|  |
| --- |
|  |
| COMPLIANCE INSPECTION UNDER THE MINIMUM WAGES ACT 1948 & CORRESPONDING STATE RULES 1980. |

|  |  |
| --- | --- |
| **PROCEDURES:** | |
| 1. | District Assistant Labour Commissioner Office identifies/ prepares a list of shops and establishment/factories etc. for compliance inspection including allocation of inspectors (if required). Date of inspection may not be informed to the employer. |
| 2. | Concerned inspector prepares a brief status of the shops and establishment/factories etc. before due date of inspection. |
| 3. | Inspector conducts visit to the shops and establishment/factories etc. and hold preliminary discussion with the employer and workers. |
| 4. | Inspector validates the following documents/ records and collects copy of the same if required.  a. Muster Roll.  b. Payment Record/ Register.  c. Holiday registers/ Leave Register.  d. Overtime Register.  e. Wage slip in prescribed format.  f. OT Register.  g. Public display of Name of Inspector.  h. Public display of abstract of rules.  i. Any other queries regarding compliances of the Act. |
| 5. | Inspector obtains statement from workers on the working hours, wages paid etc. |
| 6. | Inspector after completing the review and discussion briefs the employer about his findings. |
| 7. | **Manual submission of inspection report:**  Inspector prepare and submits the inspection report (in prescribed proforma) to the higher authority (if required) with his recommendation for initiating necessary actions (if applicable). |
| 8. | For any non-compliance, Assistant Labour Commissioner / Inspector issues a show-cause notice to the shop & establishment owner/ employer to provide necessary clarification/ documentations for compliance within the prescribed timeline. |
| 9. | Owner/ employer/Management submits necessary clarification/ documentation for  compliance within prescribed timeline. If necessary clarification/ documentation for  compliance are not submitted within the prescribed timeline, please go to Step 11. |
|  | |
| 10. | Assistant Labour Commissioner / Inspector reviews the clarification/ documentations submitted for compliance and assess its adequacy. In case of difference of wages/ payment to the workers, the employer has to make necessary differential payment and submit the payment receipt as documentary evidence.  If the clarifications/ documentations are adequate, then the closure report is filed. |
| 11. | If the clarifications/ documentations are not adequate, Assistant Labour Commissioner / Inspector will initiate the following actions in parallel:   **Recovery through claims**: If the differential payment has not been made, a case is filed in the appropriate court (e.g. Labour Court/ Assistant Labour Commissioner/ etc.). Case is filed by the inspector in the court and appropriate court will issue order to the concerned employer for making the differential wage payment. If the employer fails to comply to the order, then the matter is referred to the Certificate Officer. |

|  |
| --- |
|  |
| INSPECTION UNDER THE MINIMUM WAGES ACT 1948 & CORRESPONDING STATE RULES 1980 |

|  |
| --- |
| PART-1 General |
|  |
| 1. Nature of Business Factory/Establishment/Shop |
|  |
| 2. Number of workers employed: |
|  |
| (a) Men (b) Women (c) Adult |
|  |
| (d) Children |
|  |
| 3. Wage Period |
|  |
| 4. Date of Payment of Wages |
|  |
| 5. Mode of payment Cash / Cheque/ECS |
|  |
| PART-II Registers & Records |
|  |
| Whether following Registers/ records have been maintained:- |
|  |
| 1. Register of fine (in Form-I) (under Rule 22(4). Yes/No |
|  |
| 2. Register of deduction for damage or loss (in Form-II) (under Rule 22(4). Yes/No |
|  |
| 3. Overtime Register for workers (in Form- IV) (under Rule 27(2). Yes/No |
|  |
| 4. Muster Roll (in Form-V) (under Rule 28(5)). Yes/No |
|  |
| 5. Abstracts of Minimum Wages Act, 1948 and Rules Framed There under (in Form- IX A) |
| (under Rule 22 of Central Act). Yes/No |
|  |
| 6. Register of Wages (in Fom-XII) (under Rule 28(1). Yes/No |
|  |
| 7. Wages Slip (in Form-XIII) (under Rule 28(2). Yes/No |
|  |
| PART-III Return |
|  |
| 1. Whether Annual Returns submitted (in Form-III) (under Rule 22(5). Yes/No |
|  |

|  |
| --- |
| CHECKLIST FOR INSPECTION UNDER THE MINIMUM WAGES ACT, 1948 & CORRESPONDING STATE RULES, 1980. |
|  |
|  |
| 1. Name & address of establishment/employer/proprietor. |
|  |
| 2. Date of commencement of Establishment. |
|  |
| 3. Registration code under PF/ESI/Registration No./License No. |
|  |
| 4. Working Hours. |
|  |
| 5. Wage period and date of payment. |
|  |
| 6. Nature of Work. |
|  |
| 7. Weekly holiday:- |
|  |
| 8. Number of workers employed on the date of inspection:- |
| Regular / Contract Labour Total: |
| Male |
| Female |
| Total: |
|  |
| 9. Name and designation of employers/ representatives/Responsible officer present  during the inspection. |
|  |
| 10. Notice and abstract of the Act displayed. |
|  |
| 11. Registration /Licenses/Code taken under EPF/ESI/CL(R&A)/or any other Act  applicable in the establishment. |
|  |
| 12. Register of fine (in Form I). |
|  |
| 13. Register of deduction for damage or loss (in Form - II). |
|  |
| 14. Register of Wages (in Form XII). |
|  |
| 15. Overtime Register for Workers (in Form - IV). |
|  |
| 16. Muster Roll (in Form-V). |
|  |
| 17. Wages Slip (in Form-XIII). |
|  |
| 18. Annual Returns (in Form-III). |