

**Building and Other Construction Workers (RE & CS) Act, 1996 &**  
**Tamil Nadu Rules, 2006**

1	Name and location of the Building or the other Construction work.	
2	Name and present address of the Employer (s):	
3	Permanent address of the Employer (s)	
4	Nature of building or other construction work Carried on in the establishment.	
5	Date of commencement:	
6	No. of building workers on the date of inspection.	Male + Female = Total
7	Maximum number of building workers employed in the preceding 12 months.	Male + Female = Total
8	Number and date of registration certificate	
9	Amount of Registration fee paid.	
10	Name, designation and address of the person responsible for the supervision and control of establishment / building or the other construction work:	
11	Name and address of the representative of the employer present during inspection.	
12	Hours of work:	
13	Weekly holidays:	
14	Wage period:	

15	Date of payment of wages	
16	Name of the Principal Employer	

**PERTAINING TO REGISTRATION / LICENCE**

1. Building workers numbering 10 or more were found employed on /were employed during preceding 12 months without a valid certificate of registration. [As per Sec. 7]
2. Employer has not observed conditions of registration-[As per Rule 26(1).]
3. Number of Workmen employed as building workers has exceeded the maximum number of workers as specified in the certificate of registration [As per Rule 26 (1) (b).]
4. The employer has not informed change in the ownership or management within 30 days Or in the number of workers or conditions of work within 15 days to the Inspector- [As per Rule 26 (2) read with Sec. 7 (4)]

**PERTAINING TO NOTICES**

1. Copy of the certificate of registration not displayed at the workplace. [As per Rule 26 (5).]
2. (i) Notice containing the rates of wages, hours of work, wage periods, date of payment of wages and the names and addresses of inspector having jurisdiction in relation to the establishment and the date of payment of unpaid wages not displayed at the conspicuous place in English, Hindi and local language – [As per Section 46 Rule 238 (1) & 249.]
- (ii) Copy of the notice mentioned in (1) above not sent to the inspector concerned – [As per Section 46 Rule 238 (2)]

**NOTICE OF COMMENCEMENT/COMPLETION**

1. Notices of commencement/completion of work in form IV was not submitted/does not contain complete information/not submitted in time to the inspector. – [As per Section 46 Rule 239 (1) & Rule 26 (3).]
2. Change in particulars of notice of commencement/completion not submitted to the Inspector within two days of occurrence of such change—[As per Section 46 Rule 239 (2)]

## **DISPLAY OF ABSTRACT OF THE ACT**

1. The abstract of Act and rules made there under in English, Hindi and Language understood by majority of workers not displayed at the work site --- [As per Rule 241 (5).]

## **PERTAINING TO RETURN:**

1. The employer failed to send annual return for the year\_\_\_\_\_ in form XXV in duplicate. [As per Rule 242.]
2. The employer did not send the annual return for year \_\_\_\_\_ in time to the inspector i.e. not later than 15<sup>th</sup> of February following the end of each calendar year.  
– [As per Rule 242.]
3. Copy of the annual return not sent to the inspector having jurisdiction. [As per Rule 242]

## **PERTAINING TO WAGES:**

1. Wages to the Building workers were not paid before the expiry of 7<sup>th</sup> / 10<sup>th</sup> day after last day of the wage period in respect of which the wages are payable, i.e. [As per Rule 248 (a).]
2. Wages to the building workers were not disbursed during working hours/at the time and place notified in advance—[As per Rule 248 ©.]

## **PERTAINING TO REGISTERS AND RECORDS**

1. The employer failed to maintain register of building workers in Form XV at all/correctly - [As per Section 30(1) and Rule 240 and Rule 241(9)]
2. The employer failed to maintain the following registers/alternative combined register duly approved/similar register under Payment of Wages Act, Minimum Wages Act, and Contract Labour. (R & A) Act/updated.
  - i) Muster roll and wage registers in form XVI and XVII or a combined register of wages cum muster roll in form XVII.
  - ii) Registers of damage or loss, fine and advances in forms XIX, XX and XXI respectively.
  - iii) Register of overtime in form XXII—[As per Section 30(1) and Rule 241(1) (a) and Rule 241(9)]
3. Signature/thumb impressions of the building workers against relevant entries in wage register or wages cum number roll register not obtained and entries not authenticated by him/his representative-[As per Rule 241 (2)(c)]

## **PERTAINING TO WELFARE AND HEALTH**

1. The employer failed to provide latrine and urinals at the prescribed scale / of the prescribed type – [As per Section 33 Rule 243.]
2. The employer failed to provide canteen of the prescribed type though employing 500 more building workers – [As per Section 37(a) and Rule 244 to 247.]
3. The foodstuff and other items served in the canteen do not conform to the normal dietary Habits of the building workers – [As per Section 37(a) and Rule 245.]
4. Arrangements have not been made to supply tea & snacks to the building workers at their work places though canteen is located at 0.2 kms away from such work places – [As per Section 37(a) and Rule 246.]
5. The foodstuffs, beverages and other items served in the canteen are not charged on no profit no loss basis / has included the expenditure on items specified in sub rule 2 of rule 247 in fixing the charges for the items served in the canteen – [As per Section 37(a) and Rule 247.]
6. The employer failed to provide wholesome drinking water [As per Sec 32(1).]
7. The employer failed to provide crèche facility though 50 or more female building workers are employed. [As per Sec 35.]
8. The employer failed to provide residential accommodation to building workers as per the prescribed given. [As per Sec 34(1) (2).]

## **MEDICAL FACILITIES**

1. Building workers employed in jobs having inherent risks and hazards are not periodically examined at intervals specified by Director of Industrial Safety and Health and in accordance with schedule VII of the rules –[ As per Section 40(1)(2)(u) and Rules 223 (a) (II) & (iii) and 223(c)]
2. Operators of cranes, winches, lifting appliances and transport equipment have not been medically examined at intervals specified by Director of Industrial Safety and Health and in accordance with schedule VII of the rules –[ As per Section 40(1)(2)(u) and Rules 223 (a) (II) & (iii) and 223(c)]
3. The building workers exposed to occupational health hazards not medically examined for diagnosis of occupational diseases – [As per Section 40(1) (2) (u) and Rule 223 (a) (IV)]
4. The building workers have been charged for the medical examination – [As per Section 40(1) (2) (u) and Rule 223 (b).]
5. The building workers have not been issued medical certificate in respect of the medical examination/record of medical examination not maintained in form XII– [As per Section 40(1)(2)(u) and Rule 223 (c) & (d).]

6. The employer failed to provide for workers involved in hazardous processes as specified in schedule IX of the rules and occupational health centre (Mobile or static) services and facilities laid down in schedule of the rule in the occupational health centre/to appoint a medical officer with qualifications prescribed in schedule XI of the rules – [As per Section 40(1)(2)(t) and Rule 225. ]
7. No ambulance room is provided at the construction site nor is an ambulance room provided in a nearby hospital as per scale given in schedule IV of the Act. [As per Section 40(1) (2) (u) and Rule 226 (a) (b) (c) (d).]
8. The record of cases of sickness and accidents treated at the ambulance room has not been maintained / produced before the inspector. [As per Section 40(1) (2) (u) and Rule 226(d)]
9. The employer failed to ensure provision of an ambulance van/make arrangements for ambulance van with nearby hospitals equipped with standard facilities specified in schedule V of the rules –[ As per Section 40(1)(2)(u) and Rule 227.]
10. The employer failed to ensure provision of sufficient number of stretchers at the construction site – [As per Section 40(1) (2) (u) and Rule 228.]
11. The employer though employing 500 or more building workers failed to ensure provision of special medical service or occupational health service with functions specified. [As per Section 40(1) (2) (u) and Rule 229 (1) (a)]
12. The employer failed to ensure that the special medical or occupational health service in collaboration with Health department – [As per Section 40(1) (2) (u) and Rule 229 (I) & (b).]
13. The employer failed to ensure that the special medical or occupational health service is headed by construction medical officer with adequate staff, laboratory and equipment – [As per Section 40(1) (2) (u) and Rule 229 (I) & (d)]
14. The special medical or occupation health service does not conform to the rule 229 (1) (d) – [As per Section 40(1) (2) (u) and Rule 229 (I) & (d)]
15. Requisite records are not maintained in the special Medical or health service / information on the health of building workers and about nature and causes of occupational diseases are not communicated to Director of Industrial Safety and Health – [ As per Section 40(1)(2)(u) and Rule 229 (I) & (e)]
16. Employer failed to ensure that notice is sent to the inspector in form XIII about occurrence of occupational disease to building workers / construction medical officer sends the information regarding the workers suffering occupational diseases to Director General – [As per Section 40(1)(2)(u) and Rule 230. ]
17. Sufficient number of first aid boxes of specified type with articles specified in schedule III of the rules are not maintained / provided –[ As per Section 40(1)(2)(t) and Rule 231 (a)]
18. The employer has failed to ensure provision of essential life saving aids and appliances required to handle injuries specified in sub clauses (i) to (xii) in clause (a) Section 36 and 40(1) (2) (t) and Rule 232 to injured or sick building workers during their transit to hospital – [As per Section 36 and 40(1) (2) (t) and Rule 232 (b)]

## **PERTAINING TO SAFETY ORGANISATON & SAFETY**

1. The employer 500 or more building workers employer has failed to constitute a safety committee/has not constituted the safety committee as per sub rule (1) of rule 208/has not assigned the functions stipulated in sub rule (2) of the said rule –[ As per Section 38 and Rule 208 (1) & (2).]
2. The meetings of safety committee not called at regular intervals or at least once a month/the decisions/and recommendations of the committee have not been complied with – [As per Section 38 and Rule 208 (3) & (5).]
3. Though employing five hundred or more workers the employer has failed to appoint safety officers at the scale prescribed in schedule VIII of the rules –[ As per Section 38 and Rule 209.]
4. Notice of accident causing loss of life [including of accident which subsequently resulted in death]/ disabling a building worker for a period of 48 hours or more not sent within 4 hours or 72 hours respectively to Director of Industrial Safety and Health and authority under Sec. 39, next of kin of the Building worker concerned – [As per Section 39(1) and rule 210 (1) & (4).]
5. Notice of accident, which is either fatal [including of accident which subsequently resulted in death] or disabled a worker from work for more than 10 days not also sent to nearest police station and to District Magistrate / Sub Divisional Magistrate – [As per Section 39(1) and Rule 210 (2) & (4)]
6. A dangerous occurrence mentioned in sub rule (5) of rule 210 not reported to authority under Section 39, District Magistrate / Sub Divisional Magistrate ,Director of Industrial Safety and Health and next of Kin of the building workers – [As per Section 39(1) and Rule 210 (5).]
7. Though there was collapse of lifting appliance, the place of occurrence was not kept undisturbed – [As per Rule 210 (6).]
8. A report on accident resulting in death or disablement was not sent / informed to XIM to District Magistrate / Sub Divisional Magistrate, Director of Industrial Safety and Health, authority under Section 39 and the board subsequent to notice – [As per Section 39(1) and Rule 210 (7).]
9. The employer did not provide the following head protection and other protective apparel as required. [As per Section 40(1) (2) (u) and Rule 46(1) (2)]
10. a) Fifty or more building workers are employed in the establishment but the Employer has not prepared Health and safety Policy duly approved by the Director General. [As per Section 40(1) (2) (r) and Rule 39(1) (2) (3) (4)].
11. The employer has not ensured the provision of Safety Belt. [As per Section 40(1) (2) (o) and Rule 42(6) and Rule 178.]
12. The employer has not provided Fire Protection facility at the construction site as prescribed. [As per Section 40(1) (2) (k) and Rule 35]
13. 500 or more building workers are employed in the establishment but the employer has not ensured Emergency Action Plan. [As per Section 40(1) (2) (u) and Rule 36]
14. The Employer has not provided for Fencing of Motors. [As per Section 40(1) (2) (i) and Rule 37]

15. The employer has not ensured the provisions regarding Lifting and carrying of excessive weight [As per Section 40(1) (2) (l) and Rule 38]
16. The employer has not provided for Eye Protection [As per Rule 45.]
17. The employer has not ensured provision regarding Vehicular Traffic [As per Rule 48.]
18. The employer has not ensured the use of safety helmets and shoes. [As per Section 40(1) (2) (u) and Rule 54]

### **PARTAINING TO WORKING CONDITION**

1. The building workers were allowed/asked work for more than 9 hrs a day or 48 hrs a week though asked to work for more than 9 hours a day or 48 hrs. A week were not paid wages in respect of extra work at double the rate – [As per Section 28 and Rule 234 (1) & (4)]
2. Workers were required to work continuously for more than 5 hours without an interval of rest of at least half an hour – [As per Section 28 and Rule 234 (2).]
3. The spread over in respect of building workers including intervals of rest exceed 12 hours in a day – [As per Section 28(c) and Rule 234 (3).]
4. The building workers not allowed a weekly day or rest/a substituted weekly day of rest [As per Section 28(c) and Rule 235 (1) & (2).]
5. The substituted weekly day of rest not included in the week in which the substituted day or rest occurs – [As per Section 28(c) and Rule 235 (3)]
6. Wages in respect of the work done on a rest day not paid at the overtime rate – [As per Section 29 and Rule 235 (4).]
7. In case of night shift the building workers not given the weekly day of rest in accordance with rule 236 – [As per Section 28(c) and Rule 236.]
8. The Conditions prescribed in respect of the classes of building workers specified in the Section 28(2) of the Act as mentioned below not observed.

i] Such workers were allowed to work continuously for 15 hours a day.

ii] Such workers were asked to work continuously for more than 14 days.

### **SERVICE CERTIFICATE**

1. Not issued service certificate to building workers on termination of their services in for XXIV—[As per Section 30 and Rule 241 (2) (b).]

### **WAGE SLIP/WAGE BOOK**

1. The employer has not issued wage books in form XXIII to building workers employed by him – [As per Section 30(1) and Rule 241 (2) (a)]

**SPECIFIC IRREGULARITIES REGARDING BUILDING WORKERS UNDER BOCW Act, 1996**

1. The Contractor failed to make payment of compensation / made short payment of compensation in the case of death/ disablement of building worker, it was the liability of the Employer to make the payment of compensation in full or unpaid balance due in accordance with the provisions of Employees Compensation Act, 1923 and he may recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor. But the Employer also failed to do so. [As per Section 45(2).]

**OBSTRUCTING THE INSPECTOR**

1. Obstructions were created in discharge of duties by the inspector/ Refusal or wilfully neglect was made to afford the inspector a reasonable facility for making inspection, examination, inquiry or investigation. [As per Section 49].

**Other irregularities**

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