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Module 5

Factories Act 1948

What is a factory?

- A premises whereon 10 or more persons are engaged if power is used, or 20 or more persons are engaged if power is not used, in a manufacturing process. [section 2(m)].

Objective of the Act

- The Act has been enacted with the object of protecting employed in factories against occupational hazards.
- For that purpose, it seeks to place upon the owner or the manager certain obligations to protect them and to secure for them employment conditions conducive to their health and safety.

Applicability of the

At any place wherein manufacture is carried on with or without steam or is so ordinarily carried on as to stand in the place of a factory, standing that:

- The number of persons employed there is less than ten, if working without the aid of power, and less than twenty if working with the aid of power, or
- The persons working therein are not employed by the owner thereof, but are working with the permission or agreement with, such owner.

What is a manufacturing process?

Manufacturing process means any

- (i) making, altering, repairing, ornamenting, oiling, washing, cleaning, breaking up or otherwise treating or adapting any article or material in whole or in part, or any view to its use, sale, transport, delivery or disposal;
- (ii) pumping oil, water, sewage or any other substance;
- (iii) generating, transforming or transmitting electricity;
- (iv) composing types for printing, printing, lithography, photogravure or other similar process, or binding;
- (v) constructing, reconstructing, repairing, refitting, overhauling, breaking up or breaking up ships or vessels;
- (vi) preserving or storing any article in any warehouse or other building;
- [section 2(k)].

Who is a worker?

- A person employed in any manufacturing process or any work incidental to manufacturing process.
- A person employed, directly or indirectly, through any agency with knowledge of the principal business.
- Whether for remuneration or not.
- Relationship of master & servant.
- [section 2(I)].

Health Provisions[S

- Chapter III of Factories details regarding health us discuss these provisio

Cleanliness[sec. 11

- The working conditions and safe.
- Clean the floor at least once a week by washing, or by some effective means.
- Effective means of drainage provided.
- White wash every 14 weeks.
- Paint / varnish every 5 years.

Disposal of wastes and [sec.12]

- There should be proper disposal of wastes and
- Follow state govt. rules.

Ventilation & Temperature [sec.13]

- Proper level of ventilation and humidity must be maintained.
- Make provisions for reduction of heat.

Dust and fume[sec

- Effective measures should be taken to prevent inhalation or absorption of dust & fume.
- If any exhaust appliance is used for, it shall be applied as close as possible to the point of origin of dust, fume or other imp

Artificial Humidification

- Factories in which the humidity of the air is artificially increased (e.g., in textile mills), keep it in limits.
- The water used for artificial humidification to be clean.

Overcrowding[Sec

- 14.2 cubic metres space
While calculating this space, the space above the worker beyond 2 metres will not be taken into account.
- Notice specifying the maximum number of workers, who are employed in any work room, to be displayed in the premises.

Lighting[Sec17]

- Sufficient & suitable light for every part of factory. There shall be lighting as far as possible from natural light.
- All glazed windows and glass doors for the lighting of the work shall be kept clean.
- Formation of shadows to such an extent as to cause eye-strain or accident to any worker shall be prevented.

Drinking water[Sec

- There should be drinking (wholesome water)
- Drinking points to be m drinking water. They sh 6 meters away from was latrine/spittoons.
- If >250 workers are wor cool water facility also.

Latrines and Urinals

- There should be separate latrines for male and female.
- Proper cleaning should

Spittoons[Sec.20]

- There should be sufficient spittoons.
- No person shall spit within the premises of a factory except in the spittoons provided for the purpose.
- Whoever spits in contravention of the provisions of this section shall be punishable with fine not exceeding ten rupees

Safety of Worker[S

- CHAPTER IV DEALS WITH
SAFETY OF WORKER

Fencing of Machine

- Every dangerous parts must be securely fenced.
- The State Government must prescribe such further provisions.

Employment of young person on dangerous machinery

- No young person should work on dangerous machinery unless he has been trained, and is under supervision).
- Young person = 14 to 18

Striking gears[Sec.

- There should be suitable etc. to switch off the power there is any emergency, solved.

Self acting machine

- Make sure that no person is in a space within 45 cm of the structure which is not a machine.

Casing of new mach

- All machinery driven by installed should be so su otherwise effectively gua prevent danger.

Cotton openers[Se

- No women and children work on cotton openers.

Hoists and lifts[Sec

- Every hoist and lift should be in good condition, and properly checked.
- The maximum load it can lift should be clearly mentioned.
- The gates should be locked (or interlocking / safe method should be used when open in between).
- To be properly examined every 6 months.

Lifting machines, chains and lifting tackles[Sec.29]

- **Cranes & lifting machines to be of good construction & to be examined once in every 12 months.**
- **Cranes and lifting machines not to be loaded beyond safe working load.**
- **Cranes not to be approached within 3 metres of a place where persons are employed or working.**

Revolving machine

- Maximum safe speed must be mentioned for each machine.
- Speed indicated in notice must not be exceeded.

Pressure plant[Sec

- There should be safe work on pressure plants.
- Effective measures should ensure that the safe work not exceeded.

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Floors, Stairs etc.[S

- All floors, steps, stairs, gangways should be of s construction & properly

Pits, sumps, opening etc.[Sec.33]

- **Pits, sumps etc. should be covered or fenced.**

Excessive weights

- No person should be employed if he weighs more weight than the person

Protection of eyes

- Provide goggles if work on something strong on eyes.

Dangerous fumes

- Prohibited to employ workers in enclosed spaces where dangerous gas / fumes are present
- Practicable measures shall be taken for removal of gas, fumes

Precautions in case of fire[Sec.38]

- There should be separation of fire.
- There should be facilities for extinguishing fire.

Safety officer[Sec.4

- If 1000 or more workers a
appoint a separate safety

Welfare Provision[3]

- Chapter V
- There are a number of provisions in the Factories Act regarding welfare for the workers.

Welfare Issues

- Washing facilities(Sec 42)
- Facilities for, storing & dry
- Facilities for sitting(Sec 44)
- First aid appliances(Sec 45)
- Canteen(Sec46)
- Rest room, shelters, lunch r
- Creches (Sec 48)
- Welfare Officers(Sec 49)
- Power to make rule(Sec 50)

Washing facilities[S

- There should be washing facilities in every factory for the work of male and female workers. They should be screened.
- conveniently accessible and clean.

Facility for storing and drying clothing[Sec.43]

- There should be facility so that workers can place their cloth not wet during manufacturing process.
- There should be facility so that workers can dry their wet cloth.

Facilities for sitting

- **Suitable arrangements for sitting should be provided and maintained if workers are obliged to work in a standing position**
- **If the worker can do the work while sitting, - there should be a suitable arrangement for the work**

First-aid appliances

- **There should be at least one first-aid box for every 150 workers.**
- **It should have the prescribed contents.**
- **A responsible person should be appointed to maintain the certificate on first aid training.**
- **An ambulance room should be provided for every 500 workers.**

Canteen[sec.46]

- If the number of workers is 250, the govt. may make canteen.
- The govt. may make rule for foodstuff, construction, equipment of the canteen.

Shelter, rest room, luncheon room[Sec.47]

- When 150 workers are employed, there should be rest rooms, luncheon room etc.
- Such places should be provided with drinking water facilities etc.

Creches[Sec.48]

- If the number of women more than 30, there should be creches.
- It should be sufficiently ventilated & to be under trained women

Welfare Officer[Sec

- If the number of workers is more, there should be a welfare officer to look after the welfare of the workers.

In Nutshell

- Crèche - > 30 women work
- Restroom / shelters and lunch room for workmen
- Cooled drinking water - > 250
- Canteen - > 250 workers
- Ambulance room – Doctor, Nurse, compounder - > 500 work
- Welfare officer - > 500 work
- Lady welfare officer - > more no

Working hours Of A

- Chapter VI
- The rule as to the regular work of adult workers in holidays.

Working Hours

- **Sec.51-Weekly hours not to exceed 48 hours a week**
- **Sec.52-First day of the week shall be a weekly holiday**
- **Sec.53-Compensatory holiday**
- **Where a weekly holiday falls on a day which is a compensatory holiday, the employee shall be allowed to avail of a compensatory holiday within the next 12 months**

Working Hours

- **Sec.54-Daily working hours** - No worker shall be allowed to work in a factory for more than nine hours in any day
- **Sec.55-Intervals for rest** - No worker shall work for more than five hours before he has had an interval of at least 1/2 an hour.
- **Inspector may increase hours.**

Spread over[sec.50

- Inclusive of rest interval spread over more than 1 any day
- Inspector may increase up to 12 hours.

Night Shifts[Sec.57]

- If shift extends beyond night holiday for him will mean 24 hours beginning when

Prohibition Overlapping Shifts[Sec.58]

- Work shall not be carried out in a factory by means of system of shifts arranged that more than one shift of workers is engaged in the same kind at the same time.



Extra Wages for Overtime[Sec.59]

- If workers work for more than 48 hours in a day or more than 48 hours in a week, extra wages should be given.
- Wages at twice the ordinary rate.

Restriction on Double Employment[Sec.60]

- **No worker is allowed to work in any factory on any day on which he has already been working in another factory**

Notice of periods of v Adult Workers[Sec.6

- **Notice to be displayed a
Conspicuous place.**
- **Periods to be fixed before**
- **Classification of worker**
- **Copy of Notice in Dupli
change to be sent to Insp**

Employment of you

Prohibition of employ young Children[Sec.

- No child who has not co
year allowed to work in

Non-Adult workers to Tokens [Sec.68]

**A child who has complete
may be allowed to work**

- **a) a certificate of fitness
is in custody of manager**
- **b) Such child or adolesc
token giving a reference
Certificate.**

Employment of Women

- Prohibition of women working in night shift
- Women shall not be allowed to enter any factory except between 6 A.M. and 7 P.M..
- The inspector may relax the prohibition between 10 P.M. and 5 A.M.
- Working hours not more than 48 hours & daily 9 hours

Annual Leave with Wages[Sec.78-84(C)

- **Rules:**

- 1) Leave Entitlement-**

One day for every 20/15 days of work in the case of adult/Child who has worked for 20/15 days.

- 2) Computation of Period of 20/15 days-**

The days of lay-off, maternity leave, sick leave, & earned leave in previous year are included.

- 3) Discharge, Dismissal , Superannuation, or quitting of employment-**

He , his heir , nominee as the case may be, shall be entitled to wages.

4) Treatment of Fraction of Leave
Half day or more is treated as full which is not omitted.

5) Treatment of Un-availed leave:
Should be carried – forward to next calendar year but not exceed 30 in case of an adult & 45 in case of a child.

6) Application for leave to be made
at least 15 days in advance of the specified time.

7) Scheme for grant of leave.

8) Display of Scheme for grant of leave.

9) Refusal of leave to be in accordance with the scheme.

10) Payment of wages to worker for leave not availed
if he is discharged or if he quits service.

Wages during leave period[sec.80]

- **Worker is entitled to wages equal to the daily average full time earnings for the period he actually worked during the immediately preceding**

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