

DELHI JAL BOARD, GOVT. OF N.C.T. OF DELHI
LABOUR WELFARE OFFICE,
'B' BLD., VARUNALAYA, KAROL BAGH,
NEW DELHI-05.

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No. DJB/AC (LW)/2015/D

162712

Dated:

21/12/15

CIRCULAR

The Circular No. PA/Secy. Lab/2015/247 dated 02.11.2015 issued by Secretary cum Commissioner (Labour) Govt. of NCT of Delhi, is hereby endorsed for information and necessary action by all concerned.

Encl. As above

(G. Nayal)

Assitt. Commissioner (LW)

All DDO's

Copy for information to:-

- 1 Member(A)/Member(F)/Member(WS)/Member(Dr.)/CVO/Addl. CEO.
- 2 Director (A&P)/Director(F&A)/Director(Rev.)/D.O.V./Secretary, DJB.
- 3 All Chief Engineers/All SEs/All Jt. Dir.(F&A)/All Jt.Dir.(Rev.).
- 4 Dir.(T&QC)/All ACs/Dy. DORs/LO/EO/AOs/AC(P&M)/All EEs/All Dy.Dir.(F&A).
- 5 Project Dir.(Bottling Plant/CWA/DDs(H)/CSO/Dy.CSO.
- 6 All MOIs/All Ao's/All AAOs.
- 7 All Unions of Delhi Jal Board.
- 10 Consultants (PR) for publishing these orders in the coming edition of Varun Patrika.
- 8 EE(EDP) with the request to upload this office order on the Website of DJB.
- 9 PS to CEO.

Assitt. Commissioner (LW)



EE EDP

Sh. Kishan
Mgt.

No.PA/Secy.Lab/2015/247

Date:02.11.2015

To 10.11.15
AC/HW

7(A)
D(A)

made
10.11.15

3303/s
9-11-15

All Pr Secretaries/Secretaries/HoDs of all departments
Govt. of NCT of Delhi

Sub: Enclosing DO's and DON'TS for (PE and Contractors) for compliance in respect of contract workers engaged by your department.

21(A)

7201

10/11/15

21(A)
15/11/15
Account

Various Govt. Departments have outsourced various activities in their respective departments for which services of various contractors have been engaged and contract workers have been engaged to do so.

Labour Department has been receiving various complaints regarding non-payment of notified minimum wages by contractors to their workers including other violations like PF, ESI, Bonus, gratuity etc. etc. and non issuance of employment card, non-maintenance of various statutory records as stipulated in Contract Labour Act, 1970 and Rules framed there under.

In order to address this important issue, Labour Department in the past has issued various advisories in the shape of administrative orders dated 16.12.2011, 04.03.2014 and 22.05.2015. Vide these orders necessary guidelines and other statutory compliances on the part of contractors as well as Principal Employers has been mentioned in details.

However, in continuation to this endeavour and as a repeat of the same a list of DO'S and DON'TS on the part of Principal Employers and Contractors is being enclosed herewith this letter, with the request that these may be circulated to all concerned for strict compliance, keeping in view the welfare of workers and their entitlements provided under the provisions of Labour Laws.

Your kind cooperation is solicited in this regard.

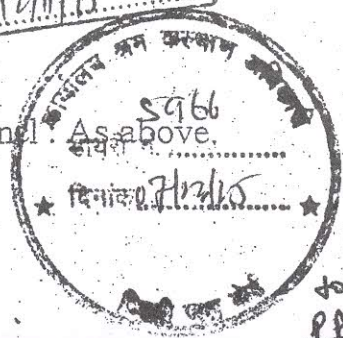
Yours faithfully,

Asstt. Commissioner (W)
Delhi Jal Board
Diary No. 5344
Date 12/11/15

(K.R. Meena)

Secretary cum Commissioner (Labour)

Encl: As above.



8999
10.11.2015

Please circulate it to all DO's.
PA

This ord. send in this office by mistake as it may be seen that D(A) has marked it to AC(HW) being the matter pertain to Labour Welfare. Hence it may be forwarded to AC(LW) but n.g at his end as per the order of D(A) 03/12/15

DO'S FOR PRINCIPAL EMPLOYERS UNDER CONTRACT LABOUR ACT, 1970.

1. Principal employer must obtain registration certificate from Registering Officer and apply for amendment from time to time, if any, like change of contractors, extension of contractors, period of contract etc. etc.
2. Principal employer must at the first instance issue form-V (prescribed under Contract Labour Rules-1971) to contractor enabling him to apply for licence to labour authorities/licensing officer, without which licence to contractor cannot be issued.
3. Principal employer to ensure that every contractor who employs 20 or more workers, obtains licence from Licensing Officer and shall not allow any contractor to work without a valid licence.
4. NIT inviting bids must be specifically clear regarding application and compliance of various labour laws like notified minimum rate of wages, PF, ESI, Gratuity, bonus, leave and other statutory facilities/benefits etc. etc.
5. Bids/NIT to be invited only for professional charges/agency charges/service charges of contractors and not for fixed statutory components like wages, PF, ESI, Gratuity, Bonus etc. etc. as is the present practice.
6. Principal Employer to ensure opening of bank accounts of all contractor workers who have been employed through the contractor, contractor to pay wages to their workers through Account Payee Cheque/ECS and contractor to upload the data on his website. In case the contractor does not have his own website then contractor to upload the data on the website of PE (supervision only).
7. Principal Employer to ensure payment of wages to the contract workers by the contractor by 7th of every month in case 7th is a holiday then on the next working day (supervision only).

8. Principal employer to ensure payment of bonus to contractor once in a year so that contractor also extends the same benefit to his workers under Payment of Bonus Act, 1965. 4/C

9. Principal employer should ensure that the contract workmen are not engaged in same or similar kind of work as workers directly employed by the principal employer of the establishment for the same work, otherwise the contractor is liable to ensure same conditions of service to his workmen including wage rates, holiday, hours of work and other benefits (Principle of same pay same work).

DON'TS FOR PRINCIPAL EMPLOYERS :

1. PE should not work without obtaining registration certificate under the Act.
2. Discourage employment of contract workers on permanent, perennial and regular nature of jobs / activities.
3. Do not allow any contractor to work without a valid licence.
4. Do not allow contractor to work beyond the number of persons mentioned in his licence / registration certificate of PE.
5. PE should not deploy contract workers for other jobs for which licence has not been obtained.
6. PE should not allow contractor to work without a detailed agreement / contract.
7. PE should not allow female employees/work ladies of contractors to work during night (before 6.00 A.M. or after 7.00 P.M.).
8. PE should comply with other statutory obligations prescribed under the Contract Labour (R & A) Act, 1970, ESI Act, PF Act, Bonus Act etc. etc. wherever applicable.

DO'S FOR CONTRACTORS

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1. Should ensure obtaining form-V from PE prescribed under Contract Labour Act, 1970 and Rules framed thereunder.
2. Should obtain licence if employing 20 or more contract labour immediately from the licensing authority i.e. DLC of the district.
3. Should pay wages through Account Payee Cheque /ECS to his workers. Payment to be disbursed / made on 7th of every month if less than 1000 employees employed by him.
4. Should ensure that the details/particulars of establishment, details of the categories of workmen employed, wages being paid and other statutory records are uploaded on his website every month latest by 10th of every month. In case he has no website of his own then upload the data on the website of PE.
5. Should also enter into agreement / contract with PE and provide a copy to licensing officer.
6. Should ensure payment of notified minimum wages to his workers and compliance of all other applicable labour laws and maintenance of statutory records in respect of his workers.
7. Apart from above compliances should ensure payment of bonus to his workers under Payment of Bonus Act, 1965, if Act is applicable.
8. Should submit annual return in prescribed form and maintain all statutory records as per Contract Labour Act, 1970 and rules framed thereunder.
9. Contractor employing 10 or more workers must be registered under ESI Act, 1948 and contractor employing 20 or more workers must be registered under PF Act, 1952.
10. In case contractor employs less than 10 workers, he must obtain group insurance policy against such workers to cover them against accident/death risk while working.
11. Contractor to issue job card/employment card in hindi to all his workers setting out clearly his designation, rate of wages, hours of work, his other entitlements under various labour laws etc. etc. Copy to be issued to worker and countersigned copy by workman as acceptance of the same be kept with contractor.

DON'TS FOR CONTRACTORS

1. Not to employ more than the licensed number of workers.
2. Licence is not to be transferred in some others name.
3. Not to employ child labour i.e. children below the age of 14 years.
4. Not to employ sub-sub contractors, if required, separate form V should be issued for obtaining licence, wherever applicable, from the licensing authority.
5. Should not employ any woman worker at night (before 6.00A.M. and after 7.00 P.M.).
6. Should not temper / modify / change any prescribed form / register / record as per his convenience.
7. Should not undertake any other job other than licensed for.
8. Contractor should not have been prosecuted/convicted during the last 5 years.
9. Contractor whose licence has been cancelled by labour department on account of violations should not apply until a period of 3 years has lapsed.