



Government of West Bengal  
Labour Department

12 Floor, New Secretariat Building, 1- Kiron Shankar Roy road, opp. Floatel hotel, Kolkata-700001

No: 1716-IR/3C-04/15(Pt-II)

Dated: 28<sup>th</sup> June, 2016

**Policy on Risk profiling, Inspection norms & Self  
Certification for  
Shops/Establishments/Units/Owners under  
various Labour Laws, 2016**

**ORDER**

**I) INTRODUCTION**

The Labour Department, Government of West Bengal has decided to introduce a smart, efficient and transparent work environment through re-engineering of existing process of selection of establishments for the purpose of routine compliance inspections only by differentiating compliance inspection requirements based on risk profile (such as High, Medium and Low risk) of establishments/ units/ industries {hereinafter referred to as Establishments} under various labour laws as mentioned below by leveraging the use of Information & Communication Technology (ICT).

Apropos templates of Ease of Doing Business for providing e-enabled services by the Labour Commissionerate, Department of labour, Govt. of ,WB the routine compliance inspections will be conducted following the re-engineered process of computerized allocation of inspectors and selection of establishments based on computerized risk assessment. However, apart from these the present manual process of selection of establishments for the purpose of inspections will continue in case of complaint, special drive and other cases whenever instructed by the respective higher authorities or courts. This scheme entails classifying establishments based on their risk profiling which need to be inspected through a randomized-cum-computerized process.

**II) APPLICABILITY OF RISK PROFILING, INSPECTION NORMS & SELF CERTIFICATION POLICY, 2016**

- a) This order vide notification shall be valid for following Acts and Rules as applicable to the concerned employer/ entrepreneur/ occupier:
  - (i) Minimum Wages Act, 1948 and Rules framed thereunder.
  - (ii) Payment of Wages Act, 1936 and Rules framed thereunder other than factories.

- (iii) Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed thereunder.
- (iv) Payment of Bonus Act, 1965 and Rules framed thereunder.
- (v) Payment of Gratuity Act, 1972 and Rules framed thereunder.
- (vi) Maternity Benefit Act, 1961 and Rules framed thereunder (for those establishments where officers of Labour Commissionerate are the inspectors).
- (vii) West Bengal Shops & Establishments Act, 1963 and Rules framed thereunder.
- (viii) The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules framed thereunder.
- (ix) The Equal Remuneration Act, 1976 and Rules framed thereunder.
- (x) Motor Transport Workers Act, 1961 and Rules framed thereunder.
- (xi) The Building & Other Construction Workers (RE&CSW), Act, 1996 and Rules framed thereunder other than provisions relating to safety and health.
- (xii) The Child Labour (P&R), Act, 1986 and Rules framed thereunder
- (xiii) West Bengal Workmens' House Rent Allowance Act, 1974 and Rules framed thereunder
- (xiv) The West Bengal Payment of Subsistence Allowance Act, 1969 and Rules framed thereunder
- (xv) The Beedi & Cigar Workers (Condition of Employment) Act, 1966 & Rules framed thereunder
- (xvi) Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and Rules framed thereunder,
- (xvii) West Bengal Labour Welfare Fund Act, 1974 and Rules framed thereunder
- (xviii) Sales Promotion Employees (CS) Act, 1976 and Rules framed thereunder

### III) BACKGROUND

The basic premise of this hinges on:

**a) Availability of these Government-to-Business (G-2-B) services which have been enabled through EoDB in West Bengal:-**

1. These would be available on [www.wbhc.gov.in](http://www.wbhc.gov.in)
2. A well laid out process with flow diagram to explain step-by-step process for each service.
3. A common application form for laws that need to be filled online.

4. Online payment procedure
5. Online checklist before submitting an application
6. Online processing of application without having the need to physically come and submit forms.
7. Self attestation of important documents.
8. Online tracking of application and its status.
9. Defined timelines of delivery of the service.
10. A well laid-out hassle free inspection procedure with SMS-based alerts informing the date of the routine inspection.
11. Synchronized inspection under 16 labour laws that would minimize the hassles of inspection.
12. Randomized inspection that would ensure a digital randomized allocation of inspectors and also ensure that no inspector would visit the same establishment twice, over a finite term.
13. Time bound submission (within 48 hours) of Inspection reports to their authorities.
14. Allowing third party to easily verify approval certifications through a public domain.
15. Downloadable certifications and/or licenses.

**b) Furthering this mandate of reforms for assisting investment and business in West Bengal, this scheme would cover the three aspects of:-**

1. Profiling and classifying establishments based upon their "risks".
2. Inspection periodicity based on the abovesaid profiling
3. Self-certification by establishments for norms that were hitherto inspected or liable for inspection.

#### **IV) PROFILING & CATEGORIZATION**

**a) The Categorization of establishments:-**

All the establishments where the State Government is the Appropriate Government will be categorized in broad three (3) Categories

i) Category A (High risk)

- a. Establishments with number of employees / workmen (including directly and indirectly employed) of 100 or more OR

- b. Establishments against whom two or more written complaints are received and violations have been detected in respect to violation of labour laws administered by Labour Commissionerate, OR
- c. Establishments against whom court case or cases were launched for violation of labour laws in the past and were convicted within last three years.

ii) Category B (Medium risk)

- a. Establishments with number of employees / workmen (including directly and indirectly employed) 10 to 99, OR
- b. Establishments against whom written complaint has been received and violations have been detected in respect to labour laws administered by Labour Commissionerate,  
(Apart from those who are already covered under category A) OR
- c. Establishments against whom court case or cases were launched for violation of labour laws ( Apart from those who are already covered under category A) OR
- d. If the number of Contract labourers is more than the number of regular workman in the establishment, OR
- e. Establishments with more than 50 workers but with no operating trade union OR
- f. Non-Renewal of license or registration issued under any labour laws or failure or delay in submission of returns under applicable laws OR
- g. Establishments who failed or appeared to be failed to take registration under any labour law administered by Labour Commissionerate OR
- h. Such other establishments as may be determined by the Labour Commissioner depending upon nature of business and others

iii) Category C (Low risk)

- a. Establishments with number of employees / workmen (including directly and indirectly employed) zero to 09, OR
- b. Such other establishments as may be determined by the Labour Commissioner depending upon nature of business and others, OR
- c. Establishments with nature of activity / employment where minimum rates of wages have been fixed by the State Government under the Minimum Wages Act,1948 OR

- d. Establishments defined as New Start Ups by the Department of Industrial Policy & Promotion, Govt of India (DIPP) for a period of initial Three Years of establishment (Ref. orders from Ministry of Labour & Employment, Govt of India bearing no. Z-13025/39/2015-LR Cell dtd 12/01/2016 and no. Z-20025/1/2016-LR Cell dtd 19/02/2016).

However, above mentioned frequency of inspection will not be considered where interval between two consecutive inspections has been specified in any statute.

**b) Frequency of Routine Inspections for those Establishments which have not opted for the Self Certification Scheme, 2016 :**

**High risk** - frequency of inspections in these establishments will be limited to a once in every four months

**Medium risk-** frequency of inspections in these establishment will be limited to once in every eight months.

**Low risk** - frequency of inspections in these establishment will be limited to once in every three years

**V) SELF CERTIFICATION SCHEME**

To simplify and ease the compliance burden of establishments, a **Self Certification Scheme, 2016** is now being introduced to create a friendly and safe environment of doing business, bringing investments into the State and ensuring development of Bengal.

**a) Objectives:**

- i) To instill a sense of confidence upon the business operator or investor to submit all statutory information and otherwise as per norms in the authentic and right manner.
- ii) to avoid undue hassles to a business through negating multiple or excessive visits of Inspecting Authorities without compromising on the safety, health, social security and welfare of the workers as provided under the various labour enactments.

**b) Features:**

i) Application

- (1) This Scheme is optional and any Employer, where the Government of West Bengal is the appropriate Government under the respective Acts,

can opt for this Scheme and apply in the prescribed proforma AND shall be in electronic form (online submission) only.

- (2) The date of inclusion under the scheme shall mean the date of confirmation issued by the Labour Commissioner, West Bengal or the officer authorized by him in this behalf.
- (3) Any discrepancy in the submitted application or enclosures shall be communicated to the applicant within 15 days from the receipt of the application. In case no discrepancy is so communicated, the establishment shall be deemed to have been enrolled under the Self-Certification Scheme, 2016 and a confirmation in this regard will follow.

ii) Validity

(1) Once opted for the Scheme, the same shall be valid for three years.

(2) Renewal

(a) After the successful compliance under the Self-Certification for three years, the employer shall have option either to remain covered under the Self-Certification Scheme or opt out of the Scheme.

(b) Such an option must be exercised, online or otherwise, before the Labour Commissioner, West Bengal or any authority specifically authorized by him for the purpose.

(c) Upon applying for renewal inspection would be carried out to ensure that no violation of the Acts has occurred. If satisfied with the compliance of the norms and requisite, a renewal for a further period of three years shall be confirmed.

(3) Any occupier or employer on behalf of an establishment who opts for the Scheme shall deposit the amount of self certification fee to the local treasury in the head of account which will be notified in due course.

iii) Detection of violation

(1) In case any employer fails to follow the terms and conditions of the Self-Certification Scheme or fails to abide by any undertaking given by him or any violation of Act/ Rules/ Norms is detected against the establishment then he shall be immediately pushed to High Risk category. The Establishment shall also be debarred from applying for the scheme for three years once convicted by any appropriate court of law.

(2) In the case of violation of an Act, further necessary action under the respective law shall be initiated.

(3) In case of acquittal, he would be reverted to his earlier status and category in the risk profiling.

**c) FREQUENCY OF INSPECTION UNDER SELF CERTIFICATION SCHEME, 2016:**

i) Under the Self Certification Scheme, 2016, following details of the Security deposit and percentage of Inspections:

| Category of the Shops/Establishments/Units/Owners under Risk Profiling | No. of employees (includes contract labour and employees engaged indirectly) | Percentage of establishments to be selected randomly for the validity period | Amount Self Certification Fees |
|--|--|--|--------------------------------|
| Low Risk   | 0 – 09   | 0 %  | Rs. 2,500/-                    |
| Medium Risk  | 10 – 99  | Maximum of 5%  | Rs. 10,000/-                   |
| High Risk  | 100 or more  | 10%  | Rs. 15,000/-                   |

ii) Once inspected, the same establishment will not be inspected before the next randomization, provided that no specific violation of terms or conditions or of the undertaking given or of the laws by the employer is brought to notice. Therefore, no Inspector will visit any establishment twice consecutively during the period of validity of three years.

iii) However on specific complaints, special drive, accidents, dangerous occurrences and other specific cases, inspection shall be conducted only after authorization from Labour Commissioner, West Bengal or any officer authorized by him in this behalf.

iv) The establishments which do not desire to opt for the scheme will be inspected as per the existing practice & norms.

v) Establishments defined as New Start Ups by the Department of Industrial Policy & Promotion, Govt of India (DIPP) shall be exempted from Inspections for a period of initial Three Years of establishment (Ref. orders from Ministry of Labour &

Employment, Govt of India bearing no. Z-13025/39/2015-LR Cell dtd 12/01/2016 and no. Z-20025/1/2016-LR Cell dtd 19/02/2016).

**d) AUTHORITIES UNDER THE SCHEME:**

- i) An application under the scheme shall be made online as per the Proforma.
- ii) If any specific violation of any statement of the declaration submitted by the employer is brought to notice of the authority, the establishment will be inspected after due approval of the Labour Commissioner, West Bengal or any officer authorized by him in this behalf.

**VI) SUMMARY**

This policy is aimed to assist and ease the investments and new start-ups in the State. The norms as specified herein above, if conflict with any statute or law (in part or whole) will give way in favour of that law or statute

By Order of the Governor

Sd/-

**ABHINAV CHANDRA, IAS**

Additional Secretary to  
Government of West Bengal  
Labour Department

**APPLICATION FORM FOR SELF CERTIFICATION SCHEME, 2016**

**ENROLMENT/ RENEWAL**

*(strike off whichever is not applicable)*

To  
The Labour Commissioner,  
.....

Sub: Application for Registration/ Continuation of Registration under Self-Certification Scheme, 2016.

Sir,

**With reference to your notification no..... dated.....** regarding Self-Certification Scheme, 2016, I/We have gone through the Scheme and wish to be a) enrolled or b) renew my enrollment (*strike out whichever is **not applicable***) under the said Scheme.

I/We are the authorized persons to apply such inclusion in the Schemes. I/We are severally responsible for any information found incorrect/false/concocted/otherwise that would be made with the intention to mislead the authorities. I/ We request you to kindly issue necessary approval for the same.

**(\*For establishments seeking 'Continuation of Coverage':**

Registration no of the establishment with date under the Self Certification Scheme, 2016:..... )

**A. Particulars of the establishment:**

|  |  |
|--|--|
| Name of the establishment              |  |
| Address                                |  |
| Phone No.                              |  |
| e-mail ID                              |  |
| Name of the Employer                   |  |
| Name of the Proprietor (if applicable) |  |
| List of partners / Directors           |  |

**B. No. of Workers Employed:**

| <b>TYPE OF WORKER</b> | <b>MALE</b> | <b>FEMALE</b> | <b>TOTAL</b> |
|-----------------------|-------------|---------------|--------------|
| <b>Regular</b>        |             |               |              |
| <b>Contract</b>       |             |               |              |
| <b>Others</b>         |             |               |              |
| <b>TOTAL</b>          |             |               |              |

**C. List of Acts applicable to the establishment [Tick (✓) whichever is applicable]**

- i. Minimum Wages Act, 1948 and Rules framed thereunder.
- ii. Payment of Wages Act, 1936 and Rules framed thereunder (other than those seen by the Factories Directorate).
- iii. Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed thereunder.
- iv. Payment of Bonus Act. 1965 and Rules framed thereunder.
- v. Payment of Gratuity Act, 1972 and Rules framed thereunder.
- vi. Maternity Benefit Act, 1961 and Rules framed thereunder (for those establishments where officers of Labour Commissioners are the inspectors).

- vii. West Bengal Shops & Establishments Act, 1963 and Rules framed thereunder.
- viii. The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules framed thereunder.
- ix. The Equal Remuneration Act, 1976 and Rules framed thereunder.
- x. Motor Transport Workers Act, 1961 and Rules framed thereunder.
- xi. The Building & Other Construction Workers (RE&CSW), Act, 1996 and Rules framed thereunder other than provisions relating to safety and health.
- xii. The Child Labour (P&R), Act, 1986 and Rules framed thereunder
- xiii. West Bengal Workmens House Rent Allowance Act, 1974 and Rules framed thereunder
- xiv. The West Bengal Payment of Subsistence Allowance Act, 1969 and Rules framed thereunder
- xv. The Beedi & Cigar Workers (Condition of Employment) Act, 1966 & Rules framed thereunder
- xvi. Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955 and Rules framed thereunder

xvii. West Bengal Labour Welfare Fund Act, 1974 and Rules framed thereunder

xviii. Sales Promotion Employees (CS) Act, 1976 and Rules framed thereunder

**D. Documents and Information submitted [Tick (✓) whichever is applicable and attach copies thereof]:**

i. Registration / License No. under Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed thereunder

ii. Registration Number under West Bengal Shops & Establishments Act, 1963 and Rules framed thereunder.

iii. Registration No. / License No. under The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules framed thereunder.

iv. Registration No. under Motor Transport Workers Act, 1961 and Rules framed thereunder.

v. Registration No. under The Building & Other Construction Workers (RE&CSW), Act, 1996 and Rules framed thereunder

vi. Registration Number under The Beedi & Cigar Workers (Condition of Employment) Act, 1966 & Rules framed thereunder

vii. Registration No. West Bengal Labour Welfare Fund Act, 1974 and Rules framed thereunder

**E. Specify the name of the scheduled employment and wages paid:**

**F. Whether appointment letters /ID Cards issued to all employees:** Yes

No

**G. Whether required register under all the relevant Acts maintained by the Principal Employer and Contractor:** Yes

No

**H. Whether returns as per Schedule under the Act/Rules submitted before due date:** Yes

No

**I. Whether Maternity benefit extended to the women employees:** Yes

No

**J. Whether arrangements are made to pay wages to the employees by 7<sup>th</sup>. /10<sup>th</sup>. Of the succeeding month:** Yes

No

**K. Whether retired / resigned etc. employees are paid gratuity, leave encashment etc. as per the provisions of Act / Rules** Yes

No

**L. Whether the conditions of service, holidays, leaves, weekly offs etc. allowed to the employees under the relevant Acts / Rules:** Yes

No

**M. Nature of business:**

**ACKNOWLEDGEMENT SLIP**

**Application Identification No.....**

**Date:.....**

Received an application for Self Certification Scheme, 2016, under Labour Department,  
Govt of West Bengal from .....

*Authorized Signatory*

*or*

*System generated confirmation*

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**CONFIRMATION SLIP**

**Registration no. \_\_\_\_\_ Dated:.....**

Your application bearing AIN ..... dated .....  
regarding 'Coverage' / 'Continuation of coverage for further three years' under Self  
Certification Scheme, 2016 is confirmed.

*Authorized Signatory*

*or*

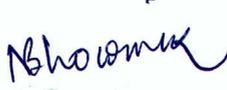
*System generated confirmation*

No: 1716/1(3) – IR

Date: 28-06-2016

Copy forwarded for information and taking immediate action to:

- ✓ 1) The Labour Commissioner, West Bengal  
New Secretariat Buildings, 1, K.S Roy Road, Kolkata – 700001.
- 2) The Chief Inspector of Factories  
New Secretariat Buildings, 1, K.S Roy Road, Kolkata – 700001.
- 3) The Director of Boilers  
New Secretariat Buildings, 1, K.S Roy Road, Kolkata – 700001.

  
Deputy Secretary

No: 1716/2(2) – IR

Date: 28-06-2016

Copy forwarded for information and reference to:-

- 1) The Principal Secretary, Department of Commerce & Industries, West Bengal.
- 2) The Managing Director, West Bengal Industrial Development Corporation Limited (WBIDC), "Protiti", 23, Abanindranath Tagore Sarani, (Camac Street) Kolkata – 700017

Deputy Secretary