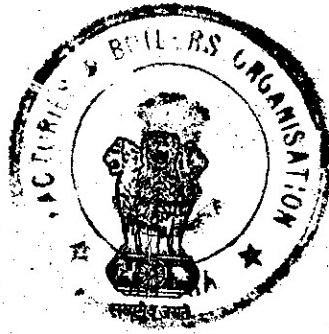


**The Factories Welfare Officers (Duties,
Qualification and conditions of
service) Rules, 1986.**



GOVERNMENT OF TRIPURA
DEPARTMENT OF LABOUR

THE TRIPURA FACTORIES WELFARE OFFICERS'
(Duties, Qualification and Conditions of Service)
RULES, 1986.

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GOVERNMENT OF TRIPURA
DEPARTMENT OF LABOUR
(FACTORIES & BOILERS ORGANISATION)

NO. FB/7(3)/WR/81/1554 Dated, Agartala, the 19th September, 1986.

NOTIFICATION

WHEREAS a draft of the Tripura Factories Welfare Officers' (Duties, Qualification and Conditions of Service) Rules, 1983 was published as required by Section 115 of the Factories Act, 1948 (Central Act No. LXIII of 1948), at pages 1 to 15 of the Tripura Gazette, extraordinary issue, dated the 6th January, 1984 with the notice of the Government of Tripura in the Department of Labour (Factories & Boilers Organisation) No. CIF/7(3)/WR/3041 dated, 19th December, 1983 inviting objections and suggestions from all person likely to be effected thereby within 3 months from the date of publication of the aforesaid rules ;

AND WHEREAS objections and suggestions received from the public have been considered by the State Government ;

Now, therefore, in exercise of the powers conferred by Section 50 and 112 of the said Act, the Governor of Tripura is pleased to make the following rules, namely :—

1. Short title and commencement :—(1) These rules may be called The Tripura Factories Welfare Officers' (Duties, Qualification and Conditions of Service) Rules, 1986.

2 or ✓
(2) They shall come into force on and from the date of their publication in the Official Gazette.

2. Definition :—In these rules, unless the context otherwise requires—

(a) "Act" means the Factories Act, 1948 (Central Act No. LXIII of 1948);

(b) "Factory" means a factory defined under section 2(m) of the Act;

(c) "Inspector" means Inspector appointed by the State Government under section 8 of the Act and includes Chief Inspector and Joint Chief Inspector;

(d) "Chief Inspector of Factories" means Chief Inspector appointed by the State Government under section 8 of Act;

(e) "Occupier" means occupier of the factory as defined under section 2(n) of the Act;

(f) "Section" means a section of the Act;

(g) "State" means the State of Tripura;

(h) "Welfare Officer" means a Welfare Officer appointed in a factory;

(i) "Schedule" means schedule appended to these rules;

✓ (j) "Management" means the occupier of the factory and includes the Manager, notified under sub-section (1)(f) of section 7 of the Act;

(k) Words and expressions not defined but used in these Rules shall be deemed to have the same meaning as are assigned to them in the Act;

3. Number of Welfare Officer to be employed in factories :—The number of Welfare Officers to be employed by the occupier shall be as follows :—

✓ (i) where the number of workers employed per day is between 500 and 2000—one Welfare Officer of Grade-III; ✓

(ii) where the number of workers employed per day exceeds 2000 but does not exceed 4000—two Welfare Officers, one of Grade-II and other of Grade-III;

(iii) where the number of workers employed per day exceeds 4000 but does not exceed 6000,—three Welfare Officers, one each of Grade-I, Grade-II and Grade-III;

(iv) where the number of workers employed per day exceeds 6000—one each of Grade-I and Grade-II and one Grade-III Welfare Officer for every 2000 and function thereof over 500.

Provided that where one occupier has more than one factories situated at different places and the total number of workers in such factories are 500 or above, all these factories shall be treated to be a single factory for the purpose of section 49 and in such case the occupier shall be deemed to have applied to the State Government for declaration of all such factories under his control to be a single factory under section 4 for the purpose of section 49 only.

Provided further that where the total number of workers includes 300 or more women workers, there shall be appointed one women Welfare Officer of Grade-III in addition to the number of Welfare Officer already prescribed in these rules.

Provided further that the Chief Inspector of Factories may exempt any factory from the requirement of second proviso in case of exceptional circumstances to be decided by him.

4. Qualification:—A person shall not be eligible for appointment as Welfare Officer unless he—

✓(a) possesses a degree of an University recognised by the State Government;

(b) has obtained—

“(i) any of the degrees or dilomas from any of the Universities/ Institutions as specified in the schedule or any of such degrees or diplomas from any other Universities/Institutions recognised by the State Government.” Or

(ii) a degree of Law (with Labour Law as one of the subjects) from any recognised Universities.

✓(c) has adequate knowledge of language spoken by the majority of the workers in the factory which he has to be attached; and

✓(d) is not less than 21 years and not more than 40 years in case of direct recruitment.

Provided that the Chief Inspector of Factories may exempt any person having long exceptional experience for appointment in a factory from the requirements of clause (d) above.

5. Scale of pay, status and other conditions of service of a Welfare Officer:—(1) There shall be the following Grades of Welfare Officer specified against each Grade and their Scale of pay shall not be lower than that as:—

(a) Grade—III Rs. 650-40-1050-45-1095-50-1595/-

(b) Grade—II Rs. 750-45-1155-50-1255-55-1750/-

(c) Grade—I Rs. 800-50-1050-55-1380-60-1860/-

Provided that if a Welfare Officer in any factory is already in the higher scale of pay than the Scale mentioned above at the commencement of these Rules, he shall have the option to continue in that scale of pay;

Provided further that the State Government may revise the scale of pay of the different Officers in consultation with the employer/occupier of the Factory by notification in the Official Gazette as and when felt necessary and on issue of such notification sub-rule (1) shall be deemed to have been amended accordingly.

(2) Over and above the scale as prescribed in Sub-rule (1), every Welfare Officer shall be entitled to such Dearness allowance and other allowances as may be admissible to officers or employees of similar rank and status receiving similar pay or similar scale of pay in the factory in which he is employed.

(3) The condition of service of the Welfare Officer shall be the same as those of other members of the staff of corresponding status in the factory.

(4) Every Welfare Officer shall be entitled to get such other benefits and privileges including leave under any scheme or otherwise as admissible to other members of the staff of corresponding status in the factory to which he belongs.

*Explanation:—*If any doubt arises regarding fixation of status, applicability of the benefits provided by the leave rules for other members of corresponding status etc. in the factory, the matter shall be decided by the Chief Inspector of Factories whose decision in this regard shall be final.

(5) The appointments shall be made on permanent basis except those in temporary and leave vacancies. Candidate appointed against permanent vacancy may initially be appointed on probation for a period not exceeding 2 years.

(6) The appointment when made shall be notified by the occupier to the Chief Inspector of Factories giving full details of his qualification, age, previous experience and other relevant particulars of the officer appointed and the terms and conditions of his service in Form—A within 7 (seven) days from the date of appointment.

(7) A Welfare Officer during the period of probation, may be discharged after 1 (one) month's notice by the occupier of Factories, Tripura. Similarly, a Welfare Officer may also tender resignation after giving one month's Notice to the occupier of the factory.

(8) Except as provided in sub-rule (7), no Welfare Officer shall be discharged or dismissed by the management without the previous approval of the Chief Inspector of Factories obtained on the proceeding drawn up against the officer concerned provided that management may impose any one or more of the following punishments upon a Welfare Officer without the previous approval of the Chief Inspector of Factories:—

(i) Warning.

(ii) Censure.

(iii) Any other punishment not amounting to discharge or dismissal.

✓ (9) No penalty under sub-rule (8) shall be imposed upon a Welfare Officer by the management unless he is first informed in writing of the ground on which it is proposed to take action and has been afforded adequate opportunity of defending himself.

* ✓ (10) A Welfare Officer punished under sub-Rule (8) shall have a right to appeal to the Chief Inspector of Factories against the order of discharge, dismissal or any punishment within 30 (thirty) days from the date of receipt of communication of the discharge, dismissal or punishment provided that the Chief Inspector may on sufficient cause being shown for the delay extend the aforesaid time limit to a period not exceeding 45 days for admitting such appeal.

* (11) Any of the parties if agrieved with the decision of the Chief Inspector of Factories, may make second appeal to the State Government within 30 days from the date of receipt of the decision of the Chief Inspector of Factories and the decision of the State Government in this matter shall be final and binding upon both the parties.

22 ✓ (12) The appeal to the Chief Inspector of Factories shall be filed in the form of a Memorandum and the person agrieved by the order of punishment/dismissal or discharge shall submit the Memorandum of appeal in duplicate along with a copy of the order of punishment. *

(13) When a Memorandum of appeal under sub-rule (12) is presented to the Chief Inspector of Factories he shall fix a date on which and the place at which hearing in respect of such appeal will be held and send notice thereof to the appellant and the respondent/occupier mentioned in the Memorandum of appeal and also send a copy of the Memorandum of appeal alongwith the notice to the respondent/occupier. * *

(14) The Chief Inspector of Factories shall give reasonable opportunity to the parties to state their respective cases. He shall also record a brief note of evidence of the parties and witnesses, if any, examined on the either side and evidence so recorded and after consideration of any documentary evidence which may be produced by the parties pass orders on the appeal.

X (15) In any case in which an order is passed on ex parte against an appellant or respondent, he may within 30 (thirty) days from the date of receipt of the order, apply to the Chief Inspector of Factories to set it aside and if he satisfies that the notice was not duly served or that he was prevented by any sufficient cause from appearing when the appeal was called on for hearing, the Chief Inspector of Factories shall make an order setting aside the order passed against that person and shall appoint a date for proceeding with the appeal; Provided that no order shall be set aside on any such application unless notice thereof has been served on the opposite party.

(16) The procedure for preferring second appeal and manner of disposal of the second appeal shall mutatis mutandis be the same as in the case of appeal.

6. Duties of Welfare Officer:—The duties of a Welfare Officer shall be—

(a) to establish contracts and hold consultations with a view to maintaining harmonious relations between the factory management and workers;

(b) to bring to the notice of the factory management the grievances of workers, individual as well as collective, with a view to securing their expeditious redress and to act as liaison officer between the management and labour;

(c) to study and understand the point of view of labour in order to help the factory management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;

(d) to watch industrial relations with a view to using his influence in the event of dispute between the management and workers and to help to bring about a settlement by persuasive effort;

(e) to advise on fulfilment by the management and the concerned departments of the factory of obligations, statutory or otherwise, concerning regulation of working hours, maternity benefit, medical care, compensation for injuries and sickness and other welfare and social benefit measures.

(f) to advise and assist the management in the fulfilment of its obligations, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment, in such factories where a safety officer is not required to be appointed under the enabling provisions under section 40B;

(g) to promote relations between the concerned departments of the factory and workers which will bring about productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adopt themselves to their working environment ;

(h) to encourage the formation of works and joint production Committees, Co-operative Societies and Welfare Committees and to supervise their work ;

(i) to encourage provision of amenities such as canteens, shelters for rest, creches, adequate latrine facilities, drinking water, sickness and benevolent scheme payments, pension and superannuation funds, gratuity payments, granting of loans and legal advice to workers ;

(j) to help the factory management in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence ;

(k) to advise an provision of welfare facilities, such as—housing facilities, food-stuffs, social and recreational facilities, sanitation, advice on individual personnel problems and education of children ;

(l) to advise the factory management on questions relating to training of new starters, apprentices, workers on transfer and promotion, instructions and supervisors' supervision and control of notice board and information bulletin to further education of workers and to encourage their attendance at technical institutes ; and

(m) to suggest measures which will serve to raise the standard of living of workers and in general promote their well-being.

7. Welfare Officer not to deal with disciplinary cases or appear on behalf of the management against workers :—No Welfare Officer should deal with any disciplinary cases against workers or appear before a Conciliation Officer in a Court or Tribunal on behalf of the factory management against a worker or workers.

8. Powers of exemption :—The State Government may, by notification in the Official Gazette, exempt any factory or class or description of factories from the operation of all or any of the provisions of these rules subject to compliance with such alternative arrangements as may be approved.

FORM "A"

Notice of appointment of Welfare Officer
See Rule 5 (6)

1. Name and address of the Factory :—
2. Registration number under the Factories Act, 1948.
3. Name of Welfare Officer appointed :—
4. Date of birth :—
5. Place of birth :—
6. Permanent address :—
7. Present address :—
8. Qualifications and experience :—
9. Grade in which appointed :—
10. Scale of pay :—Basic :

D.A. :

Other allowances :

11. Initial pay offered :—
12. Reference of advertisement :—
13. Date on which Welfare Officer joined service :—
14. Temporary or permanent :—
15. Whether on probation and period of probation :—
16. Names of other posts of corresponding status :—

Date.....

(Signature of Occupier)

Schedule
See Rule 4(6)

<i>Name of University/Institution</i>	<i>Degree/diploma recognised</i>
Andhra University College, Waltair.	(i) Diploma in Social Welfare.
Institute of Social Services, Mangalore.	(ii) A Degree of the Master of Science in Social Welfare. M.A. Degree in Social Work with specialisation in :— (a) Labour Economics & Labour Welfare and (b) Industrial Organisation & Management in the Final Year.

1	2
Department of Labour and Social Welfare, Patna University.	M.A. in Labour and Social Welfare.
St. Xavier Labour Relations Institute, Jamshedpur.	Diploma in Industrial Relations and Welfare.
St. Xavier College, Ranchi.	Post Graduate Diploma in Social Service.
Bihar University.	M.A. in Labour and Social Welfare.
University of Baroda.	Master in Social Work.
University of Gujarat Institute of Management, Ahemadabad.	Diploma in Labour Welfare or Master of Business Administration Degree. ✓
Delhi School of Social Work University of Delhi.	M.A. in Social Work.
University of Kerala.	Diploma in Social Service.
University of Kerala.	Degree of Master of Social Work.
Vikram University, Ujjain.	M.A. in Sociology.
Universiy of Indore, Indore.	M.A. Degree in Sociology.
	Or
	Master's Degree in Social Work (M.S.W.).
Tata Institute of Social Science.	Diploma in Social Service Administration.
	Or
	Degree of Master of Arts in Social Work with Labour Welfare and Industrial Relations as specialised subject.
	Or
	M.A. Degree in personnel management and Labour Welfare.
Labour Welfare Workers Institute, University of Bombay.	Diploma in Labour Welfare.
Indian Institute of Social Orders, Poona.	Post Graduate Diploma in Social Service.
Sri Dorobaji, Graduate School of Social Work, Bombay, University of Bombay.	Diploma in Labour Welfare.
University of Baroda.	A Diploma of the Faculty of Social Works.
Institute of Labour Welfare Workers, Bombay.	A diploma of the long term course of the Institute.
University of Bombay.	M.A. degree in Sociology.

1	2
University of Nagpur.	Diploma in Social Work with Labour Welfare as a special subject.
Madras School of Social Work, Madras.	A Diploma in Social Service Administration.
Loyala College, Madras.	Post Graduate Diploma in Social Service.
P.S.G. School of Social Work Coimbatore.	Post Graduate Diploma in Social Work.
University of Madras.	A diploma in Social Service
	Or
Annamalai University.	A Master's degree in Social Work.
National Institute of Social Sciences, Bangalore.	M.A. degree in Social Sciences.
Karnatak University.	Diploma course in Social Service Administration.
...Institute of Social Service, Mangalore.	Master of Art in Sociology and Economics.
	Masters Degree in Social Work with Specialisation :
	(i) Labour Economics and Labour Welfare and
	(ii) Industrial Organisation and Management.
Udaipur School of Social Work, Rajasthan University.	M.A. Degree (Upto April, 1964)
Udaipur School of Social Work. Udaipur University,	M.A. Degree (From April, 1964)
Institute of Social Sciences, Agra, University of Agra.	Master of Social Work.
Kashi Vidyapith, Varanasi.	Master of Applied Sociology.
	Or
	A diploma of the Labour Training Course
	Or
	A diploma of the Social Sciences Class.
J. K. Institute of Sociology and Human Relations, Lucknow,	M.A. in Social Work
Lucknow University.	Or
	A diploma in Social Service
	Or
	A diploma in Social Technique/ Social Work
	Or
	A degree of Master of Social Technique.

1	2
University of Nagpur.	Diploma in Social Work with Labour Welfare as a special subject.
Madras School of Social Work, Madras.	A Diploma in Social Service Administration.
Loyala College, Madras.	Post Graduate Diploma in Social Service.
P.S.G. School of Social Work Coimbatore.	Post Graduate Diploma in Social Work.
University of Madras.	A diploma in Social Service
	Or
Annamalai University.	A Master's degree in Social Work.
National Institute of Social Sciences, Bangalore.	M.A. degree in Social Sciences.
Karnatak University.	Diploma course in Social Service Administration.
...Institute of Social Service, Mangalore.	Master of Art in Sociology and Economics.
	Masters Degree in Social Work with Specialisation :
	(i) Labour Economics and Labour Welfare and
	(ii) Industrial Organisation and Management.
Udaipur School of Social Work, Rajasthan University.	M.A. Degree (Upto April, 1964)
Udaipur School of Social Work. Udaipur University,	M.A. Degree (From April, 1964)
Institute of Social Sciences, Agra, University of Agra.	Master of Social Work.
Kashi Vidyapith, Varanasi.	Master of Applied Sociology.
	Or
	A diploma of the Labour Training Course
	Or
	A diploma of the Social Sciences Class.
J. K. Institute of Sociology and Human Relations, Lucknow, Lucknow University.	M.A. in Social Work
	Or
	A diploma in Social Service
	Or
	A diploma in Social Technique/ Social Work
	Or
	A degree of Master of Social Technique.

1	2
Agra University.	M.A. in Sociology.
University of Lucknow.	Master of Social Work.
All India Institute of Social Welfare and Business Management, Calcutta University.	Diploma in Social Work.
Indian Institute of Technology, Kharagpur.	Diploma in Industrial Psychology and Industrial Relations.
✓ Calcutta University, Institute of Management, Calcutta.	✓ A diploma in Social Service.
	✓ <u>Master of Business Administration Degree.</u> ✓
Edinburgh University.	Diploma in Social Study.
Royal College of Science and Technology, Glassgow.	Certificate in Industrial Management.
University College of South Wales and Mammoth Shiro (University of Wales Gardiff).	Diploma in Social Science.
Glassgow School of Management Studies, Glassgow.	Certificate in personnel Management.
Manchester Municipal College of Technology, Manchester.	Certificate in personnel Management.
Manchester College of Industrial Administration, University of Manchester.	Diploma in Personnel Management.
Victoria University of Manchester.	Diploma in personnel Management.
London School of Economics and Political Science.	Diploma in Personnel Administration.

By order of the Governor
 S. W. Tenzing
 Secretary,
 Government of Tripura.