

## **I. THE TAMIL NADU SHOPS AND ESTABLISHMENTS ACT, 1947 AND THE TAMIL NADU SHOPS AND ESTABLISHMENTS RULES, 1948**

### **i) Applicability**

The Act is applicable to all Shops and Commercial Establishments.

### **ii) Duties and Obligations**

The following registers need to be maintained by the employer

<b>NAME OF THE REGISTER</b>	<b>FORM NO.</b>	<b>SECTION &amp; RULE</b>
Register of Fines	FORM B	Section 35(1)- Rule 11(3)(a)
Register of deductions for damage or Loss	FORM C	Section 37(2)- Rule 11(4)
Register of Advances	FORM D	Section 39- Rule 13(4)
Register of Employment	FORM E and FORM F	Section 47- Rule 16(1)
Record of Hours of Work	FORM H	Section 47- Rule 16(3)
Register of Holidays, Leaves etc.,	FORM K	Section 47- Rule 16(9)
Register of Wages	FORM M	Section 47- Rule 11(5)
Register of Service	FORM N	Section 47- Rule 16-AA

a) To exhibit a notice in **Form J** specifying the day of the week on which persons employed shall be given holiday.

b) To display the name board in Tamil and other languages below.

### **iii) Consequence of Non-Compliance of the Requirements:**

Failure to comply with certain provisions may attract fine upto Rs.250/-.

### **iv) Administering Authority**

The Labour Department.

**II. THE TAMIL NADU INDUSTRIAL ESTABLISHMENTS [NATIONAL AND FESTIVAL HOLIDAYS] ACT, 1958 AND THE TAMIL NADU INDUSTRIAL ESTABLISHMENTS [NATIONAL AND FESTIVAL HOLIDAYS] RULES 1959**

**i) Applicability**

Applicable to all industrial and other establishments including shops.

**ii) Duties/Obligations**

- a) To allow every employee in each calendar year, a holiday on 26<sup>th</sup> Jan, 15<sup>th</sup> Aug., 2<sup>nd</sup> Oct. and five other holidays for such festivals as the employer may specify in consultation with employees.
- b) To submit proposal for the specification of festivals in FORM No.I in duplicate along with a copy of notice in FORM No.II to the Jurisdictional Inspector.
- c) To display holidays list approved in FORM No.III in the premises of establishment .
- d) The employer should send to the Inspector a statement showing the holidays allowed in the calendar year under section 3 in FORM No. V and also display the same in the premises.
- e) The employer should serve a Notice in FORM NO.V-A on the employee who is required to work on any holiday, not less than 24 hours before such holiday.
- f) To give twice the wages to employees who work on holidays or normal wages with a substituted holiday.

**iii) Consequence of Non-Compliance of the Requirements:**

Failure to comply with the provisions may attract imprisonment upto 3 months or fine upto Rs. 500/- or both.

**iv) Administering Authority**

Labour Department.

### **III. Payment of Gratuity Act, 1972 and Tamil Nadu Payment of Gratuity Rules, 1973**

#### **i) Applicability**

Applicable to factory, plantation, shop or any other establishments employing ten or more persons with minimum of five years continuous services (without any limit of salary)

#### **ii) Duties and Obligations:**

- a) To pay gratuity at the rate of 15 days salary per year of service to employees, who have put in a minimum of 5 years service.

[Note: The calculation of gratuity should be made as follows:

Divide the monthly salary by 26 days and multiply by 15 days and further multiplied by number of years of services. The last year's service if more than six months to be taken as one year for calculation and in all other years employee should work minimum of 240 days.]

- b) To pay gratuity with in 30 days from the date of receipt of application by the employee in Form 'I'.
- c) To obtain nomination in Form F from employees on completion of one year service.
- d) To serve Notice of opening in Form A to jurisdictional controlling authority.
- e) To display abstract of the Acts and Rules in Tamil and English at the premises of establishment.
- f) To maintain and use forms prescribed under the Rules.

#### **iii) Consequence of Non-Compliance of the Requirements**

Failure to comply with certain provisions of the Act may attract imprisonment upto 6 months or fine upto Rs. 10000/- or both.

#### **iv) Administering Authority**

The Labour Department.

**IV. Employment Exchanges [Compulsory Notification of Vacancies] Act,1959 and Employment Exchanges [Compulsory Notification of Vacancies] Rules, 1960**

i) Applicability :

Any industry / trade / business / office / occupation in private sector, employing 25 or more persons, to do any work.

ii) Duties and Obligations:

- a) To notify any vacancy in any employment, in the prescribed format, to the jurisdictional Employment Exchanges, at least 15 days in advance of filling up the vacancy.
- b) To intimate the result of selection to the Employment Exchanges within 15 days of such selection.
- c) To furnish a quarterly return in Form ER I, within 30 days from the closure of March, June, September and December and also a return in Form ER II, once in two years, within 30 days from the closure of the year.
- d) There is no obligation upon the employer to recruit any person sent by the Employment Exchange, to fill any vacancy.

iii) Consequence of Non-Compliance of the Requirements:

Failure to notify any vacancy or failure to furnish any information or return may attract a fine ranging from Rs.250/- to Rs.1,000/- .

iv) Administering Authority

Directorate of Employment and Training.

## **V. Workmen's Compensation Act, 1993 and Tamilnadu Workmen's Compensation Rules, 1924.**

### **i) Applicability**

Section 2(n) of the Act brings workmen employed in any capacity as is specified in Schedule II within its provisions. Employees who are engaged in the operation, repair or maintenance of a lift, in the maintenance of bank's buildings, in operation & maintenance of generators, in the maintenance of electrical fittings and accessories, employed as watchmen or drivers, etc. are covered by the Act.

### **ii) Duties and Obligations**

- a) To pay compensation for death, personal injury caused by the accidents arising out of and in the course of his employment in terms of Section 4 of the Act.

[Note: The amount of minimum compensation prescribed is Rs. 50,000/- for death, and varies depending upon monthly wages, age of the workmen and other relevant factors and for permanent total disablement the minimum compensation is Rs.60,000/-]

### **iii) Consequence of Non-Compliance of the Requirements:**

Failure to make payment of compensations within the stipulated time limit may attract a fine up to 50% of the amount payable and fine of a maximum of Rs. 5,000/- . For failure to comply with the other provision of the Act.

### **iv) Admission Authority**

Labour Department.

## **VI. The Maternity Benefit Act, 1961 and Tamilnadu Maternity Benefit Rules 1967.**

### **i) Applicability**

Applicable to every shops and establishment, a factory, mine, a plantation, in which ten or more persons are employed.

[Note: Where benefits under ESI Act are available, the Maternity Benefit Act will not be applicable].

### **ii) Duties / Obligations / Contents:**

- a) Not to employ a women, during six weeks immediately after her delivery, miscarriage or medical termination of pregnancy.
- b) Not to provide arduous nature of work to pregnant women.
- c) To pay maternity benefits for a maximum period of twelve weeks of which six weeks before delivery and six weeks after delivery provided the women works for a minimum of 80 days in a year.
- d) To grant leave with wages for six weeks in case of miscarriage and medical termination of pregnancy and leave with wages for two weeks in case of tubectomy operation.
- e) To grant one months leave with wages, in addition to maternity benefits, for illness arising out of pregnancy, delivery, pre-mature birth of a child, miscarriage, medical termination of pregnancy and tubectomy operation.
- f) To give two breaks of 15 minutes each to nursing mothers until the child attains the age of 15 months.
- g) Not to discharges, dismiss during the period of absence allowed under the Act / Rules.
- h) To exhibit abstract of the Act and the Rules in the premises.

i) Under this Act Muster Roll in Form 'A' as per Rule 3 of Tamilnadu Maternity Benefit Rules has to be maintained, for which the following particulars are needed in respect of the women employees who avail the benefits under the Act.

- 1) Name of the women employee
- 2) Age
- 3) Date of giving Notice of pregnancy in Form 'D'
- 4) Amount of wages paid
- 5) Period of leave: From                      To

The above particulars have to be furnished as and when the beneficiaries apply to avail the benefits.

J) The employer is bound to supply copies of Forms 'B', 'C', 'D', 'E', 'F', 'G', 'H' and 'I', free of cost to every women employee who requests for them as per Rule 12 of the Tamilnadu Maternity Benefit Rules.

k) All the records so obtained have to be preserved for a period of two years from the date of preparation.

L) Abstract of the provisions of the Act and Rules in Form 'J' has to be displayed in a conspicuous place in the establishment.

m) Annual Return in Form 'K' has to be submitted on or before 31<sup>st</sup> January of every year.

**iii) Consequence of Non-Compliance of the Requirements:**

Failure to comply with certain provisions of the Act and Rules, may attract imprisonment upto one year and fine from Rs.2,000/- to Rs. 5,000/- or both.

**iv) Administering Authority**

For Factories :            Inspectorate of factories  
For others        :            Labour Department.

## VII. Minimum Wages Act, 1948 & Minimum Wages [Tamilnadu] Rules, 1958

iv) Applicability :

- To all Scheduled Employments (irrespective of number of employees employed) as notified by the State / Central government, from time to time.

ii) Duties and Obligations :

- a) To pay the minimum rates of wages [Basic + DA] as fixed by the Government, from time to time.

[ **Note:** DA is linked to the Average Consumer Price Index Number in the state and consequently the rate of DA changes every year from 1<sup>st</sup> April]

**b) To maintain the following registers under The Minimum Wages Act, 1948 and the Minimum Wages (Tamilnadu) Rules, 1950**

<b>NAME OF THE REGISTER</b>	<b>FORM NO.</b>	<b>SECTION &amp; RULE</b>
Register of Fines	FORM I	Rule 21(4)
Register of deductions for damage or Loss	FORM II	Rule 21(2)
Overtime Register for Workers	FORM IV	Rule 26(2)
Muster Roll	FORM V	Rule 27(5)
Register of Employees	FORM XI	Rule 27(6)

c) To exhibit notices containing minimum rates of wages, abstract of the Act and the state Rules in Form X.

d) To submit Annual Return in Form III as per Rule 21(4-A) before 1<sup>st</sup> of February, of the following year.

**iii) Consequence of Non-Compliance of the Requirements:**

Failure to pay the minimum rate of wages, or a violation of any Section or Rule may attract penalty of imprisonment upto 6 months or fine of Rs. 500/- or both.

iv) **Administering authority :** The Labour Department



## **VIII.THE TAMIL NADU LABOUR WELFARE FUND ACT, 1972 AND THE TAMIL NADU LABOUR WELFARE FUND RULES, 1973**

### **i) Applicability**

Applicable to all industrial and other establishments.

### **ii) Duties and Obligations:**

- a) To deduct Rs. 5/- from the employee's salary for December month and add Rs. 10/- as employer's contribution and deposit the same with the Tamilnadu Labour Welfare Board before 31<sup>st</sup> January of each year.
- b) To submit a statement of contributions in Form D, before 31<sup>st</sup> January each year.
- c) To remit all fines, wages, bonus etc. remained unpaid for more than 3 years, to the tamilnadLabour Welfare Board

### **ii) Consequence of Non-Compliance of the Requirements:**

\_\_\_Failure to comply with certain provisions of the Act / Rules, may attract imprisonment upto 3 months and fine of Rs. 500/- or both for first offence and imprisonment upto 6 months and fine of Rs.1000/- for second and subsequent offences

### **iii) Administering Authority**

The Labour Welfare Board.

## **IX. Employees Provident Funds and Miscellaneous Provisions Act, 1952**

*Employees Provident Funds Scheme 1952, Employees Pension Scheme 1995 and Employees Deposit Linked Insurance Scheme, 1976.*

### **i) Applicability**

To all factories and other establishments employing 20 or more persons (including casuals, temporary, contract and daily wages clerical, technical, managerial) drawing salary upto Rs. 6500/- (Basic+ DA + Retaining allowances) per month.

### **ii) Duties & Obligations**

- a) To obtain PF Code Number, soon after employing 20 or more persons, from the Regional/ Sub-Regional PF Commissioner by submitting prescribed forms.
- b) To allot individual PF Number, to each employee and maintain the list in Form 9.
- c) To obtain Nomination and Declaration in Form.2 from every employee including casual, Temporary, Contract or Regular immediately and obtaining employer's Code Number.
- d) To deduct 12 % of earned salary (gross of basic + DA+ retaining allowance if any) in the payment.
- e) To pay employee's share of 12% and employer's share of 3.67% to the Provident Fund in A/c. No.1 through prescribed common challan, within 15 days from the wage period.
- f) To pay employer's share of 8.33% to the Pension Fund in A/c. No. 2 through prescribed common challan within 15 days from the wage period.s
- g) To pay PF Administration Charges at 1.10% to A/c. No. 10 through prescribed common challan within 15 days from the wage period.

- h) To pay EDL I charges at 0.5% to A/c. No. 21 through prescribed common challan within 15 days from the wage period.
- i) To pay Inspection charges at 0.01% to A/c. No.22 through prescribed common challan within 15 days from the wage period.
- j) To maintain Contribution Card in Form 3-A separately for all PF members.
- k) To send monthly statement of Contributions in Form 12-A along with copies of paid challans.
- l) To send Form 5 along with the Declaration and Nomination in Form 2 and Form 10 along with Form 3-A.
- m) To send Annual Return in Form 6-A along with Form 3-A before 20<sup>th</sup> March of each year.

**iii) Consequence of Non-Compliance of the Requirements**

- a) Avoiding to pay contributions before the due date, may attract imprisonment upto one year or fine of Rs.5,000/- or both.
- b) Failure to make payments towards PF, Pension, EDLI, PF Administration and inspection may attract imprisonment upto twelve years.

**iv)Administering Authority**

Regional / Sub-Regional Provident Fund Commissioners

***X. The Employee's State Insurance Act, 1948 and The Employees State Insurance (Central) Rules, 1950***

**i) Applicability**

Applicable to all factories, employing ten or more persons and all other establishments employing 20 or more persons drawing salary upto Rs. 6,500/- per month.

**ii) Duties & Obligations**

- a) To register the factory / establishment, within 15 days by filing Form 01 and to obtain employer's code number.
- b) To obtain Declaration, in Form 1 before taking any person into employment. To send declaration forms within 10 days to the ESI Local office along with Return of Declaration in Form 3.
- c) To deduct 1.75% of the wages as employee's contribution and add 4.75% as employee's contribution and deposit the same within 21 days of the last day of the calendar month.
- d) To maintain a Register of Employees in Form 7 and make entries of contributions.
- e) To make payment of ESI contributions within 21 days of wage period.
- f) To send Return of Contributions in Form 6 to Local Office within 42 days from the closure of contribution period.

- g) To obtain particulars of employee's family in Form 1-A and later, any changes in Form 15-B, within 10 days, and submit the same to the local ESI office.
- h) To issue Identity Card, in place of slip, to the employees.
- i) To maintain a bound Inspection Book, prescribed under Regulation 102 A – an Accident Book in Form 15 and to send Accident Report to the local office/dispensary and to others depending upon the seriousness of the accident.

**iii) Benefits:**

Employee will be eligible for medical benefit, sickness benefit, maternity benefit and benefits for employment injury. An employee will be eligible for full benefit only after contributing during the contribution period.

**iv) Consequence of Non-Compliance of the Requirements:**

Failure to pay contribution within the specified period and comply with other provisions, may attract:

- a) interest at 15% p.a.
- b) damage from 5 to 25%
- c) Punishment with imprisonment upto 3 years and or a fine of Rs. 5,000.

**v) Administering Authority**

The ESI Corporation.

**4. Contract Labour (Regulation and Abolition) Act, 1970 and  
The Tamil Nadu Contract Labour [R & A] Rules, 1975**

**i) Applicability**

Applicable to establishments employing 20 or more workmen as contract labour  
The Act also applies to contractor who employs 20 or more workmen in one establishment.

**ii) Duties and Obligations**

The Establishment has to be registered under the Act as Principal Employer.

C) A Register of Contractors in Form-XII has to be maintained by the Principal Employer as per Rule 74 of The Tamil Nadu Contract Labour [R & A] Rules, 1975

D) The Principal Employer should furnish a Certificate in Form-V to the Contractors engaged, as per Rule 21(2) of The Tamil Nadu Contract Labour [R & A] Rules, 1975

E) The Contractor in turn has to apply for issue of licence in Form-IV accompanied by the prescribed fees and Security Deposit at the rate of Rs.50/- per contract workmen, he / she proposes to employ, subject to a minimum of 20 workmen.

F) The Contractors so listed have to maintain the following Registers as per the Contract Labour (Regulation & Abolition) Central Rules, 1971.

<u>Name of the Register</u>	<u>Form No.</u>	<u>Section &amp; Rule</u>
1. Register of Workmen	Form-XIII	Rule 75
2. Muster Roll	Form-XVI	Rule 78(1)(a)
3. Register of Wages	Form-XVII	-do-
4. Wage-cum-Muster Roll	Form-XVIII	-do-
5. Register of Deductions	Form-XX	-do-
6. Register of Fines	Form-XXI	-do-
7. Register of Advances	Form-XXII	-do-
8. Register of Overtime	Form-XXIII	-do-

G) Returns to be submitted to the Registering / Licensing Authority:

<u>Form No.</u>	<u>Section &amp; Rule</u>	<u>Periodicity</u>	<u>Last date for submission</u>
<u>By Principal Employer</u>			
Form No.XXV	Rule 82(2)	Annual	15 <sup>th</sup> February
<u>By Contractor</u>			
Form No.XXIV	Rule 82(1)	Half-yearly	30 <sup>th</sup> January /31 <sup>st</sup> July.

**iii) Consequence of Non-Compliance of the Requirements**

Any obstruction to an Inspector, in discharge of his duties, refuses or wilfully neglects to provide reasonable facility or refuses to produce any register or other documents, may attract imprisonment upto 3 months or a fine of Rs. 500/- to Rs.1000/- or both.

**iv) Administering Authority**

Labour Department.