

OFFICE OF THE COMMISSIONER (LABOUR)
LABOUR DEPARTMENT, GNCT OF DELHI
5- SHAM NATH MARG, DELHI- 110054

F.No.15 (46)/Lab/2020 /5000

Dated:- 11/10/2023

Advisory

A large number of employees/ workers are engaged by various Government Departments GNCTD through Contractors. Complaints regarding non-payment of bonus by the contractors have been received from outsourced workers.

The Payment of Bonus Act, 1965 is a Central Act and is applicable on all Private establishments and also establishments set up by State Government 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. As per section 19 of the Act, the bonus is payable with 8 months of the close of accounting year, however, it is customary to pay bonus before Deepawali.

It is informed that all the Contractor's 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 establishments/contractors 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.

These issues with the approval of Commissioner (Labour).

(S.C. Yadav)

Additional Secretary (Labour)

To:-

All Pr.Secretaries/Secretaries/HODs of Various Departments/Autonomous bodies, GNCTD.

Copy to:-

1. Secretary to Hon'ble Minister of Labour, GNCTD.
2. PA to Commissioner (Labour), GNCTD.
3. DLC (Admn.), Labour Department, GNCTD.
4. System Analyst to upload this Advisory on the website of Labour Department.