

IDEAL SCHOOL OF ENGINEERING

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Entrepreneurship & Management – 6th Sem.

Chapter: INDUSTRIAL LEGISLATION

Factories Act:

Factories Act, 1948: Provisions for Labour Welfare in India

Some of the provisions relating to the Labour Welfare as mentioned in the Factories Act, 1948 are:

- 1) Washing Facilities*
- 2) Facilities for storing and drying clothing*
- 3) Facilities for sitting*
- 4) First aid appliance*
- 5) Canteen*
- 6) Shelters, rest rooms and lunch rooms*
- 7) Creches*
- 8) Welfare officers*

The Factories Act, 1948 contains the following provisions relating to Labour Welfare:

*(1) **Washing Facilities:** In every factory*

- adequate and suitable facilities shall be provided and maintained for the use of workers;*
- separate and adequately screened facilities shall be provided for the use of male and female workers;*
- Such facilities shall be easily accessible and shall be kept clean.*

*(2) **Facilities for storing and drying clothing:** In every factory provision for suitable place should exist for keeping clothing not worn during working hours and for the drying of wet clothing.*

*(3) **Facilities for sitting:** In every factory, suitable arrangements for sitting shall be provided and maintained for all workers who are obliged to work in a standing position so that the workers may take advantage of any opportunity for*

rest which may occur in the course of work. If in any factory workers can efficiently do their work in a sitting position, the Chief inspector may require the occupier of the factory to provide such seating arrangements as may be practicable.

(4) **First aid appliances:** Under the Act, the provisions for first-aid appliances are obligatory. At least one first-aid box or cupboard with the prescribed contents should be maintained for every 150 workers. It should be readily accessible during all working hours.

Each first-aid box or cupboard shall be kept in the charge of a separate responsible person who holds a certificate in the first-aid treatment recognised by the State Government and who shall always be readily available during the working hours of the factory.

In every factory wherein more than 500 workers are ordinarily employed there shall be provided and maintained an ambulance room of the prescribed size containing the prescribed equipment. The ambulance room shall be in the charge of properly qualified medical and nursing staff. These facilities shall always be made readily available during the working hours of the factory.

(5) **Canteens:** In every factory employing more than 250 workers, the State government may make rules requiring that a canteen or canteens shall be provided for the use of workers. Such rules may provide for

- ✓ the date by which the canteen shall be provided
- ✓ the standards in respect of constitution, accommodation, furniture and other equipment of the canteen
- ✓ the foodstuffs to be served therein and charges which may be paid thereof
- ✓ the constitution of a managing committee for the canteens and representation of the workers in the management of the canteen
- ✓ the items of expenditure in the running of the canteen which are not to be taken into account in fixing the cost of foodstuffs and which shall be borne by the employer
- ✓ the delegation to the Chief inspector, of the power to make rules under clause (c).

(6) **Shelters, rest rooms and lunch rooms:** In every factory wherein more than 150 workers are ordinarily employed, there shall be a provision for shelters, rest room and a suitable lunch room where workers can eat meals brought by them with provision for drinking water.

Where a lunch room exists, no worker shall eat any food in the work room. Such shelters or rest rooms or lunch rooms shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition.

(7) **Creches:** In every factory wherein more than 30 women workers are ordinarily employed there shall be provided and maintained a suitable room or rooms for the use of children under the age of six years of such women.

Such rooms shall provide adequate accommodation, shall be adequately lighted and ventilated, shall be maintained in clean and proper sanitary conditions and shall be under the charge of women trained in the care of children and infants.

The State government may make rules for the provision of additional facilities for the care of children belonging to women workers including suitable provision of facilities:—

(a) For washing and changing their clothing

(b) Of free milk or refreshment or both for the children, and

(c) For the mothers of children to feed them at the necessary intervals.

(8) **Welfare officers:** In every factory wherein 500 or more workers are ordinarily employed, the occupier shall employ in the factory such number of welfare officers as may be prescribed under Sec. 49(1). The State government may prescribe the duties, qualifications and conditions of service of such officers.

What are the provisions relating to health for employees working in factories and the manufacturing process addressed by the Factories Act, 1948?

The main focus of Factories Act is towards the Health benefits to the workers. Health Chapter of the Act contains specification from Section 11 to 20. Detailed information of the sections of is provided as under:

- ✓ **Section 11:** This section basically specifies the issues of cleanliness at the workplace. It is mentioned in the provision that every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance. This includes that there should be no accumulation of dirt and refuse and should be removed daily and entire area should be kept clean.
- ✓ **Section 12:** This section specifies on disposal of wastes and effluents. That every factory should make effective arrangements for the treatment of

wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous and for their disposal.

- ✓ **Section 13:** This section focuses on ventilation and temperature maintenance at workplace. Every factory should work on proper arrangements for adequate ventilation and circulation of fresh air.
- ✓ **Section 14:** This section details on the proper exhaustion of dust and fume in the Factory. In this it is mentioned that factory which deals on manufacturing process should take care of the proper exhaustion of dust, fume and other impurities from its origin point.
- ✓ **Section 15:** This section specifies regarding the artificial humidification in factories. In this the humidity level of air in factories are artificially increased as per the provision prescribed by the State Government.
- ✓ **Section 16:** Overcrowding is also an important issue which is specified in this section. In this it is mentioned that no room in the factory shall be overcrowded to an extent that can be injurious to the health of workers employed herein.
- ✓ **Section 18:** This section specifies regarding arrangements for sufficient and pure drinking water for the workers. There are also some specified provisions for suitable point for drinking water supply. As in that drinking water point should not be within 6 meters range of any washing place, urinal, latrine, spittoon, open drainage carrying effluents. In addition to this a factory where there are more than 250 workers provisions for cooling drinking water during hot temperature should be made.
- ✓ **Section 19:** This section provides details relating to urinals and latrine construction at factories. It mentions that in every factory there should be sufficient accommodation for urinals which should be provided at conveniently situated place. It should be kept clean and maintained. There is provision to provide separate urinals for both male and female workers.
- ✓ **Section 20:** This section specifies regarding proper arrangements of spittoons in the factory. It is mentioned that in every factory there should be sufficient number of spittoons situated at convenient places and should be properly maintained and cleaned and kept in hygienic condition.

What are the provisions relating to safety for employees working in factories and the manufacturing process addressed by the Factories Act, 1948?

- ✓ *The Factories Act, 1948 also provides provisions relating to safety measures for the workers employed herein. This is to ensure safety of workers working on or around the machines. The detailed information on each provision relating to safety measures is as under:*
- ✓ **Section 17:** *Under section it has been described that there should be proper arrangement of lighting in factories. In every part of the factory where workers are working or passing should be well equipped with lighting arrangement either by natural sources or artificial sources.*
- ✓ **Section 21:** *This section specifies that fencing of machinery is necessary. That any moving part of the machinery or machinery that is dangerous in kind should be properly fenced.*
- ✓ **Section 23:** *This section prescribes that employment of young person on dangerous machinery is not allowed. In the case where he is been fully instructed in the usage of the machinery and working under the supervision he might be allowed to work on it.*
- ✓ **Section 24:** *This section provides provision of striking gear and devices for cutting off power in case of emergency. Every factory should have special devices for cutting off of power in emergencies from running machinery. Suitable striking gear appliances should be provided and maintained for moving belts.*
- ✓ **Section 28:** *This section prohibits working of women and children on specific machinery. As per this section women and children should not be appointed for any part of factory working on cotton pressing.*
- ✓ **Section 32:** *In this section it has been specified that all floors, stairs, passages and gangways should be properly constructed and maintained, so that there are no chances of slips or fall.*
- ✓ **Section 34:** *This section specifies that no person in any factory shall be employed to lift, carry or move any load so heavy that might cause in injury. State Government may specify maximum amount of weight to be carried by workers.*
- ✓ **Section 35:** *This section provides specification regarding safety and protection of eyes of workers. It mentions that factory should provide specific goggles or screens to the workers who are involved in manufacturing work that may cause them injury to eyes.*

- ✓ **Section 36:** As per this section it is provided that no worker shall be forced to enter any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, vapour or dust is likely to be present to such an extent as to involve risk to persons being overcome thereby.
- ✓ **Section 38:** As per this section there should be proper precautionary measures built for fire. There should be safe mean to escape in case of fire, and also necessary equipments and facilities to extinguish fire.
- ✓ **Section 45:** This section specifies that in every factory there should be proper maintained and well equipped first aid box or cupboard with the prescribed contents. For every 150 workers employed at one time, there shall not be less than 1 first aid box in the factory. Also in case where there are more than 500 workers there should be well maintained ambulance room of prescribed size and containing proper facility.

DUTIES & POWER OF FACTORY INSPECTOR

Power of Inspectors

Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed,--

- ✓ Entre, with such assistants, being persons in the service of the Government, or any local or other public authority, [or with an expert] as he thinks fit, any place which is used, or which he has reason to believe is used, as a factory;
- ✓ Make examination of the premises, plant, machinery, article or substance;
- ✓ Inquire into any accident or dangerous occurrence, whether resulting in bodily injury, disability or not, and take on the spot or otherwise statements of any person which he may consider necessary for such inquiry;
- ✓ Require the production of any prescribed register or any other document relating to the factory.
- ✓ Seize, or take copies of any register, record or other document or any portion thereof, as he may consider necessary in respect of any offence under this Act, which he has reason to believe, has been committed.

- ✓ *Direct the occupier that any premises or any part thereof, or anything lying therein, shall be left undisturbed (whether generally or in particular respects) for so long as is necessary for the purpose of any examination under clause (b);*
- ✓ *Take measurements and photographs and make such recordings as he considers necessary for the purpose of any examination under clause (b), taking with him any necessary instrument or equipment.*
- ✓ *In case of any article or substance found in any premises, being an article or substance which appears to him as having caused or is likely to cause danger to the health or safety of the workers, direct it to be dismantled or subject it to any process or test (but not so as to damage or destroy it unless the same is, in the circumstances necessary, for carrying out the purposes of this Act.), and take possession of any such article or substance or a part thereof, and detain it for so long as is necessary for such examination.*
- ✓ *Exercise such other powers as may be prescribed.*
- ✓ *Provided that no person shall be compelled under this section to answer any question or give any evidence tending to incriminate himself.*

Power of Inspectors

An Inspector shall, for the purpose of the execution of the Act, have power to do all or any the following things, that is to say –

- ✓ *To photograph any worker, to inspect, examine, measure, copy, photograph sketch or test, as the case may be, any building or room, any plant, machinery, appliance or apparatus, any register or document or anything provided for the purpose of securing the health, safety or welfare of the workers employed in a factory.*
- ✓ *In the case of an Inspector who is duly qualified medical practitioner, to carry out such medical examinations as may be necessary for the purposes of his duties under the Act.*
- ✓ *To prosecute, conduct or defend before a court any complaint or other proceeding arising under the Act. or in discharge of his duties as an Inspector:*

- ✓ *Provided that the powers of the District Magistrate and such other public officers as are appointed to be additional Inspectors shall be limited to the inspection of the factories in respect of the following matters, namely –*
 - *Cleanliness (Section 11),*
 - *Overcrowding (Section 16)*
 - *Lighting (Section 17)*
 - *Drinking water (Section 18)*
 - *Latrines and urinals(Section 19)*
 - *Spittoons (Section 20)*
 - *Precautions in the case of fire (Section 38)*
 - *Welfare (Chapter V)*
 - *Working hours of adults (Chapter VI – except the power of exemption under the provision to Section 62)*
 - *Employment of young persons (Chapter VII)*
 - *Leave with wages (Chapter VIII) and*
 - *Display of notice (Section 108)*
- ✓ *Provided further that –*
- ✓ *The District Magistrate shall not pass any original orders or remarks under Section 11, 17 and 38 of the Act but shall limit and confine his orders or remarks under these Section to the points to which the full time Inspector of Factories has already directed the attention of Manager or occupier of the factory as the case may be;*
- ✓ *All additional Inspectors except District Magistrates shall report the defects found and remedies suggested for enforcing compliance with requirements of Sections referred to above, to the Chief Inspector who shall pass final orders in each case.*

EMPLOYEE'S COMPENSATION ACT

An employer is responsible for paying compensation to the employee under the following circumstances are:

- *Personal injury by accident- An employer is responsible for paying compensation to workman if personal injury is let to him by accident arising out during his employment.*
- *Occupational diseases- workers employed in certain occupations are exposed to certain diseases which are inherent in that occupation.*

An employer who is not liable for paying compensation to workers under the following conditions:

- In case of any injury which does not result in the partial or total disablement of the workers for a period exceeding three days.
- In case of any injury, not resulting in death or permanent total disablement, caused by an accident which is directly attributable to the following:
 - The workman present at the time thereof under the influence of drink or drugs.
 - The intentional disobedience of the workman to an order expressly given, or to a rule framed, to secure the safety of workers,
 - The willful removal or disregard by the workman of any safety guard or other devices which he knew to have been provided for securing the safety of workers.

Determination of Compensation

According to the provisions of this Act, the amount of compensation depends upon the nature of the injury, average monthly wages and age of the workers and the same are tabulated below:

Cases	Amount of Compensation
In case of injury resulting in Death	Amount equal to 50% of the monthly salaries of the deceased employee multiplied by the appropriate factor or with the amount of 80,000 or more.
In case of injury resulting in permanent total disablement	Amount equal to 60% of the monthly wages of the injured workmen multiplied by the relevant factor or an amount of 90,000 or more.
In case of an injury occurring in permanent partial disablement	<p>In case of an injury mentioned in part-II of schedule I, such percentage of the compensation which will be payable in the case of permanent total disablement as is defined as being the percentage of the lack of earning capacity caused by that injury.</p> <p>In case of an injury not mentioned in schedule I, such percentage of the compensation payable for permanent total disablement as is proportionate to the lack of earning capacity (as examined by the medical practitioner) permanently caused by the injury.</p>
In case of injury resulting in temporary disablement.	Half-monthly payment which is equal to 25% of the monthly salaries of the workmen, to be paid by the provisions of section 4(2).

Half-Monthly Payment

Half-Monthly payment will be reviewed by Commissioner on the application by the Employer or employee. A certificate of qualified medical practitioner needs to accompany the application that there has been changed in the condition of the employee. On review, Half-Monthly payment may be extended, decreased, continued or ended or converted into lump-sum under Employees Compensation Act, 1923.

Registration of Agreements

The amount payable as compensation can be settled in the manner of agreement, the employer should send a memorandum to the Commissioner. The commissioner will verify and record the memorandum in a registered manner if satisfied.

In case if the agreement has been obtained by fraud or undue influence or another improper manner in such cases, the commissioner will refuse to record the agreement.

Procedure to Claim the Compensation

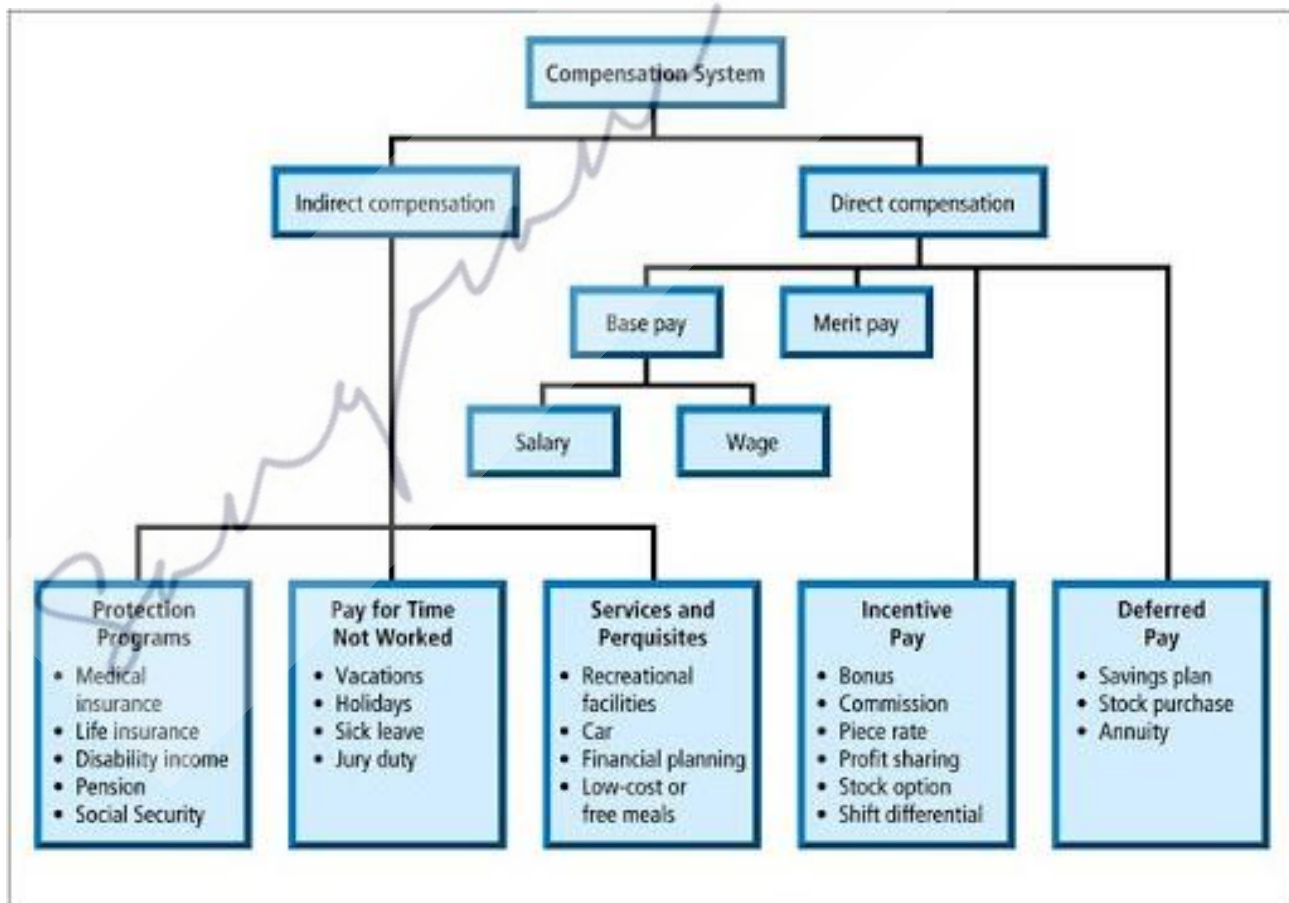
The process for filing claims is explained here.

- The applicant has to give notice of accident to the employer or by entering in the notice book within an appropriate period.*
- Every notice submitted should be with the name and address of the person injured and also by including the cause of the injury and the date on which the accident occurred.*
- Then submit the claim application to the commissioner within two years from the date of the accident.*
- In the event of an occupational disease, the accident is deemed to have occurred on the first day of illness.*
- In case of any defect if any in the notice or not giving notice or delayed application will not reject the claim for compensation.*

Due and Penalty for Non-Payment

- The employer becomes responsible for paying the compensation immediately when the personal injury occurs to the employee by accident during the work.*

- The amount of compensation paid will be calculated from the date of the accident happened.
- If the amount is not paid within a month from the date of the accident, the Commissioner will ask the employer to pay simple interest at the rate of 12% per annum or as prevailing in any scheduled bank along with the compensation amount.
- Moreover, if there is no justification for the delay, the Commissioner will demand an apology from the employer after giving a reasonable opportunity of being heard, direct the employer to pay a further sum not exceeding 50% of the compensation, through penalty. The amount of penalty and also interest should be paid to the workman or his dependent in the following cases:
- The half-monthly installments of compensation (payable in case of temporary disablement) should be paid within the time specified. The half-monthly installments can be converted into a lump sum payment, by an agreement between the employer and the employee or by applying to the Commissioner.



ASSIGNMENT QUESTIONS

1. *What are the provinces related to Labour Welfare Act 1948*
2. *What are the provinces related to Health for Employees working in Factories according to Factories Act 1948.*
3. *What are the provinces related to Safety for Employees working in Factories according to Factories Act 1948.*
4. *What are the Duties & Power of a Factory Inspector as per the Govt. Policies?*
5. *Write the Procedure to claim the Compensation of an Employee.*
6. *Under what circumstances an employer is responsible for paying compensation to its workers.*

References

- Entrepreneurship & Management - B.Badhia
- Entrepreneurship & Management - Verabhadrapa Havinal