

GOVERNMENT OF TELANGANA  
ABSTRACT

Labour, Employment, Training and Factories Department – Inspections under various Labour Laws to facilitate Ease of Doing Business in the State – Revised Orders – Issued.

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LABOUR EMPLOYMENT TRAINING & FACTORIES (LAB-I) DEPARTMENT

G.O.Ms.No. 13

Dated: 14-07-2020

Read the following:-

1. G.O.Ms.No.31, L.E.T. & F. (Lab) Department, Dated: 10.12.2015.
2. G.O.Ms.No.18, L.E.T. & F. (Lab) Department, Dated: 14.03.2016.
3. G.O.Ms.No.38, L.E.T & F. (Lab) Department, Dated: 24.05.2016.
4. G.O.Ms.No.45, L.E.T. & F. (Lab) Department, Dated: 09.06.2016.
5. G.O.Ms.No.7, L.E.T. & F. (Lab) Department, Dated: 21.04.2017.
6. G.O.Ms.No.17, L.E.T. & F. (Lab) Department, Dated: 15.05.2017.
7. G.O.Ms.No.29, L.E.T. & F. (Lab) Department, Dated: 24.07.2017.
8. From the Commissioner of Labour, Telangana, Hyderabad, Lr.No.H/7770/2015, dated: 07.08.2018 and 18.06.2020.

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ORDERS:-

Orders have been issued introducing computerized systems of Risk Assessment based Inspections with random allocation of Inspecting Officers to facilitate Ease of Doing Business in the State vide G.O. first read above. Certain amendments have also been issued to the said Order, vide G.Os 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> read above. Subsequently, revised comprehensive orders were issued vide G.O. 5<sup>th</sup> read above. Certain amendments have also been issued to the said order vide G.Os 6<sup>th</sup> and 7<sup>th</sup> read above in accordance with Business Reforms Action Plan.

2. In the circumstances reported by the Commissioner of Labour, Telangana, Hyderabad in the letter 8<sup>th</sup> read above, the Government after careful examination of the matter hereby issue the following revised comprehensive orders in the matter of Computerized Risk Assessment based Inspections with random allocation of Inspecting Officers to facilitate Ease of Doing Business in the State in accordance with Business Reforms Action Plan duly superseding the G.Os 1<sup>st</sup> to 7<sup>th</sup> read above:

(1) The Scheme shall be applicable to the following Acts:-

- (i) The Payment of Wages Act, 1936 (Central Act 4 of 1936);
- (ii) The Factories Act, 1948 (Central Act 63 of 1948);
- (iii) The Minimum Wages Act, 1948 (Central Act 11 of 1948);
- (iv) The Maternity Benefit Act, 1961 (Central Act 53 of 1961);
- (v) The Motor Transport Workers Act, 1961 (Central Act 27 of 1961);
- (vi) The Payment of Bonus Act, 1965 (Central Act 21 of 1965);
- (vii) The Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970);
- (viii) The Payment of Gratuity Act, 1972 (Central Act 39 of 1972);
- (ix) The Equal Remuneration Act, 1976 (Central Act 25 of 1976);
- (x) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979);

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- (xi) The Telangana Labour Welfare Fund Act, 1987 (Act No.34 of 1987)
  - (xii) The Telangana Shops & Establishment Act, 1988 (Act No.20 of 1988);  
and
  - (xiii) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996).
- (2) There shall be a single joint inspection, without any duplication, under all the Labour Laws.
- (3) The units will be categorized as Low Risk / Medium Risk / High Risk depending upon the number of workers employed. The criterion for Risk Assessment of Establishments and the Cadre of the Inspecting Officers is as shown in Annexure-I appended to this order.
- (4) The frequency of inspections for Establishments under Low Risk is once in 5 years, for Establishments under Medium Risk is once in 3 years and for Establishments under High Risk is once in 2 years.
- (5) Exemption from Compliance inspections to certain establishments
- (1) (a) Those establishments which are categorized as Low risk as per para 2 (3) and found to be satisfactorily complying the Labour Laws will be exempted from further compliance inspections unless any complaint is received against such establishments. The following class of establishments will be presumed to be satisfactorily complying with the Labour Laws unless any complaint is received against such establishments.
- (i) Establishments under Telangana Shops and Establishments Act, 1988 employing up to 20 employees;
  - (ii) Establishments under Motor Transport Workers Act, 1961 (Central Act 27 of 1961) employing up to 20 employees;
  - (iii) Establishments under Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970) employing up to 20 employees;
  - (iv) Establishments under Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979) employing up to 10 employees Other Establishments (including Factories under Factories Act, 1948 (Central Act 63 of 1948) but excluding establishments under Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966) and Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996)) to which any of the Labour Laws apply, employing up to 20 employees.
- The remaining establishment will be determined as satisfactorily complying with the labour laws if they are found to be so after conduct of the compliance inspection.
- (b) Star Hotels, Information Technology / Information Technology Enabled Services Units, Export Processing Zone Units, Export oriented Units, Bio-Tech Units, Tourism Promotion Units (irrespective of number of workers).

- (c) Those establishments which are categorized as Low risk as per para 2 (3) and opting for Self Certification Scheme.
  - (d) Those establishments which are categorized as Medium risk as per para 2 (3) and opting for Third Party Audit Scheme.
  - (e) Start-ups: Those establishments which are Start-ups as defined by the Department for Promotion of Industries and Internal Trade(DPIIT), will be exempted from inspection for the first year of setting up upon submission of an online Self-declaration and if they continuously submit their Integrated Return>Returns specified under different Acts without fail they will be exempted from compliance inspections for a further period of four years from the second year onwards, unless any specific complaint is received against such establishment
- (2) Failure to submit on time, the necessary Self Certificate Scheme return, Third Party Audit scheme return and/or Integrated Return>Returns specified under different Acts will render the establishment ineligible for the above exemption from inspection.
- (6) Centralised Inspection Agency: the entire online system will function as part of the Centralized Inspection Agency encompassing Labour, Factories Boilers and Telangana State Pollution Control Board Departments compliance inspection system.
- (7) The Inspection will be conducted as per a well defined procedure and the Checklist for inspection will be published on the web portal of the department.
- (8) Scheduling of Inspection and allotment of Inspecting officer(s):
- (a) The Schedule of Inspections will be determined through online inspection module. The establishments will be selected randomly as per the frequency of inspections indicated above. A computer generated notice will be issued to the establishments so as to provide 15 days clear time before inspection. The establishments will be able to view and download inspection reports of the past two years. The Inspecting Officer will be selected randomly through computerised online inspection module. The cadre of the inspecting officer is shown at column (7) of the Annexure appended to this order. In case of applicability of two or more Acts, the cadre of Inspecting Officer will be that of higher cadre officer. The same Inspecting Officer will not inspect the same establishment twice consecutively. In case of exigencies, such as leave, Court appearance etc., Commissioner of Labour shall be authorised to select a replacement Inspecting Officer duly observing that the replacement Inspection Officer shall not be the same, who inspected the unit last time.
  - (b) Factories based establishments: In order to conduct synchronized /joint inspections of the units based on factories, risk categorization will be done by the Factories department and the same will be shared with and adopted by the Labour department. A District-wise list of Factories will be prepared and also shared with Labour department. The computer will allocate the factories month-wise and the same will be shared with Labour Department for conducting the joint-inspection. Based on the number of employees working in the Factory, the local authorized inspector from the Labour Department will accompany in the joint inspection, unless the establishment comes under exempted category from the Labour Department point of view in which case there will be no participation from Labour department and inspection will be only by the Factories Department. Joint inspections will be held on every Wednesday and Thursday, jointly by the inspectors from the Labour and Factories department.

- (c) The list of establishments to be inspected in the subsequent inspection cycle will be published on the online portal in public domain.
- (9) Inspection Report: The Inspection Report will be uploaded by the Inspecting Officer within 48 hours of the completion of the inspection. An alert will be sent to the employer, so that he may view/download the inspection report. In case of defects, the Employer will be required to take corrective action and upload compliance report within 15 days. The compliance report will be scrutinised and failure to correct shall entail action as per law.
- (10) However, any complaint received by the department will be referred to the Commissioner of Labour who may order additional inspection. The procedure for additional inspection shall be decided by the Commissioner of Labour after examining the contents of the complaint.
3. The Commissioner of Labour, Telangana, Hyderabad shall take further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

AHMAD NADEEM  
SECRETARY TO GOVERNMENT (FAC)

To  
The Commissioner of Labour, Telangana, Hyderabad.

Copy to:

The Commissioner of Printing, Stationary and  
Stores purchases (PW), Chanchalaguda, Hyderabad  
(for publication in the Gazette and supply of 500 copies  
to the Commissioner of Labour, Telangana, Hyderabad  
and 20 copies to Government).

The Industries and Commerce Department.  
The P.S. to Hon'ble Minister (Labour & Employment)  
The P.S. to Chief Secretary  
The P.S. to Secretary to Government, LET & F Department  
The Law (F) Department  
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// FORWARDED :: BY ORDER //

SECTION OFFICER

**ANNEXURE- I**

**(to G.O.Ms.No.13 , LET & F (LAB-I) DEPARTMENT, DATED: 14.07.2020)**

**CRITERION FOR RISK ASSESSMENT OF ESTABLISHMENTS AND THE CADRE OF THE INSPECTING OFFICER UNDER VARIOUS LABOUR LAWS**

Sl No	Name of the Act under which establishment covered	Risk Assessment			Inspecting Officer	
		Low Risk	Medium Risk	High risk	No. of Workers employed in the Establishment (including all classes of Workers)	Inspecting Officer
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	The Telangana Shops & Establishment Act, 1988 (Act No.20 of 1988).	Those employing up to 30 employees	Those employing from 31 to 100 employees	Those employing 101 and above employees	101 and above From 31 to 100 From 1 to 30	Deputy Commissioner of Labour Assistant Commissioner of Labour Assistant Labour Officer
2.	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (Central Act 32 of 1966).	--	--	ALL	51 and above 1 to 50	Assistant Commissioner of Labour Assistant Labour Officer
3.	The Motor Transport Workers Act, 1961 (Central Act 27 of 1961)	Those employing up to 50 employees	Those employing from 51 to 100 employees	Those employing 101 and above employees	From 51 and above From 1 to 50	Assistant Commissioner of Labour Assistant Labour Officer
4	The Contract Labour (Regulation and Abolition) Act, 1970 (Central Act 37 of 1970)	Those employing up to 30 employees	Those employing from 31 to 100 employees	Those employing 101 and above employees	101 and above From 31 to 100 From 1 to 30	Deputy Commissioner of Labour Assistant Commissioner of Labour Assistant Labour Officer
5	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (Central Act 30 of 1979)	Those employing up to 30 employees	Those employing from 31 to 100 employees	Those employing 101 and above employees	101 and above From 31 to 100 From 1 to 30	Deputy Commissioner of Labour Assistant Commissioner of Labour Assistant Labour Officer
6	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act 27 of 1996).	----	----	ALL	101 and above From 51 to 100 From 1 to 50	Deputy Commissioner of Labour Assistant Commissioner of Labour Assistant Labour Officer

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7	The Other Establishments (including factories) not covered under 1 to 6 above and to which any of the Labour Laws apply.	Those employing up to 30 employees	Those employing from 31 to 100 employees	Those employing 101 and above employees	101 and above  From 31 to 100  From 1 to 30	Deputy Commissioner of Labour  Assistant Commissioner of Labour  Assistant Labour Officer
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AHMAD NADEEM  
SECRETARY TO GOVERNMENT (FAC)