

**GOVERNMENT OF MEGHALAYA
LABOUR DEPARTMENT**

NOTIFICATION

No. LBG.39/2014/Pt/248

Dated, Shillong, the 1st December, 2020

WHEREAS Ease of Doing Business is a priority of the Government of Meghalaya, in consonance with the Business Reform Action Plan of the Department for Promotion of Industry and Internal Trade, Ministry of Commerce & Industry, Government of India;

WHEREAS there is a need to simplify business regulations and ease of compliance of labour laws, and bring in transparency and accountability in the inspection of establishments and industries, for creating a conducive environment for business investors and entrepreneurs in the State;

WHEREAS there is a need of introduction of online inspection system in Labour Commissionerate to ensure simplification, transparency and accountability of inspection and ease of compliance of law by the **registered** Employers/Establishments/Industries under various statutes and rules, and routine compliance inspections are to be done through the online inspection system;

WHEREAS there is a need to allow access of online inspection reports by businesses and provisions to report unofficial visits by inspectors/officials;

NOW, THEREFORE, the State Government has decided to introduce an online-based inspection system called the Central Inspection System that will cover the Offices of the Labour Commissioner and Chief Inspector of Boilers and Factories of Labour Department, and Offices of the Controller of Legal Metrology and Meghalaya State Pollution Control Board and accordingly one web-based online inspection system is being developed.

After careful examination of the matter, the Government of Meghalaya hereby issues the following online inspection procedures for the Central Inspection System with regards to the Labour Commissionerate of Labour Department to categorise establishments or industries in the online Central Inspection System for random selection of units and random allocation of inspectors for inspection under various Labour Laws.

1. The following Acts will be covered under the online Central Inspection System :

- (a) The Minimum Wages Act, 1948
- (b) The Equal Remuneration Act, 1976
- (c) The Payment of Bonus Act, 1965
- (d) The Payment of Wages Act, 1936
- (e) The Payment of Gratuity Act, 1972
- (f) The Maternity Benefit Act, 1961
- (g) The Contract Labour (Regulation and Abolition) Act, 1970
- (h) The Meghalaya Shops and Establishments Act, 2003
- (i) The Child and Adolescent Labour (Prohibition & Regulation) Act, 1986
- (j) The Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979

2. Database of Establishments : The following shall be the sources of database of establishments and industries for online inspections:

- (a) Data of Establishments and Industries registered/renewed through a ledger/register book and maintained manually at the District Labour Offices, and which will be subsequently uploaded to the portal.
- (b) Data of Establishments and Industries registered/renewed online through the online registration portal of Labour Department/Commissionerate and/or Invest Meghalaya, pending full-fledged computerisation of the Commissionerate and its subordinate offices.
- 3. Frequency of Inspection :** Unless provided for in any of the relevant labour laws, the frequency of routine compliance inspection for the different risk categories of establishments and industries shall be carried out as follows:

| Sl. No. | Category of the industry/ establishment | Frequency of Inspection |
|---------|-----------------------------------------|-------------------------|
| 1 | Very Low Risk | Exempted |
| 2 | Low Risk | Once in 3 years. |
| 3 | Medium Risk | Once in 2 years. |
| 4 | High Risk | Once in a year |

- 4. Risk Based Selection of Establishments :** The selection of establishments and industries shall be on the basis of the following Risk Assessment criteria:
- A. Number of workers employed
 - B. Number of Contract Workers engaged
 - C. Nature of Activity of the establishment or industry

There are the other following criteria that may be considered for selection of establishments and industries for inspection:

- D. Status of Compliance on the basis of Annual Returns or Online Inspections (Ratings of Compliance to be given by the department)
- E. Complaints (from workers, trade unions, management, citizens, etc)
- F. Compulsory Inspections (Court Orders, Orders of Judicial Institutions like Lok Ayukta, Human Rights Commission, Women's Commission, Child Rights Commission, etc)

In case a particular establishment or industry falls under two or more categories, the highest Risk Category will be considered for inspection.

- A. Risk Categorisation on the basis of the total number of workers :** Establishments/Industries will be categorised into High Risk, Medium Risk, Low Risk & Very Low Risk, based on the number of workers employed. The risks of the workers in terms of their entitlements viz., wages, bonus & other remunerations, leave, holidays, working hours, worksite facilities, safety & health, welfare and social security measures like gratuity, EPF, accident compensations, etc.

| Sl. No. | No. of Workers | Category of the industry/ establishment |
|---------|----------------|-----------------------------------------|
| 1 | 0 - 5 | Very Low Risk |
| 2 | 6 - 50 | Low Risk |
| 3 | 51 - 100 | Medium Risk |
| 4 | 101 and above | High Risk |

B. Risk Categorisation on the basis of the number of contract workers engaged : There are certain establishments and industries employing large number of contract workers, in some cases more than the number of regular workers. The terms and conditions of employment of regular workers and contract workers are totally different and contract workers are prone to exploitation. Such establishments and industries are categorised as follows:

| Sl. No. | No. of Contract Workers | Category of the industry/ establishment |
|---------|----------------------------------|-----------------------------------------|
| 1 | 0 (zero) | Low Risk |
| 2 | Less than 50% of regular workers | Medium Risk |
| 3 | More than 50% of regular workers | High Risk |

C. Risk Categorisation on the basis of the Nature of Activity of the establishment or industry : In certain activities of the establishments and industries, workers are prone to the Exploitation, apart from the risk of accidents and health hazards. In view of that, establishments and industries are categorised as below:

(i) High Risk Establishments : The establishments and industries undertaking the following activities are categorised as high risk establishments.

1. Automobile engineering workshops including servicing and repairs
2. Brick kilns, Brick Making and other Cement Concrete based products
3. Construction activities, employing fifty (50) or more workers for the time period or time frame of construction activity.
4. Cashew Nut Processing
5. Chemicals and Pharmaceuticals
6. Cement and related/allied activities
7. Coke and related activities
8. Cinema Industry
9. Colour Printing and Yarn Dyeing,
10. Construction or maintenance of roads and buildings
11. Cotton ginning and pressing,
12. Glass industry,
13. Hotels, Restaurants and Eating houses
14. Jute and coir,
15. Match & Fire Works
16. Food based Industry
17. Ferro Alloys, Metal Foundries and General Engineering
18. Mines & Minerals
19. Petrol Pumps and Sales, Distribution & Handling of Petroleum Products
20. Power generation, distribution and transmission
21. Power loom industry
22. Rice Mills, Flour mills, Saw mills
23. Stone breaking and stone crushing
24. Tiles (Concrete or otherwise) and Potteries
25. Security Services
26. Spinning mills
27. Baking process including biscuit manufactory
28. Cement concrete pipes
29. Distilleries and breweries,

- 30. Paper and paper boards,
- 31. Straw board and handmade paper manufactory
- 32. Wood work establishments (including Plywood Industry)
- 33. Woollen carpeting and shawl weaving establishments.

(ii) Medium risk establishments : On the above same basis, the following establishments and industries are categorised as Medium Risk Establishments.

- 1. Candle Making
- 2. Courier/Delivery Services
- 3. Clubs and canteens,
- 4. Electronics/IT/ITeS industry,
- 5. Fisheries and fish foods,
- 6. Garment and allied manufacturing industry,
- 7. Hospitals, Nursing homes and clinics other than Govt. Hospitals and dispensaries,
- 8. Soft drinks and aerated/ mineral/ distilled water manufacturing units,
- 9. Handloom weaving,
- 10. Printing press including litho and offset printing,
- 11. Transit Godowns, etc,

Salt Pans removed

(iii) Low Risk Establishments: All other establishments and industries which are not included in the above mentioned categories shall be treated as Low Risk Establishments.

5. Exemption from Online-based Central Inspection System :

- (a) Establishment/Industry with 0 (zero) employees or employing family members only.
- (b) Start-Ups Establishment/Industry for the period of five (5) years from the date of commencement of business as per the Self Certification Scheme notified by the Labour Department, Government of Meghalaya.
- (c) Establishment/Industry specifically exempted by the Government of Meghalaya.

6. Complaints-based and Surprise Inspections : Complaints-based and Surprise inspection of the establishment or industry shall be carried out at any time with prior approval of the Labour Commissioner, Meghalaya. Such inspections may be carried out on the basis of

- (a) Compliances for Registration and Licensing under the various Labour Laws in the District Labour Offices offices
- (b) Complaints received from Trade Unions or Workers or Citizens, etc
- (c) Instruction received from the State Government, Deputy Commissioner, State Human Rights Commission, State Commission for Protection of Child Rights, State Women Commission, Lok Ayukta, or Elected Public Representatives (MPs, MLAs).
- (d) Relating to Judicial matters or Court cases.
- (e) Special Drive, e.g., Child Labour, Bonded Labour, etc

7. Third party Certification : There is no Third Party Agency available in Meghalaya, assessed or registered/declared, who can certify/inspect the Establishments under various labour laws. However, whenever such type of agency is available, necessary initiatives will be taken for implementing “Third Party Certification” for the Low Risk or Medium Risk Establishments.

- 8. Random allocation of establishments and inspectors for online inspection :**
 - (a) The online Central Inspection System will randomly allocate establishments and industries to the inspecting officers and the inspecting officers to the establishments and industries.
 - (b) The system will ensure that **the same Establishment is not allotted to the same inspector twice consecutively and within a period of 1 year.**
 - (c) Inspectors will be allowed to conduct inspections outside their local limits of jurisdiction but within the same district or adjoining district, as and when notified by the state government.
 - (d) In case of inspection of an establishment or industry in the area other than the jurisdiction of the inspecting officer, the inspecting officer having administrative jurisdiction shall take up follow-up action.
- 9. Joint Inspection :** The online Central Inspection System will incorporate the offices of the Labour Commissioner Meghalaya, Chief Inspector of Boilers & Factories Meghalaya, Controller of Legal Metrology and Meghalaya State Pollution Control Board. The establishments or industries or factories or boilers that are commonly figured in the lists of the above mentioned offices will be identified and indicated in the portal to the respective inspecting officers of the concerned offices for conducting joint inspections, particularly in the cases of the Offices of the Labour Commissioner, Meghalaya and the Chief Inspector of Boilers & Factories. This will eliminate inspections conducted in silos and ensure reduction of compliance time and cost to the investor/entrepreneur as well as mutual sharing of information between inspecting officers and departments.
- 10.** The General Inspection Procedure along with the Inspection Checklist-cum-Format laid under the concerned labour laws for inspection of any establishment/industry, and uploaded in the CIS portal, shall have to be strictly followed in respect of general points, records/registers & returns. No inspections should be done beyond that checklist.
- 11.** All such Inspection Report shall be submitted to the appropriate authority through the online Central Inspection System portal, within **48 hours** of completion of the inspection.
- 12.** Wherever an inspection report is available, the establishments or industrial units would be allowed to view or download, or sent electronically to them, the submitted inspection reports of atleast past three years.

This Notification is in supersession of Notification No.LBG.39/2014/Pt/228 dated Shillong, the 14th October 2020.

This will take effect from the date of its publication in the official Gazette.

Sd/-

Shri. D. P. Wahlang, IAS
 Principal Secretary to the Govt. of Meghalaya
 Labour Department

Contd..... 6/-

Memo No. LBG. 39/2014/Pt/248-A

Dated, Shillong, the 1st December, 2020

Copy to:

1. P.S. to the Chief Minister for kind information of the Hon'ble Chief Minister.
2. P.S. to the Deputy Chief Minister, in-charge Labour Department, for kind information of the Hon'ble Deputy Chief Minister.
3. The Secretary to the Government of India, Ministry of Labour and Employment, Shram Shakti Bhawan, New Delhi -110011, Email: secy-labour@nic.in
4. P.S. to the Chief Secretary for kind information of the Chief Secretary.
5. All Additional Chief Secretaries/Principal Secretaries/Commissioner & Secretaries/Secretaries
6. All Deputy Commissioners
7. The Chief Inspector of Boilers and Factories, Meghalaya, Shillong.
8. The Secretary to the Government of Meghalaya, Planning Department and Chairman, Project Management Unit (PMU) for Ease of Doing Business (EoDB) in Meghalaya, for information and necessary action.
9. The Labour Commissioner, Meghalaya, Shillong.
10. The Director, Printing & Stationery, Meghalaya, Shillong for favour of publication in the next issue of Meghalaya Gazette.
11. The Senior Informatics Officer, NIC Meghalaya, with a request to put up in the website of the Labour Commissioner, Meghalaya, www.meglc.gov.in.

By Orders, etc

Deputy Secretary to the Govt. of Meghalaya
Labour Department.

