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GOVT OF INDIA
Ministry of labour & Employment
Office of Chief Labour Commissioner(C)
New Delhi

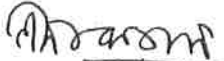
Date:-23.09.2015

To

All Dy. CLC(C) [Regional Heads]

Subject:- New Inspection Scheme – reg.

I am directed to enclose herewith a copy of new Inspection scheme for your information and necessary action.


(M.K. Dhurua) 23/09/2015
RLC(C)HQ

Copy to:-

- 1.) PSO to Secretary
- 2.) PS to JS (MG)
- 3.) PPS to CLC(C)
- 4.) To all section of CLC(C) organisation
- 5.) Director (AB)
- 6.) Sr. Technical Director NIC

OFFICE OF CHIEF LABOUR COMMISSIONER (CENTRAL)

NEW INSPECTION SCHEME

1. Introduction:

With the launch of “Shram Suvidha Portal” by Honourable PM on 16th Oct, 2014, inspections in respect of **Central Labour Laws** enforced by the CLC (C) organisation shall henceforth be carried out in alignment with the “**Shram Suvidha Portal**”.

2. Objective:

The new inspection scheme aims to achieve the following;

- To bring about greater transparency and accountability through use of IT enabled systems and mandatory authorization.
- To make inspections more effective and result oriented by targeting instances of default and non-compliance, instead of routine periodic inspections.
- To minimise personal interface to remove scope for misuse and arbitrariness.

3. Types of Inspections

With a view to achieving the above objectives, the system of inspections will be structured in the following manner:

a) Emergency Inspections

Emergency inspections shall be carried out in the following eventualities:

- (i) fatal or serious accidents;
- (ii) lockout, closure, strike;
- (iii) court direction.

The Regional Head will generate the list and assign it to the inspector / group of inspectors. No intimation is to be sent to the unit to be inspected in this type of inspection.

b) Mandatory inspections

In the following cases, the inspections will be mandatory:-

- i) The establishments where fatal or serious accident has occurred in last two years.
- ii) The establishments where strike/lock out/retrenchment has taken place in last two years.
- iii) Closed establishments till their workers' dues are settled.

Mandatory inspections will be carried out at least once in a year. No Prior intimation to the establishment is required in case of Mandatory inspection.

c) CAIU Inspections

CLC would set up a Central Analysis and Intelligence Unit (CAIU) for collecting and analysing field level data and complaints to cause need based inspections towards proper enforcement of labour laws.

The CAIU will comprise of the following:

- | | |
|--|------------------|
| 1) CLC (C) | The Chairman |
| 2) Addl CLC / Dy CLC / RLC
(in-charge of Enforcement) | Member |
| 3) Addl CLC / Dy CLC / RLC (in-charge of IR) | Member |
| 4) Addl CLC / Dy CLC / RLC (in-charge of PG) | Member |
| 5) Addl CLC / Dy CLC / RLC (in-charge of IT) | Member Secretary |

The CAIU inspections will be initiated on the basis of the following:

- i) Inputs from the field units of CLC organisation and other Central and State Labour Authorities,
- ii) Complaints / grievances from the affected parties and other stake holders including VIP references.
- iii) Information generated through Shram Suvidha Portal regarding instances of default and non-compliance.

The CAIU will decide inspection based on the following criteria:

- 1) Jurisdictional competence
- 2) Enforceability of labour laws
- 3) Past record of compliance
- 4) Prima-facie evidence necessitating inspection.

No prior intimation will be sent to employer in case of CAIU inspections.

d) Optional Inspections

For the units which have not already been selected in any of the above three types of inspections, a list of inspections would be generated through computer using pre-decided number tables in the ratio given below:-

- i) The establishment 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%];
- iv) All other establishments [40%].

Prior intimation through SMS / Email will be sent to the employer.

4. Operating Instructions

For operationalization of the new system of inspections, the following protocol will be observed by Inspectors and Employers.

A) For Regional Heads

- i. It will be the responsibility of the Regional Heads to generate the lists for various types of inspections through the “Shram Suvidha Portal”.
- ii. He will assign specific tasks of inspection to inspectors.
- iii. He will ensure that inspection reports are duly uploaded on “Shram Suvidha Portal” in time.
- iv. It should be the responsibility of the Regional Head to ensure that the data of every new establishment to which a licence or a registration is granted is fed into Shram Suvidha Portal within three working days.

B) For Inspectors:

- i. The inspecting officer has to maintain registers of the establishments.
- ii. He has to record the statement of the workers present at the time of inspection.
- iii. In case of contradiction in the statements of Employers, workers and entries in the record, the inspecting officers will seize the relevant records.
- iv. The inspection should be carried out during the normal working hours of the establishment as far as possible.
- v. The inspections report should be uploaded within 3 working days by the inspector.
- vi. In case of violations by the inspecting staff, entries will be recorded in their Annual Performance Appraisal Reports.

C) For Employers;

- i) Employers should feed the master data and periodical returns on “Shram Suvidha Portal”.
- ii) They should produce the requisite documents and records at the time of inspection.
- iii) They should take timely actions to make good the discrepancies and defaults pointed at the time of inspections and report compliance to the regional office.

D) For NIC:

- i) Computer programme will be provided by NIC taking into account the objective and the type of inspections to be carried out.
- ii) Necessary hand holding will be provided by the NIC for full operationalization of the “Shram Suvidha Portal”.
