

ANNEXURE-A

Measures taken in recent past by Labour Department, Government of West Bengal on 'Ease of Doing Business' without compromising the welfare of working class.

1. Comprehensive checklists for all requirements related to approvals and certificates.

Comprehensive lists of all documents that need to be provided for the registration/ renewal process for the following Acts administered by the Labour Commissionerate are available on the Departmental web site. Official website of Labour Department, Government of West Bengal is available in web with URL wb.gov.in/portal/wblabour.

- 1) The Trade Unions Act ,1926;
- 2) The Plantations Labour Act,1951 ;
- 3) The Motor Transport Workers Act,1961 ;
- 4) The Beedi & Cigar (Conditions of Employment) Act,1966 ;
- 5) The West Bengal Shops and Establishments Act 1963;
- 6) The Contract Labour (Regulation and Abolition) Act, 1970;
- 7) The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- 8) The Building & Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 ;

2. Single window clearance institution mechanism:

Manual single window system created for Labour Commissionerate, Factories and Boilers Directorates by Labour Department, Government of West Bengal.

Labour Department helpline: Number-**1800 103 0009**.

3. Provision for self-certification :

Notifications for provisions for self-certification under the Payment of Wages Act, 1936, the Minimum Wages Act, 1948, The West Bengal Shops and Establishments Act, 1963 and the Contract Labour (Regulation and Abolition) Act, 1970 have been issued by the State Government and the same have been uploaded on the Labour Department Website.

4. Well-Defined timelines:

Time-lines for each service delivery under the following Acts have been notified under the West Bengal Right to Public Services Act, 2013 and the same have been uploaded on the Labour Department Website:

- 1) The Trade Unions Act, 1926;
- 2) The Motor Transport Workers Act, 1961;
- 3) The Beedi & Cigar (Conditions of Employment) Act, 1966;
- 4) The West Bengal Shops and Establishments Act, 1963;
- 5) The Contract Labour (Regulation and Abolition) Act, 1970;
- 6) The Inter-State Migrant Workmen (Regulation of Employment & Conditions of Service) Act, 1979;

7) The Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996;

5. GRIPS Portal—The online payment provision:

Payment heads have been included under 'Government Receipt Portal System' [GRIPS] and now there is no need for a physical touch point for payment of any fees for the following provisions:

- Registration of a Trade Union under the Trade Unions Act, 1926;
- Registration of tea & cinchona estates under the Plantations Labour Act, 1951;
- Registration & Renewal of motor transport undertakings under the Motor Transport Workers Act, 1961;
- Registration, Renewal, Changes etc. under the West Bengal Shops and Establishments Act, 1963;
- Licensing of industrial premises under the Beedi & Cigar (Conditions of Employment) Act, 1966 and also for renewal
- Registration of establishments under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- Registration of establishments under the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996;
- Licence for contractors under the Contract Labour (Regulation and Abolition) Act, 1970;
- Licence for contractors under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;
- Renewal of licence for contractors under the Contract Labour (Regulation and Abolition) Act, 1970;
- Renewal of licence for contractors under the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;

6. Synchronised/joint inspection:

To achieve the objective of simplifying business regulations and bring in transparency and accountability in labour inspections, the Shops and Establishments Directorate has been merged with Labour Directorate and thus two sets of inspectors are now empowered to inspect various Acts simultaneously.

In order to simplify and rationalise the inspection procedure and to promote synchronised inspection, the State government has empowered the Inspector Minimum Wages to inspect 16 Labour Laws by issuing notification No. 435/LW/3A-01/14 dated 15. 06. 2015. The 16 Labour Laws are mentioned below:

- 1) The Payment of Wages Act, 1936 ;
- 2) The Minimum Wages Act, 1948 ;
- 3) The Working Journalists & Other Newspaper Employees (Conditions of Service & Miscellaneous Provisions) Act, 1955;
- 4) The Motor Transport Workers Act, 1961;
- 5) The Maternity Benefit Act,1961;
- 6) The West Bengal Shops and Establishments Act, 1963 ;
- 7) The Payment of Bonus Act, 1965;
- 8) The Beedi & Cigar Workers (Conditions of Employment) Act, 1966 ;
- 9) The Contract Labour (Regulation and Abolition) Act,1970 ;
- 10)The Payment of Gratuity Act, 1972;

- 11)The Labour Welfare Fund Act, 1974 ;
- 12)The West Bengal Workmen’s House Rent Allowance Act, 1974;
- 13)The Equal Remuneration Act, 1976;
- 14)The Sales Promotion Employees (Conditions of Service) Act, 1976;
- 15)The Inter-state Migrant Workmen’s (Regulation of Employment & Conditions of Service Act, 1979;
- 16)The Child Labour (Prohibition & Regulation) Act, 1986;

7. Well-defined inspection procedure :

Well defined inspection procedures under various Acts governed by the labour Department, Government of West Bengal are published on departmental website.

8. Submission of inspection reports:

Circular has been issued by the labour Department, Government of West Bengal & uploaded on departmental website which mandates submission of inspection reports within 72 hours after completion of inspection. A copy of this inspection report is also required to be furnished to the occupier/owner/proprietor of the shops/ establishments/factories etc. which have been inspected.

9. Online registration etc:

There is a provision for online application for Registration of shops and establishments under the West Bengal Shops and Establishments Act, 1963.
A separate web portal is being developed for online registration, renewal, and inspection module etc under different Labour laws administered by Labour Commissionerate.

10. Capacity building of the inspectors and inspectorates through training:

State Labour Institute conducts regular training for Officers / Inspectors / Staff.

11. Major Amendments under different labour laws which have already been laid before the State Assembly:

- I. A draft Amendment Rule has already been published regarding ‘notice of overtime’ under the West Bengal Shops & Establishments Act, 1963. The existing provision is that a shopkeeper or an employer shall give notice of overtime in Form T to the appropriate authority at least twenty four hours before any overtime work done. As per draft amendment Rule a shopkeeper or an employer shall give notice in Form T to the appropriate authority within 30 days after such overtime work done.
- II. As per “The West Bengal Shops & Establishments (Amendment) Bill, 2015” various amendments were proposed to be incorporated in the Act.
 - Like the clerical department of a factory which is situated within the factory premises has been exempted from taking registration under the West Bengal Shops & Establishments Act 1963,

- In no shop shall the hour of opening be earlier than **eight** O'clock, ante meridiem or the hour of closing is later than **ten** O'clock post meridiem.
 - Definitions of commercial establishment and establishment for public entertainment and amusement are proposed to be modified to include some new establishments.
 - Any employer and shop keeper can maintain and keep any register or record in respect of the persons employed by him in any form either manually or electronically subject to the condition that the particulars required to be shown in any register or record under these rules are maintained or reflected therein.
- III. Amendment of West Bengal Contract Labour (Regulation and Abolition) Rules has been proposed where it was stated that every license granted under Rule 23 or renewed under Rule 29 shall remain in force for twelve months from the date it is granted. The concept of annual calendar year has been abolished.

12. Standard operating Procedure

Standard operating procedures for registration, renewal, changes etc. under the West Bengal Shops & Establishments Act, 1963; registration, amendment under the Building & Other Construction workers (Regulation of Employment & Conditions of Service) act, 1996 and Registration, license, renewal of license etc. under the Contract Labour (Regulation & Abolition) Act, 1970 were prepared and uploaded in the web site of the Department

13. Way forward:

- A web portal is being developed for online registration, renewal, and inspection module etc under different Labour laws administered by the Labour Commissionerate.
- Application software is being developed for online payment of cess under the Building and Other Construction Workers' Welfare Cess Act 1996.
- Development of application software for online Registration, Renewal, Changes etc. under the West Bengal Shops & Establishments Act, 1963 are almost completed for Kolkata area. A separate software for the purpose is also on the verge of to go live through e-District MMP for the region outside Kolkata.