

From

The Principal Secretary, Govt. of Haryana,
Labour Department.

To

1. All the Heads of Departments of Govt. of Haryana.
2. All Managing Directors of Public Sector Corporations of Govt. of Haryana.
3. Administrators of Statutory and Non Statutory Boards of Govt. of Haryana.
4. All Deputy Commissioners and Sub Divisional Officers (Civil) in Haryana.
5. All Government Universities in the State of Haryana.

No. 2189-2330

Dated : 18-11-19

Subject:- Instructions for compliance of provisions of Employees Provident Fund Act, Employees State Insurance Act and Labour Welfare Fund Act, 1965.

In continuation of this office letters No. 29712-50 & 29752-854 dated 31.08.2018 and letter No. 200-399 dated 02.01.2019, on the subject cited above, I am directed to inform you that the above matter was discussed in the meeting held under the Chairmanship of Hon'ble Chief Minister, Haryana on dated 04.01.2019, wherein it was directed that all Head of Departments and MDs of Board / Corporations must ensure compliance of the provisions of **Contract Labour (Regulation & Abolition) Act, 1970, The Employees' Provident Funds And Miscellaneous Provisions Act, 1952, Employees State Insurance Act, 1948** and the **Labour Welfare Fund Act 1965** and deposit that the contribution towards EPF, ESI and LWF in respect of the employees appointed through outsourcing agencies is being deposited in time by the Contractors before releasing the payment to the Contractors / Outsourcing Agencies.

It was also directed by the Hon'ble CM that all the DDOs (Headquarters & Field Offices) shall be made personally responsible for ensuring compliance of the above directions and respective DDOs must ensure, prior to release of the payments to the outsourcing agency(s), that they have deposited contribution for EPF, ESI and Labour Welfare Fund for the previous month in respect of each and every worker / employee engaged through that agency. In case of negligence, the concerned DDO will be personally held liable and an amount equivalent to the amount of EPF, ESI and LWF contribution will be deducted from the salary of such DDO.

A report to this effect must be submitted by DDOs to their HQs on regular basis and the HODs / MDs of Boards/Corporations will issue a certificate that the

Indlu

Outsourcing Agency/Contractor has deposited monthly contribution of EPF, ESI and Labour Welfare Contribution for all the employees hired through these outsourcing agencies / Contractors.

Therefore, all the HODs / MDs / Registrars of Govt. Universities must ensure the statutory compliances in time. The briefs of the statutory compliances are as follows:-

1) Applicability of Contract Labour (R&A) Act, 1970:

- a) Every establishment in which 50 or more workmen are employed or were employed on any day of the preceding 12 months as contract labour / Outsourcing employee.
- b) Every Contractor who employees or who employed on any day of the preceding 12 months 50 or more workmen.

2) Registration of Establishment / Department :

- a) Every Principal Employer (HOD) employing 50 or more workers through the Contractor / outsourcing agency must register with the Labour Department, Haryana and obtain a registration certificate before employing any Contractor / outsourcing agency. The online registration can be obtained through the website of the Labour Department i.e. hrylabour.gov.in. Non compliance of this provision can invite punitive proceedings as mentioned under the ibid Act.
- b) Every Contractor / outsourcing agency must obtain the labour licence which will be valid from January to December and after that the Contractor must renew the licence from the Labour Department. The online Contractor licence can be obtained through the website of the Labour Department i.e. hrylabour.gov.in. Non compliance of this provision can invite punitive proceedings as mentioned under the ibid Act.

3) Liability of Principal Employer :

- a) The Contractor/outsourcing agency is responsible for payment of wages through bank transfer but in case of any default, it is the specific liability of the Principal Employer under Section 21 of the ibid Act that all wages of the Contractor/ outsourcing employees must be credited into their bank accounts before 7th of every month without any illegal deduction as specified in the Payment of Wages Act, 1936.

Signature

- b) The Contractor/outsourcing agency must maintain record of wage, leave and overtime etc. not only for compliance of the wage law but also as a proof which can be audited by the Principal Employer/ Department before releasing the payment to the Contractor/Outsourcing agency. Employer is legally responsible for any deficiency in this regard.

4) Deduction of Employees Provident Fund, Employees State Insurance contributions and Labour Welfare Fund-

- a) It should be ensured by the Principal Employer that Contractor/Outsourcing agency must register with the Provident Fund, ESI and Haryana Labour Welfare Board and take a proper code number, Registration no. and the copy of code number must be retain for record.
- b) Principal Employer must also ensure that the Contractor / Outsourcing agency deposit the PF, ESI and Labour Welfare Contribution with the Authorities regularly every month. The Contractor / Outsourcing agency must deposit the amount alongwith the list of workers in whose account it has to be deposited.
- c) The Principal Employer must obtain the copy of the Electronic Challan cum Receipt (ECR) with full details of individual workers regarding deposit of EPF in their account every month for record and verification. This is in addition to the copy of the half yearly return in Form No. 3A and annual return in Form No. 6A of Provident Fund Act.
- d) It must also be noted that in the event of non deposit of the amount by the Contractor / Outsourcing agency, it will be the liability of the Principal Employer to do so. The non deposit of amount deducted entails criminal liability under law. It must also be ensured by the Principal Employer that the statement of deposits are given to the workers regularly by the Contractor / Outsourcing agency.
- e) The Principal Employer must note that the provident fund is to be deducted @ 12 % from employee and the Employer's contribution is @ 13.31%. Similarly, the ESI deduction from employee is @ 1.75% and the Employer's contribution is @ 4.75%. Similarly, the Labour Welfare contribution @ Rs. 10/- from the employees and Rs. 20/- from the Employer must be deducted and deposited to the appropriate authorities.

Endless

- f) The DDO will personally verify the detail as per the record before making payment to the engaged Contractor / Outsourcing agency.
- g) A certificate to this effect shall be obtained by the concerned HODs / MDs / Registrars who shall upload the certificate upto the 10th of every month on the online portal of the Labour Department, Haryana (hrylabour.gov.in).
- h) The above guidelines have earlier been issued by the worthy **Chief Secretary, Haryana office vide No. 43/5/2001-3GS-II** dated Chandigarh, the 20th February, 2014 and also available on Government website.

Therefore, in view of the directions given by Hon'ble CM, you are requested to strictly follow the above statutory compliances and a action taken report be sent to the O/o Labour Commissioner, Haryana through mail i.e. labourcommissionerharyana@nic.in and hrylabour@gmail.com


for Principal Secretary, Govt. of Haryana,
Labour Department.

Endst. No.

Dated :

A copy is forwarded to the following for information please:-

- 1) PS to Additional PSCM in compliance of direction dated 20.12.2018.
- 2) All the Administrative Secretaries to the Govt. of Haryana for kind information and necessary action please.

o/c


for Principal Secretary, Govt. of Haryana,
Labour Department.

CERTIFICATE

1.	Name and address of the Department.:
2.	Name and address of office (establishment) :
3.	Total number of DDOs:
4.	Whether certificates have been obtained from all DDOs
5.	Name of HOD:
6.	Total No. of Contractors / outsourcing agencies engaged in the office / establishment.
7.	Total No. of workers employed through all the Contractors / outsourcing agencies.
8.	a) Whether Registration under Contractor Labour (Regulation & Abolition) Act, 1970 obtained or not (if total no. of contract workers are 50 or more). b) Whether Licence under Contractor Labour (Regulation & Abolition) Act, 1970 has obtained or not (if total no. of contract workers are 50 or more) by the Contractor.
9.	Whether provisions of the Contract Labour (Regulation & Abolition) Act, 1970 are complied with the department or not?

(Specify nil entry with reasons if EPF/ESI / contribution to Haryana Labour Welfare Board is not applicable.)

1.	a) Name & Address of Contractor / outsourcing agency with contact number. b) Number and date of License taken under Contract Labour (Regulation & Abolition) Act, 1970. c) Employees Provident Fund Registration Number d) ESI Registration No.	
2.	Nature of work for which worker / employee engaged in the organization.	
3.	Maximum Number of workers contracted to be deployed.	

Certified that the above information is true and correct. It is also certified that the outsourcing agencies / Contractors have fully credited the EPF, ESI Contribution and Labour Welfare Contribution in time for all the employees engaged by them.

Name of Head of Department
with Office Seal

From

Welfare Commissioner,
Haryana Labour Welfare Board,
Bays No.29-30, Pocket-II, Sec-4,
Panchkula.

To

- i) All Head of Departments in Haryana,
- ii) All the Chief Administrators and Managing Directors of all the Boards/Corporations in Haryana.
- iii) The Registrar General, Punjab and Haryana High Court, Chandigarh.
- iv) All Deputy Commissioner in Haryana.
- v) All the Registrars of Universities in Haryana.

No. HLWB/ 8666-8816
Dated: 17-9-18

Subject: Regarding non deposit of Contribution by the employees engaged under outsourcing policy of Government of Haryana under the Punjab Labour Welfare Fund Act, 1965 (Amended from time to time).

Kindly refer to the subject cited above.

I am directed to intimate your goodself that the provisions of the Punjab Labour Welfare Fund Act, 1965 (amended from time to time) (copy enclosed) are applicable to all establishments registered under the Factories Act, 1948 and all those shops & commercial establishments in which on any day 10 or more employees are employed or were employed during the preceding twelve months and the same are registered under the Punjab Shops and Commercial Establishments Act, 1958 in the state of Haryana.

As per the section 9 A of the ibid Act, every establishment covered under the aforesaid Acts is required to deposit the amount of contribution i.e. Rupees 20/- employer share and Rupees 10/- employee share with the Welfare Commissioner of Haryana Labour Welfare Board through online mode on the portal hrylabour.gov.in. All the contribution becomes the part of Labour Welfare Fund which is utilised to defray the expenditure on various welfare schemes run by the board for the welfare and upliftment of contributor workers of the State of Haryana.

Almost all the contractors who are providing manpower under outsourcing policy of Haryana or under any other policy are covered under the Punjab Shops & Commercial Establishments Act, 1958 and are required to pay the contribution (as stated above) of the employees deployed by them in various departments/Boards/Corporations/Autonomous Bodies situated in the state of Haryana. As per section 9 A (4) of the ibid Act, all the employers who fail to pay the contribution amount within a period of one month from the date specified under sub section (2),

shall be liable to pay interest at the rate of 12 percent per annum from the prescribed date until such time the amount is actually deposited with the Welfare Commissioner.

It is therefore, requested that it may kindly be brought in the notice of all the concerned for necessary compliance so that the violation of a statutory law can be avoided and eligible workers employed in various departments/Boards etc. of government of Haryana can be brought under the purview of the Haryana Labour Welfare Board enabling them to take the benefit of the welfare schemes of the Board.

Encl. as above

Dy. Labour Commissioner (Welfare)
for Labour-cum-Welfare Commissioner,
Haryana.

Endst. No. 8817-67
Dated :

17.9.18

A copy is forwarded to all the Administrative Secretaries of the State of Haryana with the request to kindly issue necessary guidelines to the concerned departments/Boards/Corporations/Universities for taking further initiatives in this regard.

Dy. Labour Commissioner (Welfare)
for Labour-cum-Welfare Commissioner,
Haryana.