

General Procedures and Checklist for Inspection under various Labour Laws administered by Labour Commissionerate

Enforcement of Labour Laws and Rules and Regulations framed thereunder is the primary responsibility of the inspectors of the Labour Commissionerate. Inspectors must be well conversant with the provisions of different labour laws and rules framed there under for the purpose of inspection.

General Procedure for inspection

Inspectors shall inspect the work places in their respective areas as often and as thoroughly as is necessary to ensure the effective implementation of relevant provisions of labour laws like

The Equal Remuneration Act, 1976

The Minimum Wages Act, 1948,

The Payment of Bonus Act, 1965,

The Payment of Wages Act, 1936,

The Payment of Gratuity Act, 1972,

The Contract Labour (regulation & Abolition) Act, 1970,

The West Bengal Shops & Establishments Act, 1963 etc..

For carrying out inspection effectively and effective implementation of legal provisions it would be better for the inspector to collect background information about:

- a) Location of the establishment
- b) Number of workers engaged therein
- c) Nature of work carried in the establishment
- d) Previous violation of law and action taken
- e) Complaint letter, if any, against management
- f) Existence of trade union, if any, in the establishment
- g) Rates of minimum wages, if applicable

Inspector will enter the premises of the establishment either with or without prior intimation to the employer and operating trade unions, if any.

Inspector may discuss with or interrogate the employees employed therein regarding compliance of various provisions of the respective Acts and related matters. Inspector should preferably note in the inspection note the name of the workers interviewed, his / their nature of work, matters connected to their employment, permanent address, etc.

Inspector may see physically compliance of various provisions of the Act including maintenance of statutory registers, filing of returns, etc.

Inspector will prepare inspection note , in duplicate, mentioning violation detected during the inspection, particulars of the employer, etc. and will hand it over to the employer or his representative present over there with due acknowledgement. Employers are normally instructed to remove the defects detected during inspection and report compliance thereof within a specified date mentioned in the inspection note.

Inspector shall upload the inspection note within 48 hours of inspection.

In case of non-compliance of the instruction show cause notice is issued to the employer. In case of compliance of the instruction the proceedings are normally let-off with the approval of ALC / DLC. In case of non receipt of reply to the show cause notice or receipt of unsatisfactory reply thereto prosecution is lodged before the court of law after getting approval from ALC / DLC or the appropriate authority as the case may be.

Normal checklist under some Acts and Rules framed thereunder is appended below:

CHECKLIST FOR INSPECTION UNDER VARIOUS LABOUR LAWS EXECUTED BY OFFICE OF THE LABOUR COMMISSIONER, WEST BENGAL		
Serial No	Name of the Act	Check list for Inspection
1	The Contract Labour (R & A) Act, 1970	<p>Name & address of establishment/employer/proprietor. Date of commencement of Establishment.</p> <ul style="list-style-type: none"> • 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. <p><u>(IN CASE OF PRINCIPAL EMPLOYER)</u></p> <ul style="list-style-type: none"> • 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).

		<p><u>(IN CASE OF CONTRACTOR)</u></p> <ul style="list-style-type: none"> • 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 overtime. (in Form XXIII) • Register of deductions for damage or loss (in Form - XX). • Register of fines (in form - XXI). • Half yearly return (in Form XXIV) • Amenities under Health & Welfare Provision For contract Labour Like(Depending upon no. of workers) <ul style="list-style-type: none"> • Canteen. • Rest Room. • Creches. • First Aid Box. • Urinals & latrines. • Drinking Water. • Washing Facility.
2	<p>The Minimum Wages Act, 1948</p>	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • 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).

3	The Payment of Gratuity Act, 1972	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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. • 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 Closer(Form -C). • Nomination (in Form - F). • Gratuity Payment Register
4	The Payment Of Bonus Act, 1965	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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. • 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 Employees for the Accounting year ending on _____.) • Annual Return in Form D.

5	The Equal Remuneration Act, 1976	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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. <ul style="list-style-type: none"> • Register in form 'D' 	
6	The Payment of Wages Act,1936	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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. <p>Muster Roll Wages Register Annual Return (in Form IV)</p>	
7	The West Bengal Shops & Establishment Act,1963	<p>Name & address of establishment/employer/proprietor.</p> <ul style="list-style-type: none"> • 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:- 	<ul style="list-style-type: none"> • Registration /Licenses/Code taken under EPF/ESI/CL(R&A)/or any other Act applicable in the establishment. <p>Registration Certificate (in Form B) Notice Of Closure (in Form G) Notice Of Weekly Holidays for the Employees (in Form H0) Appointment Letters of Employees Attendance Register Salary Register Register of Employees</p>

		<ul style="list-style-type: none">• 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	Leave Register Overtime Register Visit Book
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