

**Circular Memorandum**

Sub: Ease of Doing Business – Online Common Inspection Scheme of Commissioner of Labour – Revised instructions sent – Reg.

Ref: 1. G.O. (Ms.) No.151, Labour and Employment (H2) Department, dated: 31.08.2017.

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The kind attention of the Officers is invited to the references cited.

In the first reference read, the Government have issued orders for online inspection Single Joint Inspection to regulate the inspections conducted by the inspecting officers from the level of Assistant Inspector of Labour to the Additional Commissioner of Labour in their respective jurisdiction, the Government has given specific responsibility and accountability in taking up inspections of various categories of establishments along with its allocation depending upon number of employees and category of the establishment etc., under various Labour Laws and Legal Metrology Act as per the orders of the Government and online inspections are conducted by the inspecting offices.

The following revision of the existing Risk Categorisation and allocation of Inspectors are enclosed:-

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|----|--|-------------------------|
| 1. | Risk Categorization on the basis of nature of activity of the Establishment  | Annexure – I attached   |
| 2. | The allocation of Establishments for Registration/Renewal/Licence/ Inspection will be done based on the following category (except Principal Employer License) | Annexure – II attached  |
| 3. | Timeline for issue of Licences / Registration Certificates under various Acts and Rules  | Annexure – III attached |

All the Officers are instructed to scrupulously follow the revised existing Risk Categorisation and instructions issued by this office and act accordingly:-

- (i) Allocation of inspecting Officer / Registering Officer
- (ii) The inspection will be conducted by the designated inspecting officer on the designated date in respect of all the Laws by way of a single Joint Inspection.
- (iii) The same Inspecting officer will not inspect the same establishment twice consecutively.
- (iv) System ensures that the same establishment is not allotted to the same inspector for a period of 3 years.
- (v) System randomly allocates establishments to the inspecting officers and the inspecting officers inspects the allotted establishments. In case of inspection of an establishment in the area other than the jurisdiction of inspecting officer, the inspecting officer having administrative jurisdiction shall take up follow up action.
- (vi) In case any complaint is received alleging violation of any Legal Metrology / labour law/ false declaration under Self Certification Scheme by any Employer / Establishment, such cases will be referred to the Commissioner of Labour who will decide on the further course of action.
- (vii) The above operational guidelines shall be followed scrupulously and any violation in this regard will be construed as dereliction of duty and erring officials will be liable for disciplinary action.
- (viii) The timeline for Registration, Renewal, License etc., as per enclosed Annexure-III should be adhered scrupulously.

The receipt of the memo should be acknowledged.

**Encl:** As above

**Commissioner of Labour.**

To

All the Additional Commissioner of Labour

All the Joint Commissioner of Labour

All the Assistant Commissioner of Labour (Enforcement)

(They are instructed to circulate the memo to their subordinate Officers of their jurisdiction and obtain acknowledgement and keep it in their office file)

All the Deputy Inspectors of Labour

All the Assistant Inspectors of Labour

All the Stamping Inspectors

Copy to Stock File

**RISK CATEGORIZATION ON THE BASIS OF NATURE OF ACTIVITY OF THE ESTABLISHMENT**

Name of the Act under which Establishment covered	Establishment Category	Existing	Revised
<p><b><u>Labour Laws</u></b></p> <p>1.TheTamilnadu Shops and EstblishmentAct,1947  2.The Tamil Nadu Catering Establishments Act. 1958  3.The Contract Labour (Regulation and Abolition) Act, 1970.  4.The Inter-State Migrant workmen (Regulation of Employment and Condictions of Service) Act.1979.  5.The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.  6.The Maternity Benefit Act, 1961  7.The Motor Transport workers Act, 1961  8.The Minimum Wages Act, 1948.  9The Tamil Nadu Labour Welfare FundAct, 1972.  10.The Payment of Bonus Act 1965  11.The Payment of Gratuity Act 1972  12.The Equal Remuneration Act, 1976.  13.The Tamil Nadu Industrial Establishment (National and Festiv al Holidays) Act, 1958.  14.The Payment of Wages Act, 1936.  15.TheTamilnadu Industrial Establishments (Conferment of Permanent Statusto workmen) Act, 1981.  6.The Industrial Employment Standing orders Act, 1946.  17.The Working Journalists and Other Newspaper Employees (Conditions of Service andMiscellaneous Provisions) Act, 1955.  18.The Sales Promotion Employees (Conditions of Services) Act, 1976.  19.TheBeedi and Cigar workers (Conditions of Employment) Act, 1966.  20.The Cine Workers and Cinema Theatre workers Act, 1981.  21.The Payment of Subsistence Allowance Act, 1981.</p>	Low Risk	Those employing from 1 to 9 workers	Establishment employing from 1 to 9 workers (including contract workers)

	Medium Risk	Those employing 10 to 49 workers.	<p>The establishments undertaking the following activities are categorized as medium risk establishment.</p> <p>(a) Establishment employing 10-49 workers (including contract workers).</p>
	High Risk	Those employing more than 50 workers.	<p>The establishments undertaking the following activities are categorized as high risk establishment.</p> <p>(a) Establishment employing upto 50 workers (including contract workers).</p> <p>(b) Establishment employing more than 25% of total workers on contract basis.</p>

**The allocation of Establishments for Registration/Renewal/Licence/Inspection will be done based on the following category (except Principal Employer Licence)**

Name of the Act under which Establishment covered	Sl. No	Allocation of Inspection officer/Registering officer			
		EXISTING		REVISED	
		No. of workers	Inspecting officer	No. of workers	Inspecting officer
<b><u>Labour Laws</u></b> 1.TheTamilnadu Shops and EstblishmentAct, 1947 2.The Tamil Nadu Catering Establishments Act. 1958 3.The Contract Labour (Regulation and Abolition) Act, 1970. 4.The Inter-State Migrant workmen (Regulation of Employment and Condictions of Service) Act.1979. 5.The Child and Adolescent Labour (Prohibition and Regulation) Act, 1986. 6.The Maternity Benefit Act, 1961 7.The Motor Transport workers Act, 1961 8.The Minimum Wages Act, 1948. 9The Tamil Nadu Labour Welfare Fund Act, 1972. 10.The Payment of Bonus Act 1965 11.The Payment of Gratuity Act 1972 12.The Equal Remuneration Act, 1976. 13.The Tamil Nadu	1	Establishment employing 1-49 workers	Assistant Inspector of Labour	Establishment employing 1-49 workers	Assistant Inspector of Labour(Except Beedi Establishment)
				Beedi Establishment employing 1-49 workers	Assistant Inspector of Labour
	2	Establishment employing 50-99 workers	Deputy Inspector of Labour	Establishment employing 50-99 workers	Assistant Commissioner of Labour (Except Beedi Establishment)
				Beedi Establishment employing 50-99 workers	Assistant Inspector of Labour
	3	Establishment employing 100-249 workers	Assistant Commissioner of Labour	Establishment employing 100-149 workers	Assistant Commissioner of Labour(Except Beedi Establishment)
				Beedi Establishment employing 100-149 workers	Assistant Inspector of Labour
			Assistant Commissioner of Labour	Establishment employing 150-249 workers	Joint Commissioner of Labour (Except Beedi Establishment)
				Beedi Establishment employing 150-249 workers	Assistant Commissioner of Labour

<p>Industrial Establishment (National and Festival Holidays) Act, 1958.  14.The Payment of Wages Act, 1936.  15.TheTamilnadu Industrial Establishments (Conferment of Permanent Status to workmen) Act, 1981.  16.The Industrial Employment Standing orders Act, 1946.  17.The Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act, 1955.  18.The Sales Promotion Employees (Conditions of Services) Act, 1976.  19.The Beedi and Cigar workers (Conditions of Employment) Act, 1966.  20.The Cine Workers and Cinema Theatre workers Act, 1981.  21.The Payment of Subsistence Allowance Act, 1981.</p>					
	4	Establishment employing 250-499 workers	Joint Commissioner of Labour	Establishment employing 250-499 workers	Additional Commissioner of Labour (Except Beedi Establishment)
				Beedi Establishment employing 250-499 workers	Assistant Commissioner of Labour
	5	Establishment employing 500 workers and above	Additional Commissioner of Labour	Establishment employing 500-999 workers	Additional Commissioner of Labour (Except Beedi Establishment)
				Beedi Establishment employing 500-999 workers	Joint Commissioner of Labour
				Establishment employing above 1000	Additional Commissioner of Labour (Except Beedi Establishment)
				Beedi Establishment employing above 1000	Additional Commissioner of Labour

**Annexure-III****TIMELINE FOR ISSUE OF LICENCES / REGISTRATION CERTIFICATES UNDER VARIOUS ACTs AND RULEs**

Sl.No.	Name of Acts	Services	1st Level Verification	2nd Level Verification	Final Approval	Total Time Limits
1	Tamil Nadu Shops and Establishment Act, 1947	Registration	Awaiting	---	---	---
2	The Tamil Nadu Catering Establishment Act, 1958	Registration	7	---	---	7 Days
		Renewal / Amendment	3	---	---	3 Days
3	The Contract Labour (Regulation and Abolition) Act, 1970	Registration	7	---	---	7 Days
		Licence	7	---	---	7 Days
		Renewal / Amendment	3	---	---	3 Days
4	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.	Registration	7	---	---	7 Days
		Licence	7	---	---	7 Days
		Renewal / Amendment	3	---	---	3 Days
5	The Trade Unions Act, 1926	Registration	30	---	---	30 Days
		Amendment	7	---	---	7 Days
6	The Motor Transport Workers Act, 1961	Registration	5	3	7	15 Days
		Renewal / Amendment	3	2	2	7 Days

7	Tamil Nadu Beedi And Cigar Workers (Condition of Employment) Rules, 1968	Licence	7	---	---	7 Days
		Renewal / Amendment	3	---	---	3 Days
8	The Plantation Labour Act, 1951	Registration	7	---	---	7 Days
		Amendment	3	---	---	3 Days
9	Legal Metrology Act, 2009 (a) DEALER / REPAIRER / MANUFACTURER	Licence	7	3	5	15 Days
		Renewal	3	2	---	5 Days
		Amendment	3	2	2	7 Days
	Legal Metrology Act, 2009 (b) PACKAGED COMMODITIES RULES - PACKER / IMPORTER	Registration	3	2	2	7 Days
		Amendment	3	2	2	7 Days