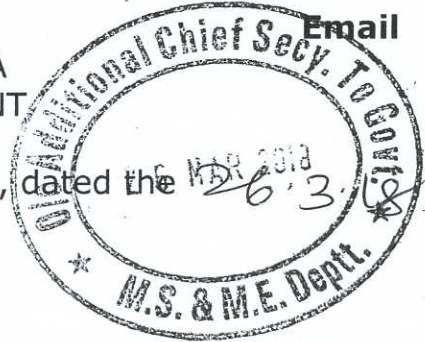


AS-I/AS-II/AS-III/J.S/AFA
GOVERNMENT OF ODISHA
LABOUR & ESI DEPARTMENT



No. LL-I (III) 70/16 (O-154-17) 2456 /LESI, dated the 26.3.2018

From
Sri Damodar Gaipai,
Under Secretary to Government

To
The Additional Chief Secretary,
MSME Department.

FP	MSME	✓ S&I	IRE	PSU	
FE	OE	P&B	G&M	L&R	LE

Sub: Self Certification for Startups

Sir,

I am directed to invite a reference to your Letter No. 1593 dtd. 07.03.18 on the above subject and enclose a copy of the Notification for self-certification of Startups under the six labour laws. This is for your information and necessary action.

Encl: As above

Yours Faithfully,

D. Gaipai
26/3/18
Under Secretary to Government
Government of Odisha
MSME Department

Memo No. 10 /MSME, Bhubaneswar, Dated 26.03.2018

Copy forwarded to CEO, IED, Bhubaneswar/ Evangelist, Startup Secretariat, IED, Bhubaneswar for information and necessary action.

do
26/3/2018
Additional Secretary to Government

**GOVERNMENT OF ODISHA
LABOUR & ESI DEPARTMENT**

Notification

Bhubaneswar, dated the 26th March, 2018

No. LL-I (III)-70/16 2450 /LESI., Whereas, as per the Startup Odisha Policy-2016, an entity shall be considered as a "Startup", provided that:

- (a) The date of its incorporation /registration is not prior to 7 years. In case of Biotechnology Startups, incorporation /registration should not be prior to 10 years;
- (b) Annual turnover not exceeding Rs. 25 Crore, for any preceding financial year;
- (c) Such entity is working towards innovation, development, deployment or commercialization of new products, processes or services driven by technology or intellectual property and makes it scalable for achieving commercial success ;
- (d) Registered in Odisha or employs at least 50 percent of its total qualified workforce in Odisha;
- (e) Such entity is not an extension of existing family business; or formed by splitting up or reconstruction of a business already in existence.

2. Whereas Department of MSME, Government of Odisha has highlighted the need for provisions, by State Government for self-certification for Startups under the following Acts :

- (i) The Building and Other Construction Workers (Regulation of Employment and Condition of service) Act, 1996.
- (ii) The Inter-State Migrant Workmen (Regulation of Employment and Condition of Service) Act, 1979.
- (iii) The Payment of Gratuity Act, 1972.
- (iv) The Contract Labour (Regulation and Abolition) Act, 1970.
- (v) The Employee's Provident Funds and Miscellaneous Provisions Act, 1952.
- (vi) Employees' State Insurance Act, 1948

3. Whereas Labour & ESI Department, Government of Odisha already has a **"Voluntary Compliance Scheme for Industries and Commercial Establishments"**, introduced under various labour laws, vide Resolution No. 4870 dtd.30.05.2015 as part of initiatives under Ease of Doing Business. Now, after careful consideration, and in order to promote Startups, Government of Odisha is pleased to introduce a **Self-Certification Scheme** for "Startups", as defined in the Startup Odisha Policy - 2016. Since Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and Employees' State Insurance Act, 1948 are implemented by the Central

Government; the scheme will allow Startups to self-certify compliance under the following labour laws implemented by the State Government:

- i. The Building and Other Construction Workers (Regulation of Employment and conditions of service) Act, 1996
- ii. The Inter-state Migrant Workmen (Regulation of Employment and Condition of service) Act, 1979
- iii. The Payment of Gratuity Act, 1972
- iii. The Contract Labour (Regulation and Abolition) Act, 1970

4. This **Self-Certification Scheme** will be implemented through the Labour & ESI Department in collaboration with department of MSME, Government of Odisha. This scheme aims to facilitate Startups registered/recognized under the Startup Odisha Initiative to comply voluntarily with the provisions of labour laws mentioned above while protecting the interest of workers to create a harmonious relationship between employers, workers and the labour administration.

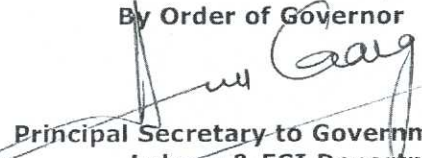
5. The Startups registered/recognized under the Startup Odisha Initiative, desiring to opt for the **Self-Certification Scheme** shall apply online through the online portal startupodisha.gov.in and be eligible for the following:

(i) For the first year of setting up of the Startups, such establishments will not be inspected under any of the four labour laws mentioned above (viz. BoCW Act, ISMW Act, Payment of Gratuity Act and Contract Labour Act). They will submit online self-declaration instead.

(ii) Startups will be allowed to submit self-certified returns under the aforesaid Acts. From the second year onwards & up to three years from the setting up of the unit such Startups will be taken up for inspection only when very credible and verifiable complaint of violation is received in writing and the approval has been given from at least one level senior to the inspecting officer.

ORDER:

The order shall come into effect from the date of publication in the Odisha Gazette.

By Order of Governor

Principal Secretary to Government
Labour & ESI Department
26/3/18

Memo No. 2451 /LESI, Bhubaneswar, dated the 26.3.18

Copy forwarded to the Gazette Cell, Commerce and Transport Department, Secretariat with a request to publish the Notification in the extraordinary issue of the Odisha Gazette and furnish 20 spare copies to this Department early.

The above notification is statutory.

Shripai
26/3/18

Under Secretary to Government

Memo No. 2452 /LESI, Bhubaneswar, dated the 26.3.18

Copy forwarded to the Labour Commissioner-cum-Member Secretary, Odisha Building and Other Construction Workers Welfare Board for information and necessary action.

Shripai
26/3/18

Under Secretary to Government

Memo No. 2453 /LESI, Bhubaneswar, dated the 26.3.18

Copy forwarded to Director, Factory & Boilers, Odisha for information and necessary action.

Shripai
26/3/18

Under Secretary to Government

Memo No. 2454 /LESI, Bhubaneswar, dated the 26.3.18

Copy forwarded to Guard File for information.

Shripai
26/3/18

Under Secretary to Government