

# Factories Act – 1948

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**“Cost incurred on compliance is nominal as compared to cost incurred on non compliance”**

**Proven Factor**

# FACTORIES ACT, 1948

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- ❧ A Comprehensive law for the persons working at a specific segment.
- ❧ Covers important **aspects** relating to the persons employed in **factories**.
- ❧ Enforced by State Govt. through Factory Inspectorate.

☰ **Secures** - ● Safety

● Health

● Welfare

☰ **Regulates** - ● Working Hours

# FACTORIES ACT, 1948

- **Ensures** - ● Annual leaves with wages
- **Provides** - ● Additional protection from hazardous processes
- Additional protection to women workmen
- Prohibition of employment of children

**Series of amendments have been made time and again to increase the scope of the Act.**

# Road map to the legislation.



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- **First Indian Factories Act, came into force during 1881**
- **Comprehensive Act was enacted immediately after the independence.**
- **This act has seen many amendments after it was rephrased after the independence.**
- **Major amendments were during 1987**

**Reason ?**

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**Reason : A ghastly chemical accident - Bhopal Tragedy**

# Road map to the legislation.

- **29 industries have been listed as industries involving hazardous processes.**

The industries are listed under - **THE FIRST SCHEDULE** (See Section 2 (cb))

- **Special provisions were incorporated to govern the aspect of SHE in the said hazardous industries.**
- **A new chapter by name “ Chapter IV A was introduced as Special provisions relating to Hazardous processes”**
- **Penal provisions were revamped.**

# FACTORIES ACT, 1948

Important indicators:

1. Applicability
2. Beneficiaries
3. Responsible persons
4. Inspecting staff

# APPLICABILITY

## Applies to “Factories”

1. Definite Premises where 10 and more workers ;  
**Manufacturing process; Power – Section 2m(i)**
2. Definite Premises where 20 and more workers;  
**Manufacturing process; No power – Section 2m(ii)**

# APPLICABILITY

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Unless otherwise provided, the Act is applicable to all  
Factories viz., Private, State, Central, Government, Local  
Bodies etc.,

# BENEFICIARIES (Target Group)

- Workers employed in the factories

“**Worker**” means a person employed, directly or by, or through any agency (including a contractor) with or without the knowledge of the principal employer, whether for remuneration or not in any manufacturing process or in any kind of work incidental to, or connected with the manufacturing process

Workers under the Act, includes

1. Permanent
  2. Temporary
  3. Contract
  4. Casual ,
  5. Clerical staff
  6. Managers,
  7. Engineers,
  8. Supervisors etc., (excl Occupier & Factory Manager)
- Apprentice under the Apprentices Act, 1961 are not the workers.

However as per Section 14 of the Act – provision of health, safety & welfare are applicable to the said category.

# RESPONSIBLE PERSONS

**OCCUPIER AND MANAGER are the responsible persons for implementation of the provisions envisaged in the Act.**

- OCCUPIER means the person who has got the ultimate control over the affairs of the factory.
  - Proprietorship - Proprietor
  - Partnership - One of the partner
  - Company - One of the director
  - State or Central Government owned - Persons so nominated by the respective governments.

# Obligations under the law

**“Occupier and Manager” are the persons responsible for the implementations of applicable provisions of law at a place which is under the ambit of law.**

## SECTION 7A OF THE FACTORIES ACT, 1948 - 1987 AMENDMENT

**“ EVERY OCCUPIER AND MANAGER SHALL ENSURE, SO FAR AS IS REASONABLY PRACTICABLE, THE HEALTH, SAFETY AND WELFARE OF ALL WORKERS WHILE THEY ARE AT WORK”**

**“Reasonable” Means “ based on all reasons”**

**“Practicable” means “ that can be done”**

**Virtually possible all actions shall be taken.**

# OCCUPIER’S RESPONSIBILITY

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- No change shall be made without the approval of the Chief Inspector from previous permitted location.
- Submit necessary application for getting license to the premises and renew the license periodically.
- Addition to the General obligation:
  - Make provision and maintenance of plant and systems of work in the factory that are safe and without risks to health.
  - Make arrangement in the factory for ensuring safety and absence of risks to health in connection with use, handling, storage and transport of articles and substance.

# OCCUPIERS RESPONSIBILITY

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- Providing such information, instruction, training and supervision as are necessary to ensure the health and safety of all workers at work.
- Ensure safe working condition all places of work in the factory
- Monitoring of such working environment in the factory .

# RESPONSIBLE PERSON[S]

## MANAGER?

**“ A PERSON RESPONSIBLE TO THE OCCUPIER FOR THE WORKING OF THE FACTORY FOR THE PURPOSES OF THE ACT”**

- **SPECIFIC DUTIES:**

- **Maintenance of registers, furnishing OT slips, leave cards**
- **Furnishing of returns**
- **Submission of notice to work on Sunday**
- **Intimation about the reportable accidents, dangerous occurrences.**

# INSPECTING STAFF - INSPECTORS

**THE PERSONS VESTED WITH POWERS FOR ADMINISTRATION OF THE APPLICABLE PROVISIONS OF LAW IN FACTORIES.**

- Act empowers state Government to appoint persons as inspectors
- Qualifications is defined along with local limits.
- Act has prescribed the duties and powers of the inspectors
- Deputy Commissioner/DM of the District – is also an Inspector
- Government can notify any persons as inspectors - Notification

# POWERS OF INSPECTORS

- To enter to any premises (with assistants or experts) which he has got reason to believe it as a factory
- Make examinations of the premises, plant and machinery to secure SHE
- Direct the occupier to leave any place undisturbed till his enquiries are completed.
- Seize any records, take copies which is required for the purpose of enforcement
- Take measurements, photographs and make such recordings which are required for enforcement of Law
- Call for production of any registers or documents pertaining to his duties from the occupier.

# GENERAL DOMAIN OF COMPLIANCES

- **STATUTORY APPROVAL AND LICENCE FOR THE PREMISES**
- **HEALTH INITIATIVES/PROGRAMMES**
- **WELFARE SCHEMES**
- **SAFETY MANAGEMENT**
- **STATUTORY DISPLAYS**
- **STATUTORY COMMITTEES**
- **STATUTORY REGISTERS**
- **STATUTORY RETURNS**
- **REGULATION OF WORKING HOURS OF ADULTS**
- **ANNUAL LEAVE WITH WAGES**

contd.,

# **FOCUSSED AREAS**

- **REPORTING OF :**
  - **ACCIDENTS**
  - **DANGEROUS OCCURRENCE (no injury)**
  - **NOTIFIABLE DISEASES**
- **PROVISIONS RELATING TO WOMEN WORKERS**
- **PROVISION RELATING TO CHILD**
- **PROVISIONS RELATING TO NO. OF EMPLOYEES**
- **TRAINING & EDUCATION PROGRAMMES**

# STATUTORY APPROVAL/LICENCING

- **APPROVAL OF PLANS**
- **REGISTRATION AND RENEWAL OF FACTORY LICENCE**
- **AMENDMENT & TRANSFER IN THE LICENCE**



# APPROVAL/LICENCING

APPROVAL IS REQUIRED IN RESPECT OF THE FOLLOWING:

- PROPOSED CONSTRUCTION
- EXTENTION TO EXISTING FACTORY BUILDING
- FOR INSTALLATION OF MACHINAIRES – CHANGE IN LAYOUT OF MACHINES
- RESITING OF MACHINES
- APPLICATION SHALL BE MADE BEFORE MAKING ANY CHANGES
- THE DOCUMENTS REQUIRED TO BE SUBMITTED IS CLEARLY DEFINED.
- NO CHANGES SHALL BE MADE WITHOUT PRIOR PERMISSION
- IF THE APPLICATION IS MADE SEEKING APPROVAL AND NO COMMUNICATION IS RECEIVED WITHIN THREE MONTHS FROM THE DATE OF SUBMISSION, PERMISSION APPLIED IN THE APPLICATION SHALL BE DEEMED TO BE GRANTED.

# LICENCING

## REGISTRATION AND GRANT OF FACTORY LICENCE

- BEFORE STARTING THE FACTORY, THE APPLICATION SHALL BE SUBMITTED TO THE OFFICE OF THE JURISDICTIONAL OFFICER - BEFORE 15 DAYS.
- THE DOCUMENTS REQUIRED TO BE SUBMITTED IS CLEARLY DEFINED.
- LICENCE WILL BE GRANTED IN FORM 3.
- IF THE APPLICATION IS MADE SEEKING REGISTRATION AND NO COMMUNICATION IS RECEIVED WITHIN THREE MONTHS FROM THE DATE OF SUBMISSION, REGISTRATION SHALL BE DEEMED TO BE GRANTED.
- LICENCE IS REQUIRED TO BE RENEWED EVERY YEAR. OPTION HAS BEEN GIVEN TO RENEW THE LICENCE FOR PERIOD NOT EXCEEDING THREE YEARS.

# APPROVAL/LICENCING

LICENCE CAN BE SURRENDERED FOR A TEMPORARY PERIOD

- TO CLAIM EXEMPTION FROM PAYMENT OF LICENCE FEE. AN APPLICATION SHALL BE MADE TWO MONTHS BEFORE THE EXPIRY OF LICENCE.
- IF ANY INTENDED CLOSURE OF THE FACTORY OR ANY SECTION OR DEPARTMENT THEREOF THE OCCUPIER OR MANAGER SHALL REPORT TO THE INSPECTOR IMMEDIATELY .
- FURTHER AN INTIMATION SHALL ALSO BE GIVEN TO THE INSPECTOR BEFORE THE FACTORY OR THE SECTION OR DEPARTMENT THEREOF AS THE CASE MAY BE , STARTS WORKING AGAIN.

# HEALTH INITIATIVES

- HOUSE KEEPING/CLEANLINESS
- OVERCROWDING
- LIGHTING
- DRINKING WATER
- LATRINE AND URINALS
- SPITTONS



# HEALTH ISSUES

## HOUSE KEEPING/CLEANLINESS

Sl.no	Type of coatings	Periodicity
1	Building is Painted and varnished	Once in five years
2	Inside walls is Painted with washable paint	Once in three years
3	Internal walls is Lime washed or colour washed	Once in 14 months.
4	Doors, frames, wooden or frame works shall be painted	Once in 5 years.



## **LIGHTING AND VENTILATION**



- **Minimum 30 foot candles of light,**
- **Fresh circulation of air by ensuring cross ventilation**
- **Adequate openings, 15% of floor area shall be kept open for natural ventilation**
- **Mechanical system of ventilation incase of shortage of windows**
- **Overcrowding – 14.2 cu.meter of space per person**



# TOILET FACILITIES

## **Sufficient toilet and urinal accommodations - One for every twenty five workmen.**

- Toilet accommodations shall be maintained in clean and hygienic conditions. .
- Separate facilities for the women workmen.
- Sufficient water facilities shall be available. Pictorial display shall be made. Proper doors and fastening shall be ensured.
- Sweepers shall be employed to keep the facility neat and tidy.

# Drinking water

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Adequate drinking water in clean and hygienic conditions shall be provided and maintained.

- Minimum of 5 liters of water per person.
- Drinking water shall be kept at convenient places.
- If the source of supply is not from the public supply, the water shall be tested for its pot ability from the District Health Officer.
- If more than 250 workers are employed, cooled drinking water shall be provided with arrangements during the months of March, April and May.

# SAFETY MANAGEMENT

## SAFETY MANAGEMENT INCLUDES

- EQUIPMENT SAFETY
- PERSONAL SAFETY
- MATERIAL SAFETY
- PROCESS SAFETY
- EXCESSIVE WEIGHTS
- PERSONAL PROTECTIVE EQUIPMENT

# SAFETY MANAGEMENT

## EXCESSIVE WEIGHTS

No adult, woman unaided by another person shall lift, carry or move by hand or on head any material article, tool or appliance exceeding the maximum specified below

Adult male	50kgs
Adult female	30kgs
Adolescent male	30kgs
Adolescent female	20kgs
Male child	16kgs
Female child	14kgs

# **PERSONAL PROTECTIVE EQUIPMENT**

# PERSONAL PROTECTIVE EQUIPMENT

- All personal protective equipment provided to the workers as required under the act shall have certification by ISI or any equivalent standard approved by the state government.
- Except under Section 46, no fee or charge shall be realized from any worker in respect of any arrangements or facilities to be provided or any equipment or appliances to be supplied by the occupier under the provisions of this act – Section 114

# WELFARE

MAIN INSIGHT OF THIS CHAPTER IS TO ENSURE WELL BEING OF THE PERSONS.

- Washing facilities
- Facilities for sitting
- First aid appliances
- Crèche
- Canteen
- Rest room, shelters, lunch room
- First aid trained personnel
- Ambulance room

# CANTEEN

- IT IS STATUTORY WELFARE SCHEME
- APPLICABLE TO FACTORIES EMPLOYING MORE THAN 250
- BUILDING SHALL NOT BE LOCATED NEAR TO ANY TOILETS, BOILER ROOM, COAL ROOM OR NEAR ANY PROCESS WHICH GENERATES OBNOXIOUS FUMES ETC., - MINIMUM 15 METERS
- SUFFICIENTLY VENTILATED AND LIGHTED
- LIME WASHED ONCE IN A YEAR
- IF IT IS PAINTED, REPAINTED ONCE IN THREE YEARS
- PRECINTS SHALL BE NEAT AND TIDY AT ALL TIMES
- DINING HALL SHALL ACCOMMODATE 30% OF THE WORKMEN WORKING
- .93 SQUARE METER OF AREA SHALL BE THERE PER PERSON
- A PORTION SHALL BE EARMARKED FOR WOMEN WORKERS IN PROPORTION OF THEIR STRENGTH
- WASHING PLACE SHALL BE PROVIDED.
- SUFFICIENT TABLE, CHAIR OR BENCHES SHALL BE PROVIDED.

# CANTEEN

- FOOD AND OTHER ITEMS PREPARED SHALL BE SERVED ON NO PROFIT AND NO LOSS BASIS
- SUFFICIENT UTENCILS, CROCKERY, CUTLERY AND CANTEEN EQUIPMENT SHALL BE PROVIDED BY THE MANAGEMENT.
- PRICED CHARGED SHALL BE APPROVED BY THE CMC
- ITEMS SERVED AND PRICES LEVIED SHALL BE DISPLAYED
- BALANCE SHEET SHALL BE MADE AVAILABLE TO THE CANTEEN MANAGING COMMITTEE WITH IN 12 MONTHS.
- CANTEEN MANAGING COMMITTEE SHALL BE APPOINTED BY THE MANAGER
- COMPOSITION IS DEFINED. MANAGEMENT PERSONNEL ARE NOMINATED. WORKERS REPRESENTATIVES SHALL BE ELECTED.
- THE MEMBERS CONSISTS OF MINIMUM ONE FOR EVERY 1000 WORKMEN, BUT IT SHOULD BE IN ANY CASE NOT MORE THAN 5 AND NOT LESS THAN 2
- DISSOLVED ONCE IN 2 YEARS AND NEW CMC SHALL BE CONSTITUED

# CANTEEN

- CANTEEN SHALL BE NEAT AND TIDY AND IN SANITARY CONDITIONS AT ALL TIMES
- THE PERSONS EMPLOYED IN THE CANTEEN SHALL BE SUBJECTED FOR MEDICAL EXAMINATIONS FROM THE FACTORY MEDICAL PRACTITIONER OR CERTIFYING SURGEON ONCE IN A PERIOD OF 12 MONTHS
- THE SPECIFIC MEDICAL EXAMINATIONS INCLUDES
  - ROUTINE BLOOD EXAMINATION
  - BACTERIOLOGICAL TESTING OF FAECES AND URINE
  - ANY OTHER SPECIFIC EXAMINATIONSTO ENSURE THAT THEY ARE FREE FROM ANY POSSIBLE CONTAGIOUS DISEASES.
- CANTEEN FACILITY IS MANDATORY TO ALL CATEGORIES OF THE PERSONS EMPLOYED IN THE FACTORY .

# SHELTER, RESTROOM AND LUNCH ROOM

- THIS WILL BE APPLICABLE IF ORDINARY EMPLOYMENT IS MORE THAN 150
- THE ACCOMMODATIONS TO BE PROVIDED SHOULD CONFIRM TO THE STANDARDS
- HEIGHT 3.7 METERS FROM FLOOR LEVEL, AREA SHOULD BE 1.12 SQUARE METER PER PERSON
- ADEQUAE LIGHTING AND VENTILATION
- CHAIR OR BENCHES WITH BACK REST ARRANGEMENT SHALL BE PROVIDED
- KEPT NEAT AND TIDY AT ALL TIMES
- WASHING FACILITIES AND DRINKING WATER FACILITIES SHALL BE PROVIDED.

# FIRST AID APPLIANCES

- REQUIREMENT IN THE FIRST AID BOX HAS BEEN COMPREHENSIVELY DEFINED.
- FIRST AID BOXES OR CUPBOARDS SHALL BE DISTINCTIVELY MARKED WITH A RED CROSS ON WHITE BACKGROUND AND CONTAIN THE EQUIPMENT PRESCRIBED.
- EQUIPPED FIRST AID BOXES SHALL BE KEPT IN CHARGE OF PERSONS TRAINED IN THE FIRST AID TREATMENT.
- FIRST AIDER SHOULD HOLD CERTIFICATE IN FIRST AID TREATMENT RECOGNISED BY THE STATE GOVERNMENT.
- NO. OF FIRST AID BOXES AND CUP BOARDS SHALL BE ONE FOR EVERY 150 WORKERS.
- A NOTICE CONTAINING THE NAMES OF THE PERSONS WORKING IN THE FACTORY AND WHO ARE TRAINED IN THE FIRST AID TREATMENT SHALL BE POSTED ON OR NEAR THE FIRST AID BOXES OR CUPBOARDS.

# AMBULANCE ROOM

- THIS IS APPLICABLE TO THE FACTORIES WHEREIN MOREN THAN 500 WORKERS ARE EMPLOYED
- ROOM SHALL BE CONSTRUCTED IN ACCORDANCE WITH STANDARDS AND SPECIFICATIONS PRESCRIBED. MINIMUM 24 SQUARE METER AND SHALL BE SEPARATE FROM THE REST OF THE FACTORY.
- THERE SHALL BE ATTACHED TOILET AND URINAL FACILITY
- DRINKING WATER FACILITY SHALL BE PROVIDED
- THE EQUIPMENT TO BE PROVIDED IN THE AMBULANCE IS PRESCRIBED
- NAME AND ADDRESS OF FACTORY MEDICAL OFFICER, PHONE NUMBER OF NEAREST HOSPITAL SHALL BE POSTED IN THE AMBULANCE ROOM.
- AMBULANCAE ROOM SHALL BE INCHARGE OF A WHOLE TIME MEDICAL PRACTITIONER, QUALIFIED NURSE OR DRESSER COMPOUNDER, & A NURSING ATTENDANT IN EACH SHIFT.

# AMBULANCE ROOM

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- AN AMBULANCE VAN SHALL BE PROVIDED TO REMOVE SERIOUS CASES OF ACCIDENT OR SERIOUS SICKNESS IN A GOOD CONDITIONS.
- EXEMPTION IS REQUIRED TO BE OBTAINED FROM DIRECTOR WITH THE APPROVAL OF GOVERNMENT REGARDING KEEPING A DOCTOR IN ALL THE THREE SHIFTS.
- EXEMPTION WILL BE GIVEN UNDER CERTAIN CONDITIONS.

# STATUTORY APPOINTMENTS/RECOGNITION

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- SAFETY OFFICER
- WELFARE OFFICER
- MEDICAL OFFICER
- COMPETENT PERSON
- COMPETENT & QUALIFIED SUPERVISORS
- ACCREDITED AGENCIES TO CONDUCT SAFETY AUDITS.

# SAFETY OFFICER

## NO. OF SAFETY OFFICERS TO BE EMPLOYED?

- MORE THAN 1000 AND LESS THAN 2000 - 1
- MORE THAN 2000 AND LESS THAN 4000 - 2
- MORE THAN 4000 AND LESS THAN 6000 - 3
- ABOVE 6000 AND NOT EXCEEDING 8000 - 4
- ABOVE 8000 AND NOT EXCEEDING 10000 - 5
- FOR EVERY INCREASE OF 3000 OR PART THEREOFF - 1

## MEDICAL OFFICER

**WHERE MORE THAN 500 WORKERS - ONE IN EACH SHIFT**

# EXEMPTION PROVISIONS

## TO EMPLOY WOMEN WORKERS UPTO 10PM

- ♠ APPLICATION SHALL BE MADE TO THE GOVERNMENT SEEKING THE INTENTION TO EMPLOY WOMEN WORKERS UPTO 10PM
- ♠ GOVERNMENT WILL EXEMPT THE FACTORIES AFTER EVALUATION OF THE PLEA MADE BY THE MANAGEMENT TO EMPLOY WOMEN WORKERS WITH CONDITIONS.
- ♠ ALREADY 15 CATEGORIES OF FACTORIES HAVE BEEN EXEMPTED UNDER TWO NOTIFICATIONS. – SECTION 66(1)(B)

# FORMATION AND PARTICIPATION IN COMMITTEES

## SEXUAL HARASSMENT PREVENTION COMMITTEE

- ♠ THIS IS MANDATORY WHERE WOMEN WORKERS ARE EMPLOYED
- ♠ MANDATORY IN VIEW OF THE JUDGEMENT OF THE APEX COURT IN VISAKA V/S STATE OF RAJASTHAN
- ♠ THE COMMITTEE SHOULD MEET AT REGULAR INTERVALS TO ADDRESS ANY GRIEVANCES OF SEXUAL HARASSMENT AT THE WORK SITE.



# ANNUAL LEAVE WITH WAGES

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One day for every twenty days

## **Eligibility :**

- 240 days in a calendar year – his/her service is from beginning of the calendar year;
- 2/3<sup>rd</sup> of the calendar year – his/her service begins in the middle of calendar year
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# PROVISIONS IN THE ACT, CORRESPONDING TO STRENGTH OF THE WORKERS

- Crèche - > 30 women workers
- Restroom / shelters and lunch room - > 150 workmen
- Cooled drinking water - > 250 workers
- Canteen - > 250 workers
- Ambulance room – Doctor, Nurse and Dresser cum compounder - > 500 workers
- Welfare officer - > 500 workers
  - Lady welfare officer - > more nos. of women workers
- Safety officer - > 1000 workers
- Occupational health centre – Industries – 2(cb)

# PROVISIONS IN THE ACT, CORRESPONDING TO STRENGTH OF THE WORKERS

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Occupational health centre – Industries – 2(cb) – provision is mandatory.

- Employing up to 50 workers
  - Factory Medical officer on retainer ship basis
  - He will carry out preemployment and periodical medical examinations.
  - Minimum of five persons trained in first aid, one shall always during the working period.

# PROVISIONS IN THE ACT, CORRESPONDING TO STRENGTH OF THE WORKERS

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Occupational health centre – Industries – 2(cb) – provision is mandatory.

- Employing up to 51 - 200 workers
  - OHC having a room with minimum floor area 15 sq.meter.
  - Factory Medical officer on part time basis - visit the factory twice in a week.
  - One qualified and trained dresser cum compounder on duty through out the working period.

# PROVISIONS IN THE ACT, CORRESPONDING TO STRENGTH OF THE WORKERS

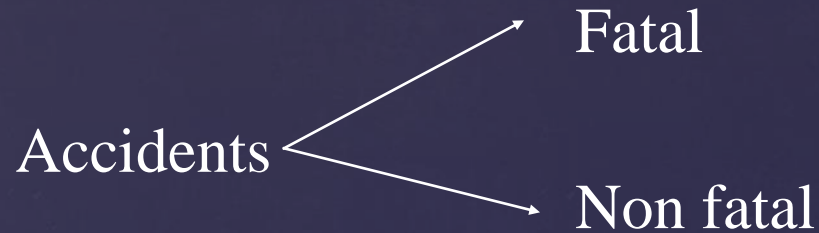
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Occupational health centre – Industries – 2(cb) – provision is mandatory.

- Employing more than 200 workers
  - OHC having two rooms with minimum floor area 15 sq.meter.
  - One full time Factory Medical officer up to 500 and one more for every additional 1000 workers.
  - He will carry out preemployment and periodical medical examinations.
  - One nurse, One qualified and trained dresser cum compounder on duty through the working period.

# ACCIDENTS

# ACCIDENT, DANGEROUS OCCURRENCES AND DISEASES



- Reportable accidents shall be reported in Form no. 17, within 72 hours from the from the time of occurrence of accidents.
- Fatal accident shall be reported within in 12 hours
- Fatal Accidents are Required to be reported to:
  - Inspector,
  - District Magistrate or Sub Divisional Magistrate,
  - Officer in charge of the nearest police station
  - Relatives of the injured or deceased person

# DANGEROUS OCCURRENCES

(which does not result in death or bodily injury)

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- Bursting of plant or vessel working under pressure
- Collapse of lifting equipment
- Explosion or fire causing damage
- Collapse of floor, gallery, roof, etc.

The Said incidents also shall be reported in Form no. 17A WITH IN 12 HOURS FROM THE INCIDENT.

These incidents also requires to be investigated to unearth the causes

**THANK YOU**