

BRIEF NOTES AND
COMPLIANCE
CHECKLIST UNDER
LABOUR LAWS

Compiled By:

CS Peer Mehboob

INDEX

<u><i>S.NO.</i></u>	<u><i>PARTICULARS</i></u>	<u><i>PAGE NOS.</i></u>
1.	EMPLOYEES' PROVIDENT FUNDS & MISC.PROVISIONS ACT, 1952 AND THE SCHEMES	1-2
2.	EMPLOYEES' STATE INSURANCE ACT, 1948 & SCHEME	3-4
3.	FACTORIES ACT, 1948 READ WITH RULES	5-9
4.	INDUSTRIAL DISPUTES ACT, 1947	10-12
5.	PAYMENT OF BONUS ACT, 1965	13-14
6.	PAYMENT OF GRATUITY ACT, 1972	15-17
7.	PAYMENT OF WAGES ACT, 1936	18-19
8.	EMPLOYEES' COMPENSATION ACT,1923	20-21
9.	CONTRACT LABOUR (REGULATION & ABOLITION) ACT, 1970	22-23
10.	INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1961	24-25
11.	MATERNITY BENEFIT ACT, 1961	26-27
12.	TRADE UNION ACT, 1926 WITH RULES	28
13.	EQUAL REMUNERATION ACT, 1976	29
14.	PUNJAB INDUSTRIAL ESTABLISHMENTS NATIONAL & FESTIVAL HOLIDAYS	30
15.	PUNJAB LABOUR WELFARE FUND ACT, 1965 & RULES	31
16.	LABOUR LAWS(EXEMPTION FROM FURNISHING RETURNS AND MAINTENANCE OF REGISTERS)ACT	32
17.	MONTHLY CHECKLIST FOR STATUTORY RETURNS UNDER VARIOUS LABOUR LAWS	33-37

EMPLOYEES PROVIDENT FUNDS & MISC. PROVISIONS ACT, 1952 AND SCHEMES

Object of the Act

To provide wider benefits to the Workers on completion of their employment.

Applicability

Every specified factory or establishment in which 20 or more persons are employed.

Any factory or Establishment can also voluntarily cover under the Act, even if the number of employees are less than 20.

Eligibility

- Any person who is employed for work of an establishment or employed through contractor in or in connection with the work of an establishment and drawing salary upto Rs.15,000/- p.m. (Basic + DA).

Rates of Contribution

- Employer - 12%
- Employee - 12%
- Govt. - 1.16%

SCHEME	EMPLOYEE'S	EMPLOYER'S	CENTRAL GOVT.
Provident Fund Scheme	12%	Amount > 8.33% (i.e. 3.67%)	Nil
Insurance Scheme	Nil	0.5%	Nil
Pension Fund	Nil	8.33% (diverted out of Provident Fund's 12%)	1.16%

Insurance Scheme: All members contributing to Provident Fund are automatically insured for their life during the Service. Employer's Contribution to the Insurance Scheme is 0.5%. The max. amount payable to the nominee in case of death of employee is Rs.100000/-.

Pension Fund: All employees covered under Provident Fund become members of Pension Scheme. 8.33% of Basic Salary upto Rs.15,000/- is contributed to Pension Scheme from employers share of contribution. A minimum period of ten years of contributory service is required to be eligible to receive monthly Pension. Full pension is payable on completion of 20 years of contributory service.

Compliance Checklist under EPF Act:

S.No.	Provision	Compliance	Form
1.	Employer and Employee's PF dues	15 th of the following month	Challan No. A/c No.1
2.	Pension Fund	15 th of the following month	Challan No. A/c No.10
3.	Insurance Fund	15 th of the following month	Challan No.21
4.	Detail of employees	Detail of employees enrolled as members PF fund, within 1 month of coverage	Form 9
5.	Nomination Form	Immediately on Joining the fund	Form 2
6.	Addition of members	Detail of newly enrolled members within 15 days of following month	Form 5
7.	Deletion of member	Detail of members left service during the month-before 21 st of following month	Form 10
8.	Details of contribution	Detail of employees and employer's contribution-by 25 th of following month	Form 12A
9.	Detail of wages and contribution	For each member- By 30 th April every year	Form 3A
10.	Yearly Consolidated statement of contribution	To be forwarded yearly alongwith Form 3A	Form 6A
11.	Return of ownership of establishment	Within 15 days on coverage and whenever there is a change in ownership	Form 5A
12.	Transfer of PF	-	Form 13

EMPLOYEES STATE INSURANCE ACT, 1948

Object of the Act

To provide social insurance for the employees.

Applicability of the Act & Scheme

Is extended in area-wise to establishments employing 20 or more persons.

Coverage of employees

Employees drawing gross wages upto Rs.15000/- per month, engaged either directly or through contractor.

Rate of Contribution of the wages

Employers' 4.75%

Employees' 1.75%

Manner and Time Limit for making Payment of contribution

The total amount of contribution (employee's share and employer's share) is to be deposited with the authorised bank through a challan in the prescribed form in quadruplicate on or before 21st of month following the calendar month in which the wages fall due.

Benefits to the employees under the Act

Medical, sickness, extended sickness for certain diseases, enhanced sickness, dependents maternity, besides funeral expenses, rehabilitation allowance, medical benefit to insured person and his or her spouse.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 2 years and fine upto Rs.5,000/-
- For repeated contraventions of the Act, imprisonment upto 5 years and fine upto Rs.25,000/-.

Compliance Checklist under the ESI Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	-	Registration of factory	Particulars of factory and changes in particulars, if any be shall be furnished	Form 1
2.	Rule 11	Declaration from all employees	Regarding particulars to be furnished in Form 1	Form 3
3.	Rule 14	Declaration Forms to be sent to appropriate office	Within 10 days of furnishing of declaration forms	Form 3
4.	Rule 15	Allotment of Insurance Number	On receipt of declaration forms, appropriate office shall allot insurance number and temporary identification certificate for each employee, which employer shall deliver to each employee	-
5.	Rule 15	Register of Employees	-	Form 6
6.	Rule 15A	Registration of families	Particulars of family of insured shall be furnished by each insured employee which shall be sent to appropriate office within 10 days of furnishing	Form 1A
7.	Rule 17	Identity Card	Appropriate office shall issue for each employee	Form 4
8.	Rule 26	Return of Contributions	Within 42 days of termination of contribution period in quadruplicate	Form 5
9.	Rule 31	Time for payment of contribution	Within 21 days of last day of calendar month	-
10.	-	Half Yearly Return	-	Form 6A

FACTORIES ACT, 1948 READ WITH RULES

Applicability of the Act:

To any premises where manufacturing activities are carried out with the aid of power and where 10 or more workers are/were working OR where manufacturing activities are carried out without the aid of power and where 20 or more workers are/were working.

Employer to ensure health of workers pertaining to

- Cleanliness Disposal of wastes and effluents
- Ventilation and temperature dust and fume
- Overcrowding Artificial humidification Lighting
- Drinking water.

Safety Measures

- Fencing of machinery
- Work on near machinery in motion.
- Employment prohibition of young persons on dangerous machines.
- Striking gear and devices for cutting off power.
- Self-acting machines.
- Hoists and lifts.

Working Hours, Spread Over & Overtime of Adults

- Weekly hours not more than 48 hours.
- Daily hours, not more than 9 hours.
- Intervals for rest at least $\frac{1}{2}$ hour on working for 5 hours.
- Spread over not more than $10\frac{1}{2}$ hours.
- Overlapping shifts prohibited.
- Extra wages for overtime double than normal rate of wages.
- Restrictions on employment of women before 6AM and beyond 7 PM.

Welfare Measures

- Washing facilities
- Facilities for sitting
- **First-aid appliances** – one first aid box not less than one for every 150 workers.
- **Canteens** when there are 250 or more workers.
- **Shelters, rest rooms and lunch rooms** when there are 150 or more workers.
- **Creches** when there are 30 or more women workers.
- **Welfare officer** when there are 500 or more workers.

Employment of Young Persons

- Prohibition of employment of young children i.e. below 14 years.
- Adolescent workers (15 to 18 years of age) are permitted with less working hours and special conditions.

Annual Leave with Wages

A worker having worked for 240 days @ one day for every 20 days of working.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 7 years or fine upto Rs.2,00,000/-
- For continuous contraventions of the Act, imprisonment upto 10 year and/or fine upto Rs.5,000/- per day

Compliance Checklist under Factories Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Rule 3A	Approval of Plans	1. Plan of Factory building must be approved by Chief Inspector 2. No addition / alteration in building can be made unless approved by Chief Inspector	1. Form 1A-Application for approval of plan
2.	Rule 4	Certificate of stability	Neither any manufacturing process shall be carried by any building nor any	Form 1F-certificate of Stability

			machinery shall be added unless a certificate of stability is signed and accepted by the Chief Inspector	
3.	Rule 6	Work rooms of Factory	1. Height of work room shall be atleast 3.75 meter and approved by Chief Inspector 2. Particular of every work room shall be entered in Form 1D and shown to inspector if required	Form 1D- Particulars of each workroom of factory
4.	Rule 7	Application for Registration of Factory	Application for registration and licence of factory shall be made Chief Inspector in triplicate. (Licence granted under this rule shall be valid for 1 yr. or 5 yrs.)	Form No.2- Application for licence and registration of factory
5.	Rule 18	Record of white washing etc.	Record of whitewashing, color washing, varnishing etc. shall be entered in a Register (Whitewashing of every latrine and urinal shall be repeated once in every 4 months.)	Form No.7- Register under Rule 18
6.	Rule 58	Register of workers attending machinery	-	Form-7A
7.	Rule 60	Examination of hoists and lifts	A register shall be maintained to record particulars of examination	Form 23
8.	Rule 71	Canteen	Canteen shall be provided if there are more than 250 workers Accounts of canteen shall be maintained and audited	-

9.	Rule 79	Crèches	Factory employing more than 30 women workers	-
10.	Rule 110	Muster Roll	Muster Roll specifying the detail of workers	Form 25
11.	Rule 94A	Leave with wages Register	-	Form 15
12.	Rule 95	Leave Book	-	Form 15
13.	Schedule IX	Cautionary Notices	Cautioner notices as to anthrax shall be affixed on prominent position of factory	-
14.	Schedule IX	Protective clothing	Protective clothing like waterproof gloves, footwear, aprons etc. be provided to workers engaged in processes	-
15.	Schedule IX	Medical facilities and record of examinations and tests	Occupier of the factory shall appoint qualified medical practitioner. Every worker within 15 days of appointment shall be examined by the practitioner and after that atleast once in every year.	Form 17-Register of every examination shall be maintained
16	Rule107	Annual Return	Before 31 st of January each year	Form 21
	Rule 107	Half Yearly Return	Before 15 th July/15 January	Form 22
18	Rule110	Attendance Card		
19	Rule 106	Display of notices	Abstract of Rules and Act required to be displayed in every factory	Form 20
20		Welfare Officer	For factories employing 500 to 1000 workers	
21	Rule 112	Inspection Book	-	Form 35
22	Sec.7	Notice by Occupier	15 days before joining notice be sent to chief inspector	-
23	Sec.7A(3)	General Duties of Occupier	Written Statement of general policy w.r.t the health and safety of the worker.	-
24	Sec.11	Cleanliness	Whitewash, paint etc. shall be carried out every year and the date	-

			on which it was carried shall be entered in a register	
25	Sec.40B	Safety Officer	If there are more than 1000 workers.	-
26	Sec.108	Display of notices	Abstract of Rules and Act required to be displayed in every factory	Form 20

CS Peer Mehboob

INDUSTRIAL DISPUTES ACT, 1947 AND RULES

Object of the Act

Provisions for investigation and settlement of industrial disputes and for certain other purposes.

Authorities to deal with Disputes

Works Committee—Joint Committee with equal number of employers and employees' representatives for discussion of certain common problems.

Conciliation—is an attempt by Govt. Official in helping to settle the disputes.

Adjudication – Labour Court, Industrial Tribunal or National Tribunal to hear and decide the dispute.

Conditions for Laying off

Failure, refusal or inability of an employer to provide work due to

- Shortage of coal, power or raw material.
- Accumulation of stocks.
- Breakdown of machinery.
- Natural calamity.

Lay off Compensation

Payment of wages except for intervening weekly holiday compensation 50% of total or basic wages and DA for a period of lay off upto maximum 45 days in a year.

Notice of Change

21 days notice to be given by an employer to workmen about changing the conditions of service.

Prohibition of strikes & lock out

- Without giving to the employer notice of strike, as hereinafter provided, within six weeks before striking.
- Within fourteen days of giving such notice.
- Before the expiry of the date of strike specified in any such notice as aforesaid.
- During the pendency of any conciliation proceedings before a conciliation officer and seven days after the conclusion of such proceedings.
- During the pendency of conciliation proceedings before a Board and seven days after the conclusion of such proceedings.

- During the pendency of proceedings before a Labour Court, Tribunal or National
- Tribunal and two months, after the conclusion of such proceedings.
- During the pendency of arbitration proceedings before an arbitrator and two months after the conclusion of such proceedings, where a notification has been issued under Sub-Section(3A) of section 10A
- During any period in which a settlement or award is in operation, in respect of any of the matters covered by the settlement or award.

Prior Permission from the Govt.

When there are more than 100 workmen during preceding 12 months, prior permission to be obtained by the Employer for Lay Off, Retrenchment or Closure.

Retrenchment of Workmen Compensation & Conditions

No employees who has worked for 240 days in a year shall be retrenched unless paid/given:

- Retrenchment compensation @ 15 days' wages for every completed year of service.
- Given One month's notice or wages in lieu thereof.
- Reasons for retrenchment
- Complying with principle of 'last come first go'.

Notice for Closure of an Undertaking

- 60 days' notice to the authorities for intended closure in prescribed form,
- To apply for Prior permission from Govt. atleast 90 days before the intended closure, when there are 100 or more workmen during preceding 12 months

Penal Provision

- For breach of provisions of the Act, the employer shall be punishable with imprisonment upto 6 months and/or fine not exceeding Rs.5,000/-.
- On continuity of offence fine upto Rs.200/- per day.

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.3	Work Committee	Where 100 or more workers are employed, a work committee representing employers and workmen shall be constituted to secure and preserve amity and good relations. • The representatives of work committee shall be	-

			appointed by following the complete procedure of election as laid down under Rules.	
2.	Sec.9A	Notice of change	To effect any change in the conditions of Service	Form E
3.	Rule 56A	Half Yearly returns	Not later than 20 th Day of month following the half year	Form-G.I
4.	Rule 74A	Notice of lay off	Notice of lay off shall be given to the workmen on commencement and termination of lay off	Form O-1 and Form O-2
5.	Rule 75A	Notice of and application for permission of retrenchment	-	Form PA and Form PB
6.	Sec.9C	Grievance Settlement Authorities	Where 50 or more workmen are employed, Grievance Settlement Authority for settlement of Industrial Dispute shall be constituted.	-
7.	Sec.25O	Closure of undertaking	60 days notice to labour authorities and prior permission from govt. if workers are more than 100	Form QA

CS Peer Mehboob

PAYMENT OF BONUS ACT, 1965

Object of the Act

To provide certain statutory right to the employees to share the profit of the employer.

Applicability of Act

Every establishment where in 20 or more persons are employed on any day during an accounting year.

Exemption for newly set up Establishments

Newly set up establishment is exempted from paying bonus for the initial 5 years, provided no profit is made during these years. If the employer derives profit in any of the first five years, he has to pay bonus for that year.

Eligibility for Bonus

- Employees (other than Apprentice) drawing salary (basic + DA) upto Rs.10,000/- p.m.
- An employee will be entitled only when he has worked for 30 working days in that financial year.

Benefits

- Minimum Bonus is 8.33% of total salary earnings (basic + DA) for the financial year.
- Maximum bonus is 20% if allocable surplus exceeds amount of minimum bonus.

Disqualification & Deduction of Bonus

On dismissal of an employee for

- Fraud; or
- riotous or violent behaviour while on the premises of the establishment; or
- theft, misappropriation or sabotage of any property of the establishment or
- Misconduct of causing financial loss to the Employer to the extent that bonus can be deducted for that year.

Time Limit for Payment of Bonus

Within 8 months from the close of accounting year.

Penal Provision

For breach of provisions of the Act, the employer shall be punishable with imprisonment upto 6 months and/or fine not exceeding Rs.1,000.

Compliance Checklist under Bonus Act.:

S.No.	Provision	Form
1.	Register showing computation of allocable surplus u/s 2(4)	Form A
2.	Register showing set off and set on of allocable Surplus u/s 15	Form B
3.	Register showing complete details of bonus, due and paid to each employee	Form C
4.	Annual Return within 30 days from the expiry of time limit for payment of bonus.	Form D

CS Peer Mehboob

PAYMENT OF GRATUITY ACT, 1972

Object of the Act

To provide certain reward to the employees for a long meritorious service, at the end of their services.

Applicability

Every factory, mine, oil field, plantation, port, railways, shop or establishment employing 10 or more employees Once Act applies, it continues to apply even if employment strength falls below 10.

Eligibility

- Any person employed on wages/salary (irrespective of designation) and completed 5 years of continuous service (except in case of death), shall be eligible for gratuity at the end of their services.

Benefits

- 15 days wages (basic + DA) for every completed year of service.
- Maximum gratuity payable is Rs.10,00,000/-

Calculation Method

Gratuity = Monthly salary x 15 days x No. of year of service

26

Forfeiture of Gratuity

Gratuity can be forfeited on termination of an employee

- for moral turpitude or riotous or disorderly behaviour.
- Wholly or partially for wilfully causing loss, destruction of property etc.

Display of Notice

Certain notices & abstract of Act are to be displayed at conspicuous place at the main entrance in English language or the language understood by majority of employees of the factory/establishment. 12 Nomination To be obtained by employer after expiry of one year's service, in Form 'F'.

Penal Provision

• Imprisonment upto 2 years or fine upto Rs.20,000 for avoiding to make payment by making false statement or representation. • For other contraventions of the Act, imprisonment upto one year and/or fine upto Rs.10,000/-

Compliance checklist under the Gratuity Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec4A	Compulsory License	Compulsory insurance towards payment of gratuity from LIC shall be obtained or established approved gratuity fund	-
2.	Sec.4A(3)	Registration of establishment	-	Form A
3.	Sec.6	Nomination	Each employee who has completed his one year of service shall make nomination	Form F
4.	Sec.7	Determination of amount of gratuity	As soon as gratuity become payable, employer shall determine gratuity and shall pay within 30 days of it becomes payable	-
5.	Rule 3(1)	Notice of opening of establishment	Within 30 days of opening of establishment, notice be submitted to the controlling authority of area	Form-A
6.	Rule 3(2)	Change of address	Within 30 days of change of name, address or nature of business notice shall be sent	Form B
7.	Rule 4	Display of notice	At the main entrance of factory, a notice in conspicuous manner in English and vernacular language, the name of authorized person who will receive notices under this Act	
8.	Rule 7	Application of gratuity	Employee shall within 30 days of gratuity becoming payable and application to the employer	Form I, J or K as may be applicable
9.	Rule 8	Notice of payment of gratuity	Within 15 days of receipt of application, issue notice either in Form L to fix the date of payment or in Form M in case of payment not admissible.	Form L or Form M

			Copy of notice shall be endorsed to controlling authority	
10.	Rule 20	Display of abstract of Act and Rules	At conspicuous manner or near to main entrance in English and in vernacular language	Form U

CS Peer Mehboob

PAYMENT OF WAGES ACT, 1936

Object of the Act

The main object of the Act is to regulate the payment of wages of certain classes of employed persons, avoid unnecessary delay in the payment of wages and to prevent unauthorised deductions from the wages.

Applicability of Act

- Factories, industrial Establishments, Tramway service or motor transport service, Air transport service, Dock, Wharf or Jetty, Inland vessel, Mine, quarry or oil-field Plantation, Workshop, construction activities or other establishment etc.

Coverage of Employees

The employees drawing average wage upto Rs.10,000/- p.m.

Time of payment of wages

The wages of every person employed be paid:

- When less than 1000 persons are employed shall be paid before the expiry of the 7th day of the following month.
- When more than 1000 workers, before the expiry of the 10th day of the following month.

Mode of Payment of Wages

- All wages shall be paid in current coins or currency notes or in both.
- After obtaining the authorization, either by cheque or by crediting the wages in employee's bank Account

Deduction from wages

Deductions such as, fine, deduction for amenities and services supplied by the employer, advances paid, over payment of wages, loan, granted for house building or other purposes, income tax payable, in pursuance of the order of the Court, PF contributions, cooperative societies, premium for Life Insurance, contribution to any fund constituted by employer or a trade union, recovery of losses, ESI contributions etc. can be made from the wages, in accordance with Section 7.

Maximum Deductions

- The maximum permissible deductions is 50% of the wages
- In the event of deduction include payment to co-operative societies, the maximum permissible deduction is 75% of the wages.

Penal Provision

- Penalties for breach of provisions are from Rs.200/- to Rs.1000/-.
- Repeat offences attract 1 month to 6 months imprisonment and fine from Rs.500/- to Rs.3000/-
- Delayed wage payments attract penalty of Rs.100/- per day

Compliance Checklist under Payment of Wages Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.4	Wage Period	Employer shall fix a wage period not exceeding 1 month for payment of wages	-
2.	Sec.5	Time for payment of wages	Within 10 days after the last day of wage period	-
3.	Sec.13A	Registers and records	Register and records giving particulars of all employees, attendance and wages paid to them. Every register shall be preserved for three years	-
4.	Sec.45	Display of notices	Notice of abstract of Act shall be displayed in English and vernacular language	-
5	-	Annual Return	By 15 th February of next year	Form IV

EMPLOYEES COMPENSATION ACT, 1923

Object of the Act

This Act earlier known as “Workmen’s Compensation Act” was introduced as a kind of Social Security Scheme for the workmen who suffer employment injury, occupational disease etc.

Coverage of Workmen

All workers irrespective of their status or salaries either directly or through contractor or a person recruited to work abroad.

Eligibility

- Any workman who is injured by accident arising out of and in the course of his employment OR contracts occupational disease peculiar to his occupation.

Benefits

- In case of **death** results from injury, 50% of monthly wages x relevant factor OR Rs.1,20,000/- whichever is more.
- In case of Permanent total **disablement** resulted from the injury, 60% of monthly wages X relevant factor OR Rs.1,40,000/- whichever is more
- Where permanent, partial disablement or temporary disablement results from injury, as per prescribed schedule.
- In case of death, funeral expenses of Rs.5,000/-
- Relevant factor is based on the age of workman
- For the purpose of calculation of compensation, the monthly salary ceiling is Rs.8000/-, as per Central Govt. Notification dated 31.05.2010.
- In the event of death or in the event of any dispute, the compensation to be deposited with the Commissioner within one month.

When an employee is not liable for compensation

- In respect of any injury which does result in the total or partial disablement of the workman for a period not exceeding three days.
- In respect of any injury, not resulting in death or permanent total disablement caused by an accident which is directly attributable to-
 - The workman having been at the time thereof under the influence of drink or drugs, or
 - Willful disobedience of the workman to an order expressly given, or to a rule expressly framed, for the purpose of securing the safety of workmen, or
 - Willful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman.

Bar of benefit under other enactments :-

When a person is entitled to any of the benefits provided by this Act, he shall not be entitled to receive any similar benefit admissible under the provisions of any other enactment.

Penal Provision

In case of default by employer - 50% of the compensation amount +interest to be paid to the workman or his dependents as the case may be. Other offences attract fine upto Rs.5000/-.

Compliance Checklist under Employees Compensation Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec. 10B	Report of fatal accident	-	Form E-E
2.	Sec.8(1)	-	Furnish statement in case of death and on depositing compensation	Form A
		-	In other cases, statement be furnished to Commissioner	Form AA
		-	While depositing compensation information be sent to commissioner, in case of non-fatal accidents	Form D
3.	Rule 48	Memorandum of Agreement	On settlement of compensation, memorandum of agreement with workmen shall be executed	Form- K, L, and M
4.	-	Annual Return of compensation	-	-

INDIAN CONTRACT LABOUR ACT, 1923

Object of the Act

To regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith.

Applicability

- Every establishment in which 20 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour.
- Every contractor who employs or who employed on any day of the preceding twelve months 20 or more workmen.

Registration of Establishment

Every Principal employer employing 20 or more workers through the contractor has to register with the Authority by paying prescribed fees.

Licensing of Contractor

- Every Contractor engaging 20 or more workers should obtain License from the Authority by required fees and keeping specified Security Deposit.
- The License is issued for specified period.

Welfare measures to be taken by the Contractor

- Canteen facility (if workers are 100 or more)
- First Aid facilities.
- Rest Rooms
- Drinking water, latrines and washing facilities.
- Creches

Liability of Principal Employer

- To ensure provision for canteen, restrooms, sufficient supply of drinking water, latrines and urinals, washing facilities.
- Principal employer entitled to recover from the contractor for providing such amenities or to make deductions from amount payable.

Employer's obligation:

- To issue wage slips to the workmen at least a day prior to the disbursement of wages.
- Obtain the signature or thumb impression of the worker concerned against the entries relating to him on the Register of wages or Muster Roll-Cum-Wages Register.
- When covered by Payment of Wages Act, register and records to be maintained under the rules.
- To display an abstract of the act and Rules in English and Hindi and in the language spoken by the Majority of workers in such forms as may be approved by appropriate authority.
- To display notices showing rates of wages, hours of work, wage period, dates of payment, names and addresses of the inspector and to send copy to the inspector and any change forthwith
- To issue an employment card to each worker in prescribed form.

- To issue service certificate to every workman on his termination in prescribed form.

Penal Provision

- For contraventions of Provisions of the Act, imprisonment upto 3 months or fine upto Rs.1,000/-
- For continuous contraventions of the Act, fine of Rs.100/- per day

Compliance Checklist under Indian Contract Labour Laws:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Rule 17 and Sec.7	Registration of Establishment	-	Form I in triplicate
2.	Sec.8	Licensing of contractors	No work can be undertaken by contract labour unless license is taken. License shall be valid upto 31 st December Renewal OF License	Form IV- for application for license Form VII - Renewal of license
3.	Sec.29	Registers and records to be maintained	1. Register of Contractors 2. Register of Employment Card 3. Muster Roll 4. Register of wages 5. Register of Deductions for damage or loss. 6. Register of Fines 7. Register of Overtime 8. Register of Advances	Form XII- Register of Contractors Form XIII- Register of persons employed Form XVI- Muster Roll Form XVII- Register of wages Form XX- Register for deduction for damages Form XXI- Register of fines Form XXII- Register of advances Form XXIII- Register of Overtime
4.	-	Half yearly Returns	Within 30 days	Form XXIV

INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1923

Object of the Act

To standardize the service conditions of the workmen employed in any industrial establishment. The Act lay down uniformity in the service conditions of the employees in Industrial Establishments, so that the employer and the employees know in clear manner their rights and obligations.

Applicability of the Act

- Every industrial establishment wherein 100 or more employees are employed.

Matters to be provided in Standing orders

- Classification of workmen, e.g., whether permanent, temporary, apprentices, probationers, or badlis. Manner of intimating to workmen periods and hours of work, holidays, pay-days and wage rates.
- Shift working.
- Attendance and late coming.
- Conditions of, procedure in applying for, and the authority which may grant, leave and holidays.
- Requirement to enter premises by certain gates, and liability to search.
- Closing and re-opening of sections of the industrial establishments, and temporary stoppages of work and the right and liabilities of the employer and workmen arising therefrom.
- Termination of employment, and the notice thereof to be given by employer and workmen.
- Suspension or dismissal for misconduct, and acts or omissions which constitute misconduct.

Additional Matters

- Service Record
- Token tickets,
- Record of age,
- Fixing Age of retirement
- Medical Examination
- Secrecy
- Exclusive Service

Submissions of Draft Standing Orders

The employer has to submit draft Standing orders for certification within six months from the date when the Act becomes applicable to an industrial establishment.

Temporary Application of Model Standing Orders

Till the certification is done by the Certifying Officer, the Model Standing orders provided by the Rules shall be applicable to the Establishment.

Procedure for Certification of Standing Orders

- The Draft Standing Order to be submitted to the Certifying Officer.

- The Certifying Officer has to forward a copy of draft standing orders to the trade union or in the absence of union, to the workmen of the industry.
- The trade union or the other representatives, as the case may be, are to be heard. (Sec.5)
- After hearing both the parties and after making necessary changes and amendment, the Certifying Officer shall certify the Standing order.

Date of commencement of Operation of Standing Orders

On the date of expiry of 30 days from certification or on the expiry of 7 days from the Appellate order if any passed.

Display of Standing Orders

The certified Standing Orders should be displayed in English language or in the language understood by majority of workmen on a notice board at or near the entrance of the Establishment.

Penal Provisions

- For contraventions of provisions of the Act, a fine upto Rs. 5000/- can be imposed.
- For repeated or continuous contravention of the Act, further fine of Rs. 200/- per day can be imposed

Compliance Checklist under Industrial Employment Standing Orders Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.3	Submission of Draft Standing Orders	Employer shall submit 5 copies of draft standing orders to the Certifying Officer(i.e.labour commissioner)	Form I
2.	Sec.9	Posting of standing orders	The certified Standing Orders should be displayed in English language or in the language understood by majority of workmen on a notice board at or near the entrance of the Establishment.	-

MATERNITY BENEFIT ACT, 1961 AND RULES

Object:

To regulate the employment of women in establishment before and after child-birth and to provide for maternity benefit and certain other benefits.

Applicability:

To every establishment where women are employed, whether directly or through any agency, for wages in establishment.

Eligibility:

Woman must have worked for atleast 180 days preceding the date of her expected delivery.

Prohibition of employment by workmen during certain period

Sec.4: No woman shall work in any establishment during 6 weeks from immediately last day of her delivery or miscarriage.

Maximum period of maternity benefit:

Total 12 weeks (6 weeks upto and including the day of delivery and 6 weeks immediately following that day.)

Medical Bonus shall be paid along with the second installment of maternity benefit.

Payment of Maternity Benefit:

1. Payment of maternity benefit at the rate of the average daily wages for the period of actual absence.
2. Average daily wages: wages paid during the period of 3 calendar months immediately preceding the date of her expected delivery.

Nursing Breaks:

Every women delivered of a child who returns to duty after such delivery shall be allowed in the course of her daily work two breaks for nursing her child until the child attains the age of 15 months.

Compliance Checklist under Maternity Benefit Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.5	Maternity Benefit	At the rate of average daily wages for the period of her actual absence and including the day of delivery and 6 weeks immediately following that day.	-
2.	Rule 3	Muster Roll	The employer of every establishment in which women are employed shall prepare and maintain a muster roll in form 'A	Form A
3.	Rule 4 read with Sec. 6	Notice of maternity benefit by the women employee	-	Form B
4.	Rule 5	Proof	Proof of pregnancy, delivery of child or miscarriage	Form C
5.	Sec.11	Nursing break	Nursing break shall be provided to the women returns on work after delivery till the child attain the age of 15 months	-
6.	Sec.19	Display of notice	An abstract of Act and rules shall be displayed in vernacular language at all places where women are employed.	Form K
7.	Rule 13	Supply of Forms	Employer shall supply to every women employed by him at her request free of cost Form B, C, D, E, F, G, H and Form I.	
8.	Rule 16 read with Sec. 28(2)	Annual Return	On or before 21 st day of January	Form L, M, N and O

1. Form A- Muster Roll
2. Form B- Notice under Sec.6 by women employee
3. Form C- Certificate by medical practitioner
4. Form D- Certificate by Registered by Mid-wife
5. Form E- Certificate by Medical Practitioner in case of death of employee
6. Form F- Reciept of Meternity Benefit.
7. Form G & H- Letter to Competent Authority by the employee on being deprived of maternity benefit by employer
8. Form I- Letter to competent authority by the nominee on being deprived of maternity benefit.
9. Form J- A letter to the authority by the employer stating non entitlement of material benefit of employee.
10. Form K- Abstract of Material Benefit Act.
11. Form L, M, N and O- Annual Return

TRADE UNION ACT, 1926 AND RULES

Objects:

To provide for the registration of Trade Unions and in certain respects to define the law relating to registered Trade Unions

Formation:

1. Trade Union may be formed by any 7 or more members by subscribing their names to Rules of Trade Union and apply for registration under this Act.
2. Atleast half of Office Bearers shall be person engaged or employed in the industry with which trade union is connected.

Compliance Checklist under Trade Union Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.5	Application for registration	Application shall be made with Registrar of Trade Union accompanied with rules of Trade Union and a Statement giving complete details of Trade Union	Form A
2.	Sec.12	Registered Office	Trade Union shall have a registered office and may change address of Registered office with the intimation to Registrar	-
3.	Sec.28	Annual Return	Return of all receipts and expenditures and assets and liabilities for the year ended 31 st December shall be sent to Registrar.	Form D

EQUAL REMUNERATION ACT, 1976 READ WITH RULES

Object:

To provide for the payment of equal remuneration to men and women workers and for the prevention of discrimination, on the ground of gender, against women in the matter of employment and for matters connected therewith or incidental thereto.

Applicability

Every establishment wherein men and women workers are employed.

Main Provisions:

1. No employer shall pay to any worker at rates less favourable than those at which remuneration is paid by him to the workers of the opposite sex for performing the same work or work of similar nature.
2. No employer for complying above provision reduce the rate of remuneration.
3. No discrimination while recruitment against women except where the employment of women is prohibited or restricted under any law.

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.4	Duty of employer	Employer shall pay equal remuneration to men and women for same work or work of a similar nature.	-
2.	Sec.5	No discrimination while recruitment	No employer shall, while making recruitment for the same work or work of a similar nature, make any discrimination against women except where the employment of women in such work is prohibited or restricted by or under any law.	-
3.	Sec.8	Duty of employers to maintain register	Every employer shall maintain registers in relation to the workers employed by him	Form D

**THE PUNJAB INDUSTRIAL ESTABLISHMENT
(NATIONAL AND FESTIVAL HOLIDAYS AND
CASUAL AND SICK LEAVE) ACT, 1965 AND RULES**

Object:

An Act to provide for the grant of National and Festival Holidays and Casual and Sick Leave to persons employed in Industrial Establishments in the State of Punjab.

National and Festival Holidays, Casual and Sick Leave :

Every worker shall be allowed:

- Three National holidays: on 26th January, 15th August and 2nd October
- Five Restricted Holidays: on any festival scheduled in the Act.
- Casual Leave: 7 days in every calendar year
- Sick Leave: 14 days in every calendar year

Main Provisions:

- Where a worker works on any holiday then he shall be entitled for twice of his average daily wage or his average daily wage and a substituted holiday within 90 days.
- Casual Leave may be allowed for max. 2 days for every 3 months. Unavailed casual leave shall lapse at the end of calendar year. Workman shall get leave encashment for unavailed casual leave. An application for casual leave shall be made in advance of atleast 2 days.
- For Sick leave of more than 2 days, medical certificate shall be attached with application.

Compliance Checklist under the Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec.6	Account of every holiday and leave to be kept of every workers	-	Form B
2.	Rule 6 read with Sec.15	Statement of festivals	Every employer shall submit to the Inspector of the area a statement of Festival Holidays to be allowed to the workers during the calendar year before the 31st. December of the preceding year in Form 'A' and such statement shall be displayed on notice board.	Form A

**PUNJAB LABOUR WELFARE FUND ACT, 1956 &
RULES**

Objects:

Large sums of money realised by employers of establishments from their employees as fines, unpaid wages, bonus or gratuity which are not claimed by the latter remain accumulated with the employers and are not properly utilised by them in the best interests of labour. This bill seeks to provide for the constitution of the Labour Welfare Fund to carry on various activities conducive to the Welfare of labour through the agency of this Fund into which all such accumulations are required to be paid.

Compliance Checklist under the Act:

S.No.	Section/Rule	Provision	Compliance	Form
1.	Sec. 3 and Rule 3	Unpaid accumulation wages and fines	Every employer shall pay unpaid accumulation held by him to the welfare commissioner	-
2.	Rule 22	Maintenance of Registers	Every employer shall maintain two registers under this Act: 1. Register of wages in Form A 2. Consolidated Register of unclaimed wages and fines in Form B	Form A and Form B

LABOUR LAWS (EXEMPTION FROM FURNISHING RETURNS AND MAINTAINANCE OF REGISTERS)

Objects:

To provide for the exemption of employers in relation to establishments employing a small number of persons from furnishing returns and maintaining registers under certain labour laws.

Applicability:

Applicable only for small and very small establishments.

Important Definitions:

Small establishment means establishment not more than nineteen persons are employed.

Very small establishment means establishment in which less than 10 persons are employed.

CS Peer Mehboob

MONTHLY CHECKLIST FOR STATUTORY RETURNS
UNDER VARIOUS LABOUR LAWS

Month & Last Date	Name of the Statute	Name of Return	Form
January			
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
15	Factories Act, 1948	Half Yearly Return	Form 22
20	Industrial Disputes Act, 1947	Half yearly Return	Form G-I
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
21	Maternity Benefit Act	Annual Return	Form L, M, N and O
30	The Contract Labour (Restriction & Abolition) Act, 1970	Half yearly return by Contractor	Form XXIV
31	National and Festival Holidays Act, 1963	Annual Return	Form V
31	Factories Act, 1948	Annual Return	Form 21
February			
1	Minimum Wages Act, 1948	Annual Return	Form III
15	Payment of Wages Act, 1936	Annual Return	Form IV
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
March			

15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
April			
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
30	Employees' Provident Fund Act, 1952	Annual Individual Return & yearly consolidated statement of Contribution	Form 3A & Form 6A
May			
12	Employees State Insurance Act, 1948	Summary of contribution in quadruplicate	Form 5
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans

June			
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
July			
15	Factories Act, 1948	Half Yearly Return	Form 22
15	The Contract Labour (Restriction & Abolition) Act, 1970	Half Yearly Return	Form XXIV
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
20	Industrial Disputes Act, 1947	Half yearly Return	Form G-I
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
August			
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
September			

15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
October			
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
30	Factories Act, 1948	Application for renewal of licence	Form 3
31	Contract Labour (R&A) Act, 1970	Application for Renewal of Licence	Form VII
November			
12	Employees State Insurance Act, 1948	Summary of contribution in quadruplicate	Form 5
15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
December			

15	Employees Provident Fund Act, 1952	Monthly Remittance of Contribution to SBI	Challans
15	Employees Provident Fund Act, 1952	Monthly return of employees qualifying/leaving & monthly remittance statement	Form 5, 10 & 12A
21	Employees State Insurance Act, 1948	Monthly Remittance of Contribution to SBI	Challans
30	Payment of Bonus Act	Annual Return	Form D

CS Peer Mehboob

Compiled By:

CS Peer Mehboob