

Conditions of service of workmen of the contractor

Where it is expedient to specify rates of wages, holidays, hours of work and conditions of service of the workmen employed by Contractors, who do not perform the same or similar kind of work as the workmen directly employed by the Principal Employer of an establishment, I, the Commissioner of Labour, Jharkhand, Ranchi, in exercise of powers conferred under sub-clause (b) of clause (v) of sub-rule (2) of rule 25 of Jharkhand Contract Labour (Regulation and Abolition) Rules, 1972 hereby specify the rates of wages, holidays, hours of work and conditions of service as in Annexure which will be effective from the date of notification.

ANNEXURE

**JHARKHAND CONTRACT LABOUR
(REGULATION AND ABOLITION) RULES, 1972**

CONDITIONS OF SERVICE

In exercise of the powers conferred under sub clause (b) clause (v) of sub-rule (2) of Rule-25 of the Jharkhand Contract Labour (Regulation and Abolition) Rules, 1972, the Commissioner of Labour, Jharkhand, Ranchi hereby specify the following rates of wages, holidays, hours of work and conditions of service for the workmen employed in the establishment of following category of Principal Employers :-

- (i) In a factory as defined in sub-clause (ii) of clause (g) of sub-section (1) of section-2 of the Contract Labour (Regulation and Abolition) Act, 1970.
- (ii) In any other establishment as defined in sub-clause (iv) of clause (g) of sub-section (1) of section-2 of the Contract Labour (Regulation and Abolition) Act, 1970.

1. **Employment Card :-** The Contract Labour employed by a contractor shall be provided with an employment card in form XIV as per the provisions contained in Rule 76 indicating there in the name and address of the workman, father's name, his Serial No. in the register of workmen employed , the date of appointment, designation, wages period and rates and his residential address.

2. Working hours :-

- (a) No adult workman shall be required to work for more than 8 hours in any day and 48 hours in a week.
- (b) No young person who has not completed 18 years of age shall be required to work for more than 7 hours in any day and 42 hours in a week.

3. **Bar on employment of females:-** No female shall be required to work after 7:00 P.M. or before 6:00 A.M.

Provided that the Commissioner of Labour may by a notification in the Official Gazette in respect of any factory or group or class or description of factories vary the limits laid down under condition No-3, but no such variation shall authorise the employment of any woman between the hours of 10:00 P.M. to 5:00 A.M.

4. **Bar on employment of Child Labour:-** No child below the age of 15 years shall be allowed to work as Contract Labour.
5. **Rest interval:-** No workman shall be required to work for more than 5 hours in any day unless he has an interval of rest for at least half-an-hour.
6. **Spread over:-** The period of work of any workman shall be so arranged that along with his interval for rest, they shall not spread over more than 10 hours in any day.
7. **Extra wages for overtime:-** (1) Where a Contract Labour is required to work for more than 9 hours in any day, excluding the period of rest interval, he shall be entitled to wages at the rate of twice his ordinary rate of wages.
- (2) For the purpose of this clause 'Ordinary rate of wage' means his basic wage plus, D.A. or the consolidated wage.
8. **Weekly Rest:-** Every workman employed by the Contractor shall be allowed in each week a holiday with wages for one whole day.

Provided that, nothing in this Rule shall apply to any workman whose total period of employment in the week, including any day spent on authorised leave is less than six days.

9. **National and Festival-holidays:-** (1) Every workman employed by the contractor, shall be entitled to 8 holidays in a calendar year with wages, which shall include 26th January, 15th August, 2nd October and 1st May. The remaining 4 holidays will be fixed by mutual discussion between the contractor and his labourer each year by the end of November. The list of holidays so decided will duly and prominently be displayed by the contractor. A copy of the list of holidays for the following year shall be furnished by the contractor to the local inspector of the region and the Deputy Labour Commissioner by 5th December, each year.

(2) A workman would be entitled to the festival and national holidays as per sub-clause (1) if he has put at least 15 days of work during the calendar year and has been on rolls a day prior to the holiday.

(3) Where a workman who is entitled to the holiday, is required or allowed to work on any holiday, he shall at his option be entitled to-

(a) twice the wages or,

(b) wages for such day and avail himself of a substituted holiday with wages on one of the seven days immediately before or after the day on which he so works.

10. (a) **Leave with wages:-** Every workman who has worked under a contractor during the calendar year shall be allowed leave with wages for number of days calculated at the rate of –

(i) if an adult one day for every 20 days of actual work performed by him.

(ii) if a young person one day for every 15 days of actual work performed by him.

Explanation:- For counting the days of actual work, weekly-offs, festival holidays, and other interruptions like lay-offs, shall be treated as service rendered.

(b) Leave admissible under this clause shall be exclusive of all holidays whether occurring during or at either end of the period of leave.

(c) In calculating leave under this clause fraction of leave of half-a-day or more shall be treated as one full day's leave and fraction of leave less than half-a-day shall be omitted.

Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed 30 days. The contractor shall pay the wages whenever the contract labour quits the employment in lieu thereof.

(d) A workman may, at any time apply in writing to the contractor or his authorised representative, not less than 7 days before the date on which he wishes his leave to begin to take all the leave or any portion thereof allowable to him during the calendar year.

Provided further that the number of times in which leave may be taken during any year shall not exceed 3.

(e) Every employee for the period of leave allowed under this section shall be paid at a rate equal to the daily average of his total full time earnings for the days on

which he worked during the month immediately preceding his leave exclusive of any overtime, but inclusive of D.A.

- (f) If a workman entitled to leave, is discharged by the contractor before he has been allowed such leave, or if the leave applied for by such workman has been refused and if he quits his employment before he has been allowed the leave, the contractor shall pay to the workman within one week, the amount in respect of the period of the unavailed leave.
- (g) If the existing leave facilities are more beneficial than those provided in the above Section, the employee will continue to enjoy the existing facilities.

11. Maintenance of registers:- Every contractor shall maintain relevant registers as provided in Rule 75 and Rule 78 of the Contract Labour (Regulation and Abolition) Rules, 1972.

12. Attendance card:- The Contractor shall maintain and give an attendance card in the prescribed performa 'A' to all the workers.

13. Wages Rates:-

- (i) Where no rate of wages have been regulated by way of agreement, settlement or award for such employment applicable for any category or class of workmen the contractor shall pay following wages :

Un-skilled	:-	3808/-
Semi-Skilled	:-	4006/-
Skilled	:-	4873/-
Highly Skilled	:-	5920/-

- (ii) To arrive at daily wages the monthly wages shall be divided by 26, which is inclusive of holiday wages.
- (iii) The contractor shall pay Variable Dearness Allowance to the workers on the basis of notification issued by the Deptt. of Labour, Employment & Training from time to time in this regard on the basis of increase or decrease in the All India Consumer Price Index as per the provisions contained in Section-3 and Section-5 of the Minimum Wages Act, 1948.
- (iv) If statutory wages or wages regulated as per award/settlement/agreement which are in force are more beneficial to the workmen, the workers shall be entitled

to such rates of wages notwithstanding the rates of wages fixed under his/her service conditions.

- (v) Where any category of worker is actually in receipt of higher rates of wages than the wages specified under this service condition he/she shall be continued to be paid such higher wages.
- (vi) Where piece rate workers are employed in operation of the establishment, the wages paid to such worker for a normal working day of 8 hours shall not be less than the wages fixed for a general worker in that operation doing similar work.
- (vii) The rates of wages payable to the workmen by the contractor shall not be less than the rates prescribed under the Minimum Wages Act, 1948 (11 of 1948) for such employment where applicable and where the rates have been fixed by agreement settlement or award not less than the rates so fixed.
- (viii) In case where the workmen employed by the contractor perform the same or similar kind of work as the workmen directly employed by the principal employer of the establishment, the wage rates, holidays, hours of work and other conditions of service of the workmen of the contractor shall be the same as applicable to the workmen directly employed by the principal employer of the establishment on the same or similar kind of work.

Provided that in the case of any disagreement with regard to the type of work, the same shall be decided by the Commissioner of Labour, Jharkhand, whose decision shall be final. [As per rule 25(2) (v) (a)].

Definition of Categories will be as follows:-

- (a) "Unskilled Work" means work which involves simple operations requiring little or no skill or experience on the job.
- (b) "Semi-Skilled work" means work which involves some degree of skill or competence acquired through experience of the job and which is capable of being performed under the supervision or guidance of a skilled employee and includes unskilled supervision work.

- (c) "Skilled Work" is one which involves skill or competence acquired through experience on the job or through training as an apprentice in a technical or Vocational Institute and performance of which calls for initiative and judgment.
- (d) "Highly Skilled Work" means work which calls for a degree of perfection and full competence in performance of certain tasks, acquired through extensive technical or professional training or practical work experience for long years and also required of a worker to assume full responsibility for the judgment or decision involved in the execution of these.

14. Payment of wages by Cheques or by Bank Account Credit:- The Contractor shall pay the rates of wages prescribed by the Commissioner of Labour, Jharkhand by way of cheque or by crediting the salaries to the Bank Account of the concerned workers. Where banking facilities are not available, the wages may be paid in cash.


- 15. Lay-off:-**(1) The contractor may at any time in the event of fire, catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion or other causes beyond his control, stop work for any period or periods without notice.
- (2) In the event of such stoppage during working hours, the workmen affected shall be notified by notice put upon the notice board in a conspicuous place, as soon as practicable, when the work will be resumed and whether they are to remain or leave the place of work. The workmen shall not ordinarily be required to remain for more than two hours after the commencement of stoppage. If the period of detention does not exceed one hour the workmen so detained shall not be paid for the period of detention. If the period of detention exceeds one hour the workmen so detained shall be entitled to receive wages for the whole of the time during which they are detained as a result of the stoppage. In case of piece rate workers, the average daily earning for the previous week shall be taken to be the daily wages.
- (3) Where workmen are laid-off for short period, on account of failure of plant or a temporary curtailment of production, the period of unemployment shall be treated as compulsory leave either with or without pay, as the case may be,

when however workmen have to be laid-off for an indefinite long period or the contract work is completed their service may be terminated after giving their due notices or pay in lieu of notice as per the provisions contained in Industrial Disputes Act, 1947.

- (4) The contractor may in the event of a strike affecting either wholly or partially such section or department of the contract work close down either wholly or partially such section or department and any section or department effected by such closing down. The fact of such closure shall be notified by notice put on the Notice Board in the section or department as soon as practicable. The workman concerned shall also be notified by a general notice prior to resumption of work, as to when the work will be resumed.
16. **Procedure for termination of services :-** (1) No Contractor shall without a reasonable cause, terminate the services of a workman who has been in his employment continuously for a period of 30 days or more without giving such a workman at least 3 days notice in writing or wages in lieu thereof except for misconduct. Provided that in no case services of a workman shall be terminated without following the procedures contained in the Industrial Disputes Act, 1947.
- (2) **The following acts and omissions shall be treated as misconduct on the part of the workman:-**
- a) Wilful insubordination or disobedience whether alone or in combination with others of any lawful and reasonable order of superior ;
 - b) Striking work or inciting others to strike work in contravention of the provisions of any law ;
 - c) Wilful slowing down in performance, or abetment, or instigation thereof ;
 - d) Theft, fraud or dishonesty in connection with the contractors or principal employer's business or property ;
 - e) Habitual breach of any law applicable to the work place or any rule made thereunder ;
 - f) Drunkenness, riotous or disorderly or indecent behavior at the work palce.
 - g) Habitual neglect of work or habitual negligence.


- h) Wilful damage to work in process.
- i) Holding meetings within the premises without prior permission of the employer.
- j) Gambling within the premises of the work.
- k) Sleeping while on duty.
- l) Habitual late attendance.
- m) Threatening, abusing or assaulting any superior or co-worker.
- n) Habitual absence without leave, or absence without leave for more than 5 consecutive days or overstaying the sanctioned leave without sufficient grounds or proper or satisfactory explanation.

- (3) A workman guilty of misconduct may be punished with warning, fine, suspension for a period of 7 days or dismissal.
- (4) No order of punishment for misconduct shall be made except after holding an enquiry against the workman following the principles of natural justice. While awarding punishment the gravity of the misconduct and previous record of the workman shall be taken into consideration.


 (Aradhana Patnaik)
 Labour Commissioner,
 Jharkhand, Ranchi.


ज्ञापांक-1/टे0म0अ0-08/2011 श्र0नि0...1528.....राँची, दिनांक...16/6/11.....

प्रतिलिपि:-संयुक्त श्रमायुक्त, झारखण्ड, राँची (दो प्रतियों में)/सभी उप श्रमायुक्त, (कृषि श्रमिक सहित)/सभी सहायक श्रमायुक्त, (कृषि श्रमिक सहित)/सभी श्रम अधीक्षक, (कृषि श्रमिक सहित)/श्रमायुक्त, झारखण्ड, राँची के आप्त सचिव/सभी श्रम प्रवर्तन पदाधिकारी/झारखण्ड राज्य ठेका मजदूर परामर्शदातृ पर्वद के सभी सदस्य को सूचनार्थ एवं आवश्यक कार्यार्थ प्रेषित।


 (आराधना पटनायक)
 श्रमायुक्त, झारखण्ड, राँची।


ज्ञापांक-1/टे0म0अ0-08/2011 श्र0नि0...1528.....राँची, दिनांक...16/6/11.....

प्रतिलिपि:-प्रधान सचिव, श्रम, नियोजन एवं प्रशिक्षण विभाग, झारखण्ड, राँची/माननीय मंत्री, श्रम, नियोजन एवं प्रशिक्षण विभाग, झारखण्ड, राँची के आप्त सचिव को सूचनार्थ।


 (आराधना पटनायक)
 श्रमायुक्त, झारखण्ड, राँची।

ज्ञापांक-1 / ठे0म0अ0-08 / 2011 श्र0नि0..... (19.59) राँची, दिनांक. 20/6/11.....

प्रतिलिपि:-अधीक्षक मुद्रणालय, डोरण्डा, झारखण्ड, राँची को सूचनार्थ एवं राजपत्र के आगामी असाधारण अंक में प्रकाशनार्थ प्रेषित। उनसे अनुरोध हे कि वे इस गजट की 300 प्रतियाँ विभाग को उपलब्ध कराने का कष्ट करें।


(पिन्दु मुखर्जी) 17/6/11
सरकार के उप सचिव।

FORM A
ATTENDANCE CARD

Name of Principal Employer :-
Name of Contractor :-
Name of Employee :-
Serial No. in the Workmen's Register :-
Department / Work place :-
Designation :-
Wage rate :-

Signature of Contractor

	Days	Hours	Total Salary
Attendance			

