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## CONTRACTORS'S LABOUR REGULATIONS

### 1. Short Title

These regulations may be called the IISER-TVM Contractors Labour Regulations.

### 2. Definitions

- i. **Workman** means any person employed by IISER-TVM or its Contractor directly or indirectly through a Sub-Contractor, with or without the knowledge of the IISER-TVM to do any skilled, semi-skilled or un-skilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment are expressed or implied but does not include any person.

- a. Who is employed mainly in a managerial or administrative capacity : or
- b. Who, being employed in a supervisory capacity draws wages exceeding five hundred rupees per mensum or exercises either by the nature of the duties attached to the office by reason of powers vested in him, functions mainly of managerial nature;
- c. Whos is an out worker, that is to say a person to whom any article or materials are given out by or on behalf of the principal employer to be made up cleaned, washed, altered, ornamental finished repaired, adopted or otherwise processed for sale for the purposes of the trade or business of the principal employer and the process is to be carried out either in the home of the out worker or in some other premises not being premise under the Central and management of the principal employer.

No person below the age of 18 years shall be employed to act as a workman.

- ii. **Fair wage** means wage whether for time or place work fixed and notified under the provisons of the Minimum Wages Act from time to time.
- iii. **Contractor** shall include every person, who undertakes to produce a given result other than a mere supply of goods or articles of manufacture through Contract Labour or who supplies Contract Labour for any work and includes a Sub-Contractor.
- iv. **Wages** shall have the same meaning as defined in the payment of Wages Act.

### 3.

- i. Normally working hours of an employee should not exceed 9 hours a day. The working day shall be so arranged that inclusive of interval for rest, if any, it shall not spread over more that 12 hours on any day.

- ii. When a worker is made to work for more than 9 hours on any day or for more than 48 hours in any week he shall be paid overtime for the extra hours put in by him at double the ordinary rate of wages.
- iii.
  - a. Every worker shall be given a weekly holiday normally on a Sunday, in accordance with the provisions of the Minimum Wages (Central) Rules 1960 as amended from time to time irrespective of whether such worker is governed by the Minimum Wages Act or not.
  - b. Where the Minimum wages prescribed by the Government under the Minimum Wages Act are not inclusive of the wages for the weekly day of rest the worker shall be entitled to rest day wages at the rate applicable to the next proceeding day provided he has worked under the same Contractor for a continuous period of not less than 6 days.
  - c. Where Contractor is permitted by the Engineer-in-charge to allow a worker to work on a normal weekly holiday, he shall grant a substituted holiday to him for the whole day on one of the five days immediately before or after normal weekly holiday and pay wages to such worker for the work performed on the normal weekly holiday at overtime rate.

#### **4. Display of Notice regarding wages etc.**

The Contractor shall before he commences his work on contract, display and correctly maintain and continue to display and correctly maintain in a clean and legible condition in conspicuous places on the work, notices in English and in the local Indian languages spoken by the majority of the workers, giving the minimum rates of wages fixed under the minimum wages act, the actual wages being paid, the hours of work for which such wages are earned, wage periods, dates of payment of wages and other relevant information as per Appendix - III

#### **5. Payment of Wages**

- i. The Contractor shall fix wage period in respect of which wages shall be payable.
- ii. No wage period shall exceed one month.
- iii. The wages of every person employed as Contract Labour in an establishment or by a Contractor where less than one thousand, such persons are employed shall be paid before the expiry of the seventh day and in other cases before expiry of tenth day after the last day of the wage period in respect of which the wages are payable.

- iv. Where the employment of any worker is terminated by or on behalf of the Contractor the wages earned by him shall be paid before the expiry of the second working day from the date of which his employment is terminated.
- v. All payments of wages shall be made on a working day at the work premises and during the working time and on a date notified in advance and in case the work is completed before the expiry of the wage period, final payment shall be made within 48 hours of the last working day.
- vi. Wages due to every worker shall be paid to him direct or to other person authorized by him in this behalf.
- vii. All wages shall be paid in current coin or currency or in both.
- viii. Wages shall be paid without any deductions of any kind except those specified by the Central Government by general or special order in this behalf or permissible under the payment of Wages Act 1956.
- ix. A notice showing the wages period and the place and time of disbursement of wage shall be displayed at the place of work and a copy sent by the Contractor to the Engineer-in-charge under acknowledgement.
- x. It shall be duty of the Contractor to ensure the disbursement of wages in the presence of the Site Engineer or any other authorised representative of the Engineer-in-charge who will be required to be present at the place and time of disbursement of wages by the Contractor to workmen.
- xi. The Contractor shall obtain from the Site Engineer or any other authorised representative of the Engineer-in-charge as the case may be a certified under his signature, at the end of the entries in the "Register of Wages" or the "Wages-cum-Muster Roll" as the case may be in the following form.

"Certified that the amount shown in colum No..... of Register of wages has been paid to the workman concerned in my presence on .....at ....."

#### **6. Fines and deduction which may be made from wages**

- i. The wages of a worker shall be paid to him without any deductions of any kind except the following.
  - a. Fines
  - b. Deductions for absence from duty i.e., from the place or the places where by the terms of his employment he is required to work. The amount of deduction shall be in proportion of the period for which he was absent.

- c. Deduction for damage to or loss of goods expressly entrusted to the employed person for custody, or for loss of money or any other deduction which he is required to account, where such damage or loss is directly attributable to his neglect or default.
  - d. Deduction for recovery of advance or for adjustment or over-payment of wages, advance granted shall be entered in register.
  - e. Any other deduction which the Central Government may from time to time allow.
- ii. No fines should be imposed on any worker save in respect of such acts and omission on his part as have been approved of by the Chief Labour Commissioner.

**NOTE:** An approved list of Acts and Omissions for which fines can be imposed is enclosed at Appendix - X.

- iii. No fine shall be imposed on a worker and no deduction for damage or loss shall be made from his wages until the worker has been given an opportunity of showing cause against such fines or deductions.
- iv. The total amount of the fine which may be imposed in any one wage period on a worker shall not exceed an amount equal to three paise in a rupee of the total wages, payable to him in respect of that wage period.
- v. No fine imposed on any worker shall be recovered from him by installment or after the expiry of 60 days from the date on which it was imposed.
- vi. Every fine shall be deemed to have been imposed on the date of the act or omission in respect of which it was imposed.

## 7. Labour Records

- i. The Contractor shall maintain **Register of persons employed** on work on contract in form XIII of the CL (R &A) Central Rules 1971 (Appendix IV).
- ii. The Contractor shall maintain a **Muster Roll** register in respect of all workmen employed by him on the work under contract in form XVI of the CL(R&A) Rules 1971 (Appendix V).
- iii. The Contractor shall maintain a **Register of wages** in respect of all workmen employed by him on the work under contract in form XVII of the CL (R &A) Rules 1971 (Appendix VI).

- iv. **Register of accidents:** The Contractor shall maintain a register of accident in such form as may be convenient at the work place but the same shall include in following particulars:
- a. Full particulars of the labourer who met with accident.
  - b. Rate of wage.
  - c. Sex
  - d. Age
  - e. Nature of accident and cause of accident
  - f. Time date of accident
  - g. Date and time when admitted in Hospital
  - h. Date of discharge from the Hospital
  - i. Period of treatment and result of treatment
  - j. Percentage loss of earning capacity and disability as assessed by Medical Officer.
  - k. Claim required to be paid under Workmen's Compensation Act.
  - l. Date of payment of compensation.
  - m. Amount paid with details of the person to whom the same was paid.
  - n. Authority by whom the compensation was assessed.
  - o. Remarks.
- v. The Contractor shall maintain **Register of Fines** in the form XII of the CL (R & A) Rules 1971 (Appendix XI).  
The Contractor shall display in a good condition and in a conspicuous place of work the approved list of Acts and Omissions for which fines can be imposed (Appendix X)
- vi. The Contractor shall maintain a **Register of deductions** for damage or loss in form XX of the CL (R & A) Rules 1971 (Appendix XII)
- vii. The Contractor shall maintain a **Register of Advance** in form XXIII of the CL (R & A) Rules 1971 (Appendix XIII).
- viii. The Contractor shall maintain a **Register of Overtime** in form XXIII of the CL (R & A) Rules 1971 (Appendix XIV).

#### **8. Attendance card-cum-wage slip**

- i. The Contractor shall issue Attendance Card cum Wage slip to each workman employed by him in the specimen form at Appendix – VII.
- ii. The card shall be valid for each wage period.

- iii. The Contractor shall mark the attendance of each workman on the card twice a day. Once at the commencement of the day and again after the rest interval, before he actually starts work.
- iv. The card shall remain in possession of the worker during the wage period under reference.
- v. The Contractor shall complete the wage slip portion on the reverse of the card at least a day prior to the disbursement of wages in respect of wages and retain the card with himself.
- vi. The Contractor shall obtain the signature or thumb impression of the worker on the wage slip at the time of disbursement of wages and retain the card with himself.

#### **9. Employment Card.**

The Contractor shall issue an Employment card in form XIV of the CL (R & A) Central Rules 1971 to each worker within three days of the employment of the worker (Appendix VIII).

#### **10. Service Certificate.**

On termination of employment for any reason whatsoever the Contractor shall issue to the workman whose services have been terminated a service certificate in form XV of the CL (R & A) Central Rules 1971 (Appendix-IX).

#### **11. Preservation of Labour Records.**

All records required to be maintained under Regulations Nos. 6 and 7 shall be preserved in original for a period of three years from the date of last entries made in them and shall be made available for inspection by the Engineer-in-charge, labour Officer or any other officers authorised by the Department.

#### **12. Power of Labour Officers to make investigations or Enquiry.**

The labour officer or any other person authorised by Central Government on their behalf shall have power to make enquiries with a view to ascertaining and enforcing due and proper observance of the Fair wage clauses and the Provisions of Regulations. He shall investigate into any complaint regarding the default made by the Contractor or Sub-Contractor in regard to such provision.

#### **13. Report of Labour Officer.**

The labour officer or other persons authorised as aforesaid shall submit a report of result of his investigation or enquiry to the Engineer-in-charge concerned indicating the extent, if any, to which the default has been committed with a note that necessary deductions from the Contractors bill made and the wages and other dues be paid to the labourers concerned. In case an appeal is made by the Contractor under the clause 12 of these

regulations, actual payment to labourers will be made by the Engineer-in-charge after the Director, IISER-TVM Engineer has given the decision on such appeal.

The Engineer-in-charge shall arrange payments to the Labour concerned within 45 days from the receipt of the report from the labour officer or the Chief Construction Engineer as the case may be.

#### **14. Appeal against the decision of labour officer.**

Any person aggrieved by the decision and recommendation of the Labour Officer or other persons so authorised may appeal against such decision to the Director, IISER-TVM within 30 days from the date of decision, forwarding simultaneously a copy of his appeal to the Engineer-in-charge concerned but subject to such appeal, the decision of the officer shall be final and binding upon the Contractor.

#### **15. Prohibition regarding representation through lawyer.**

- i. A workman shall be entitled to be represented in any investigation or enquiry under these regulations by;
  - a. An Officer of a registered trade union of which he is a member.
  - b. An Officer of a federation of trade union referred to in clause (a) is affiliated.
  - c. Where the employer is not a member of registered trade union, by an Officer of a registered trade union, connected with or by any other workman employed in the industry in which the worker is employed.
- ii. An employer shall be entitled to be represented in any investigation or enquiry under these regulation by;
  - a. An Officer of a association of employers of which he is a member.
  - b. An Officer of a federation of association of employees to which association referred to in clause (a) affiliated.
  - c. Where the employer is not a member of any association of employers, by an officer of association of employer, connected with or by any other employer, engaged in the Industry in which the employer is engaged.

#### **16. Inspection of Books and Slips**

The Contractor shall allow inspection of all the prescribed labour records to any of his workers or to his agent at a convenient time and place, after due notice is received from the Labour Officer or any other person, authorised by the Central Government on his behalf.

**17. Submission of Returns.**

The Contractor shall submit periodical returns as may be specified from time to time.

**18. Amendments**

The Central Government may from time to time add to or amend the regulations and on any question as to the application, interpretation or effect of those regulations the decision of the Engineer-in-charge concerned in that behalf shall be final.