

**OFFICE OF THE COMMISSIONER OF LABOUR
A.P.HYDERABAD.**

Memo No. I/6240/2015,

Dated:21.11.2015.

Sub: Labour Department – Synchronized Online Inspections – Online Inspection Portal – Instructions issued – Reg.

Ref: This office Memo of even No. dated 27.06.2015.

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(1) Brief History and Concept of “Online Inspection Portal”

A. Background

Under instructions from the Government of India (DIPP) and also the State Government, as a part of reforms on “Ease of Doing Business” an Online Inspection Portal has been developed in the State, on the lines of Central Government “Shram Suvidha Portal” to provide IT platform in more efficient, transparent and accountable manner to encourage the industry to comply the service conditions and social security provisions envisaged in various Labour Laws.

Link for the Online Inspection Portal is provided in the Home Page of Labour Department Web Site and inspecting officers are required to login with the User I D provided to them (List enclosed).

The criterion of selection of establishments to be inspected by the designated officers is as follows:

B. Acts covered

To begin with, it is proposed that synchronized online inspections shall be under the following Acts.

1. AP Shops & Estts. Act, 1988
2. Motor Transport Workers Act, 1961
3. Beedi & Cigar Workers Act, 1966
4. Contract Labour Act, 1971
5. Inter State Migrant Workmen Act, 1979
6. Building & Other Construction Workers Act, 1996.
7. Payment of Gratuity Act, 1972.
8. Minimum Wages Act, 1948
9. Equal Remuneration Act, 1976.
10. Payment of Bonus Act, 1965

11. Child Labour (P & R) Act, 1986
12. A.P. National Festival & Other Holidays Act, 1974
13. A.P. Labour Welfare Fund Act, 1987
14. Maternity Benefit Act, 1961
15. Payment of Wages Act, 1936

C. INSPECTING OFFICERS:

- Asst. Labour Officers, Asst. Commissioners of Labour, Dy. Commissioners of Labour and Jt. Commissioners of Labour in the field, Additional Commissioner of Labour and Commissioner of Labour, Joint Commissioner of Labour and Asst. Commissioners of Labour in Head Office.

D. SUPERVISORY OFFICERS:

- The Dy. Commissioner of Labour of the district shall be the supervisory officer in respect of online inspections of Asst. Labour Officers and Asst. Commissioners of Labour.
- The Commissioner of Labour / Additional Commissioner of Labour shall be the supervisory officer in respect of online inspections of Dy. Commissioners of Labour and Jt. Commissioners of Labour.

E. ESTABLISHMENT SELECTION CRITERIA

- A system generated unique ID number is given to each establishment in the data base.
- The Data base of the establishments for online portal is developed from:
 - 1) Establishments under Integrated Registration Act furnished by mee-seva updated once in a month,
 - 2) Factories List furnished by the Factories Dept.,
 - 3) Shops & Establishments, Motor Transport Undertaking, Societies and Trusts furnished by AP Labour Welfare Board through NIC,
 - 4) Data furnished by the Department Officers in respect of Establishments under their jurisdiction as per G.O.Ms.No.33
 - 5) Establishments inspected under the quota of Unregistered Establishments
 - 6) Other sources

F.ONLINE ALLOCATION OF ESTABLISHMENTS FOR INSPECTION

Allocation of Establishments to be inspected by Inspecting officers during the month is done on the basis of random allocation by the system on the components of criteria as follows:

1. Jurisdiction earmarked in G.O.33
2. Selected on the basis of Number of Workers from Top Below
3. Depending on the Category
4. Based on the complaints of workers. A provision is being made in the Website of the Department to lodge complaints about violation of Labour Laws, which will generate acknowledgement to the complainant. After verifying the genuineness of the complainant, the complaint will be added to the Database.
5. Risk assessed allotment taking into account the rank of the Establishment based on “**online common annual return which will be treated as Self certification**” filed under Integrated Registration Act. No violations/proved complaints consecutively for 4 years to be treated as A Category - Only records violation to be treated as B Category - Violations of less payments/non payments and gross violations to be treated as C Category.
6. Establishments selected under compulsory inspection category as specified by the Commissioner of Labour, duly giving reasons for such selection.
7. New Establishments to be identified by the Inspector, which are not found in the data base
8. Out of total number of inspections for each category Officer, certain % will be allotted to categories falling under 2,3,4,5 (B Category–lesser number and C category – More number) 6 and 7.

P.S: During November and December, 2015, out of the allocated establishments for the month, 80% are new/unregistered establishments and 20% existing registered/covered establishments. These are online inspections on trial basis.

G. Elimination Criteria (Establishments not required to be inspected):

1. Establishments secured "A" grade in the rating
2. Establishments covered by SEZs.
3. Establishments, if any, exempted from Inspections by the Government.
4. Establishments inspected during the last 12 months by the Inspector

(2) INSTRUCTIONS TO INSPECTING OFFICERS:

1. All the Inspecting Officers are hereby informed that from November, 2015 onwards, they shall take up inspection of establishments allotted online only.

2. All the inspecting officers shall compete online inspection of the establishments allotted by the system during the scheduled month it self and any deviation will amount to non fulfillment of monthly target.

3. The inspecting officers have to fill the inspection report in their Tab and submit to the portal instantly. The Inspection Report will thereafter be sent through e-mail of the Establishment/Employer furnished in the Inspection Report and SMS will be sent to the mobile of the employer of the establishment.

4. In case of non-availability of net connectivity temporarily, the inspecting officer shall take up inspection of the establishment save the data and automatically push the same to the server as and when gets net connectivity. An option to save the data is provided in the application for this purpose. This process should be completed within 24 hours from the time of inspection.

5. On submitting the Inspection report online, MIS Report will be received by the Supervisory Officer who in turn shall record his remarks within 7 days. If no remark is recorded by the supervisory office within 7 days, the system will automatically generate the Inspection order cum Notice based on the Inspecting Officer's findings and send e-mail to the Employer/Establishment.

6. If the supervisory officer records his remarks deviating from the routine action, the inspecting officer shall proceed to generate an Inspection Report –cum-Notice accordingly and shall despatch the same through e-mail and send SMS to the Employer.

7. The employer shall submit the compliance within one month through e-mail and a copy by post in confirmation, failing which the inspecting officer shall proceed to take up further action i.e. file prosecution / claim application before the appropriate court / authority.

8. At present option for issue of automated Inspection Report – cum – Notice is enabled. Provision for remaining options like issue of automated Claim Application, Charge Sheet etc. is in process and may take time in view of complexity involved in designing.

9. All the inspecting officers shall invariably maintain back up of each and every inspection document in their system for which an option to download in pdf form is provided in the application.

10. It is the responsibility of the inspecting officers to preserve the digital data of the online inspections and the data shall be verified by the supervisory and higher officers during casual and regular office inspections.

11. During trial period in November and December, 2015 the Inspecting officers are requested to carryout online inspection in respect of only 2 (two) establishments in November, 2015 and 5 establishments (2 registered & 3 unregistered) in December, 2015 covered by maximum number of Acts specified for online inspection on trial basis. The Inspecting officers are requested to furnish in the home page of the inspection portal feedback on the functioning of the application with suggestions if any to improve its functioning.

12. The inspecting officers may contact Sri R. Ravibhushan Rao, JCL-I (mobile: 9491141057), Sri M. Ramachandra Moorthy, ACL (mobile: 9704601593) and Sri Someshawara Rao, IT Personnel (mobile: 9490784976) for assistance and help.

13. The Jt. Commissioners of Labour of the Zone and the Dy. Commissioners of Labour of the district shall ensure that all the Inspecting officers take up the online inspections.

**SD/- D.VARAPRASAD
COMMISSIONER OF LABOUR**

To

The Joint Commissioners of Labour in the State,
The Dy. Commissioners of Labour in the State
The Asst. Commissioners of Labour & Asst. Labour Officers
through the Dy. Commissioner of Labour concerned

Copy to:

The Principal Secretary to Government, LET&F Department,
The OSD to Hon'ble Minister for Labour,
All Officers in HO,
Secretary, APBOCWW Board,
Welfare Commissioner, AP Labour Welfare Board