

Procedure & Checklist for conducting inspection under various Labour Laws

[The Equal Remuneration Act, 1976](#)

[The Factories Act, 1948](#)

[The Minimum Wages Act, 1948](#)

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[The Payment of Bonus Act, 1965](#)

[The Payment of wages Act, 1936](#)

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[The Contract Labour \(Regulation & Abolition\) Act, 1970](#)

[The Maternity Benefit Act, 1961](#)

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Inspection Procedure for inspection of Establishment under Equal Remuneration Act, 1976

1. 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.
2. For the purpose of conducting the inspection under various Labour Laws the department has devised Common Inspection Performa which is available in the website of department and can be accessed at http://himachal.nic.in/index1.php?lang=1&dpt_id=14&level=1&lid=12734&sublinkid=12340
3. In the industrialized districts such as Solan, Sirmour, Una where 100 percent 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 Dyeing units will be inspected after 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 may 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 units mentioned in para 3 above selection of units will be done on random basis for the purpose of surprise inspection through software.

5. Random generation of units for selection of units to be inspected by field officers so as to ensure transparency and objectivity in conducting inspections.
6. Inspection Report will be uploaded within 48 hours of conducting of inspection.
7. After inspecting the units, Inspecting Authority will give 15 days time to the employer for compliance.
8. After receipt of compliance report, inspecting authority will check the correctness of compliance report physically or as per his wisdom and feasibility.
9. In case compliance report is not received within stipulated period of time, then inspecting authority will take necessary steps to prosecute the defaulting employer within 15 days.
10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Equal Remuneration Act, 1976

Whether the Employer is paying equal remuneration to men and women workers for same work or work of similar nature as per section 4
Whether any discrimination is being made while recruiting men & women workers per section 5
Whether the Employer maintained register in Form-D per section 8

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Inspection Procedure for inspection of Establishment under Factories Act, 1948

1. 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.
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 - c) Hazardous Industry, Induction Furnaces, Cement Industry, Pharma Industry, Steel Rolling Mills, Bulk Drug Plants, Footwear, Spinning Mills, Chemicals units and Dyeing units will be inspected after six months.
 - d) 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.

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Checklist of various provisions under Factories Act, 1948

Whether the Factory has obtained the licence under the Act as per section 6 & rule 4
Whether the Factory has got the Building Plans approved from Chief Inspector of Factories, HP as per section 6 and rule 3
Whether the register of adult workers has been maintained as per section 62
Whether the Fire Extinguishers have been installed in the premises of the factory as per section 38(1)
Whether the workers are adequately trained to operate fire-fighting equipments as per section 38(2)
Whether the cautionary notices have been displayed in the premises of the factory as per section 7A (1) (2)
Whether the First-aid-Box has been maintained as per section 45(1)

Whether there is cleanliness in the factory section 11
Whether the temperature comfortable in the premises of the factory as per section 13
Whether proper provision of drinking water has been done as per section 18
Whether exhaust fans have been installed as per section 14
Whether the notice at drinking waters point has been displayed as per section 18(2)
Whether the notice of period of work has been displayed as per section 61
Whether Abstract of Factories Act, 1948 and rules framed there under has been displayed as per section 108
Whether notice outside worker's toilet has been displayed as per section 19(3)
Whether there is a person in the factory having Certificate in First aid treatment as per section 45(3)
Whether the contents of First-aid-Box are inadequate section 45(1)
Whether safe working load has been displayed on Chain Pulley Blocks/Lifting machines as per Section 29(1)(b)
Whether Safety Committee has been constituted as per Section 41-G
Whether Pressure Vessels have been tested by competent person recognized by Chief Inspector of Factories as per Section 31(2)
Whether Muster-roll/attendance register has been maintained as per rule 103
Whether Lime washing register has been maintained as per rule 16
Whether the register of compensatory holidays has been maintained as per rule 77
Whether Inspection Book has been maintained as per rule 105
Whether the workers have been provided with personal protective equipments such as gloves, shoes, masks, protective clothing's, ear plugs/ear muffs, helmet and Goggles etc. as per section 7-A(1) & 35
Whether there is a cleanliness in workers toilet as per section 19(1) (d)
Whether there is overcrowding in the premises of factory. Space per worker is less than 36square feet as per section 16
Whether the Health Register has been maintained as per section 10
Whether Chain Pulley Block/Lifting machines has not been tested by competent person recognized by, Chief Inspector of Factories as per section 29(1)
Whether Stair case has been provided with hand rails as per section-32(a)
Whether Pits/openings in floors have been covered properly as per section 33(1)
Whether drinking water points are located very near to toilets whereas the same should be at least 6 meters away from toilets as per section 18(2)
Whether the humidity register has been maintained as per rule 22
Whether Proper provision of worker's toilets has been done as per section 19

Whether crèches has been provided as per section 48
Whether lift has been tested by competent person recognized by Chief inspector of Factories as per section 28(1)
Whether safe working load has been displayed on lift Section 28(1) c
Whether floors of the factory have been maintained in clean condition Section 33(1) (a)
Whether the nature of work has been specified in attendance register as per rule 103
Whether the name of workers employed through contractor have been entered in the register of adult workers as per section 62
Whether the nature of work has been specified in the register of adult worker as per section 62
Whether the lighting provisions have been found sufficient as per section 16
Whether NOC from Fire Office have been obtained as per section 38(1)
Whether the washing facilities have been provided as per section 42
Whether the register of leave with wages has been maintained as per section 79
Whether the emergency exits in case of fire has been earmarked and displayed properly as per section 38
Whether leave books have been issued to the workers as per rule 88
Whether the permission to engage the worker in overtime has been obtained from CIF as per Section 65(2)
Whether the annual returns have been submitted as per section 110
Whether the canteen has been provided as per section 46
Whether the shelters, rest rooms & lunch rooms has been provided as per section 47
Whether the fencing of machinery has been done as per section 21
Whether the safety officers has been appointed as per section 40B
Whether the welfare officers has been appointed as per section 49
Whether the Muster Roll for occupation of worker has not been maintained (Overtime Register) as per rule 78
Whether the accident register has been maintained as per rule 104
Whether the working Hours of women worker are observed/followed as per section 66

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Inspection Procedure for inspection of Establishment under Minimum Wages Act, 1948

1. 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.
2. For the purpose of conducting the inspection under various Labour Laws the department has devised Common Inspection Performa which is available in the website of department and can be accessed at http://himachal.nic.in/index1.php?lang=1&dpt_id=14&level=1&lid=12734&sublinkid=12340
3. In the industrialized districts such as Solan, Sirmour, Una where 100 percent inspections are not physically possible to be carried out, the following criteria will be followed:
 - e) Hazardous Industry, Induction Furnaces, Cement Industry, Pharma Industry, Steel Rolling Mills, Bulk Drug Plants, Footwear, Spinning Mills, Chemicals units and Dyeing units will be inspected after six months.
 - f) 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 may 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 units mentioned in para 3 above selection of units will be done on random basis for the purpose of surprise inspection through software.

5. Random generation of units for selection of units to be inspected by field officers so as to ensure transparency and objectivity in conducting inspections.
6. Inspection Report will be uploaded within 48 hours of conducting of inspection.
7. After inspecting the units, Inspecting Authority will give 15 days time to the employer for compliance.
8. After receipt of compliance report, inspecting authority will check the correctness of compliance report physically or as per his wisdom and feasibility.
9. In case compliance report is not received within stipulated period of time, then inspecting authority will take necessary steps to prosecute the defaulting employer within 15 days.
10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Minimum Wages Act, 1948

Whether the Employer maintained Muster-roll Rule 28(5)
Whether the period of work & rest intervals are provided as per section 13
Whether the Employer maintained the Register of wages in the prescribed form as per section 18
Are the weekly rest days given to all employees as per section 13
Are the Wages being paid on due dates i.e 7 th or 10 th after the expiry of wage period per section
Whether Register of Employees are maintained as per rule 28(6)
Whether the Employer maintained over time work & payment Record as per section 14
Whether the Employer paid over time wage at double the ordinary rate of wages as per section 14

Whether the wages slips being issued to workers as per section 18(3)
Whether the following Notices displayed as required as per section 18(2) <ul style="list-style-type: none">• Minimum rates of wages as notified by the Government.• Abstract of Act and Rules made thereunder.• Name and Address of the Inspector

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Inspection Procedure for inspection of Establishment under Shop & Commercial Act, 1969

1. 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.
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10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Shop & Commercial Act, 1969

Whether opening & closing Hours (9 am to 8 pm) of the Shops/Establishments are followed as per section 9.
Whether Shops/Establishments are closed on close day i.e on Sunday as per section 10(1)
Whether the working hours are intimated to the Authority as per section 10(2)
Whether Establishment/Shop get registered as per section 13(1)
Whether the Registration Certificate produced to the Inspector on demand as per section 13(2)
Whether the earned leaves are given to employees as per section 14(1).
Whether the Employer maintained in the prescribed form and manner, keep

exhibited in the establishment a notice setting forth a close day, the working hours etc as per section 20(1)

Whether the Employer maintained the register of employees as per section 20(2)

Whether the Employer maintained the register of attendance of employees as per section 20(3).

Whether the Employer maintained records/registers such as register of attendance, register of employees, register of wages etc for the purpose of the Act as per section 20(5).

Whether the employer make available such registers/records maintained for the purpose of the Act for inspections as per section 21(1).

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Inspection Procedure for inspection of Establishment under Payment of Bonus Act, 1965

1. 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.
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6. Inspection Report will be uploaded within 48 hours of conducting of inspection.
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10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Payment of Bonus Act, 1965

Whether the Employer has paid Bonus to all eligible workers as per section 8
Whether the Bonus has been paid within the time limit i.e within 8 months from the close of Financial Year as require under section 19
Has the Employer maintained the register/record on form A, B, C as per section 26
Has the Employer submitted returns on Form D to the Inspector in 30 days after the time limit as per rule 5
Whether the Employer has paid at the minimum rate as per section 10

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Inspection Procedure for inspection of Establishment under Payment of wages act, 1936

1. 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.
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9. In case compliance report is not received within stipulated period of time, then inspecting authority will take necessary steps to prosecute the defaulting employer within 15 days.
10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Payment of wages act, 1936

Whether the Employer fixed wage period as per section 4
Whether the authorized deductions, being made from the wages of the employed persons as per section 7
Whether the Employer displayed in English and Hindi the approved list of acts and commissions in respect of which fines may be imposed as per rule 13
Whether the Notice of date of payment of wages been displayed in English & Hindi as per Rule 9
Whether the following registers in the prescribed form been properly maintained <ul style="list-style-type: none"> • Register of wages (Section 13A, Rule 5) • Register of Fines (Rule 3) • Register of deductions for damages or loss (Section 10, Rule 4). • Register of advance (Section 12, Rule 17)

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Whether the annual return for the last year been sent to the Labour Commissioner, HP as per Rule 18

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Inspection Procedure for inspection of Establishment under Payment of Gratuity Act, 1972

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Checklist of various provisions under Payment of Gratuity Act, 1972

Whether the Employer obtained compulsory Insurance in the manner prescribed for his liability for the payment towards the Gratuity under the Act as per section 4A
Whether notice of opening, change or closure of the establishment in Form-A submitted by the Employer to the Controlling Authority as per Rule 4(1)
Whether the Employer displayed the abstract of the Act and Rules and the name and address of the Controlling Authority as per rule 20
Whether notice under Rule-4(1)

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Inspection Procedure for inspection of Establishment under Contract Labour (Regulation & Abolition) Act, 1970

1. 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.
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Checklist of various provisions under Contract Labour (Regulation & Abolition) Act, 1970

Whether the Contractor Licensed under the Act
<p>Whether the Contractor provided the following facilities for Contract Labour:</p> <ul style="list-style-type: none"> • Canteen-Section 16 • Rest Room-Section 17 • Drinking Water-Section 18(a) • Latrines & Urinals-section 18(b) • Washing facilities-Section 18(c)

<ul style="list-style-type: none"> • First Aid –Section 19
Whether the Contractor is disbursing the wages to the Contract Labour before the expiry of 7 th day & before the expiry of 10 th day as per section 21(1)
Whether the Contractor issue the Wage Slips to contract labour as per section 29(1)
Whether the payment to workers is being made in the presence of authorized representative of Principal Employer as per section 21(3)
Whether the contractor issued Employment Cards (Identity Cards) to the Labour within 3 days of the employment of the contract Labour as per section 29(1)
<p>Has the contractor displayed the following Notices as per section 29(2)</p> <ul style="list-style-type: none"> • Wage period • Place and time of disbursement of wages • Hours of work • Rates of wages • Date of payment of wages • Name & Address of Inspector • Abstract of Act and Rules
<p>Whether the contractor maintained the following record as per section 29(1)</p> <ul style="list-style-type: none"> • Register of Workmen/contract labour employed by Contractor. • Muster-Roll-cum-Register of wages • Register of Over Time. • Register of Deductions/fines/advanced
Whether the contractor complying the conditions of License granted as per section 12
Whether the contractor submitting half-Yearly return to the Licensing Officer as per section 29(1)

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Inspection Procedure for inspection of Establishment under Maternity Benefit Act, 1961

1. 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.
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10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Maternity Benefit Act, 1961

Whether the Employer engaged any women workers during the prohibited period as per section 4
Whether the Medical Bonus paid to the eligible women workers as per section 8
Whether the leave with for mis-carriage to the woman workers allowed as per section 9
Whether leave with wages for a period of 2 weeks is allowed for tubectomy as per section 9A
Whether leave for illness is allowed as prescribed as per section 10
Whether nursing breaks are allowed to women workers as per section 11
Whether any woman worker has been dismissed during or on account of her absence in accordance with the provisions of this Act as per section 12
Whether the employer maintained the register and record as required by maintaining muster-roll on Form-A as per section 20

Whether the Employer submitted Annual Returns under Rule-16, Forms L, M, N, O
Whether the abstract of acts & Rules are displayed in Form-K as per rule 15

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Inspection Procedure for inspection of Establishment under Child Labour (Prohibition & Regulations) Act, 1986

1. 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.
2. For the purpose of conducting the inspection under various Labour Laws the department has devised Common Inspection Performa which is available in the website of department and can be accessed at http://himachal.nic.in/index1.php?lang=1&dpt_id=14&level=1&lid=12734&sublinkid=12340
3. In the industrialized districts such as Solan, Sirmour, Una where 100 percent inspections are not physically possible to be carried out, the following criteria will be followed:
 - s) Hazardous Industry, Induction Furnaces, Cement Industry, Pharma Industry, Steel Rolling Mills, Bulk Drug Plants, Footwear, Spinning Mills, Chemicals units and Dyeing units will be inspected after six months.
 - t) 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 may 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 units mentioned in para 3 above selection of units will be done on random basis for the purpose of surprise inspection through software.
5. Random generation of units for selection of units to be inspected by field officers so as to ensure transparency and objectivity in conducting inspections.
6. Inspection Report will be uploaded within 48 hours of conducting of inspection.
7. After inspecting the units, Inspecting Authority will give 15 days time to the employer for compliance.
8. After receipt of compliance report, inspecting authority will check the correctness of compliance report physically or as per his wisdom and feasibility.
9. In case compliance report is not received within stipulated period of time, then inspecting authority will take necessary steps to prosecute the defaulting employer within 15 days.
10. The inspecting authority will file the complaint in the competent court of law within 15 days after receipt of prosecution sanction from competent authority.

Checklist of various provisions under Child Labour (Prohibition & Regulations) Act, 1986

Prohibition of Children /Child Labour as per section Section-3
Whether the Register of Maintenance has been maintained as per Section-11
Whether the Hours of work & Intervals are specified as per Section-7
Whether the Weekly Holidays are provided as per section 8

Notice to Inspector as per section 9
Dispute as to Age per section 10
Whether the Notice Displayed per section 12
Whether the health & safety provisions are implemented per section 13

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