

Government Of Tamil Nadu

ABSTRACT

Factories Act, 1948-Tamil Nadu Factories Rules 1950-Separate rules for Safety Officers in Supersession of Rule 61AA of Tamil Nadu Factories Rules 1950 viz. "Tamil Nadu Safety Officers Rules framed under Section 112 read with sub-section (2) of section 40 B of the Factories Act, 1948-Draft Notification issued in G.O.(Ms). No. 93 Labour and Employment Department dated 16.7.2001-Confirmed.

LABOUR AND EMPLOYMENT (M2) DEPARTMENT

G.O.Ms.No.141

Dated:26.10.2005

Read:-

1. G.O.(Ms) No. 93 Labour and Employment (M2) Department, dated 16.7.2001.
2. From the Chief Inspector of Factories, Chennai.5 Letter No.B1/12105/2001 dated 23.5.2002 , 13.2.2004 and 19.8.2004.

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ORDER:-

Industrial accidents have increased in the Country resulting in human suffering and economic loss. Accidents are either directly or indirectly attributable to human failures and one of the effective ways of controlling them is through safety awareness. As the task of preventing accidents is vital and urgent, the Government of India, brought an amendment to the Factories Act, 1948 (Central Act LXIII of 1948) for the compulsory appointment of Safety Officers in Factories employing 1000 or more workers or in factories carrying out hazardous/ dangerous processes/ operation having a risk of bodily injury or poisoning, which has enabled the State Government to frame rules in the State Rules. Accordingly, rule 61-AA has been framed in the Tamil Nadu Factories Rules, 1950.

2. After the Bhopal disaster, the Ministry of Labour, Government of India have brought in some amendments to the said Act and one among them is the insertion of the new provisions relating to hazardous processes. As the number of chemical factories and the Major Accident Hazard Factories have increased manifold, in order to ensure occupational safety of all workers while they are at work, a separate rule in supersession of the existing rule 61-AA in the Tamil Nadu Factories Rules, 1950 is felt necessary exclusively to stipulate the mandatory requirement of Safety Officers' appointment with their duties and qualification prescribed as well as to regulate their

service conditions by which the importance and seriousness of safety officers appointment and their service conditions can be made more focussed and meaningful.

3. Further, when the amendments to the Factories Act, 1948 were made during the year 1987, the overall aspects on Safety and Occupational health were taken care of. Now, the number of factories under Schedule-I under section 2 (cb) of the Factories Act, 1948 have increased. Tamil Nadu Control of Industrial Major Accident Hazards Rules, Manufacture, Storage and Import of Hazardous Chemicals Rules have come into force for application in Major Accident Hazards Factories . Awareness on safety is an important criterion in factories, especially in chemical industries and Major Accident Hazards factories. Due to Liberalisation, Privatisation and Globalisation, factories involving manufacture and storage of wide spectrum of hazardous chemicals have now come up, the total number of Major Accident Hazards factories in Tamil Nadu has come to 129 and the factories under section 2 (cb) have been more than 5000. At present the safety officers are not delegated with powers to enforce safety.

4. Accordingly, the Government in their order first read above approved the Preliminary Notification for framing of separate rules for Safety Officers, viz. Tamil Nadu Safety Officers (Duties, Qualifications and conditions of Service) Rules 2001 under Section 112 read with sub section (2) of section 40-B of the Factories Act, 1948 in supersession of Rule 61-AA of Tamil Nadu Factories Rules, 1950.

5. The Chief Inspector of Factories, in his letter second read above, has submitted necessary proposal for confirming the Preliminary Notification approved in the Government Order first read above and published in Notification No. SROA-56/2001 in Part III, Section 1 (a) at pages 140-143 of the Tamil Nadu Government Gazette No. 36 dated 19.9.2001.

6. The Government have carefully examined the proposal of Chief Inspector of Factories and decided to confirm the Preliminary Notification approved in the Government Order first read above and published in the Tamil Nadu Government Gazette dated 19.9.2001.

7. The appended Notifications will be published in the Tamil Nadu Government Gazette both in English and Tamil.

8. The Tamil Nadu Development Culture and Religious Endowment (Translation) Department, Secretariat, Chennai-600009 is requested to supply the Tamil Translation of the Notification to the Works Manager, Government Central Press, Chennai-600079 direct.

9. The Works Manager, Government Central Press, Chennai-600079 is requested to send 50 copies of the Gazette Notification to Government for record.

(BY ORDER OF THE GOVERNOR)

R. SELLAMUTHU,

SECRETARY TO GOVERNMENT.

To

The Works Manager, Government Central Press, Chennai.79. (2 copies)

(for publication in the Tamil Nadu Government Gazete)

The Tamil Development Culture and Religious Endowment (Translation)
Department, Chennai.9. (2 copies)

The Chief Inspector of Factories, Chennai.5.

Copy to:

All Departments of Secretariat (except Legislative Assembly Secretariat).

All Collectors.

All Heads of Departments.

The Commissioner, Corporation of Chennai ad Madurai and Coimbatore.

The Deputy Financial Adviser (Factories), Government of India, Ministry of Finance,
6, Explanade (East), Calcutta.

All Transport Corporations.

The Director General, Factory Advice Service and Labour Institutes, CLI Building,
W.S. Mankikar Marg, Sion, Mumbai.

The Director, Tamil Nadu Institute of Labour Studies, Chennai.5.

The Legislative Assembly Secretariat, Chennai.9.

(45 copies for placing before the Committee on Delegated Legislation).

The Law Department, Chennai.9.

/Forwarded/ By order.

Section Officer.

APPENDIX

NOTIFICATION-I.

In exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Tamil Nadu hereby makes the following amendment to the Tamil Nadu Factories Rules, 1950, the same having been previously published as required by section 115 of the said Act:-

AMENDMENT.

In the said Rules, rule 61-AA shall be omitted.

/True copy/

Section Officer.

NOTIFICATION-II.

In exercise of the powers conferred by sub-section (2) of section 40- B read with section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Tamil Nadu hereby makes the following rules, the draft of the same having been previously published, as required by section 115 of the said Act.

RULES.

1. Short title and commencement,- (1) These rules may be called the The Tamil Nadu Safety Officers (Duties, Qualifications and Conditions of Service) Rules, 2005.

(2)They shall extend to the whole State of Tamil Nadu.

(3)They shall come into force on such date, as the State Government may, by notification in the Tamil Nadu Government Gazette, appoint.

2. Definitions.- In these rules, unless there is anything repugnant in the subject or context,-

(i) "appointed day" means the date of coming into force of these rules;

(ii) "degree" means a degree awarded by the University, recognised by the University Grants Commission;

(iii) "diploma" means a diploma awarded by an institution recognised for this purpose;

(iv) "Safety Officer" means a Safety Officer, and includes a Chief Safety Officer appointed, in accordance with the provisions of these rules.

3. Qualifications and Experience.- (1) A person shall not be eligible for appointment as a Safety Officer unless, he-

(a) possesses a recognised degree in any branch of Engineering or Technology and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than two years, or is a member or an associate member of the Institution of Engineers (India) and has had practical experience of working in a factory in a supervisory capacity for a period of not less than five years, or possesses a recognised degree in Physics or Chemistry and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than five years, or possesses a recognised diploma in any branch of Engineering or Technology and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than five years;

(b) Possesses a degree or diploma in Industrial Safety; recognised by the State Government in this behalf; and

(c) has adequate knowledge of Tamil language.

(2) Notwithstanding the provisions contained in sub-rule (1), any person who possesses a recognised degree in Engineering or Technology and has had an experience of not less than five years in a department of the Central or State Government which deals with the administration of the Factories Act, 1948 (Central Act LXIII of 1948), or the Indian Dock Labourers Act, 1934 (Central Act XIX of 1934), or possesses a recognised degree in Engineering or Technology and has had an experience of not less than five years, full time in training, education, consultancy or research in the field of accident prevention in industry or in any institution shall be eligible for appointment as a Safety Officer:

Provided that the State Government may, subject to such conditions as they may specify, grant exemption from the requirements of sub-rule (1), excepting clause (c) of sub-rule (1) , if in their opinion that a suitable person possessing the necessary qualifications and experience is not available for such appointment:

Provided further that the State Government may, subject to such conditions as they may specify, relax all or any of the above said qualifications excepting clause (c) of sub-rule (1), in favour of any person who has been working as a Safety Officer in any factory.

(3) No person who is directly or indirectly interested in any factory or in any patent or machinery connected with it, shall be appointed as a Safety Officer or shall be allowed to hold such office after he becomes so interested.

Explanation.- For the purposes of this sub-rule, any person holding two percent or more of the shares of a company, owning the factory shall be deemed to be directly or indirectly interested.

3. Appointment of Safety Officers.- Every occupier, when required by the State Government by notification in the Official Gazette issue under sub-section (1) of section 40-B of the Factories Act, 1948 (Central Act LXIII of 1948), shall within a

period of six months from the date of publication of that notification, appoint the requisite number of Safety Officers, as specified in that notification: Provided that the Chief Inspector of Factories may, on an application in writing made by an occupier, extend the period further by a maximum of six months for making such appointment.

5. Recruitment of Safety Officer.- (1) The post of Safety Officer to be filled in any factory shall be advertised by the occupier of the factory concerned in at least two newspapers having wide circulation in the state, out of which one newspaper shall be in Tamil language and other in English;

Provided that the vacancies in the post of Safety Officers in the Government establishments, Quasi-government establishments and Public undertakings shall be filled up through the Government Employment Exchange. Vacancies in the said establishments shall be advertised in the Newspapers, only after obtaining non-availability certificate from the Employment Exchange:

Provided further that the post of safety officers in private factories may be filled up from the Department of Inspectorate of Factories on deputation basis.

(2) Selection for appointment to the post of Safety Officer shall be made among the candidates applying for the post, by a committee appointed by the occupier of the factory concerned.

(3) The appointment of the Safety Officer, when made, shall be notified by the occupier of the factory to the Chief Inspector of Factories, giving full details about the qualifications, age, pay and allowances, previous experience and other relevant particulars of the officer appointed and the terms and conditions of the service applicable to him.

6. Filling up of the vacancy of Safety Officer post.- Every vacancy in the post of Safety Officer caused by death, dismissal or discharge of the person holding such post or by any other cause, shall be forthwith notified by the occupier to the Chief Inspector of Factories and shall be filled up within three months of the occurrence of such vacancy.

7. Conditions of Service.- (1) Where the number of Safety Officers to be appointed in a factory as required by the notification under

sub-section (1) of section 40- B of the Factories Act, 1948 (Central Act LXIII of 1948), published in the Official Gazette exceeds one, anyone among them shall be designated as the Chief Safety Officer and shall have the status higher than that of others. The Chief Safety Officer shall be in overall charge of the safety functions, as specified in rule 8 and other Safety Officers shall work under his control.

(2) The Chief Safety Officer or the Safety Officer in the case of factories where only one Safety Officer is required to be appointed, shall be given the status of a senior executive equivalent to the Head of Department and he shall work directly under the control of the Chief Executive of the factory. All the other Safety Officers shall be given appropriate status to enable them to discharge their functions effectively.

(3) The scale of pay and allowance to be granted to the Safety Officers including the Chief Safety Officer and the conditions of their service shall be the same as those of the other officers of corresponding status in the factory.

(4) In the case of dismissal or discharge, the concerned Safety Officer shall have the right to appeal to the Chief Inspector of Factories, whose decision thereon shall be final and binding upon the occupier of the factory.

(5) The appeal shall be preferred within thirty days from the date of the receipt of the order of dismissal or discharge by the Safety Officer concerned.

8. Duties of Safety Officers.- The duties of the Safety Officers shall be to advise and assist the factory management in the fulfilment of its obligations, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following, namely:-

(i) to advise the concerned departments in planning and organising measures necessary for the effective control of personal injuries;

(ii) to advise on safety aspects in all job studies and to carryout detailed job safety studies of selected jobs;

(iii) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries;

(iv) to advise the purchasing and stores departments in ensuring high quality and availability of personal protective equipment;

(v) to advise on matters relating to carrying out of plant safety inspections;

(vi) to carry out plant safety inspections in order to observe the physical conditions of work and the work practices and procedures followed by workers and to render advise on measures to be adopted for removing the unsafe physical conditions and preventing unsafe actions by workers;

(vii) to render assistance on matters relating to reporting and investigation of industrial accidents and occupational diseases;

(viii) to investigate all accidents and near-miss incidents;

(ix) to render assistance for the cases of industrial diseases contracted and in respect of dangerous occurrences reportable under rule 96 of the Tamil Nadu Factories Ruels, 1950;

(x) to render assistance on the maintenance of such records as are necessary relating to accidents, dangerous occurrences and industrial diseases;

(xi) to promote setting up of safety committees and act as adviser and catalyst to such committees;

(xii) to organise in association with the concerned departments/ campaigns, competitions, contests and other activities which will develop and maintain the interest of the workers in establishing and maintaining safe conditions of work and procedure; and

(xiii) to design and conduct either independently or in collaboration with the training department, suitable training and educational programmes for the prevention of personal injuries and for the propagation of safety awareness.

9. Facilities to be provided to Safety Officers.- An occupier of the factory shall provide each Safety Officer with adequate technical and secretarial staff and other facilities, equipment and information as are necessary to enable him to discharge his duties effectively and efficiently.

10. Prohibition of performance of other duties.- No Safety Officer shall be required or permitted to do any work which is inconsistent with or detrimental to the performance of the duties prescribed in rule 8.

11. Power to exempt.- The Chief Inspector of Factories, may exempt any factory from the operation of the provisions of rules 5 and 6 subject to any conditions as he may specify.

/True copy/

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Section Officer.