

The Provincial Employees' Social Security (Contributions) Regulations, 1967

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No. Lab-III-II/16/SS/66, dated 1st March, 1968

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No. Lab-III-II/16/SS/66, dated 1st March, 1968: The Governing Body of the West Pakistan Employees' Social Security Institution in exercise of the powers conferred it by Section 10 of the Provincial Employees' Social Security Ordinance, 1965 (Ordinance No. X of 1965) have approved the following regulations which were previously published as required under sub-section (1) of the said section:-

1. Title and application: (1) These regulations may be called the Provincial Employees' Social Security (Contributions) Regulations, 1967.

(2) They shall apply to all employees included in any notification issued by Government under the provisions of section 1 (3) of the Provincial Employees' Social Security Ordinance, 1965.

(3) They shall come into force at once.

2. Definitions: In these regulations, unless the context otherwise requires----

(i) The following expressions shall have the meaning respectively assigned to them, that is to say----

(a) "Ordinance" means the Provincial Employees' Social Security Ordinance, 1965.

(b) "Section" means a section of the ordinance.

(ii) Other expressions shall have the meaning respectively assigned to them in Section 2.

3. (1) Where wages are received partly in cash and partly in kind the employer may deduct from the amount of the wages paid in cash the employees' share of the Social Security Contribution due for the period covered by the payment. Notwithstanding that the amount payable in cash is less than Rs. 2.00 per day, provided that the total of wages paid by the employer, together with the value of the remuneration received in kind amount to at least Rs. 2.00 per day.

(2) If no part of the remuneration of an employee is payable in cash by an employer, he may deduct the employee's share of the Social Security Contribution from any other payment that he may be liable to make to his employee, provided that the value of remuneration in kind is equivalent to at least Rs. 2.00 per day.

(3) If no remuneration, whether in cash or in kind is made by an employer, the employer may require the employee to pay to him, at agreed intervals, the value of the employee's share of the Social Security Contribution for those intervals provided that no such payment by the employee shall be made unless the value of his remuneration, from whatever source, is equivalent to at least Rs. 2.00 per day.

(4) In the event of the failure of an employee to make a payment authorized by the regulation 3 (3), the employer shall have the right to sue the employee for that payment.

4. Manner of calculating daily wages for purpose of determining the amount of contribution: Where for the purpose of determining whether the wages of an employee exceed [rupees forty per day] or determining whether they are less than rupees two per day it is necessary to calculate the wage of an employee, the following provisions shall apply-----

- (i) If the wage of the secured person is paid on a monthly basis then the daily wage shall be the monthly wage divided by 30;
- (ii) If the wage is paid on a weekly basis, then the daily wage shall be the weekly wage divided by 7;
- (iii) If the wage is paid at any other interval of time, the daily wage shall be the wage divided by the number of days covered by the interval.

5. Manner of calculating contribution where the mode of payment makes it difficult to determine the amount of wage: (1) if an employer finds it difficult to determine the amount of Social Security Contribution due to be paid in respect of any particular employee or class of employees, he shall notify the Institution without delay in order that a Social Security Officer may investigate the facts of case from the point of view of both the employer and the employee or class of employees concerned.

(2) After consideration of the report of the Social Security Officer and of any submissions that either the employer or the employee or class of employees or their representatives may wish to make, the Institution shall advise the interested parties of its finding which shall be binding on both parties unless and until an appeal is decided by a Social Security Court in accordance with the provisions of Section 59 and its decision differs from that given by the Institution.

(3) The employers will be liable to pay contribution at the rate determined by the Institution (or by the Social Security Court in the event of an appeal) for the whole of the period of the dispute but, will be entitled to a refund in the event to the amount of contribution due as finally determined, being less than the amount that he has paid.

6. Extinguishment of claims for un-paid contributions: Where contributions are recorded as due from an employer but have not been paid, and where---

- (i) all steps open to the Institution have been taken, without success, to obtain payment of the amount due, and
- (ii) in the opinion of the Commissioner it is unlikely that any steps that could be taken in the future would have the effect of obtaining payment of the amount due or any part thereof; the Governing Body may on the recommendations of the Commissioner, authorize the extinguishment of the claims of the Institution for such unpaid contributions:

Provided that the amount of the claim so extinguished shall be transferred to an account entitled "Claims for unpaid contributions extinguished", the balance of which shall be as shown as a separate item in the annual account of the Institution.

7. Form of Certificate: (1) The form certificate by which any official of the Institution may be authorized to perform the duties specified in Section 22 (1) of the Ordinance, shall be as shown in the Appendix to these regulations.

(2) Any certificate issued in such form shall bear a photograph of the person thereby certified as authorized and shall be issued by or on behalf of the Commissioner and authenticated by the signature of the issuer.

APPENDIX

CERTIFICATE OF AUTHORIZATION

1. The cover of the Certificate shall be of stiff cardboard bearing the crest of the Institution of the words "West Pakistan Employees' Social Security Institution".

2. The contents will be on pages as indicated: Inside cover----- Serial. No.

WEST PAKISTAN EMPLOYEES' SOCIAL SECURITY INSTITUTION

Certificate of Authorization

Name.....

Signature of holder.....

Passport

Photograph

(Seal)

Employees' Social Security Ordinance, 1965

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I certify that..... whose photograph and signature appear opposite, is authorized to exercise all or any of the powers conferred by Section 22 (1) of the Provincial Employees' Social Security Ordinance, 1965.

(Date).....

(Signature of Commissioner or Officer acting on his behalf).

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[Extracts from West Pakistan Employees' Social Security Ordinance, 1965]

DUTIES OF EMPLOYERS

Section 21: Every employer shall keep such records and shall submit to the Institution such returns, at such time, in such form and containing such particulars relating to persons employed by him as may be provided in the regulations.

POWERS OF AUTHORIZED OFFICIALS OF THE INSTITUTIONS

Section 22: (1) Any official of the Institution duly authorized by a certificate in the form specified in the regulations may, for the purpose of inquiring into the correctness of any of the particulars stated in records for returns referred to in Section 21 or for the purpose of ascertaining whether any of the provisions of this Ordinance have been complied with---

- (a) require an employer to furnish to him such information as he may consider necessary;
- (b) at any reasonable time enter any establishment or other premises occupied by such employer and require any person found in charge thereof to produce and allow him to examine such account books, and other documents relating to the employment of persons and payment of wages or to furnish to him information, as he may consider necessary;
- (c) examine, with respect to any matter relevant to the purpose aforesaid, the employer, his agents or any person found in such establishment or other premises, or any other person whom the said official has reasonable cause to believe to be to have been a secured person.

(2) The official referred to in sub-section (1) shall be bound to secrecy as regards all matters with which he becomes acquainted in the performance of his duties and which do not relate to matters provided for in this Ordinance.

(3) If an employer fails to maintain records or to submit returns as required by regulations, or otherwise fails to comply with provisions of sub-section (1) and thereby makes it difficult to ascertain the identity of persons required to be secured or the amount of contribution payable, the contribution shall be assessed on the basis of such evidence as the Institution may find satisfactory for this purpose.

OFFENCES AND PENALTIES

Section 66: If any person-----

- (a) for the purpose of obtaining the allowance of denial of any payment or benefit under this Ordinance whether for himself or some other person, or for the purpose of avoiding any payment to be made by himself or any other person under this Ordinance-----
 - (i) knowingly makes or causes to be made any false statement or false representation: or
 - (ii) produces or furnishes or knowingly allows to be produced or furnished, any document of information which he knows to be false in a material particular; or
- (b) fails to pay any contribution which under this Ordinance he is liable to pay; or

- (c) recovers or attempts to recover from a secured person, or deducts or attempts to deduct from his wages, the whole or any part of the employer's contribution ; or
- (d) fails or refuse to submit any return required by regulation or makes a false return ; or
- (e) obstructs any official of the Institution in the discharge of his duties; or
- (f) is guilty of any contravention of, or non-compliance with any of the requirements of this Ordinance or the rules or the regulations ;

he shall, without prejudice to any action to which he may be liable under Section 23 or Section 70 or any other provision of this Ordinance, be punished with imprisonment which may extend to three months, with fine not exceeding one thousand rupees, or with both.

Section 67 : (1) No prosecution under this Ordinance shall be instituted except with the previous sanction of the Commissioner or of an officer authorised by him in writing in this behalf.

(2) No Court inferior to that of a Magistrate of the First Class shall try any offence under this Ordinance.

(3) No Court shall take cognizance of any offence under this Ordinance except on a complaint made in writing within six months of the date on which the offence was discovered.

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Address of Local Office of the Institution to which the official bearing this certificate is attached.....

Telephone No.....