

factories act, 1965 — summary

Introduction

The Factories Act, 1965 is a key piece of legislation governing the working conditions, health, safety, and welfare of workers in factories across Bangladesh. It applies to all premises where manufacturing processes are carried out with the aid of power and where at least 10 workers are employed. The Act defines the obligations of factory owners, the rights of workers, and the authority of inspectors, aiming to ensure a safe and humane industrial environment.

Definition and Scope

Section 2 of the Act defines essential terms such as "factory", "worker", "occupier", and "manufacturing process". A factory is any premises where ten or more workers are employed, and a manufacturing process involving power is carried out. The Act also covers temporary or seasonal factories, ensuring coverage for various industrial establishments.

Health and Hygiene

Chapter III focuses on health and cleanliness within the factory premises. Sections 11 to 20 outline provisions requiring the factory to be kept clean, free from effluents, and properly ventilated. Employers must provide sufficient lighting, potable drinking water, and sanitary facilities. Spittoons must be provided to maintain hygiene. Non-compliance with health standards may result in penalties or closure orders from the Inspector of Factories.

Safety Provisions

Chapter IV covers safety mechanisms, particularly under Sections 21 to 40. Factories must fence all dangerous parts of machinery and provide proper safeguards to prevent accidental contact. Emergency stop devices and fire safety equipment must be installed. Workers must be trained in safety procedures. Section 33 mandates precautions when women or children work near machinery. In case of any fatal accident, the occupier must notify the Chief Inspector immediately, as per Section 39.

Welfare and Working Conditions

Chapter V ensures welfare provisions including facilities for washing, first aid, sitting arrangements for female workers, restrooms, and canteens for larger factories. Section 42 mandates that any factory employing more than 250 workers must provide a canteen. Section 43 requires adequate shelters or restrooms, and Section 45 mandates a creche for children if more than 50 female workers are employed. These measures aim to protect the dignity and well-being of workers.

Working Hours and Overtime

Chapter VI and VII lay out the rules for working hours. Section 50 limits adult workers to a maximum of 48 hours per week and 8 hours per day. Workers must be granted a weekly holiday (Section 53) and intervals for rest. Section 60 states that any work beyond the normal hours is considered overtime and must be compensated at double the regular wage rate. The factory is required to maintain a register of overtime hours and payments.

Employment of Women and Children

The Act contains protective measures for women and child workers. Section 66 prohibits the employment of children under 14. Adolescents aged 14–18 may work only with a certificate of fitness from a certified medical practitioner. Section 72 prohibits women from working between 10 PM and 6 AM unless specific exemptions apply. Sections 73 and 74 also protect maternity rights and restrict engagement of women in hazardous operations.

Leave and Holidays

Under Section 79, workers who have worked for at least 240 days in a year are entitled to annual leave with wages. Casual leave and sick leave provisions are also outlined in supporting rules and regulations, though not in great detail in the Act itself. The occupier must maintain a leave register and allow leave on application unless production is adversely affected.

Wages, Registers, and Notices

The factory must maintain several registers including those related to attendance, wages, leave, and fines. Section 62 requires that a notice of working hours be displayed prominently within the factory. Section 63 mandates a notice of holidays. Wage payment rules are harmonized with other national labour laws and enforced by the same inspectors. Employers must provide wage slips and maintain transparency in deductions.

Inspectors and Powers of Inspection

Chapter IX gives sweeping powers to factory inspectors. Section 74 empowers them to enter and inspect any factory, examine workers, require production of registers, and seize relevant documents. Inspectors may issue improvement notices or prosecute factory owners for violations. Section 76 allows inspectors to order the closure of a factory if serious threats to life or health are identified.

Offences and Penalties

The Act contains both general and specific penalties. Section 78 states that failure to comply with provisions related to health, safety, working hours, or employment conditions may attract fines up to BDT 1,000 and additional daily fines for continued non-compliance. If the violation results in death or serious injury, prosecution may follow under the Penal Code. Repeated offenses attract higher penalties and stricter enforcement.

Rule-Making Powers

Under Section 80, the government is empowered to make rules through gazette notifications to give effect to the Act. These rules may include forms for registers, equipment standards, and procedures for training, safety audits, or reporting. This allows the Act to remain flexible and adapt to new industrial developments.

Conclusion

The Factories Act, 1965 is a foundational law that safeguards the rights and well-being of industrial workers in Bangladesh. By regulating employment, working conditions, health and safety, and child and female labour, the Act ensures that industrial development proceeds with fairness and dignity. Its provisions empower both the government and workers to hold factory management accountable for basic human and labour rights.

