

# The West Bengal Factories (Welfare Officers) Rules, 1971

WEST BENGAL

India

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### Rule

### THE-WEST-BENGAL-FACTORIES-WELFARE-OFFICERS-RULES-1971 of 1971

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The West Bengal Factories (Welfare Officers) Rules, 1971

#### 1. Short Title

- These rules may be called the West Bengal Factories (Welfare Officers) rules, 1971.

#### 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)"Welfare Officer" means a Welfare Officer appointed under sub-section (1) of section 49 of the Act; (Includes Chief Welfare Officer : and(c)"section" means a section of the Act.

#### 4. Number of Welfare Officer.

(a)In every factory wherein five hundred or more workers are ordinarily employed the minimum number of full-time Welfares officers to be employed by the occupier shall be as follows :-

Number of workers	Number of Welfare Officers
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Selection Grade	Grade I	Grade II	Grade III	Total	
Not less than 500 but does not exceed 1,000	-	-	-	1	1
Not less than 1,000 but does not exceed 2,000	-	-	1	1	2
Not less than 2,000 but does not exceed 4,000	-	1	1	1	3
Not less than 4,000 but does not exceed 6,000	1	1	1	2	5
Not less than 6,000 but does not exceed 8,000	1	1	2	2	6
Not less than 8,000 but does not exceed 10,000	1	1	2	3	7
Not less than 10,000 but does not exceed 15,000	1	2	3	3	9
Not less than 15,000 but does not exceed 20,000	1	2	4	4	11

Provided that where the number of workers exceeds 20,000 there shall be employed one more Welfare Officer in any grade for every 2,000 workers in excess of 20,000.(b)Where there are two or more Welfare Officers, the one enjoying the higher or the highest grade, as the case may be, shall be designated as Chief Welfare Officer, and each of the other Welfare Officers shall be designated as Welfare Officer Grade I, II or III, as the case may be :Provided that the Welfare Officer or the Chief Welfare Officer may be given any other designation as may be approved by the State Government by an order in writing.Provided further that where in any premises there are more factories than one under the same occupier and there are more than one Welfare Officer for all those factories, the Welfare Officer enjoying the higher or the highest grade, as the case may be, shall be designated as the Chief Welfare Officer for all such factories.

## 5. Qualifications.

- A person shall not be eligible for appointment as a Welfare Officer unless he(a)possesses a degree of recognized University.(b)has thorough knowledge of Bengali acquired through an institution which is under a Board of Secondary Education or affiliated to a University or recognized by the State Government;(c)can speak Hindi;(d)has obtained a degree or diploma in Labour and Social Welfare recognized by the Government of West Bengal or has passed Labour Welfare Officer's Training Course of the Labour Department of the Government of West Bengal.(e)has qualified at a viva-voce test conducted by a Board constituted by the Labour Department of the Government of West Bengal for the purpose and,(f)is not less than 21 years of age :Provided that in case of persons already in service as Welfare Officers in factories, the qualifications prescribed in Clause (b), (c) and (d) above may be relaxed subject to such conditions as the State Government may specify.

## **6. Power to Exempt.**

- The State Government may exempt, from all or any of the prescribed qualifications, any person who has been in employment for more than ten years in any factory as a Welfare or Labour Officer, and who, in the opinion of the State Government, possesses the requisite practical experience to serve as a Welfare Officer.

## **7. Notice and filling up of vacancy and appointment.**

(1) Any vacancy in the post of a Welfare Officer, caused by the death, dismissal, discharge or resignation of a Welfare Officer or by any other reason, shall be notified within seven days and filled up within three months of the occurrence of the vacancy. (2) The occupier shall notify the appointment of a Welfare Officer within seven days from the date of appointment to the Chief Inspector of Factories, West Bengal, giving full details of the qualification, age, terms and conditions of service.

## **8. Conditions of service.**

(1) The Chief Welfare Officer, or the Welfare Officer, where there is only one, shall be given the same status as is enjoyed by the other departmental heads in the factory, and he shall work directly under the control of same executive of the factory under whom the other departmental heads work. (2) Every other Welfare Officer shall be given appropriate status corresponding to the status of an officer holding a position next below the other departmental heads in the factory. (3) The Welfare Officer may be employed either on tenure basis, or on a permanent basis. Where he is appointed on tenure basis, the term shall not be less than three years and the period of probation shall be six months; and where the appointment is on permanent basis, the period of probation shall not be less than one year or more than two years. Any such officer appointed on tenure basis shall ordinarily be entitled to a renewal of such periodical contract. (4) (a) The occupier of a factory who possesses either to terminate the services of a Welfare Officer otherwise than by way of penalty in terms of sub-rule (5) or to withhold the renewal of contract shall give three months' notice to such officer stating reasons thereof and giving reasonable opportunity of making representation against such proposed action. (b) The occupier shall not take a final decision without giving due consideration to such representation and intimating such final decision in writing to the Welfare Officer concerned. (5) (a) The occupier may impose upon any Welfare Officer any or more of the following punishments :--(i) suspension, (ii) removal or dismissal from service, (iii) reduction in rank, (iv) withholding of increment, (v) censure, (vi) warning; Provided that no Welfare Officer shall be punished as aforesaid 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 the charges and where it is proposed, after such an inquiry, to impose on him any such penalty, until he has been given a reasonable opportunity of making representation on the penalty proposed, but only on the basis of the evidence adduced during such enquiry. (b) Any Welfare Officer who is awarded any one or more of the punishments referred to in clause (a) of sub-rule (5) shall, within thirty days of the communication of the order of punishment to him, be entitled to appeal against such order to the Chief Inspector of Factories, West Bengal : Provided that the Chief Inspector of Factories, West

Bengal, may, on sufficient cause being shown for the delay, extend the aforesaid time limit to a period not exceeding six weeks.(c)On being satisfied that a Welfare Officer intends to prefer an appeal under clause (b) of sub-rule (5) the Chief Inspector of Factories, West Bengal, may stay the enforcement of the order of punishment 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 may call for any information and may require by a written order the production, at such place as may be specified in the order, of any register or record or document which is considered necessary for disposal of the appeal.(e)The Chief Inspector of Factories, West Bengal, shall after giving both the parties a reasonable opportunity of being heard, by an order 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, West Bengal, may confirm, modify or set aside the order appealed against.

**6. (a) The occupier or any Welfare Officer, being aggrieved by the decision of the Chief Inspector of Factories, West Bengal, may within thirty days of the communication of such order to him, prefer a second appeal to the State Government, and the decision of the State Government on such appeal shall be final and binding on both the parties :**

Provided that no such second appeal shall lie where all or any of the punishments specified in sub-clause (iv); (v) or (vi) of clause (a) of sub-rule (5), have been imposed, and in cases of such punishment the decision of the Chief Inspector of Factories shall be final and binding on both the parties.(b)On being satisfied that the occupier or a Welfare Officer intends to prefer an appeal under clause (a) of sub-rule (6) the State Government may stay enforcement of the decision of the Chief Inspector of Factories, West Bengal, for such period and on such terms, if any, as the State Government may think just and proper.

**7. Notwithstanding any condition of service, which is repugnant to these rules imposed by the employer on a Welfare Officer, the provisions of these rules shall prevail.**

## **9. Duties of the Chief Welfare and Welfare Officers.**

(1)In addition to the duties of a Welfare Officer hereinafter prescribed, the Chief Welfare Officers shall supervise the work of the Welfare Officers.(2)the duties of the Welfare officers shall be -(a)to advise the concerned departments of the factory on questions of fulfilment of obligations statutory or otherwise, in the application of the provisions of the Factories Act, 1948, and the rules made thereunder;(b)to establish liason with the Inspector of Factories, the Medical Inspector and the Certifying Surgeon of Factories concerning medical examination of employees, health and records.(c)to advise and assist management (i) regarding provision or amenities such as first-aid, ambulance rooms, canteens, shelters, for rest, crèches, drinking water and latrine facilities, and (ii) for fulfillment of obligations concerning sickness and benevolent scheme payments, provident fund pension and super-annuation fund, gratuity payments, maternity benefits, workmen's

compensation, and other welfare and social benefit measures.(d)to advise and assist the factory management regarding -(i)display of abstracts of the labour laws and the notices under the Factories Act, 1948, the West Bengal Factories rules, 1958, the Payment of Wages Act, 1936, and the West Bengal Payment of Wages Rules, 1958 and(ii)submission of all notices and periodical and yearly returns to Factory Inspector;(e)to help the factory management in regulating grant of leave with wages, to 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 regularising authorized absence;(f)to promote relations between the concerned departments of the factory and workers for bringing about productive efficiency as well as amelioration in the working conditions, and to help workers to adjust and adapt themselves to their working environments;(g)to advise the factory management on questions relating to -(i)training of new entrants and apprentices, where there is no arrangement for imparting training.(ii)transfer and promotion, and(iii)supervise and control the notice board and information bulletins to facilitate further education of workers and to encourage their attendance at technical institutes.(h)to encourage the formation of Safety committees, Joint committees, Co-operative Societies, workers and Welfare committees and to supervise their work:(i)to advise and assist the factory management -(i)in dealing with individual personnel problems, and(ii)in providing welfare facilities, such as housing facilities, foodstuff, social and recreational facilities, sanitation and education of children.(j)to bring to the notice of workers-(i)their rights and liabilities under the standing orders of the factory, and(ii)other rules defining the right and prescribing duties of workers and dealing with discipline, safety and protection of workers and the factory;(k)to establish contacts and hold consultations with a view to maintaining harmonious relations between the factory management and the workers;(l)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;(m)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;(n)to watch industrial relations with a view to using high influence to prevent a dispute arising between the factory management and the workers, and in the event of a dispute having arisen, to help to bring about a settlement by persuasive efforts;(o)to suggest measures which will serve to raise the standard of living of the workers, and in general promote their well-being.(p)to advise the management to display the provisions of the Code of Discipline, Code of Conduct, Grievance Procedure, and other decisions of the Indian Labour Conference or Standing Labour Committee as are available or may be available subsequently;(q)to advise management to lay down "grievances procedure" and also assist the management in implementation thereof;(r)to supervise hazardous' jobs, systematic plant inspection, safety education, accident prevention and investigation of accidents, in case of those factories where a Safety Officer is not required to be appointed under the provisions of section 40B of the Act.(3)The Chief Welfare Officer or a Welfare Officer shall not -(a)deal with any disciplinary case against a worker, or(b)appear before a conciliation officer or in a court or tribunal on behalf of the factory management against a worker or workers except when he is required by the conciliation officer or a court or a tribunal to appear as a witness.

## 10. Power of Chief Inspector to issue order

- If the Chief Inspector of Factories is of opinion that Welfare Officer is being required or permitted by the occupier of the factory to do work which is inconsistent with, or detrimental to, the performance of his duties prescribed by rule 9, the Chief Inspector of Factories may, by an order for reasons to be recorded in writing direct that such Welfare Officer shall not be required or permitted to do such work.

## 11. Grades of Welfare Officers and their pay scales.

(1) There shall be the following grades of Welfare Officers with the scale of pay as mentioned against each grade ;

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|---------------------|-------------------------------|
| (A) Grade III       | ... .. Rs.500-25-800          |
| (B) Grade II        | ... .. Rs.600-30-960-45-1,050 |
| (C) Grade I         | ... .. Rs.750-50-1,500        |
| (D) Selection Grade | .. .. Rs.1,500-60-2,100       |

(2) Over and above the scales of pay prescribed in sub-rule (1), a Welfare Officer shall be entitled to such allowances and benefits as are admissible to other officers of equivalent rank and status. Where the pay is consolidated, the minimum pay of a Welfare Officer of grades III, II or I, shall not be less than Rs.625, Rs.750 or Rs.900, as the case may, in the corresponding scale of pay of the grade.\*Amended by Notification No. 1002, L.W./L.W./IR-9(A)/77 dated 30th July. 1982

## 12. Exemption

- The State Government may, by a notification in the Official Gazette, exempt any factory or class of factories or description of factories from all or any of the provisions of these rules subject to compliance with such alternative arrangements as may be specified therein.