

THE TAMIL NADU SAFETY OFFICERS
(DUTIES, QUALIFICATIONS AND CONDITIONS OF SERVICE)
RULES, 2005

[G.O. Ms. No. 141, Labour and Employment (M-2), 26th October, 2005.]

¹S.R.O.A-63/2005. — In exercise of the powers conferred by subsection (2) of section 40- B read with section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Tamil Nadu hereby makes the following rules, the draft of the same having been previously published, as required by section 115 of the said Act.

RULES

1. Short title and commencement. — (1) These rules may be called the Tamil Nadu Safety Officers (Duties, Qualifications and Conditions of Service) Rules, 2005.

(2) They shall extend to the whole State of Tamil Nadu.

(3) They shall come into force on such date*, as the State Government may, by notification in the Tamil Nadu Government Gazette, appoint.

2. Definitions. — In these rules, unless there is anything repugnant in the subject or context, —

(i) "appointed day " means the date of coming into force of these rules ;

(ii) "degree" means a degree awarded by the University, recognised by the University Grants Commission ;

(iii) "diploma " means a diploma awarded by an institution recognised for this purpose ;

(iv) " Safety Officer" means a Safety Officer, and includes a Chief Safety Officer appointed, in accordance with the provisions of these rules.

3. Qualifications and Experience. — (1) A person shall not be eligible for appointment as a Safety Officer unless, he —

¹ Vide the Tamil Nadu Government Gazette, Pt. 111, sec. 1 (a) Issue No. 49, dated the 21st December, 2005, at p. 180.

* With effect from 11th April, 2007, vide GO. Ms. NO. 69, Labour and Employment, (M-2) dated 11th April, 2007.

(a) possesses a recognised degree in any branch of Engineering or Technology and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than two years, or is a member or an associate member of the Institution of Engineers (India) and has had practical experience of working in a factory in a supervisory capacity for a period of not less than five years, or possesses a recognised degree in Physics or Chemistry and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than five years, or possesses a recognised diploma in any branch of Engineering or Technology and has had a practical experience of working in a factory in a supervisory capacity for a period of not less than five years ;

¹[(b) possesses any Diploma in industrial Safety conducted by any Institute under the Directorate General, Factory Advice Service and Labour Institutes (DGFASLI), Ministry of Labour and Employment, Government of India or possesses a full time degree or a full time Diploma in Industrial Safety and duration of not less than one year awarded by any University incorporated under the Central or State Acts or Department of Technical Education or Board of Technical Education of any State / Union Territories / Government of India; and]

(c) has adequate knowledge of Tamil language.

(2) Notwithstanding the provisions contained in sub-rule (1), any person who possesses a recognised degree in Engineering or Technology and has had an experience of not less than five years in a department of the Central or State Government which deals with the administration of the Factories Act, 1948 (Central Act LXIII of 1948), or the Indian Dock Labourers Act, 1934 (Central Act XIX of 1934), or possesses a recognised degree in Engineering or Technology and has had an experience of not less than five years, full time in training, education, consultancy or research in the field of accident prevention in industry or in any institution shall be eligible for appointment as a Safety Officer :

Provided that the State Government may, subject to such conditions as they may specify, grant exemption from the requirements of sub-rule (1), excepting clause (c) of sub-rule (1) , if in their opinion that a suitable person possessing the necessary qualifications and experience is not available for such appointment :

Provided further that the State Government may, subject to such conditions as they may specify, relax all or any of the above said qualifications excepting clause (c) of sub-rule (1), in favour of any person who has been working as a Safety Officer in any factory.

²[Provided also that the occupier shall ensure that the Safety Officer appointed in the factory acquires adequate knowledge of the language spoken by majority of the workers in the factory within one year from the date of such appointment.]

¹ Subs. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023.

²Ins. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023. (vide the Tamil Nadu Government Gazette, Pt. 111, sec. 1 (a) Issue No. 41, dated the 11th October, 2023, at p. 88.)

(3) No person who is directly or indirectly interested in any factory or in any patent or machinery connected with it, shall be appointed as a Safety Officer or shall be allowed to hold such office after he becomes so interested.

Explanation. - For the purposes of this sub-rule, any person holding two percent. or more of the shares of a company, owning the factory shall be deemed to be directly or indirectly interested .

4. Appointment of Safety Officers. - Every occupier, when required by the State Government by notification in the Official Gazette issue under sub-section (1) of section 40-B of the Factories Act, 1948 (Central Act LXIII of 1948), shall within a period of six months from the date of publication of that notification, appoint the requisite number of Safety Officers, as specified in that notification :

Provided that the Chief Inspector of Factories may, on an application in writing made by an occupier, extend the period further by a maximum of six months for making such appointment.

5. Recruitment of Safety Officer. - (1) The post of Safety Officer to be filled in any factory shall be advertised by the occupier of the factory concerned in atleast two newspapers having wide circulation in the State, out of which one newspaper shall be in Tamil language and ¹[the other in English and in a Prominent online job portal:]

Provided that the vacancies in the post of Safety Officers in the Government establishments, Quasi-government establishments and Public undertakings shall be filled up through the Government Employment Exchange. Vacancies in the said establishments shall be advertised in the newspapers, only after obtaining non-availability certificate from the Employment Exchange :

Provided further that the post of safety officers in private factories may be filled up from ²[the Directorate of Industrial Safety and Health on deputation basis and that the procedures laid down in sub-rule (1) need not be followed, while filling up on deputation basis.]

³[Provided also that when the post is proposed to be filled by transfer or promotion from among the members of staff in the factory or group of factories belonging to the same Occupier, the Central or State Government Public Sector Undertakings or Government Establishment or Quasi - Government Establishment, the vacancy shall be widely published among the prospective staff by suitable methods.]

¹ Subs. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023.

² Subs. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023.

³ Ins. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023.

¹[(2) Selection for appointment to the post of Safety Officer by direct recruitment or by transfer or promotion or nomination shall be made from among the candidates applying for the post, through a Selection Committee appointed by the Occupier of the factory.]

(3) The appointment of the Safety Officer, when made, shall be notified by the occupier of the factory to the Chief Inspector of Factories, giving full details about the qualifications, age, pay and allowances, previous experience and other relevant particulars of the officer appointed and the terms and conditions of the service applicable to him.

6. Filling up of the vacancy of Safety Officer post. - Every vacancy in the post of Safety Officer caused by death, dismissal or discharge of the person holding such post or by any other cause, shall be forthwith notified by the occupier to the Chief Inspector of Factories and shall be filled up within three months of the occurrence of such vacancy.

7. Conditions of Service. - (1) Where the number of Safety Officers to be appointed in a factory as required by the notification under sub-section (1) of section 40-B of the Factories Act, 1948 (Central Act LXIII of 1948), published in the Official Gazette exceeds one, anyone among them shall be designated as the Chief Safety Officer and shall have the status higher than that of others. The Chief Safety Officer shall be in overall charge of the safety functions, as specified in rule 8 and other Safety Officers shall work under his control.

(2) 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 senior executive equivalent to the Head of Department and he shall work directly under the control of the Chief Executive of the factory. All the Safety Officers shall be given appropriate status to enable them to discharge their functions effectively.

(3) The scale of pay and allowance to be granted to the Safety Officers including the Chief Safety Officer and the conditions of their service shall be the same as those of the other officers of corresponding status in the factory.

(4) In the case of dismissal or discharge, the concerned Safety Officer shall have the right to appeal to the Chief Inspector of Factories, whose decision thereon shall be final and binding upon the occupier of the factory.

(5) The appeal shall be preferred within thirty days from the date of the receipt of the order of dismissal or discharge by the Safety Officer concerned.

8. Duties of Safety Officers. - The duties of the Safety Officers shall be to advise and assist the factory management in the fulfillment of its obligations, statutory or otherwise, concerning prevention of personal injuries and maintaining a safe working environment. These duties shall include the following, namely: -

¹ Subs. by G.O. Ms. No. 150, Labour Welfare and Skill Development (M2), 15th September 2023.

(i) to advise the concerned departments 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 purchasing and stores departments in ensuring high quality and availability of personal protective equipment;

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

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

(viii) to investigate all accidents and near-miss incidents ;

(ix) to render assistance for the cases of industrial diseases contracted and in respect of dangerous occurrences reportable under rule 96 of the Tamil Nadu Factories Rules, 1950;

(x) to render assistance 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 act as adviser and catalyst to such committees ;

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

(xiii) to design and conduct either independently or in collaboration with the training department, suitable training and educational programmes for the prevention of personal injuries and for the propagation of safety awareness.

9. Facilities to be provided to Safety Officers. - An occupier of the factory shall provide each Safety Officer with adequate technical and secretarial staff and other facilities, equipment and information as are necessary to enable him to discharge his duties effectively and efficiently.

10. Prohibition of performance of other duties. - No Safety Officer shall be required or permitted to do any work which is inconsistent with or detrimental to the performance of the duties prescribed in rule 8.

¹[**11. Power to exempt.** - ***]

¹ Omitted by GO. Ms. No. 60, Labour and Employment, dated. the 20th June, 2006 (deemed to have come into force from 9th August, 2006).