

Compliance of Labour Laws like Contract labour Act etc.

Government of West Bengal
Labour Department
I.R. Branch
Writers' Buildings, Kolkata – 1

No. 1137-IR/IR/MISC-11/11, Dated: 14.11.2011

NOTIFICATION

It is observed that different Government Departments are engaging agencies/contractors which in turn, are engaging workers for execution of various Departments/developmental works under Plan and Non-Plan Schemes as well as for routine work. It is also in the knowledge of the Government that Trade Unions and Organisations have drawn the attention of the Government for alleged violation of various provisions under Labour Laws particularly by such contractors and agencies. To prevent such violation, the Government in the Labour Department has, from time to time, issued notifications and circulars highlighting the importance of observance of Labour Laws. It is once again reiterated in continuation of No. 795- I.R. dated 01.9.2009 that the following conditions must be strictly observed by all Departments/ Companies/Local Authorities/ Public Undertakings/ Corporations /Statutory Bodies etc. under the State Government who have been engaging workers through different agencies and contractors:

1. All principal employers coming under the purview of Contract Labour (Regulation and Abolition) Act, 1970 must get themselves registered and all the contractors engaged by them under the purview of the Act must obtain licence under the said Act.
2. Employees' Provident Fund and Miscellaneous Provisions Act, 1952 and [Employees State Insurance Act, 1948](#) should be strictly adhered to wherever such Acts become applicable.
3. Minimum Wages to the workers shall be paid according to the rates notified and/or revised by the State Government from time to time under the Minimum Wages Act, 1948 in respect of scheduled employments, within the specified time as per law. Payment of bonus wherever applicable, has to be made.
4. All employers coming under the purview of the Building and Other Construction Workers' (Regulation of Employment & Conditions of Service) Act, 1996 must
 - a) Provide for adequate safety and welfare measures as per the provisions of the above Act read with West Bengal Building and other Construction Workers (Regulation of Employment and Conditions of Service) Rules, 2004.
 - b) Pay cess or cause to deduct and pay cess @1% of the cost of construction (excluding the cost of land and compensation paid to workmen under the Workmens Compensation Act) as per Building and other Construction Workers Welfare Cess Act, 1996 and Building and other Construction Workers Welfare Cess Rules, 1998.
5. All Government Departments shall in their notices inviting tenders, incorporate suitable clauses for due observance of the above, if not already done and shall ensure that all liabilities arising out of engagement of workers are duly met before payment of the bills.
6. There would also be a clause in the tender document that if there be any violation of the above, during the execution of the job, it will render the concerned agencies ineligible for the work then and there or at any subsequent stage as may be found convenient.

By Order of the Governor,

Sd/- Chief Secretary to the Govt. of West Bengal