

F13 No. 125189/2014 / O/O CLC(C)

MOST IMMEDIATE

F.No. Z-13025/19/2014-IR (PL)
Government of India
Ministry of Labour & Employment

Shram Shakti Bhawan, Rafi Marg,
New Delhi, dated the 25th June, 2014.

To,

The Chief Labour Commissioner (Central),
Ministry of Labour & Employment,
Shram Shakti Bhawan, New Delhi.

Sub: **Setting up of Central Analysis & Intelligence Unit and Notification of Scheme of Inspections Linked with Web Portal.**

Sir,

The undersigned is directed to say that the Ministry of Labour & Employment has developed a revised Inspection Scheme to achieve the objective of simplifying Business Regulations and for bringing in transparency and accountability in Labour Inspections. The Scheme envisages objective criteria for selection of units for inspection.

2. The objective Guidelines for inspection while carrying out inspection under the following Acts is given in the **Annexure I**, enclosed:-

- 1) The Payment of Wages Act, 1936 & Rules applicable in Mines, Railways, Air Transport Services.
- 2) The Payment of Wages (Dock, Wharf and Jetty Rules) in major Ports.
- 3) The Minimum Wages Act, 1948 (Scheduled Employments).
- 4) The Contract Labour (R&A) Act, 1970.
- 5) The Equal Remuneration Act, 1976.
- 6) The Inter-state Migrant Workmen (RE&CS) Act, 1979.
- 7) The Payment of Bonus Act, 1965.
- 8) The Child Labour (P&R) Act, 1986.
- 9) The Payment of Gratuity Act, 1972.
- 10) The Building and Other Construction Workers (RE&CS) Act, 1996.
- 11) The Maternity Benefit Act, 1961 (Mines & Circus Rules 1963).

3. The CLC(C) Organization under the Ministry of Labour & Employment would set up a Central Analysis and Intelligence Unit (CAIU) for collecting and analysing

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field level data for a transparent and accountable Labour Inspection system. The cases forwarded through Central Analysis & Intelligence Unit (CAIU) of these Organisations will be based on data and evidence. Each Enforcement Agency will formulate an objective methodology for selection criteria of the cases by the CAIU keeping in view its priorities and the provisions of ILO Convention No.81.

4. Each Organisation would indicate the criteria which it considers most important from its point of view where the inspections would be mandatory. The optional inspections also would be generated through computer using pre-decided number tables taking into account the priorities of the organisation for bringing in transparency and accountability in labour inspections.

5. The Competent Authority has approved the implantation of the Inspection Scheme by the CLC(C) with immediate effect.



(Babu Cherian)
Director
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Copy to:

1. DS (IT Cell) with the request to upload the same on the Website of the Ministry.
2. PSO to Secretary (L&E) -- for information and record.
3. PPS to AS (L&E) -- for information and record.
4. PS to JS (AP) -- for information and record.
5. PS to JS (AK) -- for information and record.

CHIEF LABOUR COMMISSIONERS' (CENTRAL)

INSPECTION SCHEME

Objective: The Inspection Scheme aims to achieve the objective of simplifying business regulations and bring in transparency and accountability in labour inspections. It envisages objective criteria for selection of units for inspection.

Criteria of Inspections

Mandatory inspections:-

1. In the following cases, the inspections will be mandatory for all units:-
 - i) The establishments where fatal or serious accident has occurred in last two years.
 - ii) The establishments where strikes/lock out/retrenchment has taken place in two years.
 - iii) Closed establishments till their workers' dues are settled.
2. CLC would set up a Central Analysis and Intelligence Unit (CAIU) for collecting, analysing field level data for a transparent and accountable labour inspection system. The cases forwarded through Central Analysis & Intelligence Unit (CAIU) of CLC Organisation will be based on data and evidence. CLC Organization will formulate an objective methodology for selection criteria of the cases by the CAIU keeping in view its priorities and the provisions of ILO C-81.

Optional inspections:-

- 3 In following cases, the inspections would be generated through computer using pre-decided number tables taking into account the following factors:-
 - i) The establishment is falling in the category of hazardous industry [20%],
 - ii) The establishments employing 50% Contract Labour or minimum of 20 number of Contract Labour [20%].
 - iii) The establishments where total number of worker is more than 250.[20%]

iii) All other establishments [40%].

4 Methodology:

1. Employers to feed master data and periodical returns.
2. Inspectors to feed detailed inspection report.
3. Inspectors to feed accident returns.
4. Computer programme to be provided by NIC taking into account the criteria.
5. Computerized generation of inspection programme and communication to the inspecting staff keeping in view the confidentiality aspects

5 General Instructions:

1. The inspecting officer has to maintain registers of the establishments.
2. He has to record the statement of workers present at the time of inspection.
3. In case of contradiction in the statements of employer's, worker and entries in the record, the inspecting officer will seize the relevant records.
4. Inspection report should always be prepared on the work –spot by the inspecting officer himself and handover to the employer's representative.
5. The inspection should be carried out during the normal working hours as far as possible.
6. The inspection report is being simplified and under review/revision.
7. The inspection report should be uploaded within 3 days by the inspector.
8. In case of violations by the inspecting staff, entries are recorded in APAR.