

1250639
19/01/2017



Government of Goa
Labour Department
Secretariat, Porvorim, Bardez-Goa.
Tel.2419791, 2419445

No. 24/17/2017-LAB/408

Dated: -11/10/2017

NOTIFICATION

As per the recommendations proposed by Department of Industrial Policy and Promotion (DIPP), Government of India in Business Reform Action Plan, 2017 and Department of Labour & Employment, Government of Goa has considered to bring more transparency in the existing system of inspections.

For the purpose of inspection, an establishment would be selected based on the risk criteria of industry. All the high risk industries would be inspected by concerned Labour Inspectors. Medium risk establishments have an option to choose between departmental inspection and Third Party Inspection while all Low risk establishments are exempted from inspection and Third party certification in lieu of submission of self certification for compliance to all applicable labour laws.

Under the following Acts:

1. The Equal Remuneration Act, 1976.
2. The Minimum Wages Act, 1948.
3. The Maternity Benefit Act, 1961.
4. The Goa, Daman and Diu Labour Welfare Act, 1986.
5. The Payment of Bouns Act, 1965.
6. The Payment of Wages Act, 1936.
7. The Inter State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
8. The Motor Transport Workmen Act, 1961.
9. The Contract Labour (Regulation and Abolition) Act, 1970.
10. The Factories Act, 1947 and its Amendment Act, 1972.

11. The Industrial Disputes Act, 1947 and its Amendment Act, 1977.

1. Risk based Selection of Establishments for Inspection:

Selection of establishments for inspection shall be on the basis of risk based as per the following criteria:

- a) Number of workers
- b) Number of contract workers

K
DDA

- c) Nature of activity of the establishment
- d) Exemption from inspection/self-certification
- e) Third Party Certification

2. Risk based Assessment and categorization of establishments:

a) Risk categorization on the basis of number of workers:

The Department of Labour and Employment risk profiles' industries as high risk, medium risk and low risk establishments with respect to the risk to workers in terms of their entitlements viz. wages, bonus & other remuneration, leave, holidays, working hours, work site facilities, safety & health, welfare and social security measures like gratuity, EPF, ESI, accident compensation etc.

Experience of the department indicates that larger the establishment lower has been the Compliance. The risk based categorization on the basis of number of workers in an establishment is as follows:

- * **High Risk:** Establishments employing above 100 workers (including contract & outsourced workers) on any day of the preceding calendar year.
- * **Medium Risk:** Establishments employing 10-100 workers (including contract & outsourced workers) on any day of the preceding calendar year.
- * **Low Risk:** Establishments employing less than 10 workers on any day of the preceding calendar year.

b) Risk categorization on the basis of number of contract workers engaged:

There are certain establishments employing large number of contract workers and in some cases number of contract workers exceeds the number of regular workers. In such establishments the terms and conditions of employment of regular workers and contract workers are totally different and it is observed that in several such establishments contract workers are prone to exploitation. The risk categorization of industries on the basis of number of contract workers is as follows:

- **High Risk:** All such establishments employing contract workers where the number of contract workers exceeds 25% of the total employed workers on any day of the preceding calendar year.
- **Medium Risk:** All such establishments employing contract workers where the number of contract workers is less than 25% of the total employed workers on any day of the preceding calendar year.

c) Some categories of work are identified on nature of activity of the establishments:

In certain activities, workers are prone to risk of accidents and health hazards and have been classified as follows:

High Risk

The establishments under taking the following activities are categorized as high risk establishments:

1. Steel Industries.
2. Hotel Industries, Restaurants and eating Houses
3. Pharmaceuticals and Chemicals Industries.
4. Automobiles-Servicing and Repairing.
5. Construction Industries-maintenance of building and roads.
6. Brick and kilns Industries.
7. Cashew Industries.
8. Glass Industries.
9. Jute and Coir Industries.
10. Lime kilns Industries.
11. Match and fire Works/Explosive Industries.
12. Motor Transport undertaking.
13. Saw Mills Industries.
14. Stone breaking/crushing.
15. Cement and concrete products Industry.
16. Distilleries and Breweries Industries.
17. Paper Industries and Paper Boards.
18. Marine Industries (Ship Building).
19. Plastic Manufacturing Industries.
20. Ophthalmic lenses manufacturing industries.
21. Aluminum foil and PVC films manufacturing.
22. Freshener Industries.
23. Tobacco Industries.
24. Manufacturing of Agricultural equipments
25. Foam Industries.
26. Manufacturing Tyres, Tubes and other Rubber products.
27. Fertilizer Industries.
28. Manufacturing Ice blocks.
29. Aerated water.
30. Powder coating and painting Industries and Steel fabrication.
31. Fishnet Industries.
32. Manufacturing of Machine Tools.
33. Manufacture of Oxygen and Medical Oxygen.
34. Leather tanning.
35. Fish and Food canning
36. Petroleum and petroleum Products.
37. Slaughter Houses.
38. Liquefied Petroleum gas (filling plant)
39. Electrical and Electronic Industries.
40. Hydraulic fittings.
41. Zinc Oxide.
42. Manufacture of sulphuric acid.
43. Soap and Detergent Industries.
44. Metal products manufacturing.
45. Coal Industry.
46. Cloth weaving and Dyeing
47. Cashew shell Oil Industries.
48. Gold and Silver plating Industries.
49. Manufacturing of Opto-Fiber Cable.

50. Motor Winding Industry.

51. Wax Industry.

52. Explosive industry

o **Medium risk**

The following establishments are categorized as medium risk establishments.

1. Clubs and Canteens.
2. Garment Industries.
3. Private Hospital, Nursing Homes and Clinics.
4. Salt pans.
5. Handloom weaving.
6. Printing Press and Offset Printing.
7. Cinema Industry.
8. Laboratories (R&D).
9. Watch and Ward
10. Bakery Products.
11. Masala Industries.
12. Laundry.
13. Cold Storage.
14. Warehouse.
15. Flour mills.
16. Poultry and other farms (Spice plantations).
17. Shoe making Industries.
18. Farming (Fish, Agriculture, Horticulture).
19. Tailoring.
20. Manufacturing of Sports Products.
21. Manufacturing of Household utensils.
22. Incense sticks Industries.
23. Handicrafts Industries.
24. Manufacturing of cardboards and plywood's.
25. Manufacturing of Stationery.
26. Assembling of Electronic and Electrical products.
27. Manufacturing of Funeral materials.
28. Manufacturing of Ice cream
29. Manufacturing of Cosmetics and Perfumes.

o **Low Risk**

Establishments which are not included in High or Medium risk industry list would be categorized as low risk industries.

o) **Exemption from inspection/self-certification**

Establishments/units/industrial units with a history of satisfactory compliance record of applicable acts over 3 years from date of commencement of business are exempted from inspection, subject to submission of self-certification (or third party certification) every year for a period of two years initially. This is subject to condition that no accidents, complaints and lock-down have been reported in the last 3 years self-certification/third-party certification.

- **Low risk** establishments have been exempted from inspection subject to condition that the establishment will submit a self-certification every year with regards to compliance under all applicable Acts. However, Labour Inspectors may conduct random inspection of the establishment with prior approval from Labour Commissioner. In case of any receipt of carrying out Third Party certification, the Government shall empanel Third Party agencies. If any complaint is received against any establishment after the inspection from any source by the department and on enquiry the establishment is found guilty then the third party certification shall stand revoked by the issuing authority complaints from workmen, union and others or any other grievances that may arise and may undertake compliance inspection once in five years.


e) **Third Party Certification**

- **Medium risk** establishments are also permitted to opt for Third Party Certification for a period of two years. After expiry of two years from the date of third party certification, the inspection shall be scheduled by the concerned Labour Inspector. After one year from the date of inspection by the Labour Inspector, the establishment may again opt for third party certification, continuing with the cycle as described before.

The employers of all medium risk establishments shall furnish combined annual return along with self-certificate or certificate by third party agency to the department every year.

Empanelment of agencies: For the purpose of carrying out Third Party certification, the Government shall empanel Third Party agencies. If any complaint is received against any establishment after the inspection from any source by the department and on enquiry the establishment is found guilty then the third party certification shall stand revoked by the issuing authority and fresh inspection may be carried out by Labour Department.

By Order and in the name of
the Governor of Goa


Minister, Labour and Employment
Goa

13

The Director, Printing and Stationery, Government Printing Press, Panaji, Goa is requested to publish this notification in Official Gazette.

Copy to:

1. The Commissioner, Labour and Employment, Panaji-Goa.
2. The Guard File.
3. The Office copy.