ROCEDURE OF INSPECTION UNDER LABOUR LAWS

The Office of the Commissioner, Labour and Employment in the State of Goa are enforcing different Labour Laws. Labour Inspectors of this office are appointed to verify the registers, returns and other labour related records under different Acts; through inspection. The aim/objectives is to give justice to the working class. The procedures of inspection under below mentioned Acts is as follow:

5. The Payment of Wages Act, 1936.

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

Equal payment to be made to men and women doing the same or similar work and stipulating that no discrimination should be made between men and women in recruitment, does not specifically state that discrimination should not be made between men and women while in employment.

Appointment of Inspector

Under section 9 of this Act the appropriate Government by Notification appoints such persons as it thinks fit to be Inspectors for the purpose of this Act and define the local limits within which they shall exercise their functions.

Registers to be maintained by the employer

Every employer shall maintain up-to-date registers/other documents in relation to the workers employed by him as mentioned below;

1. Every employer shall maintain up-to-date a register in relation to the workers employed by him in Form D as per Rule 6.

Penalty

Any contravention in respect of payment of equal remuneration or any other provisions of the Payment of Equal Remuneration Act, 1976 is punishable under Section 10 of the Act to the extent of imprisonment upto one month or fine of rupees ten thousand or with both.
The main objective of this Act is to prevent exploitation of the workers and for that purpose its aim is fixation and revision of minimum wages, which the employer shall pay in scheduled employments.

**Applicability:**

This Act is applicable to all the establishments who employs one or more employees.

“Wages” means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment.

**Payment of minimum rates of wages:**

Every employer shall pay to every employee engaged in schedule employment not less than the minimum rates of wages fixed by the Government by Notification for that class of employees in that schedule employment without any deductions. There are 20 schedule employments categorized in the State of Goa.

The minimum wages fixed by Government in the State in different categories are mentioned below:

1. Unskilled ............. Rs. 307/- per day plus DA.
2. Semi-Skilled .......... Rs. 368/- per day plus DA.
3. Skilled .............. Rs. 423/- per day plus DA.
4. Highly-Skilled ........ Rs. 465/- per day plus DA
5. Clerical ............ Rs. 423/- per day plus DA.

**Time for payment of wages:**

a) The employer shall pay payment of wages to their employees on or before the expiry of the seventh day, if that establishment engages/employs less than one thousand persons.
b) The employer shall pay payment of wages to employees on or before the expiry of the tenth day, if that establishment engages/employs more than one thousand persons.

**Appointment of Inspector**

Under Section 19 of this Act the appropriate Government may by Notification in the Official Gazette, appoint such persons as it thinks fit to be Inspector for the purpose of this Act and define the local limits within which they shall exercise their functions.

**Section 19(a)**

Under section 19 (a) of this Act Inspector enter, at all reasonable hours, with such assistants (if any), being persons in the service of the (Government) or any local or other public authority, as he thinks fit, any premises or place where employees are employed or work is given out or out-workers in any scheduled employment in respect of which minimum rates of wages have been fixed under this Act, for the purpose of examining any register, record of wages or notices required to be kept or exhibited by or under this Act or rules made thereunder, and require the production thereof for inspection;

**Section 19 (d)**

Inspector has power to seize or takes copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by an employer.

**Section 20**

Inspector has power to file a claim application for payment of less than the minimum rates of wages before the appropriate authority.

**Section 14**

Inspector has power to file claim of overtime rate before the appropriate authority.
Maintenance of registers and records.

Every employer shall maintain such registers and records giving such particulars of employees employed by him, the work performed by them, the wages paid by them, the receipts given by them and such other particulars and in such form as may be prescribed.

Every employer shall prepare and maintain following registers/record/other documents in relation to the workers employed by him as mentioned below;

1. Register of Overtime in Form VIII under Rule 28(2).
2. Muster Roll in Form XI under Rule 29(5).
3. Register of Wages in Form X under Rule 29(1).
4. Wage Slips in Form IX under Rule 29(2).
5. The employees have to be provided Employment Card in Form XIV under Rule 32.
6. The notice showing the Minimum Rates of Wages in Form IV to be display.
7. Abstract of the Minimum Rates of Wages Act, 1948 & Rules made thereunder in Form V.
8. Annual Return in Form III for the year ending under Rule 22(5) has to submit to the Commissioner, Labour & Employment, Panaji, Goa.

Penalty

Any contravention in respect of payment of minimum rates of wages or any other provisions of the Minimum Wages Act, 1948 is punishable under Section 22 of the Act to the extent of imprisonment upto six months or fine of rupees five hundred or with both.
PROCEDURE OF INSPECTION UNDER THE GOA, DAMAN AND DIU

The main objectives of this Act is to provide for the regulation of conditions of
work and employment in shops, commercial establishments, restaurants, theatres
and other establishments and for matters connected therewith.

Applicability:

This act is applicable to all the establishments, engaged in conducting business and
includes “establishment” means a shop, commercial establishment, residential
hotel, restaurant, eating house, theatre or other place of public amusement or
entertainment [and a bank] to which this Act applies and includes such other
establishment as the Government may, by notification in the Official Gazette,
declare to be an establishment for the purposes of this Act;

Appointment of Inspector

Under Section 49 of this Act the appropriate Government may by Notification
appoint such persons as it thinks fit to be Inspector for the purpose of this Act and
define the local limits within which they shall exercise their functions.

Power and duties of Inspector

Inspector enter, at all reasonable hours with the assistance of such persons in the
service of the Government or any local authority as he thinks fit, any place which
is or which he has reason to believe, is used as an establishment;

Inspector make such inspection of the premises and of any registers or other
records and take on the spot or otherwise evidence of such person, as he may deem
necessary, in the manner prescribed;

Maintenance of registers and records.

Every Employer shall maintain such registers and records giving such particulars
of employees employed by him, the work performed by them, the wages paid by
them, the receipts given by them and such other particulars and in such form as
may be prescribed.
Every employer shall prepare and maintain following registers/record/other documents in relation to the employees employed by them/him as mentioned below;

**Maintenance of Registers/Records**

1. The management shall obtain registration certificate to their establishment under Section 3.
2. Notice of Close Day or Change in Close Day in Form XXIV shall display under Rule 31(3)(a).
3. Visit Book as per Rule 31(12)(a).
4. Record of Lime Washing etc. shall maintain in Form VIII as per Rule 11(1)©.
5. Register of Fines shall maintain in Form IX as per Rule 17(3)(a).
6. Register of Deduction for damages or loss caused to the employer by neglect or default of employees shall maintain in Form X as per Rule 17(4).
7. Register of Advances to the employees shall maintain in Form XI as per Rule 19(4).
8. Register of Leave shall maintain in Form XII as per Rule 21(3).
9. Register of Employment shall maintain in Form XX or XXI as per Rule 31(1).
10. Register of Wages shall maintain in Form XXIII as per Rule 31(2).
11. List of Holidays with wages shall display in Form XXVIII as per Rule 31(7).
12. Letter of Appointment issue to all their employees in Form XXX as per Rule 35.
13. Leave Book shall provide to their employees in Form XIII as per Rule 21(4).
14. Periodical return for the quarter ending shall submit to the Labour Inspector in Form XXIX as per Rule 34.

**Penalty**

Any employer who contravenes any provisions of section 4, 5 to 8, 10 to 25, 27 to 39, 41 and 57 shall be punishable for a first offence with fine which may extend to two hundred and fifty rupees, for a second offence with fine which shall not be less than five hundred rupees and which may extend to one thousand rupees and for a third or subsequent offence with fine which shall not be less than one thousand five hundred rupees and which may extend to two thousand rupees.
Provided that where any employer fails to possess a valid certificate of registration in contravention of the provisions of section 3 or 3-A or of the rules made thereunder, he shall, on conviction, be punishable, in the case of a continuing offence, with a further fine which may extend to hundred rupees for each day during which the offence continues.

Applicability:

The Payment of Bonus Act applies to every establishment which employs or had employed 10 or more person/employee in the preceding 12 months and are drawing salary less than rupees twenty one thousand.

Eligibility for Bonus:

Every employee shall be entitled to be paid by his employer in an accounting year, bonus, in accordance with the provisions of this Act, provided he/she has worked in the establishment for not less than thirty working days in that year.

Payment of minimum & maximum bonus:

Under the Act every employer is bound to pay to every employee in respect of the every subsequent accounting year under Section 10, a minimum bonus which shall be 8.33% of the salary or wage earned by the employee during the accounting year.

Under the Act every employer shall be bound to pay to every employee in respect of the every subsequent accounting year under Section 11, a maximum bonus which shall be 20% of the salary or wage earned by the employee during the accounting year.

Special provision with respect to establishment:

An establishment newly set up, the employees of such establishment shall be entitled to be paid bonus for the sixth accounting year. In the first five years, every employer is not entitled to pay the bonus, if establishment is in loss.
**Appointment of Inspector**

Under section 27 of this Act the appropriate Government by Notification appoints such persons as it thinks fit to be Inspectors for the purpose of this Act and define the local limits within which they shall exercise jurisdiction.

**Registers to be maintained by the employer**

Every employer shall maintain up-to-date registers/other documents in relation to the workers employed by him as mentioned below;

1. The employer shall maintain register showing the amount of bonus paid to the workers in Form C under Rule 4 (c).

2. The employer shall maintain register showing the computation of Allocable surplus in Form A under Rule 4 (a).

3. The employer shall maintain register showing the set on and set off of the allocable surplus in Form B under Rule 4 (b).

4. Under Section 19 of the Act is as much as bonus has not been paid to the employees within the statutory period of eight months from the close of the accounting year.

5. The employer shall submit Annual Return for every accounting year.

**Penalty**

Any contravention in respect of payment of bonus or any other provisions of the Payment of Bonus Act, 1965 is punishable under Section 28 of the Act to the extent of imprisonment upto six months or fine of rupees one thousand or with both.
The main objectives of this Act is to ensure that wages actually disbursable to workers covered by the Act are disbursed within the prescribed time-limit and that employees get their full wages without any deductions not authorized by law.

**Applicability:**

This act is applicable to all the establishments who engages one or more employees and are drawing wages less than rupees eighteen thousand.

**Responsibility for payment of wages.**

Every employer shall be responsible for the payment to the persons employed by him, all wages required to be paid under this Act:

**Time of payment of wages:**

a) The employer shall pay wages to employees on or before the expiry of the seventh day, if that establishment engages/employs less than one thousand persons.

b) The employer shall pay wages to employees on or before the expiry of the tenth day, if that establishment engages/employs more than one thousand persons.

**Mode of Payment**

Under Section 6 of the Act, the payment of wages has to be done by crediting the amount to bank account of the workers.

**Appointment of Inspector**

The State Government may appoints Inspectors for the purpose of this Act under Section 14 in respect of all persons employed (otherwise than in a factory) to whom this Act applies.
Section 15

Inspector has power to file a claim application arising out of deduction from wages or delay in payment of wages before the authority appointed under Section 15 of the Act.

Maintenance of registers and records.

Every employer shall maintain such registers and records giving such particulars of persons employed by him, the work performed by them, the wages paid by them, the deductions made from their wages, the receipts given by them and such other particulars and in such form as may be prescribed.

Every employer shall prepare and maintain following registers/record/other documents in relation to the workers employed by him as mentioned below;

1. Register of Fines in Form I under Rule 3.
2. Register of Advances in Form III under Rule 16.
3. Register of Deduction in Form II under Rule 4.
4. Register of Wages in Form II A under Rule 5.
5. The notice of rates of wages fixed for each of the employees has to be displayed under Rule 18.
6. The notice of date of payment of wages has to be displayed under Rule 7.
7. Annual Return in Form IV under Rule 17 for the year ending has to submit to the Commissioner, Labour & Employment, Panaji, Goa.
8. Abstract of the Payment of Wages Act, 1936 in Form V under Rule 11 to be displayed.

Penalty

Any contravention in respect of payment of wages or any other provisions of the Payment of Wages Act, 1936 is punishable under Section 20 of the Act to the extent of punishment not less than one month but which may extend to six months and with fine which shall not be less than two hundred rupees which may be extend to one thousand rupees.

Applicability:

Gratuity shall be payable to an employee on the termination of his employment after he has rendered continuous service for not less than five years,
   a) On his superannuation, or
   b) On his retirement or resignation, or
   c) On his death or disablement due to accident or disease:

Provided that the completion of continuous service of five years shall not be necessary where the termination of the employment of any employee is due to death or disablement.

Eligibility

An employee who is eligible for the payment of gratuity under the Act & Rule shall apply within 30 days to the employer.

Procedure of calculation for payment of Gratuity:

For every completed year of service or part thereof in excess of six months, the employer shall pay gratuity to an employee at the rate of fifteen days’ wages based on the rate of wages last drawn by the concerned employee.

Employer

The employer shall specify the name of the officer to receive notices under the Act & Rule.
An employer within 15 days of receipt of application from employee for the payment of gratuity shall specify the amount of the gratuity payable and issue the notice to the employee specifying the date of the payment. If claim is not admissible then the employer should intimate to the applicant/employee accordingly.

In either case a copy of the notice shall be endorsed to the controlling authority.
**Employee**

An employee shall submit nomination to the employer within one year of the service.

**Controlling Authority**

The appropriate Government may, by notification, appoint any officer to be a controlling authority, who shall be responsible for the administration of this Act. Commissioner Labour & employment appointed as controlling authority in respect of State of Goa.

If an employer refuses to entertain the claim for the payment of gratuity by an employee under the Act, then the aggrieved employee has the option to make an representation in prescribed format to the controlling authority for issuing direction for payment of gratuity.

An 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:

The act applies to every establishment (Principal Employer/Contractor) in which 10 or more contract workers are employed or were employed during any day in the preceding 12 month.

Grant of Registration Certificate to Principal Employer’ and License to Contractor.

Every Principal Employer of an establishment covered under the Act shall register their establishment by submitting application form in Form-I under & Rule 17(1) and obtain the registration certificate.

Every contractor covered under the Act shall obtain the license from the licensing officer by submitting application in Form IV along with certificate issued by the principal employer in form V.

Appointment of Inspector

Under Section 28 of this Act the appropriate Government may by Notification in the Official Gazette, appoint such persons as it thinks fit to be Inspector for the purpose of this Act and define the local limits within which they shall exercise their functions.

Power and duties of Inspector

Inspector enter, at all reasonable hours, with the assistance (if any), being persons in the service of the Government or any local or other public authority as he thinks fit, any premises or place where contract labour is employed, for the purpose of examining any register or record or notices required to be kept or exhibited by or under this Act or rule made thereunder, and require the production thereof for inspection;
Under section 28(d) of this Act, Inspector has power to seize or takes copies of such register, record of wages or notices or portions thereof as he may consider relevant in respect of an offence under this Act which he has reason to believe has been committed by the principal employer or contractor;

**Maintenance of registers and records.**

Every Principal Employer and every contractor shall maintain such registers and records giving such particulars of contract labour employed, the nature of work performed by the contract labour, the rates of wages paid to the contract labour and such other particulars in such form as may be prescribed.

Every Principal Employer and every contractor shall prepare and maintain following registers/record/other documents in relation to the contract labour employed by them as mentioned below;

**Maintenance of Registers/Records -- Principal Employer**

1. Register of particulars contractors in Form VIII under Rule 73.
2. Annual Return in Form XXI for the year ending under Rule 81(2) has to the Registering Officer.
3. The notices showing the rates of wages, the hours of work, the wage period, date of payment, date of payment of unpaid wages to be display under Rule 80(1) 1.
4. Abstract of Act and Rules made thereunder to be display.

**Maintenance of Registers/Records – Contractor**

1. Register of person employed in Form IX as per Rule 74.
2. Employment Cards issued to workmen on the first day of employment in Form X as per Rule 75.
3. Service Certificate issued to workmen on termination of employment in Form XI as per Rule 76.
4. Muster Roll in Form XII as per Rule 77(2)(a).
5. Register of Wages in Form XIII as per Rule 77(2)(a).
6. Register of combine Muster-Roll - cum-wages in Form XIV as per Rule 77(2)(a).
7. Wage Slips are issued to workmen in Form XV as per Rule 77(2)(b).
8. Register of Deductions, damage or loss in Form XVI as per Rule 77(2)(d).
9. Register of Fines in Form XVII as per Rule 77(2)(d).
10. Register of Advances in Form XVIII as per Rule 77(2)(d).
11. Register of Overtime in Form XIX as per Rule 77(2)(e).
12. Half yearly return shall submit to the Licensing Officer in Form XX as per Rule 81(1).
13. Notices showing rates of wages, hours of work, the wage period, date of payment, the name & address of the Inspector having jurisdiction and date of payment of unpaid wages display in notice board as required under Rule 80(1)(1).
14. A notice showing the wage period, the place and time of disbursement of wages shall display in notice board at the place of work/and its copy sent to the Principal Employer under acknowledgment as required under Rule 70.

**Penalty**

Any contravention in respect of the Contract Labour (Regulation and Abolition) Act, 1970 under Section 22 is punishable with imprisonment for a term which may extend to three months, or with a fine which may extend to five hundred rupees or with both.

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