

## **STATE LABOUR INSPECTION POLICY**

### **BACKGROUND**

The Department of Labour & Employment basically is a regulatory Department entrusted with the responsibility of implementation of 26 Central & 2 State labour laws in the State. In order to enforce Labour Laws, the officers/inspectors of the Labour Department conduct the inspections of Factories, Shops & other Establishments such as hotels, hydroelectric projects, building & other construction works, contractors etc. to ensure the implementation of Labour Laws. The Department has fixed norms for each officer/inspector for inspection keeping in view the number of Establishments in the jurisdiction of particular officer/inspector. As per these norms approximately only 1500 to 1600 establishments are inspected in a year due to paucity of staff. Inspecting authorities of Department conducts inspections of establishments covered under major Acts such as The Motor Transport Workers Act, 1961, The Factories Act, 1948, The Building and Other Construction Workers (RE&CS) Act, 1996, The Minimum Wages Act, 1948, The Payment of Wages Act, 1936, The Payment of Bonus Act, 1965, The Contract Labour (Regulation and Abolition) Act, 1970, The Inter-State Migrant Workmen (RE&CS) Act, 1979, The Payment of Gratuity Act, 1972 and The Industrial Employment (Standing Orders) Act, 1946 beside other labour laws.

It has been observed that some establishments are inspected time and again whereas some of the establishments are not inspected for years together. With a view to ensure transparency in the entire inspection process, the State Labour Inspection Policy is being framed, which will ensure that the units to be inspected are

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selected through software for random inspection and at the same time cover all the units to be inspected in a year. The inspection report will be required to be uploaded within 72 hours of inspection to ensure transparency. The manpower in the department presently available is not commensurate with the inspections to be done. To ensure that proper inspections are done, the units are being demarcated into hazardous, non-hazardous and violation prone units. The inspection of such violation prone and hazardous units will be done atleast twice in a year. Other units are proposed to be inspected atleast once in a year.

The software for registration of establishments under various labour laws such as factories, Contractors, Hotels (Shops & Commercial Establishments)), Motor Transports. Employers under Interstate Migrant workmen (RE&CS) Act, 1979, Trade Union Act, 1926 etc are required to be developed so as to create database under each of act which will help in random selection of units for the purpose of surprise inspection through software. Till the implementation of the proposed software, the selection of establishments to be inspected will be done manually.

**OBJECTIVE:**

- I. The units to be inspected will be randomly selected by the software so as to ensure that the selection is done objectively and there is no selectivity in the units to be inspected by respective Labour Officers/Inspectors.
- II. To ensure transparency in inspection process so as to ensure that employer is also aware of the inspection being conducted

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- in the establishment as well as also aware about the violation found at the time of inspection.
- III. To ensure better enforcement of Labour laws so that legitimate right of workers are protected.
  - IV. To cover all the establishment in a uniform manner with the specific focus on violation prone units and hazardous occupation and processes.
  - V. To avoid repetition of inspection of same establishment time and again under the garb of different labour laws and to avoid frequency of inspection in the same establishment at short intervals.
  - VI. To extend the role of the Labour Department to be that of facilitator instead of only regulatory functions so that employers are protected of undue harassment and at the same time ensuring that no compromise on legitimate right of workers takes place.
  - VII. To upload the inspection report on the website within 72 hours of the inspection so that the chances of manipulation of inspection report will be obviated.
  - VIII. To give adequate time to the employers to remove the discrepancies pointed out in the inspection report in a time bound manner so as to ensure compliance.

#### **SALIENT FEATURES:**

1. Act wise Norms for inspections have been prescribed for each officer/official keeping in the view the number of establishment falling in the jurisdiction of the particular officer. These norms are not correlated with the coverage of number of



establishments in a year or alternate year. Therefore norms are proposed to be improved further by correlating the number of inspections by number of establishments also so that all kind of establishments depending upon the nature of business and manufacturing process being carried out are inspected in a uniform manner.

2. Whenever Inspecting Authority visits any establishment it is to be ensured to cover all applicable labour laws in that particular establishment in one go so that during the same visit all the labour laws are covered including all the applicable provisions of labour Acts & rules and inspecting authority has not to again visit the same establishment in a very short period for the purpose of inspection under some different left out labour laws.
3. In the industrialized Districts such as Solan, Sirmour, Una where 100% inspections are not physically possible to be carried out, the following criteria will be followed:
  - a) Hazardous Industry, Induction Furnaces, Cement Industry, Pharma Industry, Steel Rolling Mills, Bulk Drug Plants, Footwear, Spinning Mills, Chemicals units and Dying Units will be inspected after every six months.
  - b) Unit other than mentioned in (a) above will be inspected in once in a year so as to ensure that all units are covered and 100% inspections are carried out.

However it will be ensured that same unit is not inspected many times in a year and other units are not inspected for years together. In other districts, every units will be inspected twice in a year.

4. In addition to coverage of all unit mentioned in para 3 above, selection of units will be done on random basis for the purpose of surprise inspection through software to be developed by the Department.
5. In order to implement the State Labour Inspection Policy, software for registration of establishment under various labour laws will be developed so as to create database of establishments covered under each labour law which will be required for random selection of units through software for the surprise inspection.
6. Whenever inspecting authority visits any establishment, computerized record under various labour laws will be acceptable provided the same is as per provisions of particular labour law. Further printout of any register/record if required by the inspecting authority, the authenticated copies will have to be provided at the time of inspection.
7. In order to make aware the employer about the inspection being conducted in the establishment and also to update him about the violation found in his establishment during the course of inspection, inspection report will be uploaded in the website of the Department within 3 days of conducting inspection.
8. After inspection of units, inspecting authority will give 15 days time for employer for reporting compliance regarding violations pertaining to minor nature such as records etc and also show cause notice as to why necessary action may not be initiated to file complaint in the competent court of law, for violations found at the time of inspection.

9. If some major violations which are pertaining to infrastructure such as toilets, crèches etc , the time for reporting compliance and show cause will be 30 days.
10. After receipt of compliance report, inspecting authority will check the correctness of compliance report physically or as per his wisdom and feasibility.
11. If compliance report is not received within stipulated period of time, then he will take necessary steps to prosecute the defaulting employer within 15 days.
12. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.
13. In case of complaint or orders of higher authority of headquarter, inspection of the establishment can be repeated in view of the urgency of circumstances.

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