

Draft for Welfare Schemes for Buildings and other Construction Workers to be implemented by the Building and Other Construction Workers Welfare Board.

The Building and Other Construction Workers Welfare Board has been constituted under the Building and Other Construction Workers Act 1996 with the purpose of registering the workers of this category and implementing welfare schemes in order to provide social security to this class of Workers. It has been found desirable that the Board should implement a limited number of schemes and then based on the experience in implementation widen the scope of schemes. It would be desirable if the Board starts with the Schemes touching two fundamentally important issues of health and education of the of workers. The following basket of schemes is therefore proposed for implementation by the Board.

1: Medical benefits/ Relief for Injury and Death

1:1 Immediate assistance in case of accident:

At the time of accident an amount of Rs.2000/- shall be provided to family as immediate help to cope with the emergency situation.

1:2 Relief for Temporary disability:

An amount of Rs.10,000/- shall be paid to the family in case of temporary disability. The temporary disability should be of three months or more during which period the worker is not able to work. This would be subject to a certificate by the District Medical Board already constituted by the Government.

1:3 Ex-gratia relief in case of Permanent disability:

An assistance of Rs.30,000/- shall be provided in case of permanent disability which renders the worker unable to work as construction worker for rest of his life. This would be subject to a certificate by the District Medical Board already constituted by the Government.

1:4 Ex-gratia relief in case of death of a worker due to accidental or natural causes

In case of death of a worker upto the age of 58 years (which is the retirement age) due to accident or natural causes, an amount of Rs.1.00 lac shall be paid to the next of kin as ex-gratia relief.

The procedure to be adopted for settling the case of ex-gatia relief shall be the same as is adopted by the District Magistrates in such cases.

1:5 Funeral expenses:

In case a worker dies of an accident an amount of Rs.5000/- shall be provided to the family as an immediate relief to meet funeral and other expenses.

1:6 Maternity benefits:

An amount of Rs.5000/- shall be provided for a maximum of two issue

1:7 Health insurance:

- 1.1 The construction worker shall be insured through Employees' State Insurance Corporation. Since there is no fixed employer in the construction industry, the Board shall pay the employer's share of the premium which is 4.75% of the wages. For the first two years the Board shall also bear the employees' share of the premium of 1.75% of the total wage. This shall be reviewed after two years. The premium shall be calculated on minimum wages fixed by the government under the Minimum Wages Act.

2: Education:

In order to encourage the construction workers to send their children to school, it would be necessary to provide financial assistance for the education of their children. The financial assistance shall be paid from class 1st to 12th in the following manner:-

(i)	Class 1 st to 5 th	Rs.800/-
(ii)	Class 6 th to 8 th	Rs.1000/-
(iii)	Class 9 th to 10 th	Rs.2000/-
(iv)	Class 11 th to 12 th	Rs.3000/-

The above benefits shall be available to the maximum of two children in the family of the registered worker. 60% of the amount shall be provided immediately on admission and the balance 40% shall be paid four months after admission.

3: Marriage Assistance:

An amount of Rs.10,000/- shall be provided as marriage assistance to the worker's children and also the dependant sister or brother subject to a maximum of three persons in a family for the entire period he works. This shall remain available three years after the retirement of the worker. However, a registered worker who is unmarried and does not belong to a worker's family already registered with the Board shall also be entitled for an amount of Rs.10, 000/- for his/her own marriage.

Guidelines for implementation of various schemes under Building & Other Construction Workers Welfare Fund (BOCWFF) to be executed by the Building & Other Construction Workers Welfare Board (BOCWFB).

It would be the aim of the Board to look after the exigencies that arise out of accident and death of the worker both during his employment as a construction worker. This shall obviously include the time he spends off work. Since such situations create sudden trauma and distress to the person involved and his family, therefore, it shall be the endeavour of the Board to provide both immediate and long term assistance depending upon the nature of emergency that may arise.

1. Assistance at the time of accident:

An amount of Rs.2000/- shall be provided to the worker or his family at the time he meets with an accident and is treated in the hospital and prescribed rest by the doctors at least for one week rendering him jobless for seven days starting from the date of accident. Since this amount has to be made readily available to the involved person or his family, therefore, this amount shall be disbursed to him through the Assistant Labour Commissioner of the district on production of the dispensary/ hospital ticket .

2. Financial Assistance in case of temporary disablement:

An amount of Rs.10,000/- shall be provided to a worker if he is disabled temporarily and is not in a position to work for three months or more. This amount shall also be paid to him at the district level by the Assistant Labour Commissioner on production of a certificate by the

Medical Officer or Superintendent of the hospital as the case may be. The certificate shall be issued as per annexure-A to these guidelines.

3. Injury:

In the case of permanent disability an amount of Rs.30,000/- shall be paid to the affected person subject to a certificate to be obtained from the District Medical Board. He shall have to apply within six months from the date of accident to the Asstt. Labour Commissioner of the District . The ALC shall refer the case to the District Medical Board within 15 days of the receipt of the claim. The ALC shall also hold an enquiry into the circumstances in which the accident has taken place and also confirm that the said person had been hospitalized and is unable to work. A report from the police that the accident has taken place on such and such date and from the Medical Board regarding disability shall forward the case to the Building and other Construction Workers Board along with the Medical Certificate from the District Medical Board for sanction of the relief ..

4. Ex-gratia relief:

An ex- gratia relief of Rs. one lac. shall be provided to the next of kin of a worker who dies during the work period i.e in harness. A case shall be made by the family to the ALC. The family shall apply within six months of the demise of the worker. Applications received after six months shall not be entertained. The same procedure shall be adopted for ex-gratia relief as is in vogue in similar ex-gratia relief cases disbursed by the District Magistrates. The case shall be forwarded by the ALC to the Board within a period of one month. The Board after examining the recommendations of the ALC and the relevant documents including death certificate and inheritance certificate to be issued by the

prescribed authority, shall sanction ex-gratia in favour of the family of the deceased. The ex-gratia should be distributed strictly in accordance with the certificates issued by the concerned authorities. The ex-gratia relief shall be transferred to the individual or joint accounts of the person or persons eligible for receiving the same.

5. Funeral Expenses:

Rs. 5000/= shall be provided as funeral expenses. Funeral expenses should be claimed within seven days of the death of a worker death certificate on the basis of the Death certificate to be issued by the prescribed authority Funeral expenses shall be disbursed by the ALC immediately. However, no claim from the family shall be entertained after 7 days of the death of the worker.

6. Maternity Benefit:

Maternity benefit of Rs. 5000/= shall be provided to the eligible person within one week of the claim made on the basis of birth certificate from the prescribed authority. This benefit shall be available only to a worker lady who is registered.

7. Insurance:

The Board shall bring all the registered workers under the ambit of an insurance scheme which shall be available to the maximum of 5 family members of the worker including himself/herself. Since Employees State Insurance (ESI) scheme is already in vogue in the State and is being run by the ESI Corporation, therefore, all the workers shall be insured through this Corporation. The amount of premium under ESI scheme is shared between employer and the employee in a ratio of 4.75:1.75. Since the construction workers do not have a fixed employer, therefore, the Board shall contribute the

employer's share on its own. The worker's share of 1.75 will also be paid by the Board for initial period of two years. After two years the worker's contribution shall be reviewed.

8. **Education:**

In order to encourage the construction workers to send their children to school, it would be necessary to provide financial assistance for the education of their children. The financial assistance shall be paid from class 1st to 12th in the following manner:-

(i)	Class 1 st to 5 th	Rs.800/-
(ii)	Class 6 th to 8 th	Rs.1000/-
(iii)	Class 9 th to 10 th	Rs.2000/-
(iv)	Class 11 th to 12 th	Rs.3000/-

The above benefits shall be available to the maximum of two children in the family of the registered worker. 60% of the amount shall be provided immediately on admission and the balance 40% shall be paid four months after admission.

All the workers shall open an account in their name in the J&K Bank. An application form (forming annexure-B to these guidelines) shall be presented by the worker at the time of seeking educational assistance. For the subsequent years the beneficiary shall obtain a certificate from the concerned head of the institution that his child has been promoted to the next class and is continuing his education. In case the child is transferred to some other school, a fresh form shall be filed by the beneficiary and the certificate obtained from that particular

school to which his ward has been admitted. There shall be a column in the application form indicating an account number opened in J&K Bank, to be conveyed to the Board. The certificate for the subsequent years should be produced within 15 days of the admission so as to ensure an early transfer of money to the account. The Board shall maintain a data bank of the accounts along with the names of the beneficiaries. The Board shall transfer the prescribed amount within 15 days of the receipt of the application to the beneficiaries @ 60%. At the end of four months the Board shall transfer automatically 40% of the balance amount to the account of the beneficiary. The transfer should be done electronically. The Board will provide list of the accounts along with the names and the amounts of money to be transferred and authorize the bank in which the account of the Board is maintained to transfer this amount into the individual accounts. The Board should always provide a soft copy supported by a hard copy duly signed to the bank to facilitate the transfer.

9. Marriage Benefit:

An amount of Rs.10,000/- shall be provided as marriage assistance to the worker's children and also the dependant sister or brother subject to a maximum of three persons in a family for the entire period he works. This shall remain available three years after the retirement of the worker. However, a registered worker who is unmarried and does not belong to a worker's family already registered with the Board shall also be entitled for an amount of Rs.10, 000/- for his/her own marriage.

The worker shall append with his claim the marriage document like Nikah Nama or marriage certificate issued by the judicial authority.

The ALC shall forward the case to the Board within 7 days along with photocopy of the document and photograph of the couple duly attested to the Board for sanction. The Board shall issue a proper sanction letter and transfer the amount to the account of the beneficiary. A copy of the sanction letter shall also be sent to the ALC within 15 days from the receipt of the case.