

## **Submitted By Assistant Director (IS&H) Hisar**

**The Labour Commissioner is the Supervisory Head of the Department and is Responsible for the control and overall functioning of the Department.**

**There are two wings of the Department**

**(i) Industrial Relation Wing**

**(ii) Industrial Safety & Health Wing**

### **FUNCTIONS OF THE DEPARTMENT**

1. The main functions of the Labour Department, Haryana are-

**(i)** Maintenance of Industrial peace and harmony in the State and

**(ii)** To ensure Safety & Health and welfare of the workers.

2. In addition to it, the department also oversees various Welfare Schemes run by the Haryana Labour Welfare Board & Haryana Building & Other construction Welfare Board. The Labour Commissioner, Haryana is the ex-officio Welfare Commissioner of Haryana Labour Welfare Board and Secretary to the Haryana Building & Other construction Welfare Board.

**Assistant Director (IS&H) is in Industrial Safety & Health Wing**

**Different Acts in which Assistant Director is Industrial Safety & Health Declared Inspector.**

1. The Factories Act, 1948

2. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

3. The Maternity Benefit Act, 1961

4. The Child Labour (Abolition & Regulation) Act, 1986

### **The Factories Act, 1948**

The Factories Act 1948 applies to such factories wherein 10 or more workers are working or were working on any day of the preceding twelve months, and in any part of which a manufacturing process is being carried on with the aid of power or wherein twenty or more workers are working, or were working on any day of preceding twelve months and in any part of which any manufacturing process is being carried on without the aid of power.

1. Registration of Factory and grant of licence (Section 6&7)

The occupier is required to submit application in the prescribed form in triplicate to the Chief Inspector of Factories for the registration of the Factory and grant of

licence. Licence is granted by the Chief Inspector of Factories for a period of one year or five years, as the case may be, on payment of the fees specified.

## 2. Approval of Factory Building Plans

Under the Factories Act the Chief Inspector is the competent authority to approve the factory building plans. With a view to reduce delay in the approval of building plans it has been principally decided that the industrial sheds which are built by the HSIDC, the same shall be built as per norms prescribed under the Punjab Factory Rules. We have already sent a communication to the HSIDC in this behalf (copy enclosed). It has also been decided that henceforth for the purpose of registration/licences, the papers shall be submitted by the employers/occupiers of factories to the **Assistant Director** in the field and the latter shall examine the same and in the event of any deficiencies, he will get these removed at his level from the occupier and shall send the papers complete in all respects within a week from the date of receipt of the completed form from the occupier.

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## 4. Health and safety provisions

The health provisions which relate to cleanliness, disposal of wastes and effluents, ventilation and temperature, lighting, drinking water, latrines and urinals etc. and safety provisions which relate to fencing of machinery, employment of young persons on dangerous machines, prohibition of employment of women and children near cotton-openers, revolving machinery, pressure plant, protection of eyes, precautions in case of fire, safety of buildings and machinery, appointment of safety officers etc. Relevant extract of these chapters is enclosed.

## **2. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996**

This act applies to every **establishment** which employees or had employed on any day of the preceding twelve months, ten or more building workers in any building or other construction work.

### **Establishment :**

It means any establishment belonging to or under the control of, Govt., any body corporate or firm, any individual or association or other body of individuals which or who employees building workers in any building or other construction work an includes an establishment belonging to a contractor, but does not include an individual who employees such workers in any building or construction work in relation to his own residence the total cost of such construction not being more than rupees ten lacs.

### **Building workers :**

It means a person who is employed to do any skilled, semi-skilled or unskilled, manual, supervisory, technical or clerical work for hire or reward, whether the terms of employment be expressed or implied in connection with any building or other construction work but does not include any such person

1. who is employed mainly in a managerial or administrative capacity or
2. who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, function mainly of a managerial nature.

### **Registration of Building workers as beneficiaries**

**Membership** sec. 12-(1) Every building worker who has completed eighteen years of age but has not completed sixty years of age and who is not a member in any other welfare fund established under any law for the time being in force and who has

completed ninety days of service as a building worker in the year immediately preceding shall be eligible for membership in the fund.

(2) A certificate to prove age specified below, shall also be submitted along with the application:-

- (i) School records;
- (ii) certificate from the Registrar of Birth and Deaths;
- (iii) In the absence of the above certificate, a certificate from a Medical Officer not below the rank of a Medical Officer in Government service.

(3) Certificate from the Employer or contractor the application is a construction worker shall be produced along with the application for registration. In case such a certificate is not available, a certificate issued by the registered construction worker unions or a certificate issued by Labour Officer or assistant Director, Industrial Safety & Health of the concerned area or by the Executive Officer of the Panchayat may also be considered.

(4) Every building worker eligible to become a beneficiary to the Fund shall submit an application in **Form V** to the secretary or to an officer authorized by him in this behalf. Every such application shall be accompanied by the documents mentioned in this Rule and a registration fee of twenty five rupees;

(5) Where the secretary or an Officer authorized by him, is satisfied that the decision fulfils the conditions, such building worker shall be registered as a member.

(6) Any person may within thirty days, file an appeal to the Board against the decision taken under sub-Rule (5) and the decision of the Board thereon shall be final.

(7) The building worker shall also file a nomination in **Form VI**. The nomination shall stand revised in the name of the spouse on his acquiring a family or on the happening of any legal change in the status of the family.

(8) The secretary or other officer authorized by him in this behalf shall issue to every beneficiary an identity card with a photo of the beneficiary affixed in **Form VII** and maintain a register of identity card in **Form VIII**.

**Assistant Director (IS&H), Assistant Director (IS&H) Chemical, Assistant Director (IS), Labour Com Conciliation Officer & Labour Inspector are authorized to register the Building Workers.**

#### **The Child Labour (Prohibition and Regulation) Act, 1986:**

The Act provides for the prohibition of employment of child labour in hazardous occupations and processes and provides for the regulation of conditions of work of child labour employed in establishments where they have not been prohibited to work. It ultimately aims at progressive elimination of child labour in all occupations. Inspections of establishments are conducted by the Officers and Inspectors to ensure compliance of the Act

#### **Maternity Benefit Act 1961:**

The Maternity Benefit Act, 1961 applies in the first instance to every establishment being a factory, mine or plantation, every establishment wherein persons are employed for the exhibition of equestrian, acrobatic & other

performances, every shop or establishment in which ten or more persons are employed and any such establishment belonging to the Central or State Government. (section-2)

## **Haryana Building and Other Construction Workers' Welfare**

### **Board**

#### **Brief of statutory schemes**

- ❖ **Maternity Benefit:** The women beneficiaries are given Rs. 1000/- each as Maternity Benefit during the period of maternity upto two children.
- ❖ **Pension:** On completion of 60 years of age of the workers, the monthly pension becomes payable @ Rs. 150/- + increase of Rs. 10/- per year beyond 5 years of service.
- ❖ **Advance for purchase or construction of house:** The Board sanctions upto Rs. 50,000/- as advance for this purpose for beneficiaries having continuous membership for 5 years.
- ❖ **Disability Pension:** An amount of Rs. 150/- per month is payable to a beneficiary who is permanently disabled due to paralysis, leprosy, cancer, TB, accident etc in addition to ex-gratia payment of Rs. 5000/-.
- ❖ **Loan for the purchase of tools:** An amount of Rs. 5,000/- is payable to the member for purchase of tools, who has completed three years of membership of the Board.
- ❖ **Payment of Funeral Assistance:** An amount of Rs. 1,000/- is payable to the dependant/nominee of the deceased member for this purpose. 15 workers have been benefited.
- ❖ **Death Benefit:** An amount of Rs. 15,000/- is payable to the nominee/dependant in case of death of the worker and Rs. 50,000/- in case of accidental death. 15 workers have been benefited.
- ❖ **Medical Assistance:** An amount of Rs. 200/- for the first five days and Rs. 20/- each for the remaining days subject to a maximum of Rs. 1000/- is payable to the worker who is hospitalized for five or more days due to accident or disease.
- ❖ **Financial Assistance for education:** Children of the members are proposed to be given financial assistance for study purposes on the pattern of Labour Welfare Board Schemes.

- ❖ **Financial Assistance for marriage:** An amount of Rs. 2,000/- each is payable to the member who has completed 3 years of membership of the Board for the marriage of two children. A female member is given this assistance for her own marriage.
- ❖ **Family Pension:** In the event of death of a pensioner, 50% of the pension or Rs. 100/- whichever is higher is payable to the surviving spouse.

## **List of some new schemes other than those mentioned in the notified Rules, 2005.**

- ❖ **Janashree Bima Yojana (LIC):** Under this social security scheme, an amount of Rs. 30,000/- is payable to the nominee in case of natural death and Rs. 75,000/- in case of death by accident or total disability due to accident. However, approximate 38000 registered building and other construction workers have been covered under this scheme.
- ❖ **Health Insurance Scheme:** Under this scheme, annual insurance coverage of sum of Rs. 30,000/- on the pattern of RSBY is to be made available to the beneficiary and his family with 5 members as a unit and the Health coverage would include indoor expenses of reputed public/ private hospitals. However, approximate 1000 health cards have been issued to the registered building and other construction workers so far.
- ❖ **Coverage of chronic diseases:** A further Health Scheme for coverage of chronic diseases like cancer, AIDS, T.B. and heart diseases etc. has also been introduced and under this scheme beneficiary may get self treatment or treatment for his/her dependents as indoor patients from public sector hospitals and get medical bill reimbursed against actual expenses but not exceeding Rs. 1 Lac in a year.
- ❖ **Free traveling facility for religious/historical places:** The facilities for visiting religious/ historical places once in four years for a family not exceeding five members, is available to the beneficiary who is having two years service at his credit and will not be drawing monthly salary exceeding Rs. 10,000/-. Period of this visit will not be exceeding 10 days. The payment of expenditure so incurred by the beneficiaries will be made at the rate prescribed by the Haryana Roadways from time-to-time or actual railway fare, as the case may be.
- ❖ **Facilities for crèches and mobile toilets:** These facilities are presently available at Gurgaon. The process to provide such facilities at Faridabad stand started. The contract for constructing and running the crèches and also to establish mobile toilets has been entrusted to M/s Design House, New Delhi after inviting tenders through leading newspapers. It has also been decided to extend these facilities at Sonapat and Panipat also.
- ❖ **Opening of Mobile Fair Price Shops:** In the first phase this facility will be available at Gurgaon and Faridabad where construction workers are located in clusters. Essential commodities like Aatta, Daal, Rice, Ghee and Oil etc. would

be supplied to them at their doorsteps at reasonable rates. The process for implementation of the scheme is at final stage.

- ❖ **Free Transport Facilities for students:** To give boost to the educational facilities for universal coverage of children belonging to this target group, the process for hiring mini-buses/vans for taking their children from their living places to the nearby schools has been approved by the Board.
- ❖ **Mobile Dispensary Vans:** In order to meet health care requirements of the beneficiaries, the mobile dispensary vans alongwith requisite medical staff and medicines are already in operation at Gurgaon, Ambala, Panipat, Faridabad and Hisar districts.
- ❖ **Shelters for Construction Workers:** The facilities of shelters with civic amenities is to be provided to Labour at the labour chowks on availability of the land from local authorities. The task for laying Foundation Stone of three Labour Sheds at Yamuna Nagar and two Labour Sheds at Faridabad has been completed and finalized on 14.07.2009 and 18.07.2009 respectively. An expenditure likely to be incurred is Rs.31 Lacs approximately.

The process to construct such Labour Sheds at Labour Chowks of other towns of the State, efforts are being made promptly and the task in question is likely to be completed during this financial year.

- ❖ **Financial assistance for marriage of daughters:** A new scheme namely 'Kanyadaan' has also been introduced under which Rs. 5100/- as assistance for marriage of each daughter of the construction workers, would be given. 30 workers have been benefited so far.
- ❖ **Establishment of Labournet Centres in the State:-**Initially, one Labournet Centre by involving Bangalore based NGO- MAYA has been established at Manesar which was inaugurated by Hon'ble CM on the occasion of Mazdoor/Labour Day on 12.06.2009. The main objective of this centre to register and create a data base of workers and provide Identity Cards to all workers, improve safety at work sites, short-term modular training opportunities to workers and crèche facility etc. The process to establish one more centre at Gurgaon and two at Faridabad is at the final stage. However, on the basis of performance of these centres after one year, the Board will be establishing such centres in other towns of the State where construction workers are expected to be found working in clusters.

<b>No of beneficiaries registered in Hisar District in year 2008:</b>	<b>2065</b>
<b>Noof beneficiaries registered in Hisar Upto31 July year 2009 :</b>	<b>3783</b>
<b>Funeral Assistance &amp; Death Benefit :</b>	<b>99000 /:</b>
<b>Financial assistance for marriage of daughters under Kanyadaan'Scheme :</b>	<b>30600</b>

**Assistant Director  
Industrial safety & Health  
Hisar**