The U.P. Factories (Safety Officers) Rules, 1984

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In exercise of the powers under Sections 40-B and 112 of the Factories Act, 1948 (Act No. LXIII of 1948), the Governor is pleased to make the following rules after their previous publication with Government Notification No. 1726/XXXVI-3-2044(F)-78, dated November 17, 1983, as required by section 115 of the said Act:

1. Short title and commencement. - (1) These Rules may be called the Uttar Pradesh Factories (Safety Officers) Rules, 1984.

(2) These Rules shall come into force with effect from the date of their publication in the Gazette.

2. Definitions. - In these Rules, unless the context otherwise requires:

(a) "State Government" means the Government of Uttar Pradesh;

(b) "Safety Officer" means Safety Officer appointed under Section 40-B of the Factories Act, 1948 and includes Chief Safety Officer; and

(c) "Labour Commissioner" means Labour Commissioner, Uttar Pradesh.

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Chapter I

3. Age, qualifications and experience. - A person shall not be eligible for appointment as a Safety Officer unless he:-

(i) is a citizen of India;

(ii) is not less than 21 years of age;

(iii) possesses an adequate knowledge of Hindi in Devnagri script;

(iv) (a) possesses a Degree in any branch of Engineering or Technology of a University established by law and has had practical experience of working in a factory in a supervisory capacity in production or maintenance or Safety Department for a period of not less than two years; or

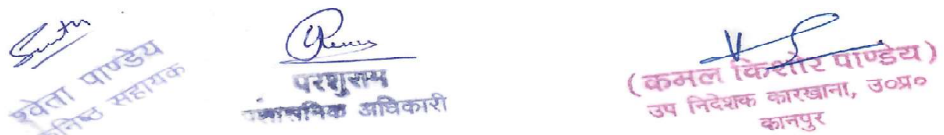
(b) possesses a degree in Physics or Chemistry of a University established by law and has had practical experience of working in a factory in a supervisory capacity in production or maintenance or Safety Department for a period of not less than five years; or

(c) processes a diploma in any branch of Engineering or Technology recognised by the State Government and has had practical experience of working in a factory in a supervisory capacity in production or maintenance or safety department for a period of not less than five years; or

(d) possesses a recognised degree in any branch of Engineering or technology has had experience of not less than five years in a department of the Central or the State Government which deals with the administration under the Factories Act, 1948 or the Indian Dock Labourers Act, 1934; or

(e) possesses a recognised degree in any branch of Engineering or Technology and has had experience of not less than five years on a full time basis in training, education, consultancy or research in the field of accident prevention in industry or in any institution; and

(v) Possesses a degree or diploma in industrial safety recognised by the State Government in this behalf.



Chapter II

4. Pay, allowances and other benefits. - The scale of pay, allowances and other benefits such as Leave, Provident Fund, Bonus, Gratuity, Medical facilities, Residence etc., to be granted to the Safety Officer and other conditions of their service shall be the same as those of other officers of corresponding status in the factory.

5. Status. - 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 departmental head or a senior executive in the factory and he shall work directly under control of the Chief Executive of the factory. Every other Safety Officer shall be given appropriate status corresponding the status of an officer holding a position next below other departmental heads in the factory.

Provided that where any dispute arises as to the status of a Safety Officer or Chief Safety Officer, the case shall be referred to the State Government whose decision shall be final.

6. Probation. - All appointments under these rules shall excepting those made against vacancies caused temporarily due to permanent incumbent proceeding on leave or for any other reason, be made on a permanent basis and selected candidates shall initially be placed on a probation for a period of one year which may in special cases and for reasons to be recorded in writing, be extended for a period not exceeding one year.

7. Confirmation. - A probationer shall be confirmed in his appointment at the end of his period of probation or at the end of the extended period of probation if the occupier of the factory is satisfied that he is fit for conformation.

8. Punishment. - The occupier of the 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) withholding of increment (including stoppage of an efficiency bar);

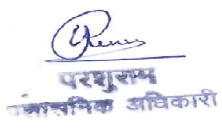
(v) censure; and

(vi) warning:

Provided that no order imposing any such penalty on a Safety Officer shall be made except after an enquiry in which he has been informed of charges against him and given a reasonable opportunity of being heard in respect of such charges and where it is proposed, after such enquiry, to impose on him any such 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 or any other material being used against him during such enquiry.

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Chapter III

9. Duties of Safety Officers. - The duties of the Safety Officers shall be to advice 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 also include the following, namely-

(i) to advise the departmental heads, supervisors and other such officers 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 carry out 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 personnel of store purchase department in ensuring high quality and availability of personal protective equipments etc.;

(v) to advise on matters relating to carrying out 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 the workers and to render advice on measures to be adopted for reducing the unsafe physical conditions and preventing unsafe actions by workers;

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

(viii) to investigate fatal and serious accidents and to suggest remedial measures to the management;

(ix) to investigate the cases of industrial disease contracted and dangerous occurrences reportable under Rules 110 and 112 of the Uttar Pradesh Factories Rules, 1950;

(x) to advise 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 to act as an adviser and catalyst to such committees;

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

(xiii) to design and conduct either independently or in collaboration with the organisations, departments imparting industrial safety training, suitable training and educational programme for the prevention of personal injuries and to hold safety seminars at least once in a year;

(xiv) to prepare annual report of accidents and industrial diseases suggesting their remedial measures and to put it up before the annual meeting of the Board of Directors.

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(कमल किशोर पाण्डेय)
उप निदेशक कारखाना, उ०प्र०
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Chapter IV

10. Control of Chief Safety Officer. - Where the number of Safety Officers appointed in a factory exceeds one, one of them shall be designated as the Chief Safety Officer who shall be in overall charge of the safety functions as envisaged in these rules and all other Safety Officers shall work under his control.

11. Filling up of vacancies. - Any vacancy in the post of Chief Safety or a Safety Officer caused by the termination of service or resignation or death or by any other reason shall be filled up within three months of the occurrence of the vacancy.

12. Intimation of appointment and filling up of vacancies. - The occupier of the factory shall, within fifteen days of making appointment of a Safety Officer of Chief Safety Officer, as the case may be, furnish to the Labour Commissioner full details of his qualifications, age and other terms and conditions of service.

13. Exemption. - The State Government may, if it is satisfied that it is expedient so to do, exempt any person-

(i) from all or any of the requirements of Rule 3 who has been working as Safety Officer for a period not less than three years on the date of commencement of these Rules, provided that he possesses a degree in any branch of Engineering or Technology of a University established by law; or

(ii) from the requirements of clause (v) of Rule 3:

Provided he possesses any of the qualifications prescribed in sub-clause (d) or (e) of clause (iv) of that rule; or

(iii) from the requirements of Rule 3 subject to the condition that he possesses a degree in any branch of Engineering or Technology of a University established by law, if in its opinion a suitable person possessing the qualifications prescribed in the said rule is not available for appointment as a Safety Officer.

14. Appeal. - (1) Any Safety Officer on whom any penalty has been imposed under Rule 8 may, within thirty days of the communication of the order of imposition of the penalty to him, appeal against such order to the Labour Commissioner.

(2) On receipt of an appeal preferred under sub-rule (1), the Labour Commissioner, shall, after giving both the parties 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 Labour Commissioner may confirm, modify or set aside the order appealed against.

(3) An appeal against the order of the Labour Commissioner under sub-rule (2) may be preferred to the State Government within thirty days from the date of the said 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.

15. Facilities to be provided to Safety Officer. - The Occupier of the factory shall provide each Safety Officer with such facilities, equipments and information as are necessary to enable him to discharge his duties effectively.

16. Prohibition performances of other duties. - No Safety Officer shall be required or allowed to do any work which is inconsistent with, or detrimental to the performance of his duties specified in these Rules.

