

HARYANA GOVERNMENT
LABOUR DEPARTMENT
Notification
The 10th August, 2016

No. 11/39/2016-4Lab, The Governor of Haryana is pleased to formulate “Self Certification Scheme” for the factories, shops and commercial establishments in the State to liberalize the enforcement of labour laws in pursuance of implementation of the ‘Business Reform Action Plan 2016 - Ease of Doing Business” as formulated by the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India.

The Scheme shall consist of the following provisions:-

1. **PREAMBLE:-** This Self Certification Scheme aims at making the employer or an entrepreneur a conscious and truthful citizen and law abiding person who is willing to take care of all interests of the workers and employees by following all the laws as applicable and enable the Department of Labour to effectively protect the interest of the workers as well as the employers and entrepreneurs and to create a friendly and safe environment and relationship between the Employer and the Employees.
2. **OBJECTIVE:—** The objectives of this Self Certification Scheme is to curtail visits of Government officials for inspection of those units who opt for this Scheme without compromising on the safety, health, social security and welfare of the workers as provided under the various labour enactments.
3. **PROCEDURE:—** This Scheme shall be optional and any employer or entrepreneur employing less than 250 workers can opt for this Scheme and apply online at the website of Labour Department, Haryana i.e. “www.hrylabour.gov.in” in the prescribed Performa. Any discrepancy in the application or enclosures shall be communicated to the applicant within 15 days from the receipt of the online application. In case no discrepancy is so communicated, the applicant shall deemed to have been enrolled under the Self-Certification Scheme.
4. **VALIDITY OF SCHEME:-** Once opted the same shall be valid for five years. After the successful compliance under the Self- Certification scheme for five years,

the employer or entrepreneur or occupier shall have option either to remain covered under the Self-Certification Scheme or opt out of the Scheme. The option must be exercised again by making online application on the website of Labour Department.

5. **LABOUR LAWS FOR WHICH THE SCHEME IS VALID:-** This Self Certification Scheme shall be valid for following Acts and Rules made thereunder as applicable to the concerned employer/entrepreneur/occupier:

- (i) Factories Act, 1948 and Rules framed thereunder.
- (ii) Minimum Wages Act, 1948 and Rules framed thereunder.
- (iii) Payment of Wages Act, 1936 and Rules framed thereunder.
- (iv) Contract Labour (Regulation & Abolition) Act, 1970 and Rules framed thereunder.
- (v) Payment of Bonus Act. 1965 and Rules framed thereunder.
- (vi) Payment of Gratuity Act, 1972 and Rules framed thereunder.
- (vii) Maternity Benefit Act, 1961 and Rules framed thereunder.
- (viii) Child Labour (Prohibition & Regulation) Act, and Rules framed thereunder.
- (ix) Shops & Commercial Establishments Act, 1958 and Rules framed thereunder.
- (x) The Inter-State Migrant Workmen (RECS) Act, 1979 and Rules framed thereunder.
- (xi) The Equal Remuneration Act, 1976 and Rules framed thereunder.
- (xii) Motor Transport Workers Act, 1961 and Rules framed thereunder.
- (xiii) Punjab Industrial Establishments (National & Festival Holidays & Casual and Sick Leave) Act, 1965.

6. **HOW TO APPLY:-** Under the Self Certification Scheme, the application shall be submitted at “www.hrylabour.gov.in”. The self certification form shall appear in the dashboard of user login on the said URL (hrylabour.gov.in). The self Certification Scheme shall be effective prospectively from the date of online submission of application. Initially, the employer/ entrepreneur may apply for the scheme till 31st December, 2016. Afterwards, the application shall be received only from 1st January to 31st March of every year.

Note: The Factory/Establishment opting for Self Certification Scheme shall fall under the scheme with effect from the date of application but shall not be exempted from the inspection schedule already finalized for that quarter under Transparent Inspection Policy.

7. **INSPECTION PROCEDURE UNDER THE SCHEME:** Under the Self Certification Scheme not more than 5% of the factories/establishments so covered under the scheme shall be picked up randomly for inspection yearly. Once inspected the same

factory/establishment is not likely to be inspected in the next 5 years. However, on specific complaints, accidents, dangerous occurrences, violation of Labour Laws, inspection may be conducted only with prior approval of Labour Commissioner-cum-Chief Inspector of Factories, Haryana.

The factories which do not desire to opt for the scheme will continue to be inspected as per the departmental inspection policy.

The copy of scheme along with all prescribed proforma shall be available on the departmental web site. Application shall be made in the proforma attached with the scheme.

Note:

- (i) Only the factories/establishment having valid license/ Registration under the Factories Act,1948 and Shops & Commercial Establishments Act, 1958 will be eligible for this Scheme.**
- (ii) The Major Accident Hazard Units shall not be covered under the Self Certification Scheme. (Major Accident Hazard Units define under MHISC Rule 1989)**
- (iii) All the classes of the Factories involving Hazardous Process or High Risk Industries mentioned under Section 2(CB) of the Factories Act,1948 shall not be covered under the Self Certification Scheme.**

DR. MAHAVIR SINGH,
Principal Secretary to Government of Haryana,
Labour Department.

From

M/s. _____

To

Labour Commissioner-cum-
Chief Inspector of Factories,
Haryana, Chandigarh.

Sub:- Application for Registration under Self Certification Scheme for factories under various labour laws.

Sir,

Reference Government of Haryana notification No. _____ Dated _____ regarding Self Certification Scheme of the Labour Department.

I/We have gone through the above said scheme and have understood the same and wish to be covered under this scheme. The Self Certification Proforma is enclosed herewith. I/We undertake to abide by all terms and conditions of the Scheme. It is also certified that I/We am/are competent & duly authorized to make any statement or provide any information to any Central / State Government agency on behalf of this establishment.

Yours faithfully,

(Sign. of employer/entrepreneur/occupier)

Name.....

Address.....

E-mail.....

Encls: Self -Certification Proforma

Self-Certification Proforma under Factories Act, 1948

[Prescribed under Self Certification Scheme of Government of Haryana, Labour Department Notification No. _____ Dated _____]

- 1) Name & Address of the factory _____
- 2) Name of Occupier/Employer (Inc. Email ID) _____
- 3) License No. under Factory Act(with validity) _____
- 4) Average No. of Workers employed :-
Male _____ Female _____ Total _____
- 5) Manufacturing Process _____
- 6) Sanctioned Load _____

(A) FACTORIES ACT,1948 AND THE PUNJAB FACTORY RULES,1952

Sr. No.	Section	Rule	Details	Yes/No /N.A
1	21		Are dangerous/moving parts of transmission machinery properly guarded?	
2	7-A		Are the workers without sufficient training and effective supervision not allowed to operate the machines?	
3	24(2)		Are suitable devices for cutting off power in emergency in every workroom provided and kept in order?	
4	28, 29	60, 60-A,B	Are the hoists/ lifts / cranes or other lifting machinery suitably constructed, properly maintained and periodically examined by the competent person?	
5	31	61	Are all the prescribed precautions taken in the case of pressure plants and are these periodically examined?	
6	32 (a,b)	66(9)	Are floors, steps, stairs, passages and gangways of sound construction are maintained properly and provided with handrails? Are safe means of access provided to all the places of work?	
7	33		Are all the tanks, pits, etc., securely covered/fenced?	
8	34	62	Are excessive weights carried by the workers?	
9	35	63	Are proper precautions taken for protection of eyes?	
10	36		Are necessary precautions taken against dangerous fumes& use of portable electric light inside any chamber, tank, pit, vat etc.?	
11	37		Are necessary precautions taken against explosions?	
12	38		Are all precautions taken to prevent outbreak, spread of fire& adequate means of escape?	
13	39,40		Is any building or part of building in a dangerous condition involving imminent danger to human life or safety?	
14	7-A	66-D	Is any material or requirement stacked or stored in unsafe manner?	
15	7-A	66-E,F	Are all the prescribed precautions taken in the case of Ovens, Driers, Vessels and Kettles and are these periodically examined?	
16	7-A (2)		Are adequate precautionary measures taken to prevent the electrical hazards?	

17	21	55-Sch-I-VII	Are all the prescribed precautions taken for Textile machinery, Cotton Ginning machinery, Wood working machinery, Rubber Mills, Centrifugal Machines, Power Presses, Shears, Slitters and Guillotine machines?	
18		67-B	Has the Safety Committee constituted in accordance with the prescribed rules?	
19		70-B	Is written statement of policy in respect of Health and Safety of the workers prepared as prescribed?	
20	46	71-77	Is the Canteen provided according to the prescribed provisions?	
21	47	78	Is a Rest Room provided according to the prescribed provisions?	
22	48	79-82	Is the crèche provided according to the prescribed provisions?	
23	49		Is the Welfare Officer appointed and working in accordance with the prescribed rules (PWOR&CS Rules, 1952) in the factory?	
24	40(B)	66	Is Safety Officer appointed and working in accordance with the prescribed rules?	
25	59(1)		Are overtime wages paid in accordance with Section 59?	
26	87	102	Is any breach of safety provisions laid down in schedule I to XXVII of Rule 102 taking place?	
27	88(1)	103	Are notices of accident sent in accordance with Section 88 and Rule 103?	
28	59	83,85,86, 87,94,95, 110,111	Is Over Time Muster Roll, Compensatory Holiday, Register of Adult Workers, Leave with wages, Leave Book, Accidents & Dangerous Occurrences, Muster roll maintained?	
29	61, 108	69A	Are notices under different sections of Factories Act displayed? (61,108 & Rule 69-A etc.)?	
30	110	107	Are Annual Return and Half Yearly Return in Form No.21, 22& 31 in duplicate submitted in accordance with the prescribed rules?	
31	45 (1,3)	69	Are sufficient numbers of First-Aid Boxes in the charge of trained person provided with all the	

			prescribed equipments?	
32	45(4)	70	Is the ambulance room & ambulance van provided according to the prescribed provisions?	
33	11(1) (a)		Is the factory kept clean?	
34	13(1) (a), 14(1)		Are the ventilation adequate and working conditions comfortable and exhaust arrangements	
35	16(2)		Is any workroom over crowded?	
36	17		Is lighting in all the rooms and passages sufficient and suitable?	
37	18	36, 37,41	Is sufficient quantity of approved cool drinking water provided according to the prescribed provisions for the use of the workers?	
38	19(1)	42 - 51	Are the latrine and urinal accommodation for male and female workers provided according to the prescribed provisions?	
39	89		Has any worker suspected to have contracted any notifiable disease?	
40	87	102	Is any breach of the Health provisions laid down in schedules I to XXVII of Rule 102 taking place??	

(B) PAYMENT OF WAGES ACT, 1936 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1		5	Whether Register of wages is maintained in proper form and details upto date.	
2	5		Whether payment of wages is ensured on the 7 th / 10 th of every month of succeeding month.	
3	23(3)(d)	8	Whether notice of date of payment is displayed as per the provision of the Act.	
4		10	Whether application in respect of fines being imposed on the employees is being sent to the Labour Commissioner as per rule.	
5	26(3)	18	Annual return in the prescribed common form i.e. Format AR is sent not later than 31 st day of January of the succeeding year.	

(C) MINIMUM WAGES ACT, 1948 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1	18	25 & 26	Whether the prescribed registers and records are maintained upto date?	
2			Whether wages paid to employees is as per the minimum rates of wages notified by the Government under the Minimum Wages Act, 1948.	

(D) THE EQUAL REMUNERATION ACT, 1976 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			Number of Female employees employed	
2			Whether they are being paid same wages for the same work as being performed by male workers?	

(E) THE CONTRACT LABOUR (REGULATION & ABOLITION) ACT, 1970 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			Number of Contract Labour Employed	
2			Number of Contractors engaged	
3	7	17	Whether Registration is obtained	

4	12	21	Whether Contractor (s) possesses a Valid Licence	
5		26	Whether the conditions of service prescribed under Rule 26 are complied with	
6		73, 74, 77 & 78	Whether the required Registers are being maintained by the Principal Employer or contractor(s)	
7		82 (1) & (2)	Whether returns prescribed are sent by the Principal Employer and contractor	

(F) PAYMENT OF GRATUITY ACT, 1972 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No /N.A
1		3(1)	Whether notice in Form A for opening of the establishment has been submitted to the Controlling Authority?	
2		3(2)	Whether requisite information in Form B has been given to the Controlling Authority in the event of any change in the name and address of the employer or nature of business?	
3		4(1)	Whether the name and designation of the officer who will receive notice under the Act, has been displayed?	
4		6(1)	Whether information regarding nomination in Form F has been sent in respect of the concerned employees who have completed one year of service?	
5		20	Whether abstract of the Act/Rules displayed at the premises?	

(G) THE PAYMENT OF BONUS ACT, 1965 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			Date on which the factory / establishment started manufacturing process / working	
2			Date of commencement and completion of accounting year	

3			Has the employer opted for the closure of the accounts and balance to any day other than 31 st March?	
4	2(1) (iii)		Has the option given exercised with the previous approval of the prescribed authority?	
5	4(a) & (b)		Has the gross profit been computed/ calculated in the manner specified in the First/ Second Scheme	
6			Amount of available surplus	
7			Amount of allocable surplus	
8			Whether the infancy period completed? If so, from which date	
9			No. of workers employed month wise during the closing year: (i) Name of the month (ii) Number of workers (iii) No. of workers entitled to bonus	
10			Whether the workers entitled to bonus, have been paid bonus?	
11			Whether the payment of bonus has been made within the prescribed time limit?	
12		4(a), 4(b) & 4(c)	Whether the following registers are being maintained :- (i) Register of computation of allocable surplus in Form A (ii) Register of set on and set off of allocable surplus in Form B (iii) Register of bonus paid to the employees for the accounting year in Form C	

(H) MATERNITY BENEFIT ACT, 1961

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			No. of women workers eligible for Maternity Benefit under the Act during the year:	
2			No. of women workers to whom Maternity benefit were paid during the year. Details in respect of each eligible women	

(I) THE PUNJAB INDUSTRIAL ESTABLISHMENTS (NATIONAL FESTIVAL HOLIDAYS AND CASUAL, AND SICK LEAVE) ACT, 1965.

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			Statement of festival holidays sent to Inspector of the area and exhibited in the factory or not.	
2			Register of festival holidays, casual and sick leave of workers maintained for all the workers employed in the factory or not.	

(J) THE CHILD LABOUR (PROHIBITION AND REGULATION) ACT, 1986 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1	10		Whether any child labour is employed by the employer? If so, whether record maintained as under:- (i) Name of Child Labour (ii) Age of the Child Labour (iii) Parent's name and address (iv) Nature of work being performed by the child (v) Hours and period of work.	

(K) THE PUNJAB LABOUR WELFARE FUND ACT, 1965 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A
1			No. of employees employed (a) Employees directly employed (b) Employed through contractor as contract labour	
2	9A		Whether the employer has paid his share of the contribution and that of the employee to the Welfare Commissioner within the prescribed time?	
3			Amount of unpaid accumulation, if any	

4		22(1) (a) & 22(1) (b)	Whether the employer is maintaining following registers: (a) Register of wages in Form A (b) Register in Form B?	
5		21(2)	Whether the employer is sending return to the Welfare Commissioner in the form of a copy of extract from register in Form B?	

UNDERTAKING

1. I /We do hereby certify that the contents given above are true and correct.
2. That I/ We have gone through the scheme and have fully understood the contents of the scheme and undertake to abide by the same.
3. That it is declared that I/We are complying and will continue to comply with all provisions of Factories Act, 1948, The Payment of Wages Act, 1936, The Minimum Wages Act, 1948, The Equal Remuneration Act, 1976 and Rules made thereunder, Contract Labour (Regulation & Abolition) Act, 1970 and the Rules made thereunder, The Payment of Gratuity Act, 1972 and the Rules made thereunder, The Payment of Bonus Act, 1965 and the Rules made thereunder, Maternity Benefit Act, 1961, The Punjab Industrial Establishments (National Festival Holidays And Casual and Sick Leave) Act, 1965, The Child Labour (Prohibition And Regulation) Act, 1986 and the Rules made thereunder and The Punjab Labour Welfare Fund Act, 1965 and the rules made thereunder, covered by the Self Certification Scheme.
4. That I/We agree to accept the penalty prescribed under law in case of violation detected in the unit under any law covered under the scheme after applying under the Scheme.

Place:

Date:

(Sign. of employer / entrepreneur / occupier)

Name.....

Address.....

E-mail.....

From

M/s. _____

To

Labour Commissioner-cum-
Chief Inspector of Factories,
Haryana, Chandigarh.

Sub:- Application for Registration under Self Certification Scheme for Shops and Commercial Establishments under the various labour laws.

Sir,

Reference Government of Haryana notification No. _____ Dated _____ regarding Self Certification Scheme of the Labour Department.

I/We have gone through the above said scheme and have understood the same and wish to be covered under this scheme. The Self Certification Performa under the scheme is enclosed herewith. I/We undertake to abide by all terms and conditions of the scheme. It is also certified that I/We am/are competent & duly authorized to make any statement or provide any information to any Central / State Government agency on behalf of this establishment.

Yours faithfully,

(Sign. of employer/entrepreneur/occupier)

Name.....

Address.....

E-mail.....

Encls:- Self -Certification Proforma

Self-Certification Proforma for Shops and Commercial Establishments under various Labour laws

[Prescribed under Self Certification Scheme of Government of Haryana, Labour Department Notification No.

_____ Dated _____]

- 7) Name & Address of the establishment / factory _____
- 8) Name of Occupier/Employer (Inc. Email ID) _____
- 9) License No. under Factory Act (with validity) _____
or Registration number of establishment registered under the Punjab Shops and Commercial Establishments Act, 1958 _____
- 10) Average No. of Workers employed :-
Male _____ Female _____ Total _____
- 11) Business Activity _____

(A) The Punjab Shops and Commercial Establishments Act, 1958 and the rules made thereunder.

Sr. No.	Section	Rule	Details	Yes/No/ N.A.
1	13	13	Whether Registration Certificate is obtained or not.	
2	7		Whether the employees are being paid over time for working over and above the prescribed hours of work in terms of the provisions of the Act and the	
3			Whether the Register of Employees is maintained upto date or not?	
4			Whether welfare facilities prescribed under the rules are being provided. If permission for night working of women employees obtained?	
5			Whether the women workers are provided transport and security facilities during the hours from 8.00 P.M. to 6.00 A.M. while going to work and back to residence.	
6			Whether child below of the age of 14 is employed.	

(B) PAYMENT OF WAGES ACT, 1936 AND THE RULES MADE THEREUNDER

Sr. No.	Section	Rule	Details	Yes/No/ N.A.
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1		5	Whether Register of wages is maintained in proper form and details upto date.	
2	5		Whether payment of wages is ensured on the 7 th / 10 th of every month of succeeding month.	
3	23(3)(d)	8	Whether notice of date of payment is displayed as per the provision of the Act.	
4		10	Whether application in respect of fines being imposed on the employees is being sent to the Labour Commissioner as per rule.	
5	26(3)	18	Annual return in the prescribed common form i.e. Format AR is sent not later than 31 st day of January of the succeeding year.	

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Sr. No.	Section	Rule	Details	Yes/No/ N.A
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(G) THE PAYMENT OF BONUS ACT, 1965 AND THE RULES MADE THEREUNDER

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5	4(a) & (b)		Has the gross profit been computed/ calculated in the manner specified in the First/ Second Scheme	
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3			Amount of unpaid accumulation, if any	
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5. I /We do hereby certify that the contents given above are true and correct.
6. That I/ We have gone through the scheme and have fully understood the contents of the scheme and undertake to abide by the same.
7. That it is declared that I/We are complying and will continue to comply with all provisions of Factories Act, 1948, The Payment of Wages Act, 1936, The Minimum Wages Act, 1948, The Equal Remuneration Act, 1976 and Rules made thereunder, Contract Labour (Regulation & Abolition) Act, 1970 and the Rules made thereunder, The Payment of Gratuity Act, 1972 and the Rules made thereunder, The Payment of Bonus Act, 1965 and the Rules made thereunder, Maternity Benefit Act, 1961, The Punjab Industrial Establishments (National Festival Holidays And Casual and Sick Leave) Act, 1965, The Child Labour (Prohibition And Regulation) Act, 1986 and the Rules made thereunder and The Punjab Labour Welfare Fund Act, 1965 and the rules made thereunder, covered by the Self Certification Scheme.
8. That I/We agree to accept the penalty prescribed under law in case of violation detected in the unit under any law covered under the scheme after applying under the Scheme.

Place:

Date:

(Sign. of employer / entrepreneur / occupier)

Name.....

Address.....

E-mail.....