Audit Report for Audit ID - AU00140-1 <u>VA-Statutory</u>

Audit Score 56/100

Details

Audit	AU00140
Scheduled Audit	AU00140-1
Location	Hyderabad
Hotel	Marigold Hotel
Department	Human Resources
Checklist	VA-Statutory
Audit Type	External
Auditor	Saritha C
Start Date	31-05-2018
End Date	05-06-2018
Submitted Date	05-06-2018
Status	Completed
Assigned By	Administrator Account
Non-Compliance	63
Chronic Issues	0

Comparison

MARIGOLD HOTEL VA-STATUTORY

	VA-STATUTORY	May 2018	VARIANCE % of Increase /	
S.No	Sections	SCORE OBTAINED		Decrease (-/ +)
1	Statutory and Insurance	56	-	-
	Audit Score	6 56	-	-

	80-100 = Green	Good / Excellent
	61-79 = Yellow	Average
•	60 below is Red	Poor / Fair

Non-Compliance

Section: Statutory and Insurance Subsection: License 1: Restaurant Licences NC (No 2: Laundry Licence NC No No Observation Text: NOC to be taken from pollution board. 3: Licence to Work Lift NC No 4: Building Completion Certificate / Structural stability certificate NC No 5: Sanitary certificate for swimming facilities (No 6: Public resort license NC No 7: Indian Performing Right Society Ltd. NC No Section: Statutory and Insurance Subsection: Minimum Wages Act 1948 1: Form VI- Notices containing Minimum rate of wages NC No 2: Name and Address of the Inspector NC No 3: Are the aggregate of undisbursed wages deposited with prescribed authority? NC No Attachments: Book1_20180604_150450.xls Observation Text: Unpaid wages & Service Charges internally transferred to Liabilities as written back, amounting to Rs.8,23,936/- (UNCLAIMED WAGES) and Rs.2,17,751/- (UNCLAIMED SERVICE CHARGES)

Section: Statutory and Insurance

Subsection: Payment of Gratuity Act 1972

1: Form F-Nomination NC



Observation Text:

No practise of taking this form from the new joiners. We were informed them to the Unit to start taking the Form F from this FY 18-19.

Section: Statutory and Insurance

Subsection: Employment Exchanges ACT 1959

1: Rule 3-Notification to the prescribed Employment Exchanges of vacancies in the establishment shall be made by the Company from such dates as may be NC



Observation Text:

No practise of filing the notifications and returns.

2: Form ER-1 - unit 1-The Employer shall furnish to local employment exchange quarterly returns and biennial return within 30 days of due dates, namely 31st March, 30th June, 30th September and 31st December and biennial returns shall be furnished within 30 days of due date as notified in the Official Gazette. NC



Observation Text:

No practise of filing the notifications and returns.

3: Form ER-II - unit 1-Occupational return to be submitted to the Local Employment Exchanges once in two years. NC



Observation Text:

No practise of filing the notifications and returns.

Section: Statutory and Insurance

Subsection: Maternity Benefit ACT 1961

1: Cross verify with Form A, & Attendance Register & Payroll-(1) Whether any woman was employed in the establishment during the six weeks immediately following the day of her delivery or her miscarriage? NC



Observation Text:

One employee has taken the miscarrige leave for 45 days and full salary paid to her (Taken in the month of Oct & Nov '17, the same verified with Attendance & Pay sheet), But Form A is not available for verification. Observed that Combined annual return was inil filed.

2: Form A-The particulars of all women workers from whom notice of confinement was received. NC



Section: Statutory and Insurance

Subsection: Bonus Act

1:	Form A-Computation of Allocable Surplus Register	NC
	No	

2: Form B-Set On Set Off Register NC



3: Form C-Details of Bonus Payments Register NC



4: Form D-Annual Return to be filed within 30 days after the expiry of time limit specified in Sec 19. **NC**



Observation Text:

Bonus not paid.

5: Is the Bonus paid within 8 months from the close of accounting year? NC No

Observation Text:

Bonus not paid. Combined annual nil return filed.

6: Is the minimum Bonus paid at 8.33% of salary or wage earned by employee or minimum wage as per Minimum wages act whichever is higher? **NC**



Observation Text:

Bonus not paid.

Section: Statutory and Insurance **Subsection:** Contract Labour Act

1: Form XIII-Register of Persons employed (Sec.75) NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

2: Form XVI -Register of wages (Sec.78) NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

3: Form XX -Register of Deductions for damage or loss (Sec.78) NC No

Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

4: Form XXI -Register of Fines (Sec.78) NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

5: Form XXIV-Half yearly Return NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

6: Form XXVI / Form XVI-Muster Roll NC



7: Form XXVII-Wages NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

8: Form XXVIII-Wage Slip NC



9: Form XV-Service Certificate NC



Section: Statutory and Insurance **Subsection:** Child Labour ACT 1986

1: Display of notice containing abstract of sections 3 and 14 Sec.3 PROHIBITION OF EMPLOYMENT OF CHILDREN Sec.14 Penalties.-(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. **NC**



Section: Statutory and Insurance

Subsection: Equal Remuneration ACT 1976

1: For the purpose of complying with the provisions of sub-section (1), was there any reduction in the rate of remuneration of any worker?- **NC**



Section: Statutory and Insurance

Subsection: Inter-State Migrant Workmen ACT 1979

1: Form I-Application for registration of establishments employing migrant workmen NC



address of the sub-contractor, name and address of the establishment,name and address of the principal employer, name and address of the state in which the place of work is

11: Form XI - Return to be sent by the contractor to the authorities -Name and address of the contractor, name and address of the sub-contractor, name and address of the establishment,name and address of the principal employer, name and address of the state in which the place of work is located, name of the state in which the recruitment is

12: Form XXIII-Half yearly return - to be filed not later than 30 days from the close of the

located, name of the state in which the recruitment is made NC

14: Form XIII-Register of workmen employed by Contractor NC

(No

made NC No

year NC

(No

No No

No No

13: Form XII-Register of Contractors NC

15: Form XIV-Service Certificate NC No
16: Form XV-Displacement and outward journey allowance sheet NC No
17: Form XVI-Return Journey Allowance Register NC No
18: Form XVII-Muster roll NC No
19: Form XVIII-Register of wages NC No
20: Form XIX-Register of deduction for damage or loss NC No
21: Form XX-Register of Fines NC No
22: Form XXI-Register of Advances NC No
23: Form XXII-Register of Overtime NC No
24: Form XXIII-Return 10 be sent by the Contractor to the Licensing Officer NC No
25: Form XXIV-Annual return of Principal Employer to be sent to the Registering Officer. NC No
Section: Statutory and Insurance Subsection: AP or TS Labour Welfare Board
1: Form E - Register of unpaid accumulations and fines NC No Attachments: Book1_20180605_112933.xls
Observation Text: Unpaid wages & Service Charges internally transferred to Liabilities as written back, amounting to Rs.8,23,936/- (UNCLAIMED WAGES) and Rs.2,17,751/- (

UNCLAIMED SERVICE CHARGES)

Subsection: AP or TS Shops and Establishment Act 1988

1: Food served after restaurant closing time ? (15 Mins grace time considered as per

Section: Statutory and Insurance

8

Shops and Establishments Act) NC No No Attachments: Book2_20180604_200721.xls Observation Text: Food served after closing time of restaurant. 2: Employees worked for more than 8 Hrs in a day? NC No Attachments: Book3_20180604_200834.xls Observation Text: Employees worked for more than 9 Hrs in a day(incl. Breaks), in 156 instances. 3: Did the Employees work without weekly off in a week? NC No Attachments: Book4_20180604_201003.xls Observation Text: Employees worked without weekly off. 4: Did the Female employees worked before 6 AM and after 8:30PM? NC (No Attachments: Book5_20180604_201046.xls

Observation Text:

Verified for March Month, few female employees left late hours.

Chronic

No chronic issues found

Audit Questionnaire

Section: Statutory and Insurance

2: Restaurant Licences NC

1: Bar Licence For 24 Hrs / 12 hours

Subsection: License

Yes

No
3: Contract Labour license Yes
4: Laundry Licence NC No
Observation Text : NOC to be taken from pollution board.
5: Hair cutting Saloon with AC Licence Not Applicable
6: Boarding & Lodging Licence Not Applicable
7: Fire and Rescue Licence Yes
8: Licence to Work Lift NC No
9: Registration under the Weights & Measures Act Yes
10: Pollution control license Yes
11: Building Completion Certificate / Structural stability certificate NC No
12: Approval from the Department of Tourism, Government of India. Yes
13: TN Catering and establishment Act Not Applicable
14: Petroleum & Explosives safety organisation (PESO) Yes
15: FSSAI Yes

16: Sanitary certificate for swimming facilities NC No
17: Public resort license NC No
18: SIHRA - Association Yes
19: FHRAI (Federation of Hotel and Restaurant Association of India) Yes
20: Indian Performing Right Society Ltd. NC No
Section: Statutory and Insurance Subsection: Minimum Wages Act 1948
1: Form XVI-(1) Mode of payment shall be in cash or in kind (either wholly or partly) where it has been the custom. Yes
Observation Text : Online transfer (through bank)
2: Form XVI-(2) Wages shall be paid on a working day on the following days: On seventh of each month in which less than 1000 persons are employed. Yes
3: Form XVI- Before expiry of 10th day of wage period in case of other establishments ✓ Not Applicable
4: Form XVI-(3) Only deductions prescribed under the Act shall be recovered also subject to provision that the aggregate of deductions shall not exceed 75% of wages where the deductions include payments to cooperative society and 50% in any other case. Not Applicable
5: Form X-Wage register Yes
Observation Text : Register available at Unit, soft copy maintaining.
6: Form XI- Wage slips Yes
Observation Text : Automated generated.

7: Form IV- Overtime Register
Yes

Observation Text:
Register available at unit. only for contract employees overtime charges were paid.

8: Form V- Muster roll

Yes

9: Form I and II- Register of fines and deductions



Observation Text : Soft copy is available.

10: Form III- Annual return to the Inspector



11: Form III-Register of Advance



12: Register of Loss



13: Are all the registers preserved for a period of 3 years from the date of last entry?-



Observation Text:

Soft copy available.

14: Form VI- Notices containing Minimum rate of wages NC



15: Form IX- Extract of the Act



16: Name and Address of the Inspector NC



17: Are the notices written in English and in Local language?



18: Are the aggregate of undisbursed wages deposited with prescribed authority? NC No

Attachments:

Book1_20180604_150450.xls

Observation Text:

Unpaid wages & Service Charges internally transferred to Liabilities as written back, amounting to Rs.8,23,936/- (UNCLAIMED WAGES) and Rs.2,17,751/- (UNCLAIMED SERVICE CHARGES)

Section: Statutory and Insurance

Subsection: ESI ACT 1948, Central 1950 & General Regulation 1950

2: Form 1A-Whether the employees, family details are obtained in order to complete Form 1A? Yes
Observation Text : At the time of joining Form 1A collected for all employee's.
3: Form 6-Register of employees insurance numbers Yes
Observation Text : Soft copy available.
4: Form 12-Accident Report Yes
Observation Text : No such accidents occurred during our audit period.
5: Form 11-Accident book Yes
Observation Text : Minor injury happened to Employee and the same updated.
6: Form 26-Whether the employer furnishes the details of the insured person who have abstained from work and claims benefit under ESI? Vot Applicable
7: Report-In case of any serious accidents, whether a report is sent immediately to the nearest insurance medical officer and local office, and in other cases within 24 hours of accident? Yes
8: Form 7-Register of Employees Yes
Observation Text : Register not available, soft copy maintaining.
9: Monthly contributions-Are the contributions made within 21days of calendar month in which the contributions fall due? Yes
10: Monthly contributions-Has the employer paid an interest of 12% in the event of default in payment of contribution within the due date? Yes

1: Form O & 1-Whether an application to the Regional Office for registration within 15 days from the date of applicability has been made and the Employer's Code Number has

been obtained?

Yes

Green Fark Corporate Aud
11: "Monthly contributions-In the event of delay in payment of contribution by the employer, the following damages for Period of delay - Maximum rate of damages in % per annum of the amount due may be recovered: Monthly contributions-(i) less than 2 months 5% Monthly contributions-(ii) 2 months and above but less than 4 months 10% Monthly contributions-(iii) 4 months and above but less than 6 months 15% Monthly contributions-(iv) 6 months and above 25%" Yes
12: Inspection Book-Whether an inspection book which has to be produced during inspection to the Inspector of the ESI Corporation been maintained? Yes
13: 'Does the employer receives the various details from employees as prescribed under Form 1 and enters it in the Declaration form? Are these forms submitted to the ESI office within 10 days from the receipt of information? Yes
Section: Statutory and Insurance Subsection: EPF Scheme 1952
1: Form 3A- Contribution Card to be prepared by the Employer Oracle Yes
2: Form 5- Monthly Return on new members Yes
3: Form 10- Monthly Return on left members Yes
4: Inspection Report Note Book- Yes
5: Whether both the Employees and Employer make contributions within 15 days of the close of every month by Bank Drafts?- Yes
Section: Statutory and Insurance Subsection: Payment of Gratuity Act 1972
1: Form A-Within 30 days from the date of applicability of Act Yes
2: Form B-Change of Name, address or nature of business, within 30 days of change.Not Applicable
3: Form C-Proposal to close business, within 60 days before intended closure. Not Applicable

Applicable

6: Form F-Nomination NC



Observation Text:

No practise of taking this form from the new joiners. We were informed them to the Unit to start taking the Form F from this FY 18-19.

7: Form U-Display of the abstract of the act and rules



8: Whether the payment is made only by Cash or Demand draft as per the requirement of employee/ nominee/ legal heirs?-



Observation Text:

Payment made By Cheque for 3 Employees during our audit period.

9: Whether a display of the Act and rules both in English and local language understood by majority of employees has been made at prominent places?-



Section: Statutory and Insurance

Subsection: Payment of Wages ACT 1936

1: Form XVI-(1) If the factory employs less than one thousand people, are the wages being paid before the expiry of the seventh day after the last day of the wage period?



2: Form I- Register for Fines



3: Form II- Register for deductions for Damage to loss of goods.



4: Form III- Register of Advances



5: Form IV- Annual Return to the Inspector



6: Form VI- Register of Wages



7: Form VII- Notice to Inspector Not Applicable

8: Form V- Abstract of the Act



Section: Statutory and Insurance

Subsection: Employment Exchanges ACT 1959

1: Rule 3-Notification to the prescribed Employment Exchanges of vacancies in the establishment shall be made by the Company from such dates as may be **NC**



Observation Text:

No practise of filing the notifications and returns.

2: Form ER-1 - unit 1-The Employer shall furnish to local employment exchange quarterly returns and biennial return within 30 days of due dates, namely 31st March, 30th June, 30th September and 31st December and biennial returns shall be furnished within 30 days of due date as notified in the Official Gazette. **NC**



Observation Text:

No practise of filing the notifications and returns.

3: Form ER-II - unit 1-Occupational return to be submitted to the Local Employment Exchanges once in two years. **NC**



Observation Text:

No practise of filing the notifications and returns.

Section: Statutory and Insurance

Subsection: Maternity Benefit ACT 1961

1: Cross verify with Form A, & Attendance Register & Payroll-(1) Whether any woman was employed in the establishment during the six weeks immediately following the day of her delivery or her miscarriage? **NC**



Observation Text:

One employee has taken the miscarrige leave for 45 days and full salary paid to her (Taken in the month of Oct & Nov '17, the same verified with Attendance & Pay sheet), But Form A is not available for verification. Observed that Combined annual return was juil filed.

2: Form J-An abstract of Act and the provisions prominently displayed in the local language.



3: Form A-The particulars of all women workers from whom notice of confinement was received. **NC**



4: Form K, L, M & N-The particulars in respect of the preceding year before 31st January in every year.



5: The records kept under the provisions of the Act shall be preserved for a period of two years from the date of last entry.-



Observation Text:

Soft coy available, combined annual nil return filed, but employee taken 45 days leaves, the same not updated in the return.

Section: Statutory and Insurance **Subsection:** Profession Tax

1: Receipt-Whether receipts are all filed properly and within due date



2: Form I - Certificate of registration



Section: Statutory and Insurance

Subsection: Bonus Act

1: Form A-Computation of Allocable Surplus Register NC



2: Form B-Set On Set Off Register NC



3: Form C-Details of Bonus Payments Register NC



4: Form D-Annual Return to be filed within 30 days after the expiry of time limit specified in Sec 19. **NC**



Observation Text:

Bonus not paid.

5: Is the Bonus paid within 8 months from the close of accounting year? NC



Observation Text:

Bonus not paid. Combined annual nil return filed.

- 6: Is there any agreement or settlement entered into between the employer and employees to pay annual Bonus linked with production or productivity in lieu of bonus based on profits payable under this Act? If 'Yes' such bonus shall not exceed 20% of the salary or wage earned by the employee during the relevant accounting year. Not Applicable
- 7: Is the minimum Bonus paid at 8.33% of salary or wage earned by employee or minimum wage as per Minimum wages act whichever is higher? **NC**



Observation Text:

Bonus not paid.

8: Where an employee has not completed 15 years of age, is the minimum Bonus paid at 8.33% of salary or wage earned by the employee or Rs.60 whichever is higher? Not Applicable

Section: Statutory and Insurance
Subsection: Contract Labour Act

1: Form VI -License

Yes

- 2: Form IV Yes
- 3: Form XIII-Register of Persons employed (Sec.75) NC No

Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

4: Form XIV-Employment Card (Sec.76)

Yes

5: Form XVI -Register of wages (Sec.78) NC No

Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

6: Form XX -Register of Deductions for damage or loss (Sec.78) NC No

Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

7: Form XXI -Register of Fines (Sec.78) NC No

Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

- 9: Form XIX -Wage Slips (Sec.78)

 Yes

Observation Text : soft copy available.

10: Form VII



11: Form XXIV-Half yearly Return NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

12: Form XXVI / Form XVI-Muster Roll NC



13: Form XXVII-Wages NC



Observation Text:

The unit does not have the practise of taking / compling a " Compliance report " regarding the maintenance of the mentioned registers from the contractors.

14: Form XXVIII-Wage Slip NC



15: Display of the extract of the Act



16: Form XXIX Not Applicable

17: Form VI- Holiday Register



Observation Text:

Following as per unit.

18: Form XV-Service Certificate NC



Section: Statutory and Insurance **Subsection:** Child Labour ACT 1986

1: Display of notice containing abstract of sections 3 and 14 Sec.3 PROHIBITION OF EMPLOYMENT OF CHILDREN Sec.14 Penalties.-(1) Whoever employs any child or permits any child to work in contravention of the provisions of section 3 shall be punishable with imprisonment for a term which shall not be less than three months but which may extend to one year or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both. **NC**



Section: Statutory and Insurance

Subsection: Equal Remuneration ACT 1976

1: (1) Whether the remuneration are paid to the workers without any gender bias for the same work or work of a similar nature?-



2: For the purpose of complying with the provisions of sub-section (1), was there any reduction in the rate of remuneration of any worker?- **NC**



3: Does the employer follow indiscrimination against women while recruiting for same work or work of similar nature, or in any condition of service subsequent to recruitment such as promotions, training or transfer etc.?-



4: Form D-Is the register of workers employed maintained?



Observation Text : Soft copy available

Section: Statutory and Insurance

Subsection: Inter-State Migrant Workmen ACT 1979

1: Form I-Application for registration of establishments employing migrant workmen NC No

2: Form II-Certificate of registration NC



3: Form III-Register of Establishments NC



4: Form IV-Application for Licence for Recruitment NC



5: Form V-Application for license of employment NC



6: Form VI-Form of certificate by principal employer NC



7: Form VII-Application for adjustment of Security Deposit NC



8: Form VIII-Office of Licensing Officer / Grant of license NC



9: Form IX-Application for Renewal of Licence NC



10: Form X - to be submitted by the-Name and address of the contractor, name and address of the sub-contractor, name and address of the establishment,name and address of the principal employer, name and address of the state in which the place of work is

located, name of the state in which the recruitment is made NC No
11: Form XI - Return to be sent by the contractor to the authorities -Name and address of the contractor, name and address of the sub-contractor, name and address of the establishment,name and address of the principal employer, name and address of the state in which the place of work is located, name of the state in which the recruitment is made NC No
12: Form XXIII-Half yearly return - to be filed not later than 30 days from the close of the year NC No
13: Form XII-Register of Contractors NC No
14: Form XIII-Register of workmen employed by Contractor NC No
15: Form XIV-Service Certificate NC No
16: Form XV-Displacement and outward journey allowance sheet NC No
17: Form XVI-Return Journey Allowance Register NC No
18: Form XVII-Muster roll NC No
19: Form XVIII-Register of wages NC No
20: Form XIX-Register of deduction for damage or loss NC No
21: Form XX-Register of Fines NC No
22: Form XXI-Register of Advances NC No
23: Form XXII-Register of Overtime NC No
24: Form XXIII-Return 10 be sent by the Contractor to the Licensing Officer NC No

25: Form XXIV-Annual return of Principal Employer to be sent to the Registering Officer.

NC



Section: Statutory and Insurance

Subsection: AP or TS Labour Welfare Board

1: Whether receipts are all filed properly and within due date



2: Form D - Register of Wages



3: Form E - Register of unpaid accumulations and fines NC



Attachments:

Book1_20180605_112933.xls

Observation Text:

Unpaid wages & Service Charges internally transferred to Liabilities as written back, amounting to Rs.8,23,936/- (UNCLAIMED WAGES) and Rs.2,17,751/- (UNCLAIMED SERVICE CHARGES)

4: Form F - (See Rule 6) Statement regarding contribution.



Section: Statutory and Insurance

Subsection: AP or TS Shops and Establishment Act 1988

1: Display of Notice -Company Name Board both English-40% and Vernacular languages-60%, to be displayed in the entrance of the Premises.



2: Form II - Copy of Registration



3: Form XIII - Register Of Wages



Observation Text:

soft copy available

4: FormXXVII - Return for the month of March/June/September/December



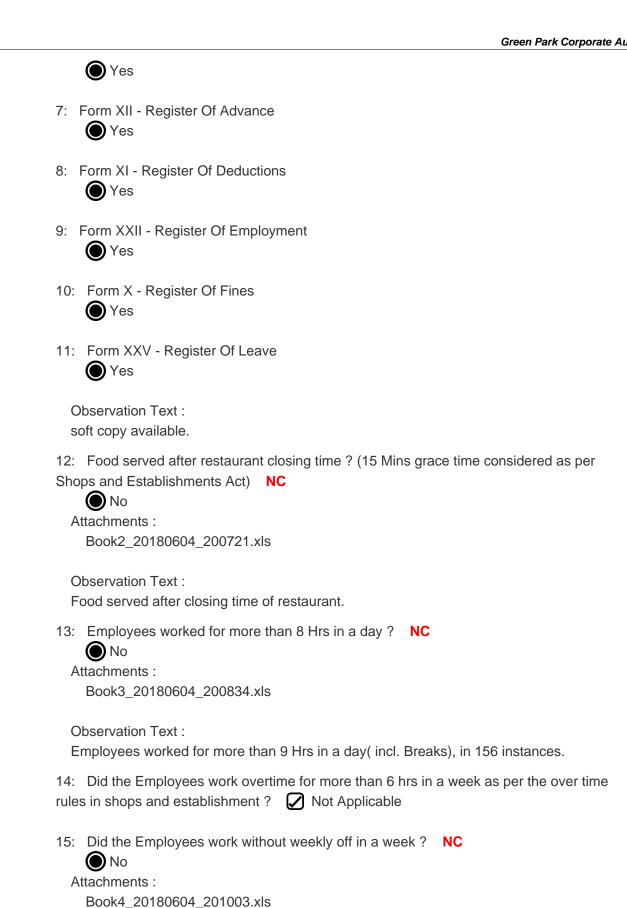
5: Form XXVI - Letter Of Appointment



Observation Text:

Hard copy given to all employee's.

6: Form XXIV - Notice Of Weekly Holiday



Observation Text:

No No Attachments:

Employees worked without weekly off.

Book5_20180604_201046.xls

16: Did the Female employees worked before 6 AM and after 8:30PM? NC

Observation Text:

Verified for March Month, few female employees left late hours.

- 18: Is the abstract displayed?

