

Compliance Inspection under the Minimum Wages Act, 1948

The Minimum Wages Act,1948 and the Odisha Minimum Wages Rules,1956 mandate payment of minimum rates of wages fixed by the Government to the employees engaged in the notified scheduled employments by the concerned employers.

As regard to the State of Odisha there are **89** employments included in the schedule under the Act.

Inspection Procedure :

- i) Sec. 19 of the M.W. Act prescribes appointment of Inspectors by the appropriate Government and their functions. Accordingly, Inspectors have been notified by the State Government with local limits.
- ii) Inspections are conducted under the Composite Inspection Scheme schedule of the Labour Directorate and under the Central Inspection Framework scheme schedule generated by Industries Department.
- iii) Under the Composite Inspection Scheme different establishments in a district are identified for inspection under various labour laws and monthly schedule of inspection allocating different Inspectors are prepared. The final annual schedule of inspection is approved by the District Collector or by the Labour Commissioner, Odisha.
- iv) Under the Central Inspection Framework, on-line inspection schedules are generated in GO-SMILE Portal for synchronized inspection by the Central Inspection Co-ordination Group (CICG), where in all concerned including the employers are intimated regarding date of inspection.
- v) Inspector conducts visit to the establishment for inspection and examines any register/record any person in the premises whom he has reasonable cause to believe, is an employee, require the employer to produce any register or other document related to compliance inspection.
- vi) Makes copies of or take extracts from any register, record, notice or other relevant documents.
- vii) Inspector validates the following documents/ records and collects copy of the same if required.
 - Gazette Notification on minimum rate of wages (latest)
 - Combined Muster Roll-cum- Register of Wages
 - Combined Registers of Fines, Deduction for Damage or Loss and Advance
 - Combined Register for Overtime Working and Payment
 - Combined Annual Return
 - Wages Slip
 - Working Hour Notice/Notice on current rates of minimum wages
 - Abstract of the Act
- viii) In case of detection of less payment made by an employer differential amount to be claimed before Authority appointed by the appropriate Government under Section 20 of the M.W. Act.

- ix) After completion of the inspection, Inspector prepares an Inspection Report in the Composite Inspection Scheme format on the basis of available information and sends to the concerned employer on-line or off-line endorsing copy to the next higher authority.
- x) Inspection Report is uploaded in the GO-SMILE Portal if inspection is conducted under CICG schedule. Facility for uploading the inspection reports pertaining to Composite Inspection Scheme will be available after completion of the e-Governance project of the Labour & ESI Department.
- xi) For any non-compliance the Inspector issues show-cause notice to the employer for necessary rectification within the prescribed timeline.
- xii) Employer/Management submits compliance report with documents within prescribed timeline.
- xiii) If the concerned Inspector finds the compliance satisfactory after assessment of the documents, then the file is closed following due procedure.
- xiv) If the rectifications/ documentations are not found proper/sufficient, Inspector will initiate action for filing prosecution in court of Sub-Divisional Judicial Magistrate (SDJM) / Judicial Magistrate First Class (JMFC) following due procedure.

The Odisha Gazette

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LABOUR & ESI DEPARTMENT

NOTIFICATION

The 30th October, 2018

S.R.O No. 431/2018 – Whereas Certain Proposals to revise the minimum rate of wages payable to certain categories of employees employed in 89 scheduled employment were published as required under clause (b) of sub-section (1) of section 5 of the Minimum Wages Act, 1948 (11 of 1948) in the Extraordinary issue No. 1362 of the Odisha Gazette, dated the 3rd August, 2018 bearing SRO No. 326 under the notification of the Government of Odisha in the Labour and Employees State Insurance Department No.5564 LL-I-(III) 56/18/LESI, dated the 3rd August, 2018 inviting objections and suggestions from all persons likely to be affected thereby within a period of two months from the date of publication of the said notification in the *Odisha Gazette*;

And whereas, the Advisory Board appointed under section 7 of the said Act, has been consulted and the representations containing objections and suggestions received within the specified period of two months in respect of the said proposal have been duly considered by the State Government;

Now, therefore, in exercise of the powers conferred by clause(b) of sub-section (1) of section 3 readwith section 4 and sub-section (2) of section 5 of the said Act and in supersession of all previous notifications issued in this regard, the State Government do hereby revise the minimum rates of wages payable to Unskilled, Semiskilled, Skilled, Highly Skilled categories of employees employed in 88 employments as mentioned in the Schedule to this notification in the whole State of Odisha to Rs. 280.00, Rs.320.00, Rs.370.00 and Rs. 430.00 per day respectively, with effect from the date of publication of this notification in the *Odisha Gazette*. The revised minimum rates of wages shall consist of the rates of wages as set out in Column (4) of the Schedule to this notification and payable to the categories of employees as mentioned in Column (3) thereof. In addition to the said rates of wages, Variable Dearness Allowance (VDA) as admissible shall be declared at half-yearly interval i.e. on 1st April and 1st October of the year, @ Rs. 0.90 paise per point rise in All India Consumer Price Index Number for Industrial Workers(base 2001-100)as may be notified by the Labour Commissioner, Odisha.

SCHEDULE

Sl. No.	Name of the Employment	Categories of Employees	Revised minimum rates of wages per day
(1)	(2)	(3)	(4)
1.	Agriculture		
2.	Agarbati and Candle making Worker's Establishments		
3.	Automobile servicing, repairing garages and workshops		
4.	Ayurvedic and Unani Pharmacy		
5.	Bakeries and Confectionaries including Biscuit making		
6.	Bamboo Forest Establishment		
7.	Brass and Bell Metal Industry		
8.	Carpet Weaving Industry		
9.	Cashew processing establishments	Unskilled	Rs. 280.00
10.	Cement pipe making and allied products industry	Semi-skilled	Rs. 320.00
11.	Ceramic and Pottery Industry	Skilled	Rs. 370.00
12.	Chemical Industry	Highly skilled	Rs. 430.00
13.	Cinema Industry and Film Production		
14.	Clay Pottery		
15.	Coir Industry		
16.	Collection of Sal Seeds		
17.	Construction or maintenance of Dams, Embankments, Irrigation Projects and sinking of wells and tanks.		
18.	Construction or maintenance of roads or in building operations		
19.	Contingent and Casual Employees in Govt. and other establishments, Courier and Cargo Services		
20.	Cotton Ginning and Pressing Industry		
21.	Dispensary of Medical Practitioner in any establishment of medical consultant or in any Chemical or Pathological Laboratory, Private Nursing Homes, Private Medical College Hospitals, Super Specialty Hospitals, clinic, laboratory etc.		

(1)	(2)	(3)	(4)
22.	Distilleries		
23.	Domestic Workers (shall be calculated as per hours of work)		
24.	Electricity transmission, generation and distribution		
25.	Employment in NGO & Voluntary Social Organization		
26.	Employment in laying of underground Cables, Electric lines, Water supply lines and under Cable Operators.		
27.	Finishing Dying of yarn and fabrics, painting, knitting and embroidery		
28.	Fisheries and Sea food Industry		
29.	Forest produce such as Genduli gum, Mahua making of coal and resin.		
30.	Foundry Industry with or without attached machine shop	Unskilled	Rs. 280.00
31.	Glass Industries	Semi-skilled	Rs. 320.00
32.	Gold and Silver Ornaments and articles of artistic design	Skilled	Rs. 370.00
33.	Graphite Industry including beneficiation	Highly skilled	Rs. 430.00
34.	Handloom and Hosiery		
35.	Hotels, Eating Houses and Restaurants		
36.	Ice Factory and Cold Storage		
37.	Jute Industry and Jute Twine Industry		
38.	Kendu Leaf Collection		
39.	Khadi Village Industries including manufacture of Khandasari and other products		
40.	Laundry including dry-washing		
41.	Leather Industry		
42.	Liquefied Petroleum Gas manufacture and distribution		

(1)	(2)	(3)	(4)
43.	Local Authority		
44.	Manufacture of brush and brooms		
45.	Manufacture of Coke and Burning Coals		
46.	Manufacture of Cold drinks, Soda and other allied products		
47.	Manufacture of Electrical Bulbs and all allied electrical equipments		
48.	Manufacture of matches, fireworks and explosives		
49.	Manufacture of nails and pines	Unskilled	Rs. 280.00
50.	Manufacture of paints and varnishes	Semi-skilled	Rs. 320.00
51.	Manufacture of plastic products including toys	Skilled	Rs. 370.00
52.	Manufacture of Radio by assembling with parts	Highly skilled	Rs. 430.00
53.	Manufacture of ropes		
54.	Manufacture of Utensils including Aluminum and Hindalium products		
55.	Metal Industry(except the cottage and village scale units)		
56.	Major or Minor Engineering Industry including Sponge, Secondary Steel, Rolling Mills, Ferro Alloys, Metal Industries(employment less than 50 persons)		
57.	Motor body building		
58.	Non-teaching staff of all private Educational Institutions including ITI & Training Institute Coaching Centre.		
59.	Oil Mill		
60.	Paper and Cardboard Industry		
61.	Petrol and Diesel Oil pumps		
62.	Pharmaceutical Industry		
63.	Power loom Industry		
64.	Printing Press, DTP centre and offset printing press		
65.	Private Road Transport		
66.	Private Security Agencies and Private Security Services		

(1)	(2)	(3)	(4)
67.	Public Health Engineering		
68.	Public Motor Transport		
69.	Readymade Garments Industries including Mechanized Trade of Readymade Garment Industry		
70.	Refractory Industry		
71.	Regulated markets, Marketing Societies, Co-operative Societies and Banks.	Unskilled	Rs. 280.00
72.	Rice Mill, Flour Mill or Dal Mill, Chuda mill and Masala Mill	Semi-skilled	Rs. 320.00
73.	Rubber and Rubber Products Industry	Skilled	Rs. 370.00
74.	Salt Pans	Highly skilled	Rs. 430 .00
75.	Saw Mills		
76.	Shops, Commercial Establishments, saloon, beauty parlour, Spa, massaging centre, Xerox shop, STD booth, tent house, newspaper hawkers and newspaper establishments.		
77.	Siali leaf pluckers & Sal leaf pluckers		
78.	Soap and Detergent Manufactory		
79.	Social Forestry		
80.	Spinning Mills		
81.	Stone breaking or Stone crushing		
82.	Tamarind collection		
83.	Tile and Brick Making		
84.	Timber Trading (excluding felling and sawing)		
85.	Timber Trading (including felling and sawing)		
86.	Tobacco (including Bidi making) Manufactory		
87.	Trunks, Suitcase and Bucket manufactory		
88.	Wood works and furniture making industries		
**89.	Minor Ports		

**The 89th schedule i.e. Minor Ports will be included from the date of Final Notification w.r.t. SRO No. 330/2018 dated 03.08.18 of Labour and Employees State Insurance Department in the *Odisha Gazette*.

Explanation:— for the purpose of this notification—

1. The minimum rates of wages are all inclusive rates including the basic rates, the cost of living allowances and the cash value of the concessional supply if any of essential commodities.
2. The daily minimum rates of wages shall be inclusive of wages payable for the weekly day of rest.
3. The minimum rates of wages are applicable to employees employed by contractors also.
4. The minimum rates of wages for disabled persons shall be same as payable to the workers of the appropriate category.
5. There shall not be any discrimination between male and female workers in the matters of payment of minimum wages in any category of employment.
6. (a) "Unskilled" work means work which involves simple operation requiring little or no skill or experience on the job.
(b) "Semi-skilled" work means work which involves some degree of skill or competence acquired through experience on the job and which is capable of being performed under the supervision or guidance of a skilled employee and includes un-skilled supervisory work.
(c) "Skilled" work means work which involves skill or competence acquired through experience on the job or through training as an apprentice or in a technical or vocational institute and the performance of which calls for initiative and judgment; and
(d) "Highly Skilled" work means work which calls for a high degree of performance and full competence in the performance of certain tasks, acquired through intensive technical or professional training or practices, work experience for long years and also required for workers to assure full responsibility for the judgment or decisions involved in the execution of these tasks.
7. An adult employee shall work for 08 (eight) hours per day excluding half an hour of rest.

(No. 7312- LL-I-III-56/18/LESI.)

By Order of the Governor

ANU GARG
Principal Secretary to Government

Combined Muster Roll -cum- Register of Wages

Name & Address of the Factory /
Establishment

Name & Address of the Contractor
(if any) Place of work

Name & Address of the Principal
employer Month/Year

Sl. No.	1. Name of employees 2. Father / Husband name	Sex M/F	Date of Birth	Emp. No. / Sl. No. in register of employees	Degn. / Deptt.	Date of joining	ESI No.	PF No.	ATTENDANCE							No. of payable days Total Units of work done	Name of N&F Holiday for which wages have been paid
									1	2	3	4	5	6	7		
									8	9	10	11	12	13	14		
									15	16	17	18	19	20	21		
									22	23	24	25	26	27	28		
									29	30	31						

Month & Year

EARNING											DEDUCTIONS												
Basic	DA / VDA	HRA	Coby, Allow	Med. Allow	Att/bonus	Spl.All.	OT	Misc. Earnings	Others	Total	ESI	PF	PT	TDS	Socy.	Insurance	Sal. Adv.	Fine	Damage	Others	Total	Net payable	Date of payment

Complete Signature of the Employer / Principal Employer / Authorised Signatory

Combined Register of Fines, deductions for Damage or Loss and Advances

Sl. No.	Name of the Employee / Father's / Husband's Name	Designation Emp. No. / Sl. No. in register of employees	Nature & date of offence for which fine imposed	Date and particulars of damages / loss caused	Whether worker showed cause against fine or deductions	Amount of the fine imposed / deduction made	Date & purpose for which advance was made	Amount of advance made & purpose thereof	No. of instalments granted for repayment of finds / deductions /advances	Wages period and rate of wages payable	Date of recovery of fine / deduction / advance	
											First Instalment	Last Instalment
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

Signature of the Employer / Principal Employer / Authorized signatory

Combined Annual Return

General Particulars -

1(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 LicenseRegistration 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/dissmised/terminated/retrrenched/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) under M.W. and P.W. Act.

	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 Factories Act / 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

In respect of the Payment of Bonus

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

Relating to the Factories Act

9. Does the Factory carry on hazardous process under section-2(cd) dangerous operation U/s 87 of Factories Act, 1948.

- If Yes..... Yes / No
- (i) Whether Health and Safety Policy prepared and published Yes / No
- (ii) Whether occupational Health Centre provided Yes / No
- (iii) Whether Medical Officer appointed Yes / No
- (iv) Whether Ambulance Van provided Yes / No
- (v) Average no. of persons employed daily in hazardous process / Yes / No
- (vi) dangerous operation Yes / No

10. Safety and Welfare Officers :-**(a)**

	No. of Officers required to be appointed	No. of Officer actually appointed
(i) Safety Officers as per Sec.-40(B) of Factories Act.		
(ii) Welfare Officers as per Sec-49 of the Factories Act.		

(b) Whether the following Welfare measures are provided ?

(i)	Ambulance Room as per Sec.-45(A)	Yes / No
(ii)	Canteen as per Sec.-46(I)	Yes / No
(iii)	Whether the canteen is run departmentally or through contractor departmentally / Contractor	
(iv)	Creche as per Sec-48(i)	Yes / No.
(v)	Shelters, Rest Rooms and Lunch Room as per Sec-47(I)	Yes / No.

11. Particulars of Accidents, Man's days lost and others :-

(i)	Total no. of accidents that have taken place in the year.
(ii)	Number of employees involved in such accidents:- (a) Male (b) Female
(iii)	Total number of man's days lost in such accident.
(iv)	No. of employees returned to work within 48 hours of the accident.
(v)	No. of employees returned to work after 48 hours of the accident (Reportable accident)
	(a) Without Permanent / Partial / Total Disablement
	(b) With Permanent / Partial / Total Disablement.
(vi)	Number of employees involved in accidents with either immediately or later within 7 days resulted in death.

12. (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.

13. (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
(i)						
(ii)						
(iii)						
(iv)						
Total						

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

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

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

14. 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.	

15. 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

16. 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 establishment.

(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.

Digital Signature / Signature of the Employer / Manager _____

Place:

Date:

Name of the signatory _____

Designation in the establishment _____

FORM XI
[RULE 26 (2)]
Wage Slip

Name of the establishment

Place.....

1. Name of employee with father's/husband's name.....
2. Designation.....
3. Wage period.....
4. Rate of wages payable-
 - (a) Basic.....
 - (b) Dearness allowance.....
5. Total attendance / unit of work done.....
6. Overtime wages.....
7. Gross wages payable.....
8. Total deduction.....
9. Not wages paid.....

Pay-in-charge

Employee's signature/
Thumb impression