

GOVERNMENT OF ODISHA
LABOUR & ESI DEPARTMENT

RESOLUTION

Bhubaneswar dated the 30th May, 2015

LL-II-FM-15/2015-4870/LESI, After careful consideration, the Government of Odisha is pleased to introduce a "Voluntary Compliance Scheme for Industries & Commercial Establishments" which seeks to simplify the processes involved in implementation of labour laws while ensuring a more effective system for compliance with labour statutes.

This scheme will be implemented through the Labour & ESI Department and will apply to the various labour laws being implemented by the office of the Labour Commissioner, Odisha and its subordinate offices. This scheme aims to facilitate employers to comply with the provisions of the various labour statutes while protecting the interest of workers to create a harmonious relationship between employers, workers and the labour administration.

A. DETAILS OF THE SCHEME

1. This scheme will be applicable to all factories, shops, commercial establishments, motor transport establishments and other industrial establishments, except hazardous factories/establishments.
2. Any entrepreneur or employer will be free to join this scheme, on a voluntary basis.
3. This scheme will cover inspections and compliances under the following Acts and their related Rules:
 - (i) The Contract Labour (Regulation and Abolition) Act, 1970 and Rules, 1975.
 - (ii) The Equal Remuneration Act, 1976.
 - (iii) The Industrial Disputes Act, 1947
 - (iv) The Inter State Migrant Workmen (Regulation of Employment and Condition of Service) Act 1979 and Rules 1980.
 - (v) The Labour Laws (Exemption from Furnishing Returns and Maintaining Registers by Certain Establishment) Act, 1988.
 - (vi) The Maternity Benefit Act, 1961 and Rules 1966.
 - (vii) The Minimum Wages Act, 1948 and Rules 1954.
 - (viii) The Motor Transport Workers Act, 1961 and Rules 1966

- (ix) The Industrial Employment (Standing Order) Act, 1946.
- (x) The Orissa Shops and Commercial Establishment Act, 1956 and Rules, 1958.
- (xi) The Payment of Bonus Act, 1965 and Rules 1975.
- (xii) The Payment of Gratuity Act, 1972 and Rules 1974.
- (xiii) The Payment of Wages Act, 1936 and Rules 1936.
- (xiv) The Sales Promotion Employees (Condition of Service) Act and Rules, 1976.
- (xv) The Orissa Industrial Establishment (National Festival) Holidays Act, 1969.
- (xvi) The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Central Act) and Rules, 2002.
- (xvii) The Beedi and Cigar Workers (Condition of Employment) Act, 1966 and Rules, 1969.
- (xviii) The Working Journalists (condition of Service) and Miscellaneous Provision Act, 1955.

4. The designated authority for this scheme will be the Labour Commissioner, Odisha or any other officer authorized by the Government in Labour & ESI Department for this purpose

5. Procedure for joining the Scheme:-

- a) Any employer/entrepreneur desiring to opt for this Scheme should apply to the Labour Commissioner, Odisha/designated authority with a copy to the concerned District Labour Officer of the district in the prescribed **Form-I** along with a declaration in shape of affidavit as prescribed in **Form-II**. Any discrepancies in the application or enclosure shall be communicated to the applicant within 30 days from the receipt of the application in the office of the Labour Commissioner/ designated authority. In case no discrepancy is so communicated, the applicant shall be deemed to have been enrolled under the Scheme.
- b) There is no fixed time limit to join with the Scheme. In other words, any employer can opt to join the Scheme at any time.
- c) The employer/entrepreneur joining the Scheme will have to submit a combined annual return in the prescribed **Form-III** for every calendar year, on or before the 1st of February of the succeeding year to the Labour Commissioner, Odisha/designated authority,

with a copy to the District Labour Officer of the concerned district. If the return is not filed within the time-limit, a reminder will be sent to employer/entrepreneur through SMS / Email / written information and 15 days extra time will be given for filing the return.

- d) The employers/entrepreneur will have to maintain the registers prescribed under different labour laws and the same should be made available at the time of inspection.

6. Inspection of the establishments joining the Scheme:-

- a) Industries / establishments covered under the Scheme will be inspected once in 3 years after giving them prior information. The selection of 30% of industries/establishments under the scheme for inspection every year would be done on random basis by the Labour Commissioner/ designated authority. The inspection conducted will be a combined inspection covering all applicable labour laws. The industries / establishments where shortcomings are noticed will be given notice to rectify the shortcomings identified within a given time-limit. If after such notice, the employer/entrepreneur fails to rectify the shortcomings, necessary legal action will be taken under the relevant labour laws.
- b) If any complaint is filed or information received about violation of labour laws by an industry/establishment covered under this Scheme, then decision will be taken at the level of the Labour Commissioner/ designated authority for additional inspection. In such cases, it will be decided by the Labour Commissioner/ designated authority as to whether such inspection will be conducted by giving prior information or not, considering the subject matter of complaint.

7. Benefits for those establishments that prepare option of voluntary compliance scheme:-

The industries/establishments covered under this Scheme will be inspected once in 3 years and will be exempted from excess inspections under various labour laws. The inspection will be conducted with prior intimation and the purpose of the inspection will be to provide guidance to the industry/establishment to comply with the provisions of the law.

8. Options of quitting the Scheme :-

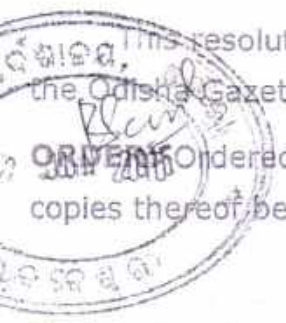
- (i) If any entrepreneur or employer wants to quit the Scheme, he can do so at any time by giving one month's prior notice.
- (ii) If the compliance to a report of inspection process is pending against any industry/establishment within the time period of the Scheme or if the investigation of a complaint is pending or in process against the said industry/establishment, then the Scheme for that industry/establishment will remain suspended till submission of the compliance report satisfactorily and/or completion of the investigation of the complaint, as the case may be.

9. Penalty for submitting false information or violating the provision of the scheme:-

If it is detected that any employer/entrepreneur submitted false information in the Forms>Returns filed by him, or it is found during the course of inspection that false entries have been intentionally made in the prescribed records/registers, then necessary legal action shall be taken against such employers/entrepreneurs under the provisions of law.

10. Miscellaneous:-

- a) The entrepreneur/employer completing 3 years successfully under the Scheme will have the option to quit the Scheme or renew it for the next 3 years.
- b) The date on which the application form is submitted by the employer, will be considered as the date of commencement of the term of the Scheme. In case there is any discrepancy pointed out by the Labour Commissioner/ designated authority, the Scheme will be applicable from the date on which the approval to the revised application is given by the Labour Commissioner/ designated authority
- c) The application for joining the Scheme along with declaration can be prepared by following officers:-
 - (i) In case of a single employer / proprietorship establishment, the employer / proprietor himself.
 - (ii) Any partner of a partnership firm or the Manager.
 - (iii) Authorized Director or Managing Director of a Company.
 - (iv) Occupier or Manager of a Factory.



This resolution shall come into effect from the date of publication in the Odisha Gazette.

Ordered that the resolution be published in Odisha Gazette and copies thereof be forwarded to all concerned.

Enclosures: Forms- **I,II and III**

By order of the Governor

Principal Secretary to Government

Memo No.4871/LESI, dated the 30th May, 2015

Copy forwarded to the Gazette Cell in charge, Odisha gazette Cell, C/o- Commerce Department, Odisha Secretariat, Bhubaneswar with a request to publish the above Resolution in the next issue of the Odisha Gazette and supply 100 printed copies thereof to this Department.

Under Secretary to Government

Memo No. 4872/LESI, dated the 30th May, 2015

Copy forwarded to all Departments of Government for information and necessary action.

Under Secretary to Government

Memo No.4873/LESI, dated the 30th May, 2015

Copy forwarded to P.S to Hon'ble Minister, Steel & Mines and Labour & ESI / Pr. P.S to Principal Secretary to Govt., Labour & ESI Department / All Heads of Department under the control of Labour & ESI Department / All Officers / All Sections of Labour & ESI Department for information and necessary action.

Under Secretary to Government

Memo No.4874/LESI, dated the 30th May, 2015

Copy forwarded to State Head Portal, IT Centre, Secretariat Building, Bhubaneswar for information and necessary action. He is requested to upload the said Resolution in this Department Website.

Under Secretary to Government

**Voluntary Compliance Scheme
APPLICATION-FORM**

To,

**The Labour Commissioner,
Odisha, Bhubaneswar**

District Labour Officer,
District : _____

Subject : Application to join Voluntary Compliance Scheme

The undersigned applies to join the **Voluntary Compliance Scheme** of Labour and E.S.I.Department, Government of Odisha.

Details of our establishment are as follows:-

- (i) Name and address of the Establishment :
- (ii) Registration No. the Establishment :
- (iii) Name of the Acts under which the
Establishment is registered :
- (iv) Type of ownership : Proprietary/Partnership/Company
- (v) Details of business/work/product
Of the Establishment :
- (vi) Maximum no. of workers employed
During the year of application
(including contract labour) :
- (vii) Name and address of the Employer(s) :
- (viii) E-mail address and Telephone no.
of Employer(s) :
- (ix) Mobile No for sms alert :

I have read and understood all provisions of the scheme. Our/My establishment is not classified as dangerous / hazardous under section 85 of the Factories Act, 1948. I undertake to comply fully with the provisions of the scheme. I declare that the details furnished above are true to the best of my knowledge and belief.

Place : _____

Date : _____

Signature of Applicant

Name _____

Designation in Establishment _____

AFFIDAVIT

(To be filled by the Owner /Occupier/Manager on a Non judicial Stamp Paper of Rs 20/-)

I....., Son/Daughter of
Shri.....Resident of..... and Owner
/Occupier/Manager of M/s..... hereby declare under oath as follows:-

I have applied for grant of coverage unit by the name of
.....situated at (complete address of the unit).....
under the "Voluntary Compliance Scheme for Industries & Commercial Establishments" as
notified by the Labour and E.S.I. department, Govt. of Odisha.

1. That, after reading and understanding the terms and conditions of the "Voluntary Compliance Scheme for Industries & Commercial Establishments" initiated by Labour Department, Government of Odisha, I have applied to join the Scheme and have submitted my application in the prescribed format.
2. That, I undertake to abide by all provisions of the Scheme. I also undertake to maintain the statutory registers prescribed under different labour laws and submit the annual return prescribed under this Scheme, within the time limit prescribed.
3. That I am complying and will continue to comply with all provisions of labour laws covered under the "Voluntary Compliance Scheme for Industries & Commercial Establishments".
4. That, I promise not to make false entries in the register or returns. All details of the application submitted by me shall be deemed as part of this declaration.

Place :

(Signature)

Date :

Name of Deponent

Designation in the Establishment

Verification

I, the above named deponent do solemnly affirm and declare on oath that the statement made above and the information furnished in my application are true to the best of my personal knowledge and belief. Nothing stated is untrue and no information has been concealed.

Place : (Signature)

Date :

Name of Deponent

Designation in the Establishment

Combined Annual Return**General Particulars -**

I(a) Name and full address of the Factory/Establishment (including Building and Other Construction of Work/Motor Transport undertakings, etc.)

| | Factory / Establishment | Regd. / Administrative / Head Office |
|----------|-------------------------|--------------------------------------|
| Name | | |
| Address | | |
| Tel: | | |
| Fax : | | |
| E-Mail: | | |
| Website: | | |

(b) Name and Residential address of the Proprietor/Partner/ Directors / Employer/ Principal/ Employer / Occupier. (tick which ever is applicable)

| Sl. No. | Name Father's Name | Designation | Residential Address | Tel/Mobile/E-mail |
|---------|-----------------------|-------------|---------------------|-------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

(c) Name and Residential address of the Person responsible for the day to day conduct and control of business.

| Name | Residential Address | Tel/Mobile/E-mail |
|------|---------------------|-------------------|
| | | |

(d) Name and Residential address of occupier and Manager as named under the Factories Act, 1948.

| Sl. No. | Name | Designation | Residential Address | Tel/Mobile/E-mail |
|---------|------|-------------|---------------------|-------------------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

2. **Date of commencement of Manufacturing/Business/Establishment/ Factories/
Construction of Works.**

2(A) **Nature/Type of Industries/Establishments.**

2(B) **Particulars of Products Manufactured/Services Rendered.**

| Name of the product/ Services | Annual Installed capacity | Quantity Manufactured | Percentage achieved | Value |
|-------------------------------|---------------------------|-----------------------|---------------------|-------|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

3. **Registration and License**

Registration No.

License No.

(a) Factories Act, 1948

(b) Contract Labour (R&A) Act, 1970

(c) O.S and C.E. Act, 1956

(d) ISMW (RE & CE) Act, 1979

(e) M.T.W. Act, 1961

(f) Building and Other Construction Workers (RECS) Act, 1996.

(g) Beedi and Cigar Workers (C.E) Act, 1966.

4. **No. of workmen/employees directly employed**

| Sl. No. | Category | Male | Female | Adolescent | Child | Total |
|---------|------------------------|------|--------|------------|-------|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| 1 | Unskilled | | | | | |
| 2 | Semi-skilled | | | | | |
| 3 | Skilled | | | | | |
| 4 | Highly skilled | | | | | |
| 5 | ITI / Diploma | | | | | |
| 6 | Degree-Engg. | | | | | |
| 7 | Executive | | | | | |
| 8 | Probationer / Trainees | | | | | |

5. Particulars of employment in Factories / Establishments / Motor Transport Undertakings / Building Construction of Work, etc.

(a)

| No. of person or Roll as on 1 st January | No. of Person on Roll as on 31 st December | No. of days Factory/ Establishment/ Building & Other Construction Works, etc. carried on | No. of days Factory/ Establishment/ closed | No. of mandays worked during the year | No. of man-hours worked including O.T. during the year | Total amount of salary/ wages paid including O.T. wages & allowance |
|---|---|--|--|---------------------------------------|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

(b) Average number of employment during the year :-

| Men | Women | Adolescent | Child | Total |
|-----|-------|------------|-------|-------|
| | | | | |

(C) No. of employees discharged/dismissed/terminated/retrenched/resigned or retired during the year.

| | No. of workers | | | | Amount of benefits paid (benefit-wise) |
|-------|---------------------------|------------|-----------------------------------|-----------------------|--|
| | Retired on superannuation | Retrenched | Discharged/ terminated/ dismissed | Paid terminal benefit | |
| Men | | | | | |
| Women | | | | | |
| Total | | | | | |

In respect of Minimum Wages & Payment of Wages etc.

6. Particulars of deduction made from salary / wages.

| | No. of Employees involved | Total Amount of deduction made |
|-----------------------|---------------------------|--------------------------------|
| 1. Fines | | |
| 2. Damages / Loss | | |
| 3. Breach of Contract | | |
| 4. Others | | |
| 5. Total | | |

In respect of the Orissa Shops & Commercial Establishment Act, 1956 / Orissa Industrial Establishment (National & Festival) Holidays Act, 1969.

7. Particulars of earned leave with wages / National & Festival holidays with wages.

| Total No. of persons employed | No. of employees eligible for earned leave | No. of employees availed/ granted earned leave | No. of employees paid wages/ salary in lieu of earned leave | No. of person who were paid wages for the National & festival holidays (separate figure for each day may be furnished) |
|-------------------------------|--|--|---|--|
| 1. Man | | | | (i) 26 th January |
| 2. Woman | | | | (ii) 1 st May |
| | | | | (iii) 15 th August |
| | | | | (iv) 2 nd October |
| | | | | (v) |
| | | | | (vi) |
| | | | | (vii) |
| | | | | (viii) |
| | | | | Total |

8. Bonus paid during the year

| Name of the accounting year | Total No. of employees | No. of employees eligible for bonus | Percentage of bonus/ ex-gratia declared | Total amount of bonus/ ex-gratia paid | Date of payment |
|-----------------------------|------------------------|-------------------------------------|---|---------------------------------------|-----------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

9. Mandays lost during the year on account of:-

| Sl. No. | Reasons | No. of man-days lost | Loss in terms of money |
|---------|---------------------------------|----------------------|------------------------|
| (a) | Strike | | |
| (b) | Lockout | | |
| (c) | Fatal accidents | | |
| (d) | Non-fatal but serious accidents | | |
| (e) | Any other | | |
| | TOTAL | | |

10. (a) **Relating to Maternity benefits under the Maternity Benefit Act :-**

- (i) Total no. of women workers who worked for a period of 160 days in the last 12 months immediately preceding the date of delivery.
- (ii) No. of women workers discharged / dismissed in the last 12 months.
- (iii) No. of women worker for whom pre-natal confinement and post-natal confinement.
- (iv) No. of women workers died.
- (a) Before delivery-
- (b) After delivery-

(b) **Leave / additional leave details :-**

| Item | No. of women applied for leave | Leave sanctioned | Leave reject |
|--|--------------------------------|------------------|--------------|
| (i) Mis-carriage | | | |
| (ii) Illness (additional leave under Section-10) | | | |

(c) **Maternity benefit paid :-**

| Item | No. of claim received | No. of claim sanctioned | No. of claims rejected | Total benefit paid in rupees |
|----------------------|-----------------------|-------------------------|------------------------|------------------------------|
| (i) Confinement | | | | |
| (ii) Mis-carriage | | | | |
| (iii) Illness | | | | |
| (iv) Medical Bureaus | | | | |

Relating to Contract Labour (R&A) Act.

11. (a) **Details of contractors and contractor labour engaged :-**

| Name & Address of the contractor / Contractors | Period of contract from / To | Nature of work / operation in which contract labour were employed Department / Section | No. of person employed | | | | Maximum no. of contract labour employed on any day during the year | No. of days worked | No. of man days worked |
|--|------------------------------|--|------------------------|--------|------------|-------|--|--------------------|------------------------|
| | | | Male | Female | Adolescent | Child | | | |
| | | | | | | | | | |

(b) **Whether the Contractors/Principle employer have/has provided ?**

| | |
|----------------------|----------|
| (i) Canteen | Yes / No |
| (ii) Rest Room | Yes / No |
| (iii) Drinking Water | Yes / No |
| (iv) Creche | Yes / No |
| (v) First Aid | Yes / No |

Relating to Building and Other Construction Workers (RE & CS) Act.

12. Particulars of accident that took place during the year:-

| | | |
|-------|---|--|
| (i) | The total No. of accident | |
| (ii) | The number of accidents resulting in disablement of building workers for less than 48 hours, the number of building workers involved and the number of man-days lost. | |
| (iii) | The number of accidents resulting in disablement of building worker beyond 48 hours, but not resulting in any permanent partial or permanent total disablement, the number of building workers involved, and the number of man-days lost on account of such accident. | |
| (iv) | The number of accidents resulting on permanent partial or total disablement, the number of building workers involved and the number of man-days lost on account of such accident. | |
| (v) | The number of accident resulting in death of building workers and the number of resultant deaths. | |

13. Inter-State Migrant Workmen (RE & CS) Act.

In respect of Principal Employer :-

(i) Details of contractors engaged in the establishment during the year.

| Sl. No. | Name & address of the Contractor | Period of Contract | | Nature of work | Maximum number of workers supplied by each contractor | No. of days worked | No. of man days worked |
|---------|----------------------------------|--------------------|----|----------------|---|--------------------|------------------------|
| | | From | To | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

14. Beedi and Cigar Workers (condition of employment) Act:-

(i) Average Number of employees employed daily in the Industrial Premises :-

| Adult | | Young Person | |
|-------|--------|--------------|--------|
| Male | Female | Male | Female |
| | | | |

(ii) Average monthly number of home workers employed (i.e. who work in their homes)

(iii) Number of days worked in the year in the industrial premises.

(iv) No. of employees who were granted leave during the calendar year.

| Adult | | Young Person | |
|-------------------------------------|------------------|-------------------------------------|------------------|
| Employed in the Industrial premises | Employed in home | Employed in the Industrial premises | Employed in home |
| | | | |

(v) Number of female employees who were given maternity benefit during the year.

(a) employed in the Industrial Premises

(b) employed in home.

15. Details of Gratuity given to workers during the year under the Payment of Gratuity Act.

| Sl. No. | Name of the worker | Employment No. | Superannuation / retrenchment | Period of service (years and days) | Last monthly wages drawn (Rs.) | Gratuity paid. (Rs.) | If not paid, the reasons |
|---------|--------------------|----------------|-------------------------------|------------------------------------|--------------------------------|----------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

16. The Sales Promotion Employees (conditions of service) Act.

| Sl. No. | No. of sales promotion employees employed | | | No. of sales promotion employees furnished with letter of appointment | Details of leave granted to the Sales promotion employees |
|---------|---|-----------|---------------------|---|---|
| | Permanent | Temporary | Probationer/Trainee | | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

17. The Working Journalists and other News paper Employees (conditions of Service) and Miscellaneous Provisions Act, 1955:

- No. of Working Journalists :- Whole time _____ Part time _____
- No. of non Journalist News Paper employees :
- Whether the recommendations of the Wage Boards have been implemented ?:- Yes/No
- If yes, whether fully or partially implemented ?
- No. of complaints filed u/s.17 of the Act.

18. Details of Works Committee and/or Grievance Redressal Committee under the Industrial Dispute, Act, 1947 (wherever applicable)

- Whether Works Committee and/or Grievance Redressal Committee has/have been functioning ?
If yes :-
 - Date of constitution of the committee(s):-
 - No. of representative of the workmen :-
 - No. of representatives of the employer :-
 - Number of meetings held during the year :
- Name of the Trade Union(s) functioning in the establishment.

19. Details of certification of Standing Orders under the Industrial Employment (Standing Orders) Act, 1946 (wherever applicable):-

1. Whether the Standing Orders adopted in the establishment has been certified ?
2. If not, whether draft Standing Orders has been submitted to the Certifying Officer within prescribed time limit ?

Digital Signature / Signature of the Employer / Manager _____

Place:

Date:

Name of the signatory _____

Designation in the establishment _____