

Contractor's Labour Regulation

1. Short Title

These regulations may be called Haryana Public Works Department Contractor's Labour Regulations.

2. Definition

In these regulations, unless otherwise expressed or indicated the following words and expressions shall have the meaning hereby assigned to them respectively that is to say :

- (1) Labour means workers employed by a Public Works Department contractors directly or indirectly through a sub-contractor or other persons of by an agent on his behalf.
- (2) Fair wages means, whether for item or place work, notified at the time of inviting tenders for the work and where such wages have not been so notified the wages prescribed by the Public Works, Department for the district in which the work is done.
- (3) "Wages" shall have the same meaning as defined in the payment of Wages Act 1936 and includes time and place rate wages.

3. Display of notice regarded wages etc.

The contractor shall before he commences his work on contract display and correctly maintain & continue to display and correctly in a clean and legible condition in conspicuous places on the work notice in English and in the Local Language spoken by the majority of the Workers giving the fair wages notified or prescribed by the Haryana Public Works Department and the hours of work for which such wages are earned.

4. Payment of Wages

- (i) Wages due to every worker be paid to him directly.
- (ii) All wages shall be paid in current coin or currency or in both.

5. Fixation of Wages Periods

- (i) The contractor shall fix the wage periods in respect of which the wages shall be payable.
- (ii) No wage period shall exceed one month.
- (iii) Wages of every workman employed on the contract shall be paid before the expiry of ten days after the last day of the wage period in respect of which the wages are payable.

- (iv) When the employment of any worker is terminated by or on behalf of the Contractor, the wages, earned by him shall be paid before the expiry of succeeding the one on which his employment is terminated.
- (v) All payment of wages shall be made on a working day.

6. Wages Book and Wages Slip etc.

- (i) The contractor shall maintain a wage book of each worker in such form as may be convenient but the same shall include the following particulars
 - (a) Rate of daily or monthly wages.
 - (b) Name of work on which employed.
 - (c) Total numbers of days worked during each wage period.
 - (d) Total amount payable for the work during each wage period.
 - (e) All deductions made from the wages with an indication in each case of the ground for which the deduction is made.
 - (f) Wages actually paid for each wage period.
- (ii) The contractor shall also maintain a wage slip for each worker employed on the work.
- (iii) The authority competent to accept the contract may grant an exemption from the maintenance of Wages book and Wage Slips to a contractor who in his opinion may not directly or indirectly employ more than 100 persons in the work.

7. Fines and deductions which may be made from wages

- (1) The wages of a worker shall be paid to him without any deduction of any kind except the following :
 - (a) Fines.
 - (b) Deductions for absence from duty i.e. from the place or places where by the terms of his employment he is required to work. The amount of deduction shall be in proportionate to the person for which he was absent.
 - (c) Deductions for damage to or loss of goods expressly entrusted to the employed person for custody or for loss of money for which he is required to account where such damage or loss is directly attributable to his neglect or default.
 - (d) Any other deductions which the PWD may from time to time allow.

- 2.) No fine shall be imposed on a worker and no deduction for damage or loss be made from his wages until the worker has been given an opportunity of showing cause against such fines or deductions.
- 3.) The total amount of fine which may be imposed in any one wage period on a worker shall not exceed an amount equal to 50 paise in a rupee of the wage payable to him in respect of that wage period.
- 4.) No fine imposed on any worker shall be recoverable from him by installments or after the expiry of 60 days from the date on which it was imposed.

8. Register of Fine etc.

1. The contractor shall maintain a register of fine and of all deductions for damage or loss such Register shall maintain the reason for which fine was imposed or deduction for damage or loss was made.
2. The contractor shall maintain, a list in English and local Indian Language clearly defining acts and commissions for which penalty of fine can be imposed. He shall display such list and maintain it in a clean and legible condition in conspicuous places on the work.

9. Preservation of Books

The wage book, the wage slips and the Register of lines, deductions required be maintained under these regulations shall be preserved for 12 months after the date of last entry made in them.

10. Power of Labour Welfare Officer to make Investigation of Enquiry

The Labour Welfare Officer or any person authorized by the Government on their behalf shall have power to make enquiries with a view to ascertaining and enforcing due and proper observance of the wage clause and provisions of their regulations. He shall investigate into any complaint regarding the default made by the Contractor or sub-Contractor in regard to such provisions.

11. Report of Labour Welfare Officer

The Labour Welfare Officer or any other person authorized aforesaid shall submit a report of the result of his investigations enquiry to the Executive Engineer concerned indicating the extent, if any, to which the default has been committed and the amount of fine recoverable in respect of the acts or commission and omission of the labourer with a note that necessary deduction from contractor's will be made and the wages and other dues be paid to the labourers concerned.

12. Appeal against the decision of Labour Welfare Officers

Any person aggrieved by the decision and recommendation of the Labour Welfare Officer or other person so authorized may appeal against decision to the Labour Commissioner but subject to such appeal the decision of the officer shall be final and binding upon the Contractor.

12A- No party shall be allowed to be represented by a lawyer during any investigation, enquiry appeal or any other proceedings under these regulations.

13. Inspection of Register

The contractor shall allow inspection of the Wage Book. Wage Slips to any of his workers or to his agent at a convenient time and place after due notice is received, or to the Labour Welfare Officer or any other person authorized by the Haryana Government in his behalf.

14. Submission of Returns

The contractor shall submit periodical as may be specified from time to time.

15. Amendment

The Haryana Government may, from time to time and to amend these regulations, the decision of the Labour Commissioner, Haryana Government or any other person authorized by the Haryana Government in that behalf shall be final.

III-FAIR WAGES CLAUSES

FAIR WAGE CLAUSES

- (a) The Contractor shall pay not less than the fair wage to labourers engaged by him on the work.
EXAMINATION :- Fair Wage' means wage whether for time of piece work notified from time to time for the area and where such wages have not been so notified the wages specified by the Public Works (B&R) Deptt. Haryana for the district in which the work is done.
- (b) The Contractor shall notwithstanding the provisions of any agreement to the contrary, caused to be paid fair wages to labour, indirectly engaged on the work including any labour engaged by his sub-contractors in connection with the said work, as if the labourers had been directly employed by him.
- (c) In respect of labour directly or indirectly employed on the works for the performances of the contractor's part on this agreement the contractor shall comply with or cause to be complied with the Haryana PWD Contractor's Labour's Regulations made by the Government from time to time in regard to payment of wages wage period deductions from wages recovery of wages not paid and deductions unauthorized made maintenance of wage register wage book, wage slip, publication of wages and other terms of employment inspection and submission of periodical returns and all other matters of a lime nature.
- (d) The Executive Engineer or Sub Divisional Engineer concerned shall have the rights to deduct, from the moneys due to the Contractor, any sum required or estimated to be required for making good the loss suffered by a worker or workers by reason of non-fulfillment of the conditions of the contract for benefit of the workers, non payment of wages or deductions made from his or their wages, which are not justified by terms of the contract for non observance of the regulations referred to in clause (c) above.
- (e) Vis-à-vis the Haryana Government, the Contractor shall be primarily liable for all payments to be made under and the observance of the regulations aforesaid without prejudice to his right to claim indemnity from his sub Contractors.
- (f) The regulations shall be deemed to be a part of this contract and any branch there shall be deemed to be branch of this contract.

RULES FOR PROTECTION OF HEALTH & SANITARY ARRANGEMENTS

Rules for the Protection of Health and Sanitary Arrangements for Workers Employed by the Haryana Public Works Department or its Contractors

The Contractor shall at his own expense provide or arrange for the provision of foot wear for any labour doing cement mixing work (the Contractor has undertaken to execute under this contract) to the satisfaction of the Engineer – in – charge and on his failure to do so Government shall be entitled to provide the same and recover the cost thereof from Contractor.

The Contractor shall submit by the 4th and 19th of every month to the Executive Engineer a true statement showing in respect of the second half of the proceeding month and the first half of the current month respectively (i) the number of labourers employed by him on the work (ii) their working hours (iii) the wages paid to them (iv) the accident that occurred during the said forthright showing the circumstances under which they happened and the extent of damage and injury caused by them and (v) the number of female workers who have been allowed Maternity benefit according to clause 19-F and the amount paid to them failing which the Contractor shall be liable to pay to Government a sum not exceeding Rs. 50/- for each default or materially incorrect statement. The decision of the Executive Engineer shall be final in deducting from any bill due to the contractor the amount levied as fine.

Maternity benefit for female workers employed by the Contractor, leave and pay during leave shall be regulated as follow: -

1. LEAVE (i) in case of delivery/maternity leave not exceeding 8 weeks (4 weeks up to and including the day of delivery and 4 weeks following that day) (ii) in case of miscarriage : up to 3 weeks from the date of miscarriage.
2. PAY (i) In case of delivery, leave pay during maternity leave will be at the rate of the woman's average daily earning calculated on the total wages earned on the day when full time work was done during a period of 3 months immediately preceding the date of which she gives notice that she expects to be confined or at the rate of Rs. 12/- per day which ever is greater.
 - (ii) In case of miscarriage, Leave pay at the rate of average daily earning calculated on the total wages earned on the days when full time work was done during a period of 3 months immediately proceeding the date of such miscarriage.
 - (iii) Conditions for the grant of Maternity leave :- No Maternity leave benefit shall be admissible to a woman unless she produces a certificate of confinement and excepted delivery within 4 weeks proceeding the date on she proceeds on leave.
3. FIRST AID (a) At every work place, there shall be maintained in readily accessible place first aid appliances including an adequate supply of sterilized dressing and cotton wools. The appliances shall be kept in good order and in large workplaces it shall be placed under the charge of a responsible person who shall be readily available during the working hours.
 - (b) All large work places where hospital facilities are not available within easy distance of the work, first aid post shall be established and be run by a trained compo under.

- (c) Where large work places are remote from regular hospital an indoor ward shall be provided with one bed for every 250 employees.
- (d) Where large work places are situated in cities, towns in their suburbs and no beds are considered necessary owing to the proximity of city or town hospitals a suitable transport shall be provided to facilitate removal of urgent cases to these hospitals.

At other work place, the conveyance facilities such as car shall be kept readily available to take injured or persons suddenly taken seriously ill, to the nearest hospital.

SCALES OF ACCOMMODATION IN LATRINES URINALS

These shall be provided within the precinct of every work places, Latrines and Urinals in an accessible place and the accommodation separately for each of them shall not be less than the following scales : -

	No. of Shades
(a) Where the number of persons does not exceed 50	2
(b) Where the number of persons exceeding 50 but does not exceeds 100	3
(c) For every additional 100	3 per 100

In particulars cases the Executive Engineer shall have the powers to vary the scale where necessary.

Latrines and Urinals for women

If women are employed, separate latrines and urinals screamed from these for men and marked in vernacular in conspicuous letters 'FOR WOMEN ONLY' shall be provided on the scale laid in rules, Similarly those for men shall be marked 'FOR MEN ONLY' A poster showing the figures of a man and women shall also be exhibited at the entrance of latrine for each sex. There shall be adequate supply of water close to latrines.

LATRINES AND URINAL

Except in work places provided with flush latrines concerned with a water borne sewerages systems all latrines shall be provided with receptacies order earth system which shall be in working order and kept in strictly sanitary conditions. The receptacles shall be tarried inside and outside at least once a year.

The inside walls shall be constructed of masonry or some suitable heat resisting non absorbent material and shall be cement washed inside and outside at least once a year. The dates of cement shall be noted in register maintained for this purpose and kept available for inspection.

DISPOSAL OF EXCRETA

Unless otherwise aggranged for by the local sanitary authority arrangements for proper disposal and a sanitary of excreta by incineration at the work place shall be made by means of a suitable incineration approved by the Asstt. Director of Public Health or Municipal Medical Officer of Health, as the case may be, in whose jurisdiction the work place is situated. Alternately excreta may be disposed of by putting a layer of night soil at the bottom of pucca tank prepared for the

purpose and covering it with 9 inches layers of earth for a fortnight when it will turn into a manure.

CRECHE:

At every work place these shall be provided free of cost two suitable sheds one main and the other for the use of labour. The height of the shelter shall not be less than eleven feet from the floor level to the lowest part of the roof.

PROVISION OR SHELTER DURING REST:

At every work place at which 50 or more women workers are ordinary employed, these two huts for use of children under the age of six years belonging to such women. One hut shall be used for infants "Games and to play" and the other as their bed room. The hut shall not be constructed on a lower standard then the following :-

- (i) Thatched roofs.
- (ii) Mud floors and walls.
- (iii) Plants spread over mud floor and covered with matting.

The huts shall be provided with suitable and sufficient opening for light and ventilations. There shall be adequate provision of sweepers to keep the place clean. There shall be two day attendant. Sanitary, utensils shall be provided to the satisfaction of Health Office of the area concerned. The use of the hut shall be restricted to children, their attendant and mothers of the children.

CANTEEN:

A cooked food canteen on a moderate scale shall be provided for the benefit of workers where over it is considered expedient.

GENERAL RULES AS TO SCAFFOLDS :

- (i) Suitable scaffolds shall be provided for all workmen for all works that cannot be safely done from a ladder or by other means.
- (ii) A scaffolds shall not be constructed taken down or substantially altered except.
 - (a) Under the supervision of a competent and responsible person, and
 - (b) As far as possible by competent workers possessing adequate experience in this kind of work.
- (c) All scaffolds and appliances connected there with and ladder shall :-
 - 1. be of sound material.
 - 2. be of adequate strength having regard to the load and strains to which they will be subjected and.
 - 3. be maintained in proper condition.

4. scaffolds shall not be overloaded and so far as practicable, the load shall be evenly distributed.
5. scaffolds shall be so constructed that no part there of can be displaced in on normal use.
6. Before installing, lifting gear on scaffolds special precautions shall be taken to ensure the strength and stability of the scaffolds.
7. scaffolds shall be periodically inspected by the competent person.
8. before allowing a scaffold to be used by the workman, every care shall be taken to see whether the scaffolds have been erected by his workmen and steps taken to ensure that it complies fully with the requirement of the articles.
9. Working platforms gangways and stairways shall.
 - (a) be so constructed that no part of the road is covered.
 - (b) Be so constructed and maintained, having regard to the prevailing condition as to reduce as for as practicable.
 - (c) Be kept free from any unnecessary obstruction.
 - (d) In case of working platforms gangways place and stairways at a height exceeding that to be prescribed by a national laws and regulations :-
 - (i) Every working platform and every gangway shall be closely boarded unless other adequate measures are taken to ensure safety.
 - (ii) Every working platform and every gangway shall have adequate width, and.
Every opening in the floor of a building or in working platforms shall except for the time and to the extent required to allow the access of persons or the transport or shifting of material be provided with suitable means to prevent the fall of persons or materials.

When persons are employed on a roof where there is a danger of falling from a height exceeding that to be prescribed by national laws of regulations suitable precautions shall be a taken to prevent the fall of persons or materials.

Suitable precautions shall be taken to prevent persons being struck by articles which might fall from scaffolds or other working places.

1. Soft means of access shall be provided to all working platforms an other working places.
2. Every place where work is carried on the means approach there to shall be adequately lighted.
3. Every ladder shall be securely fixed of such length as to provide secure hand held and foot at every position at which it is used.
4. Adequate precautions shall be taken to prevent danger from electrical equipment.
5. No material on the site shall be so stacked or placed as to cause danger to any person.

GENERAL RULES AS TO SAFETY EQUIPMENT AND FIRST AID

- (1) All necessary personal safety equipment shall be kept and available for use of the persons employed on the site be maintained in condition suitable for immediate use.
- (2) The worker shall be required to use the equipment thus provided and the employed shall take adequate steps to ensure proper use of the equipment by these concerned.

Adequate provision shall be made for prompt first aid treatment of all injuries likely to be sustained during the course of the work.