

ANNEXURE

ANDHRA PRADESH CONTRACT LABOUR (REGULATION AND ABOLITION) RULES, 1971

CONDITIONS OF SERVICE

In exercise of the powers conferred under clause (b) of sub-rule (v) of Rule, 25 of the Andhra Pradesh Contract Labour (Regulation and Abolition) Rules, 1971, the Commissioner of Labour Andhra Pradesh, Hyderabad hereby specified the following conditions of service, rates of wages, holidays and hours of work for 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.

1. Employment Card:— The Contract Labour employed by a contractor shall be provided with an employment card, indicating therein the name of the workman, father's name, his token number, the date of appointment, designation, wage 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, 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 P.M. to 5 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 purposes 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.

Note:—Substituted w.e.f. 8-4-92 vide Notification No. D 3/64745/80, published on page 112 of R.S. to Part II, A.P. Gazette, dt. 8-4-1982.

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 Deputy Commissioner of Labour of the region and the Commissioner of Labour 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 in the case of adult worker and 40 days in the case of child worker or 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 78 of the Contract Labour (Regulation and Abolition) Rules, 1971.

[12. Wage Rates:

(i) Where no rates of wages have been regulated by way of agreement/settlement/award or no wages have statutorily been prescribed under the Minimum Wages Act, 1948, for such employment where applicable for any Category or Class of workmen the Contractor shall pay wages as follows:

Rs. 2220/- P.M. for unskilled worker

Rs. 2810/- P.M. for semi skilled worker

Rs. 3400/- P.M. for skilled worker.

(ii) To arrive at daily wages the monthly wages shall be divided by 26. The daily wages so calculated is inclusive of weekly holiday wages.

(iii) Where daily wages are paid such wages shall not be less than the wages arrived at item No. (ii) above.

(iv) If statutory wages or wages regulated as per award/agreement/settlement which are in force are more beneficial to the workmen, the worker shall be entitled to such rates of wages notwithstanding the rates of wages fixed under this service condition.

(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 any 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 work in that operation doing similar work.

Definition of categories will be as follows:

(a) **Skilled:** Skilled work is that which includes skill acquired through experience on the job or through training as apprentice in technical or vocational institution and the performance of which calls for initiating accuracy and judgment.

(b) **Semi skilled:** "Semi-skilled" work is that which involves some degree of skill acquired through experience on the job and which is capable of being performed under supervision and guidance of a skilled employee.

- (c) **Un-skilled:** Un-skilled work is that which involves simple operations requiring little or no skill or experience on the job.]

13. Lay-off:— (1) The contract may at any time in the event of fire catastrophe, breakdown of machinery or stoppage of power supply, epidemics, civil commotion, 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 workman 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.

(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.

14. 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 atleast 3 days notice in writing or wages in lieu thereof except for misconduct.

(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 behaviour at the work place.
- (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 of 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.

(5) A workman who absents himself for more than 5 continuous working days, without applying for leave or making a representation to the contractor and without sufficient cause, the service of the employee will be liable to be terminated without notice.