within 30 days [Rule 3(1)];
- give a notice in Form-B to the Controlling Authority in case of any change in the name, address, employer or nature of business [Rule 3(2)];
- give a notice in Form-C to the Controlling Authority in case of close down of business at least sixty days before the intended closure [Rule 3(3)];
- ensure that a notice is displayed near the main entrance in bold letter in Gujarati and in a language understood by at least one third of the employees, specifying the name of the officer with designation authorized by the employer to receive on his behalf notices under the Act or the rules (Rule 4);
- ensure that the employees who have rendered continuous service for not less than five years are being paid/shall be paid gratuity on superannuation/retirement/resignation and the nominees of an employee who dies during the service are also being paid/shall be paid gratuity even though five years of service have not been rendered [Sec.4(1)];
- ensure that the amount of gratuity is/shall be determined by the employer and the notice in writing is/shall be given to the person to whom the gratuity is payable and also to the Controlling Authority [Sec.7(2)1];
- Ensure that the amount of gratuity is/shall be paid within 30 days from the date it becomes payable as has been laid down u/s 7(3) of the Act;
- ensure that an abstract of Act and the rules made there under in Form U in English and in Gujarati has been displayed at a conspicuous place [Rule 20]

5. **The Factories Act, 1948 and Gujarat Factories Rules 1982:**
(Applicable only where 10 or more persons are/were employed with the aid of power or 20 or more persons are/were employed without the aid of power, on any day in preceding 12 Months)

- Obtain license to run the factory as required under Section 6 of the Act and also will get it renewed for Five years. [Rules 7,8,10 & 14];
- Get approved the Building plans or factory from the directions , industry safety and health (chief Inspector of the factories) in accordance with the provisions of Section 6 of the Act and Rule 3.A and for .if the premises is extended including plant and machinery, the proposed building plan of the extension will be got approved prior to construction.
- Comply with the general duties describe with the occupier [Section 7-A of The Factories Act 1948];
- Fix the weekly hours ,weekly holidays, compensatory holidays ,daily hours, intervals for rest, spread over periods, night shifts, prohibition of overlapping shifts (Section 51,52,53,54,55,56,,57 and 58 of the Act]
- Pay extra wages of overtime as Twice of the ordinary rate of wages [Section 59]
- Display the following notices at the conspicuous places in the factory premises:

ANNEXURE-V

**FORM FOR SELF CERTIFICATION AND CONSOLIDATED ANNUAL RETURN
TO BE SUBMITTED BY THE EMPLOYER REGISTERED UNDER THE SCHEME.**

Registration No.:

**NAME & ADDRESS OF THE
REGISTERED ESTABLISHMENT:**

.....
.....
.....

I, Mr/Mrs/Miss..... hereby, certify that I am Occupier /Employer/
Contractor of the factory/establishment whose identification and general details are as follows. I, hereby
certify that the status of compliance of following labour laws and annual information of my enterprise
during the year..... is as under ;

- (i) The Minimum Wages Act,1948 and Gujarat Rule-21(4)1961, there under
- (ii) The Contract Labour (Regulation and Abolition) Act,1970 and Gujarat Rules 82 (1),82(2),
1972 there under
- (iii) The Factories Act,1948 and Gujarat Factories Rules 1963(GFR)
- (iv) The Payment of Bonus Act,1965 and Rule 5 there under
- (v) The Payment of Gratuity Act 1972 and Gujarat Rule1976 there under

1. Name and address of establishment / Factory:

Tele. No. Mobile No. Fax No. e. mail address

2. Name and residential address of the
Employer/Occupier/contractor :

Tele. No. Mobile No. Fax No. e. mail address

3. Name and residential address
Of the manager or person
responsible for supervision
or control of the establishment/factory :

Tele. No. Mobile No. Fax No. e. mail address

4. Registration No. /License No and
date of commencement of
the establishment/Factory :

5. Nature of Industry / activity:

6. Number of Employees employed: (Including contract workers)

Type of Worker	Unskilled	Semi-skilled	Skilled	Total	Male	Female
Direct						
Through Contractor						
Total:						

24/2

PART -A

My establishment is covered under the Minimum Wages Act, 1948 and rules made there under and all workers/ office staff are paid wages overtime wages as prescribed by the Government of Gujarat. I have maintained all the registers and records as required under the law.

- Number of days the establishment/factory worked in the year:
- Number of man days worked in the year
- Number of average employees employed in the year
- Total wages paid category wise-

Male	Rs.
Female	Rs.
- Total Fine Imposed:, if any Rs.
- Other deductions:, if any Rs.

PART- B :

The Part A and. B are to be furnished if the maximum number of employees employed on any day during the year under report exceed 9(Nine)
My establishment is covered under the Payment of Bonus Act, 196.5 and the workers are paid bonus. I have maintained records and registers as per the Act.

- Percentage of bonus paid :
- Number of beneficiaries :
- Total amount of bonus paid :
- Date of payment :
- If bonus is not paid, reason there of :

PART - C

Part A, B &. C are to be furnished, if the establishment has employed more than 9 contract labour on any day during the year under report. (Details to be provided by the Principal Employer).
My establishment is covered under Contract Labour (Regulation and Abolition) Act, 1970 and the workers are paid wages and overtime wages as prescribed by the Government of Gujarat. I have maintained records and registers as per the Act.

- Name and postal address of the contractor :
- Nature of work/operations of contractor :
- Total number of days during the year on which contract labour was employed :
- Total number of man days worked during the year by contract labour :
- Total number of days during the year on which direct labour was employed :
- Total number of man days worked by direct labour :
- Change, if any, in the management Of establishment its locations, or any Other particulars furnished to the Registering Officer in the application for the registration (Details may be furnished with dates of changes) :

Note: In case the numbers of contractors are more the details of each Contractor may be furnished in same columns in separate sheet.

(B) Details of employment

(i) Average daily workers: Male: Female:

(ii) Number of days the factory worked during previous Year:

(iii) Number of man days worked (i.e. aggregate attendance during the previous year)

(a) Adults: (i) Men: (ii) Women: Total:

(b) Adolescents: (i) Men: (ii) Women: Total:

(iv) Average number of workers 'employed daily. i.e. man-days worked divided by number of days worked.

(a) Adults: (i) Men: (ii) Women: Total:

(b) Adolescents: (i) Men: (ii) Women: Total:

(v) Total number of man-hours worked including overtime but excluding rest interval.

(a) Adults: (i) Men: (ii) Women: Total:

(b) Young persons: (i) Men: (ii) Women: Total:

(vi) In respect of factories carrying on processes or operation declared dangerous under section 87, furnish the following information. (See explanatory note 'A')

Name of the dangerous process or operation carried of (See explanatory note 'A')	Average number of persons employed daily in each of the process or operation given (See explanatory note 'B')	Number of persons			
		Medically examined		declared unfit	
		Male	Female	Male	Female
1	2	3	4	5	6
(i)					
(ii)					
(iii)					

(vii) In respect of factories carrying on processes on "hazardous process" as defined in Section 2(cb) furnish the following information.(See explanatory note 'C')

Name of the dangerous process or operation carried of (See explanatory note 'A')	Average number of persons employed daily in each of the process or operation given (See explanatory note 'B')	Number of persons			
		Medically examined		declared unfit	
		Male	Female	Male	Female
1	2	3	4	5	6
(i)					
(ii)					
(iii)					

(C) Compliance Status for Health Provisions

(1) Measures taken for prevention of dust / fumes generated in the process

(2) Provision of wholesome drinking water (Sec.18,GFR 35 to 40).

(3) Provision of Urinals, Latrines&

903/4

(9) Safety Committee functioning ?
(if applicable) (GFR 68 F, 68 Y)

(10) Whether provisions of Chapter-IV A
and GFR there under complied with
(if covered under Schedule-I framed
under Sec.2cb) (Sec. 41B to41H

(11) Number of Safety programs for training
& safety awareness arranged during last year
And number of workers trained through it.

(12) For Major Accident Hazard Factories:

- (a) Onsite emergency plan prepared
/ amended date:
- (b) Rehearsals done for Onsite Emergency
Plan during last year.(Give dates)
- (c) Details of, Safety Policy, Safety Audit
& Safety Report. (if applicable)
(GFR 68 .1, 68 D & 12-C)
- (d) Whether information regarding hazards and
actions taken provided to public, workers
and authorities.
(GFR 68 K, 68 L)

(E) Compliance status for Welfare provisions

(1) Whether first aid facilities are
provided as per rules.
(Sec. 45, GFR 70)

(2) Provision of Ambulance Room
required staff, Ambulance Van (if applicable)
(Sec.45, GFR 68 U, 68-V & 71)

(3) (a) Whether canteen facility provided
as per standards prescribed if more than
250 workers are employed.
(Sec. 46, GFR 72 to 78)

(b) Is canteen managed / run departmentally?
Yes/No : Yes/No
through a contractor?

(4) Whether Rest Rooms and Lunch
Rooms are provided? If more than
150 workers are employed.
(Sec. 47, GFR 79)

(5) Whether crèche facilities are provided
for the use of children of women
employees? (if more than 30 women
are employed)

909/4

(2) Number of Accidents and Dangerous Occurrences during Previous year

	Accidents involving							
	Only non-fatal injuries			Fatal injuries as well as non-fatal injuries				
	Number of			Number of				
	Accidents/ Occurrences	Persons injured inside	Persons Injured Outside	Accidents/ Occurrences	Persons Injured inside	Persons Injured Outside	Persons killed inside	Persons killed outside
	The factory			The factory		The factory		
<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>
1. Accidents including dangerous occurrences and major accidents involving injuries / deaths.								
2. Dangerous occurrences not involving injuries /deaths								
3. Dangerous occurrences involving injuries/deaths.								
4. Major accidents involving injuries/deaths.								
5. Major accidents not involving injuries/deaths.								

(3) Injuries occurring inside the factory during the previous year.

Number of injuries occurring in								
Hazardous Process under Section 2(b)			Dangerous operations under Section 87			Others		
Number of			Number of			Number of		
Accidents	Persons injured		Accidents	Persons injured		Accidents	Persons injured	
	Fatal	Nonfatal		Fatal	Nonfatal		Fatal	Nonfatal
1	2	3	4	5	6	7	8	9

(4) (i) Nonfatal injuries (workers injured during the year in which injured workers returned to work during the same year.

- (a) Number of injuries:
- (b) Man-days lost due to injuries:

(ii) Nonfatal injuries (workers injuries) occurring in the previous year in which injured workers returned to work during the year to which this information relates

- (a) Number of injuries:
- (b) Maydays lost due to injuries (this should be the total man-days lost during the previous year as well as in the current year):

Place:
Date:

Manager/Owner/Partner:
Name of the Applicant Establishment:

907/12

Synchronized/Joint Inspections based on computerized risk assessment criteria under various Labour Laws in the Labour Department. Online Inspection Portal.

GOVERNMENT OF GUJARAT
Labour and Employment Department
Resolution No.: MIS/132015/200415/M (3),
Sachivalaya, Gandhinagar.
Date: 31st March, 2016.

- Read:- 1. Labour and Employment Department's resolution No. MIS/132015/200415/M-3, dtd. 26/06/2015 & dtd. 17/02/2016.
2. The Commissioner of Labour Gujarat State letter No. L.C./1/COD/475 /16. Dtd. 19/03/2016.

RESOLUTION

As a part of "Ease of Doing Business" State Government has to do synchronized/Joint Inspections based on computerized risk assessment criteria under various Labour Laws which have been implemented by the Labour Department, and therefore this matter is under active consideration of the Government. After careful consideration Government of Gujarat, in supersession of Labour and Employment Department G.R.No.: MIS/132015/200415(1)/M-3 and MIS/132015/200415(2)/M-3 dated. 23/03/2016, is please to prescribe the following norms for the synchronized/Joint Inspection under various Labour Laws for online Inspection.

A.BACKGROUND

Under instructions from the Government of India (Department of Industries policy and promotion) and also the State Government, as a part of reforms on "Ease of Doing Business" an Online Inspection Portal has been developed in the State and all the inspectors have to submit their report online within 48 hours of inspection from 01.04.2016, on the lines of Central Government "Shram Suvidha Portal" to provide IT platform in more efficient, transparent and accountable manner to encourage the industry to comply the service conditions and social security provisions envisaged in various Labour Laws.

Link for the Online Inspection Portal is provided in the Home Page of Labour Department Web Site and inspecting officers are required to login with the User I D provided to them.

999/2

B-COVERAGE

Following Acts have been covered under online inspection portal.

- 1) Inspection under the Minimum Wages Act, 1948
- 2) Inspection under the Contract Labour (Regulation and Abolition) Act, 1970
- 3) Inspection under the Payment of Bonus Act, 1965
- 4) Inspection under the Payment of Gratuity Act, 1972
- 5) Inspection under the Equal Remuneration Act, 1976
- 6) Inspection under the Factories Act, 1948
- 7) Inspection under the Payment of Wages Act, 1936
- 8) Inspection under the Maternity Benefit Act, 1961
- 9) Inspection under the Gujarat Labour Welfare Fund Act, 1953

C-INSPECTING OFFICERS:

- (1) Online Inspections for the Acts 1 to 5 mentioned in **Para-B** will be generated for the all inspectors of the Commissioner of Labour.
- (2) Online Inspections for the Acts 6 to 8 mentioned in **Para-B** will be generated for the all inspectors of the Directorate Industrial Safety and Health.
- (3) Online Inspections for the Act 9 mentioned in **Para-B** will be generated for the all inspectors of the Welfare Commissioner, the Gujarat Labour Welfare Board.

D. SUPERVISORY OFFICERS:

- (1) The Assistant Labour Commissioner at district level and Dy. Labour Commissioner at region level shall be the supervisory officer mentioned in **Para- C(1)**.
- (2) Director Industrial Safety & Health is supervisory authority for Joint Director Industrial Safety & Health, Joint Director Industrial Safety & Health is supervisory authority for Deputy Director Industrial Safety & Health, Assistant Director Industrial Safety & Health (Head of the Office), Lady Officer, Assistant Director (Chemical) and Industrial Hygienist, Deputy Director Industrial Safety & Health is supervisory authority for Assistant Director Industrial Safety & Health and Industrial Safety & Health Officer, Assistant Director (Medical) is supervisory authority for Certifying Surgeon mentioned in **Para-C(2)**.
- (3) The Welfare Commissioner shall be the supervisory officer for the Assistant Welfare Commissioner and Labour Welfare Officer mentioned in. **Para-C(3)**.

993/2

E- ESTABLISHMENT/FACTORY SELECTION CRITERIA

- A system generated unique ID number is given to each establishment/factory in the data base.
- The Data base of the establishments/factories for online portal is developed from the following sources.
 - 1) Sources like complaint against an establishment/factory for non-compliance of Labour Laws etc.
 - 2) System generated data base of establishments on Col. (Commissioner of Labour) website, who have applied for registration certificate or license or under self-certification scheme through IFP portal w.e.f. 01.10.2015 onwards.
 - 3) Factories List as per the database of Factories available with DISH (Director Industrial Health & Safety).

F- ONLINE ALLOCATION OF ESTABLISHMENTS/FACTORIES FOR INSPECTION:

(a) ONLINE ALLOCATION OF ESTABLISHMENTS/FACTORIES FOR INSPECTION:

Allocation of Establishments to be inspected by Inspecting officers mentioned in C during the month is carried out on the basis of random allocation by the system on the components of criteria as follows:

- 1) Based on the complaints received from workmen / Union or any notice / intimation received at Labour Commissioner Office / Welfare Commissioner / Directorate Industrial Safety and Health.
- 2) Risk assessment allotment taking into account on the basis of Number of Workmen employed by the establishment/factories i.e.
 - (a) Low risk establishment/factories employing less than 20 workers will be exempted from inspection with a history of satisfactory compliance of labour law, except in case of complaint received against the establishment for violation of Labour laws
 - (b) Medium risk establishment/factories employing 20 or more but up to 100 workers
 - (c) High risk establishment/factories employing more than 100 workers

(b) Brief description of low, Medium and High risk Factories/Establishment

- (1) Low Risk: Factories except as specified in clause- F(b)(3) employing up to 20 workers are to be inspected only if there are complaints of non-compliance of various Labour laws, accidents and dangerous occurrences. Establishment employing up to 20 workers are to be inspected only in case of complaints regarding non-compliance of various Labour laws / Labour situation.
- (2) Medium Risk: Establishment / Factories except as specified in clause- F(b)(3) employing more than 20 workers and up to 100 workers.

- 997/2
- (3) High Risk: Major Accident Hazard and other chemical factories, factories carrying out dangerous operations as prescribed under section 87 of the Factories Act, 1948 and rule 102 of the Gujarat Factories Rules, 1963, factories involving hazardous processes as defined under section 2(cb) of the Factories Act, 1948, factories covered under section 85 of the Factories Act, 1948 and all factories/ establishments employing 100 or more workers.

G- UNSCHEDULED INSPECTION

In case of Labour situation, complaint under Labour Laws, accident and dangerous occurrence, survey of unregistered factories or any notice/intimation received at the concerned office, officer/inspector shall be sent for inspection/visit immediately by the Supervisory officer.

H- EXEMPTION CRITERIA (ESTABLISHMENTS / FACTORIES NOT REQUIRED TO BE INSPECTED):

- 1) Low risk Establishment/Factories mentioned in F(b)(1) with a history of satisfactory compliance of labour laws.
- 2) Establishments/Factories registered under self-certification scheme will be inspected as per the provisions of the scheme except in case of labour situation / accident.

The detailed procedure and checklist for online joint inspection are as follows and also available on the official website (<https://labour.gujarat.gov.in>) of Labour and Employment Department, Government of Gujarat as well.

(1) INSPECTION PROCEDURE FOR CARRYING OUT INSPECTIONS BY OFFICE OF THE LABOUR COMMISSIONER & WELFARE COMMISSIONER.

- Inspections are carried out by Inspectors on the basis of complaints or references received from commissions, various departments, Ministries etc. or on directions received from higher authorities.
- The Complaints are generally received from workers, trade unions representing workers.
- Inspections are carried out by Inspectors normally within 30 days of receipt of complaint.
- Notices under various Labour Laws are issued to the Employer on the spot for compliance of irregularities detected during the course of inspection.
- Inspection reports are put up within 48 working hours of inspection to higher authorities and will be uploaded on website.

- For non-compliances, which are not complied with by the management despite issuing notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.
- A final report is submitted to higher authorities after completion of all administrative/legal process & complainant is intimated accordingly.

(2) Check list for Inspection Procedure under following Labour Laws:

- A. The Contract Labour (R & A) Act, 1970
- B. The Minimum Wages Act, 1948
- C. The Payment of Gratuity Act, 1972
- D. The Payment of Bonus Act, 1965
- E. The Equal Remuneration Act, 1976
- F. The Gujarat Labour Welfare Fund Act, 1953

Particulars of the Establishment:

Labour Identification Number of the establishment: _____

- Name & address of establishment/employer/proprietor.
- Date of commencement of Establishment.
- Registration code under PF/ESI/Registration No./License No.
- Working Hours
- Wage period and date of payment
- Nature of Work.
- Weekly holiday:-
- Number of workers employed on the date of inspection:-

	Regular	Contract Labour	Total
Male			
Female			
Total			

- Name and designation of employer/s representatives/Responsible officer present during the inspection.
- Notice and abstract of the Act displayed
- Registration /Licenses/Code taken under EPF/ESI/CL(R&A)/or any other Act applicable in the establishment.

A. Contract Labour (R & A) Act, 1970

(PRINCIPAL EMPLOYER)

- Name & full address of the principle employer
- Certificate of registration (Form - I)
- Amount of Registration Fee paid
- No. of Contractors Engaged:
- Register of contractors (in form - XII).
- Notice of commencement / completion of the contract work (in form - VI B).
- Notice showing the rates of wages, hours of work, wages period, date of payment, name and address of inspectors.
- Annual return (in Form - XXV).

92/16

(Contractor)

- Name & Location of Contract work:-
- Name & Present address of the Contractor(S). 1.
- Nature of work in which Contract Labour is Employed
- Permanent address of the Contractor:- 2.
- Date of Commencement of the Contract work:-
- Date of Completion of the Contract work
- No. & date of License
- Wage Register (in Form - XVII)
- Employment Cards. (in Form - XIV)
- Muster Roll (in Form - XVI).
- Register of persons employed (in Form XIII).
- Register Wages (in Form XIX)
- Register of Advance (in Form XXII)
- Register of overtime. (in Form XXIII)
- Register of deductions for damage or loss (in Form - XX).
- Register of fines (in form - XXI).
- Notice of commencement of the contract work (in form – VI A).
- Half yearly return (in Form XXIV)
- Amenities under Health & Welfare Provision For contract Labour like(Depending upon no. of workers)
 - Canteen.
 - Rest Room.
 - Crèches.
 - First Aid Box.
 - Urinals & latrines.
 - Drinking Water.
 - Washing Facility.

(B) Minimum Wages Act, 1948

- Register of fine. (in Form I)
- Register of deduction for damage or loss (in Form - II).
- Register of Wages (in Form X)
- Overtime Register for Workers (in Form - IV).
- Muster Roll (in Form-V).
- Wages Slip (in Form-XI).
- Annual Returns (in Form-III).
- Attendance card.
- Inspection book.

(C) Payment of Gratuity Act, 1972

- No. of employees who have been paid their gratuity and mode of payment.
- No. of employees, who have not been paid their gratuity and reason in brief.
- Notice of opening (in Form - A)/ Notice of change (in Form - B)/Notice of Closure (Form -C).
- Nomination (in Form - F).\
- Abstracts of the Act & Rules (in Form U).

(D) Payment of Bonus Act, 1965

- Percentage of bonus paid: _____ for the accounting year _____.
- Certified copies of Profit and Loss.
- Account books.
- Balance sheet.
- Attendance and payment of wages registers.
- Form A (Computation of Allocable surplus under Section 2(4)).
- Form B (set-on and set-off of allocable surplus under section 15.)
- Form C (Bonus paid to Employer for the Accounting year ending on ____.)
- Annual Return in Form D.

(E) Equal Remuneration Act, 1976

- Register in form 'D'.

(F) The Gujarat Labour Welfare Fund Act, 1953

- Register of fine.
- Register of Wages
- Muster Roll
- Attendance card.
- Bonus payment register
- Earned Leave Payment register
- Unpaid register
- Overtime Payment register
- Balance Sheet
- Receipt of Labour Welfare Fund paid

(3) INSPECTION PROCEDURE FOR CARRYING OUT INSPECTIONS BY DIRECTOR INDUSTRIAL SAFETY & HEALTH

- Inspections are carried out by Inspectors on the basis of Computerized Risk Assessment, complains, Accident or references received from, various departments, Ministries etc. or on directions received from higher authorities.
- The Complaints are generally received from workers, trade unions representing workers.
- Inspections are carried out by Inspectors normally within 30 days of receipt of complaint.
- Notices under Factories Act are issued to the Employer on the spot/RPAD for compliance of irregularities detected during the course of inspection.
- Inspection reports are put up within 48 working hours of inspection to higher authorities and will be uploaded on website.
- For non-compliances, which are not complied with by the management despite issuing notices, prosecution besides taking other legal actions; is filed before the competent Court of Law.
- A final report is submitted to higher authorities after completion of all administrative/legal process & complainant is intimated accordingly.

(4) Check list for Inspection Procedure under following Labour Laws:

A. The Payment of wages act - 1936

1	Is salary register maintained?	Yes	No
2	Is applicant salary is less than 18000 P.M.?	Yes	No
3	Is salary paid within prescribed time?	Yes	No
4	Fine register is maintained?	Yes	No
5	Register of deduction from wages is maintained?	Yes	No
6	Register for damage / loss is maintained?	Yes	No
7	Payment of undisturbed wages in cases of death is paid or not.	Yes	No
8	Is annual return submitted before 15 February?	Yes	No
9	Is abstract of payment of wages displayed on notice board?	Yes	No
10	Register for advance payment is maintained.	Yes	No
11	Is register for details of loan paid by occupier to worker maintained?	Yes	No

B. The Maternity benefit act - 1961

1	No of female worker employed		
2	Attendance register is maintained.	Yes	No
3	Is applicant female worker has worked for more than 80 days in a year?	Yes	No
4	Is applicant has informed about pregnancy / miscarriage in prescribed Performa?	Yes	No
5	Is maternity benefit register maintained?	Yes	No
6	Has applicant female worker submitted maternity certificate of medical practitioner / civil or other hospital?	Yes	No
7	Is ESIC applicable to factory?	Yes	No
8	Is medical bonus paid?	Yes	No
9	Registers for attendance, female workers application, maternity benefit and other allowance are maintained or not.	Yes	No

C. The Factories Act, 1948:

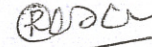
Shri _____, responsible person of the factory present at the time of inspection is given details of the factory as below.

1	Name and address of the factory.				
2	License No:	No of workers :	Horse Power:	Details of Renewal	
3	Approved plan no.:	Date :	Details of the stability certificate		
4	Name of occupier :				
	Address :				
	Mobile:	Factory Contact No. :	Residence:		
	E-mail:				
5	Name of factory manager & mobile no.:				
6	No of workers	General & First Sift	Second sift	Third sift	Total workers
	Male				
	Female				

927/12

7	Are the following facilities available in the factory?					
		Toilet	Urinal	wash place		
	Male					
	Female					
8	Clock room	Mesh room	Lunch room	Canteen	Crèche room	
	1	Is canteen facility provided in the factory?		Yes	No	N.A.
	2	Is lunch and rest room facility provided in the factory?		Yes	No	N.A.
	3	Is crèche room facility provided in the factory?		Yes	No	N.A.
	4	Is clock room facility is provided?		Yes	No	N.A.
	5	Is drinking water facility is provided?		Yes	No	N.A.
	9	Is First Aid box / facilities provided in the factory?			Yes	No
No of First aid trained person : _____						
10	Is welfare officer appointed?			Yes	No	N.A.

By order and in the name of the Governor of Gujarat.



(R. H. Vasava)

Deputy Secretary to the Government.

To,

1. The Commissioner of Labour, Gujarat State, Gandhinagar.
2. The Director Industrial Safety & Health, Gujarat State, Ahmedabad.
3. The Welfare Commissioner, the Gujarat Labour Welfare Board, Ahmedabad.
4. The Deputy Commissioner of Labour, Ahmedabad/ Surat / Vadodara/Rajkot
5. The Joint Director Industrial Safety & Health, Ahmedabad/Surat/Vadodara/Rajkot.
6. The Deputy Secretary, Industries and Mines Department, Sachivalaya, Gandhinagar.
7. The Industries Commissioner, Gujarat State, Gandhinagar.
8. The Dy. S.O. Select file / Branch Select file.