

OFFICE OF THE SECRETARY-CUM-LABOUR COMMISSIONER
GOVT. OF NCT OF DELHI
5, SHAM NATH MARG, DELHI-110054

No.F.137/Addl.LC/Lab./Advisory/Bonus/3463

Dated: 15/10/2019

ADVISORY

A large number of employees/ Workers are engaged by various Government Departments. GNCTD through Contractors. It is estimated that approximately 35,000 no. of outsourced workers /employees have been engaged in various departments of Govt. of NCT of Delhi. Complaints regarding non-payment of bonus by the contractors have been received from outsourced worker.

The payment of Bonus Act 1965 is a Central Act and is applicable on all private establishments and also establishment set up by State Govt. like M/s ICSIL. Who employ 20 or more workers on any day during the accounting year. Section 10 of the Act provides for a minimum payment bonus of 8.33% of the basic and dearness allowance to the employees/ workers, which comes out to be roughly one month salary of an employee/ worker. As per section 19 of the Act, the bonus is payable within 8 months of the close of accounting year, however it is customary to pay bonus before Deepawali.

It is informed that all the Contractors' establishments are covered under the Payment of Bonus Act 1965, who have employed 20 or more workers on any day during the accounting year. It is a statutory responsibility of the Contractor to pay bonus to its employees since respective contractors are their employers. In case of default, the establishment/ contractor are liable for prosecution for non-payment of bonus under section 28 of the Act and in addition to prosecution, the due amount of bonus is recoverable u/s-33(C)(1) of Industrial Disputes Act, 1947 and the said amount if not paid, is recovered as arrears of land revenue.

Your attention is also drawn to the provisions of the Contract Labour (Regulation & Abolition) Act, 1970, responsibility has been cast upon the Principal Employer to ensure compliance of various

labour laws by their respective contractors. Non-payment of bonus is a serious issue and all the principal employers are urged upon to ensure disbursement of bonus to outsourced workers /employees by their contractors in the forthcoming Deepawali festival season.

This issues with the approval of Hon'ble Minister of Labour, Govt. of NCT of Delhi.



(Dr. Rajender Dhar)
Addl. Labour Commissioner

To

All Pr. Secretaries/Secretaries/HODs of various deptts,GNCTD.

Copy to :-

1. Secretary to Hon'ble Minister of Labour, GNCTD.
2. PA to Secretary-cum-Commissioner(Labour), GNCTD.
3. System Analyst to upload this advisory on the website of Labour Department.