|  |
| --- |
|  |
| COMPLIANCE INSPECTION UNDER THE PAYMENT OF WAGES ACT 1936 & CORRESPONDING STATE RULES 1980. |
|  |

|  |  |
| --- | --- |
| **PROCEDURES:** | |
| 1. | District Assistant Labour Commissioner Office / Factory Inspector identifies/ prepares a list of shops and establishment/factories etc. for compliance inspection including allocation of inspectors. Date of inspection may/ 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. Fine/ Deduction Register.  d. Display of abstract of Act.  e. Public display of Name of Inspector.  f. 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 with his recommendation for initiating necessary actions (if applicable). |
| 8. | For any non-compliance, 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 submit 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 | 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, District Assistant Labour Commissioner Office / Inspector will initiate the following actions in parallel:   **Recovery of Claims**: If the differential payment has not been made, a case is filed in the appropriate court. Case is filed by the inspector in the court and appropriate court will issue order to the concerned employer for making the wages with compensation payment. If the employer fails to comply to the order, then the matter is referred to the Certificate Officer. |

|  |
| --- |
| INSPECTION UNDER THE PAYMENT OF WAGES ACT 1936 & CORRESPONDING STATE RULES 1980. |
|  |

|  |
| --- |
| PART-1 General |
|  |
| 1. Nature of Business Factory/Workshop/Construction/Others (Please specify) |
|  |
| 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 Observation |
|  |
|  |
| 1. Whether any deduction not permissible under the Act has been observed. If yes Please specify.  Yes/No |
|  |
| 2. Whether deductions are within the limit as prescribed under the Act. Yes/No |
|  |
| 3. Whether deduction damage or loss cause to the employer was due to neglect or default of the  employed person concerned. Yes/No |
| 4. Whether any opportunity of showing cause was given to the employed person before making any |
| deduction. Yes/No |
|  |
| 5. Whether all deductions & realizations have been recorded in the register kept with person  responsible for payment of wages. Yes/No |
| 6. Whether approval has been obtained in respect of acts & omissions has been obtained on which  fine may be imposed. Yes/No |
|  |
|  |
| 7. Whether notice specifying such acts & omissions found exhibited in the premise. Yes/No |
|  |
| 8. Whether any fine has been imposed on any employee from the date of previous inspection to till  date. If yes, the details thereof with total amount of fine, period of recovery. Yes/No |
|  |
| 9. Whether all fines & realizations have been recorded in the register kept with person responsible  for payment of wages. Yes/No |
|  |
| 10. Whether deduction on account of providing house accommodation amenity or service has been |
| accepted by employee. Yes/ No |
|  |
| 11. Whether abstract of the Act and Rules made there under in Form-V displayed. Yes/No |
|  |
|  |
| PART-III Registers |
|  |
|  |
| 1. Wages register. (Rule 5) |
|  |
| 2. Register of advance. (Form III, Rule 17) |
|  |
| 3. Register of fine. (Form I, Rule 3) |
|  |
| 4. Register of deductions. (Form II, Rule 4) |
|  |
| 5. Nomination and Declaration Form (in Form-I of Central Act). |
|  |
|  |
|  |
|  |
| PART-IV Return |
|  |
|  |
| 1. Whether Annual return in Form No. IV (Rule 18) submitted. Yes/No |
|  |
|  |
|  |
|  |
|  |
|  |
|  |
|  |

|  |
| --- |
| CHECKLIST FOR INSPECTION UNDER THE PAYMENT OF WAGES ACT, 1936 & 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 employer/s representatives/Responsible officer present  during the inspection. |
|  |
| 10. Notice and abstract of the Act displayed (Form V, Rule 22). |
|  |
| 11. Registration /Licenses/Code taken under EPF/ESI/CL(R&A)/or any other Act  applicable in the establishment. |
|  |
| 12. Muster Roll. |
|  |
| 13. Wages Register (Rule 5). |
|  |
| 14. Annual Return (in Form IV). |
|  |