

Assam Factories (Safety Officers) Rules, 1980

RULES

- 1 Short Title : These Rules may be called the Assam Factories (Safety) Officers Rule, 1980.
- 2 Commencement: These Rules, shall come into force at once.
- 3 Definitions : In these Rules, unless the context otherwise requires :-

(a) "The Act" means the Factories Act, 1948 (63 of 1948):

(b) "Safety Officer" means a Safety Officer Appointed under Section 40 B of the Act and includes the Chief Safety Officer ;

(c) "Section" means a section of the Act.

- 4 Appointment of Safety Officer and Chief Safety Officer :-

(i) In every factory wherein one thousand or more workers are ordinarily employed, there shall be one Safety Officer,

(ii) Wherein, two thousand or more workers are ordinarily employed, there shall be two or more Safety Officer and one of them is to be declared as Chief Safety Officer considering his experience and length of service in the organization.

In case of any dispute in regard to appointment and promotion to Chief Safety Officer the decision of the Chief Inspector will be final and binding.

(iii) Wherein, the process or operation in the factory notwithstanding that number of persons employed therein is less than one thousand, involves any risk or bodily injury, poisoning or disease or any other hazard to health to the persons employed in the factory, the occupier shall if so required by the State Government by notification in Official Gazette, on report of the Chief Inspector of Factories, employed number of such Safety Officer as may be specified in that notification.

- 5 Qualification : A person shall not be eligible for appointment as Safety Officer unless he :-

(a) Possesses a degree of a recognized University or its equivalent in any branch of Engineering or Technology with two years experience in a position of supervision of management in a factory in either the production or the maintenance or the Safety department, or a degree of a recognised University in Physics and Chemistry with five years experience in a position of supervision or management in a factory in either the production or the maintenance of the Safety department,

Diploma in any branch of engineering or technology recognised by the State Government with five years' experience in a position of supervision of management in a factory in either the production of the maintenance of the Safety Department.

- (b) Possesses a degree or diploma or certificate in industrial safety recognized by the State Government;
- (c) has thorough knowledge of Assamese ;
- (d) has qualified at a viva voce test conducted by a Board constituted by the Labour Department, Government of Assam , for the purpose ;
- (e) can speak Hindi : and
- (f) is not less than 23 years of age ;

Provided that the Chief Inspector of Factories, Assam, may exempt from the requirement of Clause (b) of this rule any person.

- (i) Who has not less than five years' experience in department of the Central or a State Government which deals with the administration of the Factories Act, 1948 (63 of 1948) or the Indian Dock Labourers Act, 1934 (19 of 1934) or
- (ii) Who has not less than five years' experience on a full time basis in training or education consultancy or research in the field of accident prevention in any industry or in any institution :

Providing further that the Chief Inspector of Factories, Assam may exempt from all or any of the prescribed qualifications any person who has been working as a Safety Officer in any factory for a period of not less than three years on the date of commencement of these rules and who, in his opinion, possesses the requisite practical experience to serve as a Safety Officer.

- 6 Power of Relax : The Chief Inspector of Factories, Assam may relax subject to such conditions as may be specified, the qualification prescribed in Clause (c) of Rule 4. in case of persons already in service on the date of commencement of these rules as Safety Officers in factories.
- 7 Notice of appointment and filing up of vacancy :
- (1) The occupier of a factory shall notify the appointment of a Safety Officer within seven days from the date of appointment, to the Chief Inspector of Factories, Assam, giving full details of qualifications, age, terms and conditions of service;
 - (2) Any vacancy in the post of a Safety Officer caused by the death, termination of service or resignation of a Safety Officer or by any other reason shall be filled up within three months of the occurrence of the vacancy.

8 Conditions of service :

(1) Where the number of Safety Officer to be appointed in a factory exceeds one, one of them shall be designated as the Chief Safety Officer and shall have a status higher than that of the others. The Chief Safety Officer shall be in overall charge of the Safety functions as envisaged in Rule 8, and all other safety Officers shall work under his control.

(2) The Chief Safety Officer or the Safety Officer in the case of a factory where only one Safety Officer is required to be appointed shall be given the same status as that of other departmental heads in the factory and he shall work directly under the control of the same executive of the factory under whom other departmental heads work. Every other Safety Officer shall be given appropriate status correspondings to the status of an officer holding a position next below other departmental heads in the dactory.

(3) The Chief Safety Officer or a Safety Officer may be employed either on a tenure basis or on a permanent basis. Where he is appointed on a tenure, basis the terms shall not be less than three years' and the period of probation shall be six months and where the appointment is on a permanent basis the period of probation shall not be less than one year or more than two years.

(4) The occupier of a factory who proposes either to terminate the services of a Safety officer or to withhold the renewal of contract as aforesaid shall give three months notice to such officer stating reason thereof and giving him a reasonable opportunity of making representation against such notice.

The final decision shall be taken by the occupier of such factory only after giving due consideration to such representation.

(5) The occupier of factory may impose upon any Safety Officer any one or more of the following penalties namely:

- (i) Suspension;
- (ii) Removal or dismissal from service;
- (iii) Reduction in rank;
- (iv) With-holding or increment (including stoppage at an efficiency bar);
- (v) Censure;
- (vi) Warning;

(a) Provided that no order imposing any such penalty on a Safety Officer shall be made except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of charges, and where it is proposed after such enquiry to impose on him any penalty until he has been given a reasonable opportunity of making representation against the penalty proposed, but only on the basis of the evidence adduced during such inquiry.

(b) Any Safety Officer on whom any penalty has been imposed under sub-rule (a) may, within thirty days of the communication of the order of imposition of penalty to him appeal against such order to the Chief Inspector of Factories, Assam, whose decision thereon shall be final and binding on both the occupier of the factory and the Safety Officer.

(c) On being satisfied that a Safety Officer intends to prefer an appeal under clause (b) of this sub-rule, the Chief Inspector of Factories, Assam, may stay the endorsement of the order to be appealed against, for such period and on such terms if any, as he may think just and proper.

(d) The Chief Inspector of Factories, Assam shall by an order, after giving both the parties a reasonable opportunity of being heard and for reasons to be recorded in writing dispose of the appeal as expeditiously as possible. While disposing of the appeal, the Chief Inspector of Factories, Assam, may confirm modify or set aside the order appealed against.

(6) An appeal shall lie to the state Government against the order of the occupier of the factory under sub-rule (4) or of the Chief Inspector of factories, Assam, under Clause (d) of sub-rule (5) of this rule within thirty days from the date of the order :

Provided that on an application of the appellant assigning satisfactory reasons, the State Government may extend the above period of thirty days for preferring the appeal by a period not exceeding sixty days in any case.

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

(8) Notwithstanding anything to the contrary contained in any contract of employment of any existing Safety Officer, the provisions of this rule shall apply.

9 Duties of Safety Officer :

The duties of a Safety Officer shall be to advise and assist the factory management in the fulfillment of obligations statutory or otherwise concerning prevention of personal injuries and maintaining a safe working environment.

(2) Without prejudice to the generality of the provisions of sub-rule (1), such duties may include :

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

(ii) to advise on safety aspects of all jobs and to carry out detailed job safety analysis of selected jobs ;

(iii) to carry out safety inspections in order to identify unsafe plant or equipment and hazardous conditions of work, and carry out safety observation to identify unsafe work practices and procedures followed by workers, and to suggest measures to be adopted for remedying defects found :

(iv) to advise and assist on matters relating lits carrying out safety inspections and Safety observations by concerned Department :

(v) to design and conduct, either independently or in collaboration with the training department, suitable training and educational programmes for all levels in the organizations and specifically for the supervisory staff for the prevention of personal injuries and industrial diseases :

(vi) to check and evaluate the effectiveness of the action taken or proposed to be taken to prevent personal injuries and industrial diseases :

(vii) to advise the purchasing and store departments on the availability and the specifications of any new machinery, plant, appliance or equipment including personal protective equipment, to be installed or used in the factory in order to ensure high standard of safety and protection of health of the employees :

(viii) to advise concerned departments on matters relating to reporting and investigation of causes of industrial accidents and diseases :

(ix) to investigate into the causes and circumstances of every fatal, serious and selected accident and dangerous occurrence, compile necessary reports and tender advice to prevent their recurrence :

(x) to investigate into the cases of every industrial disease :

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

(xii) to organize, in collaboration 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 procedures :

(xiii) to advise on the maintenance of records as are necessary relating to accidents, dangerous occurrences and industrial diseases and present information in appropriate form for the use of management and others in assessing safety performance :

(xiv) to maintain liaison with other departments, in the factory including medical and training departments, and with the Directorate of Factories, Fire Services, local authorities and other organizations engaged in the promotion of industrial safety :

10 Training :

Every safety officer shall have to undergo safety training conducted by the Director General- Factory Advice Service and Central Labour Institute, Bombay and National Safety Council of India, Bombay, from time to time to make him sufficiently expert.

11 Probation :

(1) The probationary period for Safety Officer shall be for six months after his initial appointment.

(ii) He may be confirmed as Safety Officer if he has in the opinion of the manager of the factory, successfully completed his period of probation :

(iii) Such period of probation may be extended to another six months or more if he fails to complete the first period of six months :

(iv) If he fails to complete the extended period of probation, the management may refer to the Chief Inspector of Factories whose decision in that case shall be final and binding.

12 Facilities to be provided to Safety Officers :-

The Occupier of a factory shall provide each Safety Officer with such facilities, equipment and information as necessary to enable him to discharge his duties effectively.

13 Prohibition of performance of other duties :

(1) No Safety Officer shall be required or allowed to do any work which is inconsistent with, or detrimental to the performance of the duties prescribed in rule 8.

(2) If the Chief Inspector of Factories, Assam, is of opinion that Safety Officer is being required or allowed by the occupier of a factory to do work which is inconsistent with or detrimental, to the performance of his duties prescribed under rule 9, he may by an order, for reasons to be recorded in writing, direct that such Safety Officer shall not be required or allowed to do such work.