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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

LABOUR WELFARE AND SKILL DEVELOPMENT DEPARTMENT

Amendments to the Tamil Nadu Factories Rules.

[G.O. Ms. No. 107, Labour Welfare and Skill Development (M2), 18th August 2021,
ஆவணி 2, பிலவ, திருவள்ளூர் ஆண்டு-2052.]

No.SRO A-20/2021.—In exercise of the powers conferred by Section 87 read with Section 112 of the Factories Act, 1948 (Central Act LXIII of 1948), the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Factories Rules, 1950, the draft of the same having been previously published, as required under sub-section (1) of Section 115 of the said Act.

AMENDMENTS

In the said Rules, in rule 95,-

(1) in sub-rule (1), for the item 20, the following item shall be substituted, namely:-

"20. Handling and Processing of asbestos, manufacture of any article or substance of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form."

(2) for the Schedule XX, the following Schedule shall be substituted, namely:-

"SCHEDULE xx

Handling and Processing of asbestos manufacture of any article or substance of asbestos and any other process of manufacture or otherwise in which asbestos is used in any form.

1. Application.-(1) This Schedule shall apply to all manufacturing process as defined under Section 2(k) of the Act, carried on in a factory involving exposure of workers to asbestos and/or product containing Asbestos.

(2) The State Government may, at any time, for the purpose of giving effect to any scientific proof obtained from specialized institutions or experts in the field, by notification in the *Tamil Nadu Government Gazette*, make suitable changes in the said schedule.

(3) The provisions of this schedule shall apply to all workers exposed to asbestos in the factory and it shall be the responsibility of the occupier of the factory to comply with the provisions of this schedule in respect of the workers.

(4) (a) The occupier of the factory wherein asbestos or substances containing asbestos are in use, shall prepare work procedures and practices, in the light of scientific research and technological progress for approval by the Chief Inspector and shall follow only such approved procedures.

(b) Notwithstanding anything mentioned in sub-paragraph (1), use of asbestos is prohibited in the manufacturing processes as may be notified by the State Government in this behalf.

(c) (i) Spraying of all forms of asbestos is prohibited in a factory.

(ii) The prohibition in respect of spraying of asbestos referred to in item (c) (i) may be exempted by the Chief Inspector if the Occupier represents that such spraying is inevitable for certain purposes provided adequate measures for ensuring the safety and health of workers are undertaken by the occupier to the satisfaction of the Chief Inspector.

2. Definitions:-For the purpose of this Schedule,-

(a) "asbestos" means any fibrous silicate mineral and any admixture containing actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite or any mixture thereof, whether crude, crushed or opened;

(b) "asbestos textiles" means yarn or clothes composed of asbestos or asbestos mixed with any other materials;

(c) "approved" means approved for the time being in writing by the Chief Inspector;

(d) "breathing apparatus" means a helmet or face piece with necessary connection by means of which a person using it breathes air free from dust, or any other approved apparatus;

(e) "efficient exhaust draught" means a localised ventilation by mechanical means for the removal of dust so as to prevent dust from escaping into air of any place in which work is carried on. No draught shall be deemed to be efficient which fails to control dust produced at the point where such dust originates;

(f) "preparing" means crushing, disintegrating and any other processes in or incidental to the opening of asbestos;

(g) "protective clothing" means overalls and head covering, which (in either case) will when worn exclude asbestos dust;

(h) "asbestos dust" means, airborne particles of asbestos or settled particles of asbestos which are liable to become airborne in the factory;

(i) "airborne asbestos dust" means, for the purposes of measurement, dust particles measured by gravimetric assessment or other equivalent method;

"repairable asbestos fibres" means asbestos fibres having diameter of less than 3 micrometre and a length to diameter ratio greater than 3:1 ;

(k) "exposure to asbestos" means exposure to airborne repairable asbestos fibres or asbestos dust; whether originating from asbestos or from minerals, materials or products containing asbestos in the factory.

3. Demolition of plants or structures.- No person shall carry out any demolition of plants or structures containing friable asbestos insulation material and removal of asbestos from building or structures in which asbestos is liable to become air-borne, unless he is recognised and duly empowered by the Chief Inspector of Factories as qualified to carry out such work in accordance with the provisions of this Schedule.

4. Tools and equipment.- Any tools or equipment used in processes to which this Schedule applies shall be such that they do not create asbestos dust above the permissible limit or are equipped with efficient exhaust draught.

5. Exhaust draught.- (1) An effective exhaust draught shall be provided and maintained to control dust from the following processes and machines as per the relevant standard prescribed by the Bureau of Indian Standard:-

(a) manufacture and conveying machinery; such as -

(i) preparing, grinding, or dry mixing machines;

(ii) carding, card waste and ring spinning machines and looms;

(iii) machines or other plant fed with asbestos;

(iv) machines used for the sawing, grinding, turning, drilling, abrading or polishing, in the dry state of articles composed wholly or partly of asbestos;

(b) cleaning and grinding of the cylinders or other parts of a carding machine;

(c) chambers, hoppers or other structures into which Loose asbestos is delivered or passes;

(d) work-benches for asbestos waste sorting or for other manipulation or asbestos by hand;

(e) workplaces at which the filling or emptying of sacks, skips or other portable containers, weighing or other process incidental thereto which is effected by hand, is carried on;

(f) sack cleaning machines;

(g) mixing and blending of asbestos by hand; and

(h) any other process in which dust is given off into the work environment.

(2) Exhaust ventilation equipment provided in accordance with sub-paragraph (1) shall, while any work of maintenance or repair to the machinery, apparatus or other plant or equipment in connection with which it is provided is being carried on, be kept in use so as to produce an exhaust draught which prevents the entry of asbestos dust into the air of any work place.

(3) Arrangements shall be made to prevent asbestos dust discharged from exhaust apparatus being drawn into the air of any workroom.

(4) The asbestos bearing dust removed from any workroom by the exhaust system shall be collected in suitable receptacles or filter bags which shall be isolated from all work areas.

6. Testing and examination of ventilating systems.-(1) All ventilating systems used for the purpose of extracting or suppressing dust as required by this Schedule shall be as per the relevant standard prescribed by the Bureau of Indian Standards, examined and inspected once every week by a responsible person. It shall be thoroughly examined and tested by a competent person once in every period of twelve months. Any defects found by such examination or test shall be rectified forthwith.

(2) A register containing particulars of such examination and tests and the state of the plant and the repairs or alterations, if any, found to be necessary shall be kept and shall be available for inspection by an inspector.

7. Segregation in case of certain process.- Mixing or blending of asbestos by the hand, or making or repairing of insulating mattresses composed wholly or partly of asbestos shall not be carried on in any room in which any other work is done.

8. Storage and distribution of loose asbestos.- All loose asbestos shall, while not in use, be kept in suitable closed receptacles which prevent the escape of asbestos dust there from. Such asbestos shall not be distributed within a factory except in closed receptacles or in a totally enclosed system of conveyance.

9. Asbestos sacks.-(1) All sacks used as receptacles for the purpose of transport of asbestos within the factory shall be constructed of impermeable materials and shall be kept in good repair.

(2) A sack which has contained asbestos shall not be cleaned by hand beating but by a machine, complying with paragraph 4.

(3) Asbestos sacks or receptacles which contain asbestos shall be disposed off in a safe manner.

10. Maintenance of floors and workplaces.- (1) In every room in which any of the requirements of this schedule apply -

(a) the floors, work-benches, machinery and plant shall be kept in a clean state and free from asbestos debris and suitable arrangements shall be made for the storage of asbestos not immediately required for use; and

(b) the floors shall be kept free from any materials, plant or other articles not immediately required for the work carried on in the room, which would obstruct the proper cleaning of the floor.

(2) The cleaning as mentioned in sub-paragraph (1) shall so far as is practicable, as carried out by means of vacuum cleaning equipment so designed and constructed and so used that asbestos dust neither escapes nor is discharged into the air of any work place.

(3) When the cleaning is done by any method other than that mentioned in sub-paragraph (2), the persons doing cleaning work and any other person employed in that room shall be provided with respiratory protective equipment and protective clothing.

(4) The vacuum cleaning equipment used in accordance with provisions of sub-paragraph (2), shall be properly maintained and after each cleaning operation, its surfaces kept in a clean state and free from asbestos waste and dust.

(5) Asbestos waste shall not be permitted to remain on the floors or other surfaces at the work place at the end of the working shift and shall be transferred without delay to suitable receptacles. Any spillage of asbestos waste occurring during the course of the work at any time shall be removed and transferred to the receptacles maintained for the purpose without delay.

(6) (1) The occupier shall replace asbestos or of certain types of asbestos or products containing asbestos by other materials or products or shall use alternative technology, scientifically evaluated as harmless or less harmful, wherever is possible.

(2) The occupier shall take all the measures to prevent or control the release of asbestos in to the air and to ensure that the exposure limits or other exposure criteria are complied with and also reduce exposure to as low as a level as is reasonably practicable.

11. Breathing Apparatus, Personnel Protective Equipment and Clothing.- (1) The occupier of every factory to which this Schedule applies shall provide to workers personnel protective equipments such as hand gloves, shoes, helmets, goggles, earplug, aprons, safety belt, overall suit, etc. as per the relevant standard prescribed by the Bureau of Indian Standards. The approved breathing apparatus and appropriate work clothing as per the relevant standard prescribed by the Bureau of Indian Standards in consultation with the workers representatives and maintained in good conditions shall be provided for use of every person employed -

(a) in chambers containing loose asbestos;

(b) in cleaning, dust settling or filtering chambers of apparatus;

(c) in cleaning the cylinders, including the defer cylinders, or other parts of a carding machine by means of hand-stickles;

(d) in filling, beating or levelling in the manufacture or repair of insulating mattresses; and

(e) in any other operation or circumstances in which it is impracticable to adopt technical means to control asbestos dust in the work environment within the permissible limit.

(2) Suitable accommodation in conveniently accessible position shall be provided for the use of persons when putting on or taking off breathing apparatus and protective clothing provided in accordance with this Schedule and for the storage of such apparatus and clothing when not in use.

(3) All breathing apparatus and protective clothing not in use shall be stored in the accommodation provided in accordance with sub-paragraph (2) above.

(4) All protective clothing in use shall be de-dusted under an efficient exhaust draught or by vacuum cleaning and shall be washed at suitable intervals. The cleaning schedule and procedure should be such as to ensure the efficiency in protective the wearer.

(5) All breathing apparatus shall be cleaned and disinfected at suitable intervals and thoroughly inspected once in every month by a responsible person.

(6) A record of the cleaning and maintenance and of the condition of the breathing apparatus shall be maintained in a register provided for that purpose which shall be readily available for inspection by an Inspector.

(7) No person shall be employed to perform any work specified in sub-paragraph (1) for which breathing apparatus is necessary to be provided under that sub-paragraph unless he has been fully instructed in the proper use of that equipment.

(8) No breathing apparatus provided in pursuance of sub-paragraph (1) which has been worn by a person shall be worn by another person unless it has been thoroughly cleaned and disinfected since last being worn and the person has been fully instructed in the proper use of that equipment.

(9) No worker shall take home any work clothing or special protective clothing or personal protective equipment provided to him for protection against exposure to asbestos.

12. Separate accommodation for personal clothing.- A separate accommodation shall be provided in a conveniently accessible position for all persons employed in operations to which this Schedule applies for storing of personal clothing. This shall be separated from the accommodation provided under sub-paragraph (2) of paragraph 11 to prevent contamination of personal clothing.

13. Washing and bathing facilities.- (1) There shall be provided and maintained in a clean state and in good repair for the use of all workers employed in the processes covered by this Schedule, adequate washing and bathing places having a constant supply of water under cover at the rate of one such place for every 15 persons employed.

(2) The washing places shall have standpipes placed at intervals of not less than one metre.

(3) Not less than one half of the total number of washing places shall be provided with bathrooms.

(4) Sufficient supply of clean towels made of suitable material shall be provided:

Provided that such towels shall be supplied individually for each Worker if so ordered by the Inspector.

(5) Sufficient supply of soap and nail brushes shall be provided.

14. Mess Room.- There shall be provided and maintained for the use of all workers employed in the factory covered by this Schedule, remaining on the premises during the rest intervals, a suitable mess room which shall be furnished with -

(a) sufficient tables and benches with back rest; and

(b) adequate means for warming food.

15. Prohibition of employment of young persons.- No young person shall be employed in any of the process covered by this Schedule.

16. Prohibition relating to smoking.- No person shall smoke in any area where processes covered by this Schedule are carried on. A notice in Tamil and the language understood by majority of the workers shall be posted in the plant prohibiting smoking at such areas.

17. Pictorial Cautionary notices.- Cautionary notices in the form specified in Appendix and printed in Tamil and the language easily read and understood by the majority of the workers shall be displayed in prominent places in the workrooms where asbestos or substances containing asbestos are manufactured, handled or used.

18. Air monitoring.- To ensure the effectiveness of control measures in continuous or repetitive processes, the monitoring of asbestos fibres in air as well as personal monitoring of workers shall be carried out at least once in every shift and the result so obtained shall be entered in register and

(a) there shall be no substantial change in workplace conditions;

(b) the results of the two (2) preceding measurements have not exceeded half the relevant control limit.

(c) all factories should adopt membrane filter test as per the relevant standard prescribed by the Bureau of Indian Standards without fail.

Explanation.—"Membrane Filter Test" is defined as the method of determination of airborne asbestos fiber concentration in work environment by light microscopy (Membrane Filter Method).

19. Medical control measures.- (1) The occupier of every factory in which a worker employed in the processes specified in sub-paragraph (1) of paragraph 1, shall ensure that every worker employed be examined by a Certifying Surgeon within fifteen days of his first employment. Such medical examination shall include sputum examination for asbestos bodies, pulmonary function test and chest X ray-Posterior Anterior (PA) view to be compared with standard International Labour Organisation Radiographs on Pneumoconiosis. No worker shall be allowed to work after fifteen days of his first employment in the factory unless certified fit for such employment by the Certifying Surgeon.

(2) Every worker employed in the said processes shall be re-examined by a Certifying Surgeon at least once in every twelve months. Such re-examination shall, wherever the Certifying Surgeon considers appropriate, include all the tests as specified in sub-paragraph (1) except chest X-ray which shall be read by a radiologist specialized/ trained in the field of reading International Labour Organisation Radiographs on Pneumoconiosis and the chest X-ray which shall be carried out at least once in three years.

(3) Every worker employed in any of the aforesaid processes on the date on which this Schedule comes into force shall be radiological examined by the qualified Radiologist at the cost of the occupier using a standard size X-ray plates and the power of the X-ray machine shall be more than 300 milli ampere (mA). The report of such X-ray shall be submitted to the Certifying Surgeon for within three months of the said date.

(4) The Certifying Surgeon after examining a worker, shall issue a Certificate of Fitness in Form No. 27. The record of re-examinations carried out shall be entered in the certificate and the certificate shall be kept in the custody of the Manager of the factory. The record of each examination carried out under sub-paragraphs (1) and (2), including the nature and the results of the tests shall also be entered by the Certifying Surgeon in a Health Register in Form No. 17. The Certificate of Fitness and the health register shall be kept readily available for inspection by the Inspector and produce on demand.

(5) If at any time the Certifying Surgeon is of the opinion that a worker is no longer fit for employment in the said process on the ground that continuance therein would involve special danger to the health of the worker he shall make a record of his findings in the said Certificate and the health register. The entry of his findings in these documents should also include the period for which he considers that the said person is unfit for work in the said processes. The person so suspended from the process shall be provided with alternate placement facilities unless he fully is incapacitated in the opinion of the Certifying Surgeon, in which case the person affected shall be suitably rehabilitated.

(6) No person who has been found unfit to work as said in sub-paragraph (5) shall be re-employed or permitted to work in the said processes unless the Certifying Surgeon, after further examination, again certifies him fit for employment in those processes.

(7) If a worker already in employment and declared unfit by the Certifying Surgeon shall not be allowed to work on any of the processes specified in sub-paragraph (1) of paragraph 1, unless he has been examined again along with standard size chest X-ray plate from a qualified Radiologist, at the cost of the occupier and has been certified to be fit to work on the said processes again.

(8) For the purpose of medical supervision by the Factory Medical Officer so appointed by the occupier shall be provided for his exclusive use a room in the factory premises which shall be properly cleaned, adequately lighted ventilated and furnished with a screen, a table with office stationary, chairs and other facilities and other instruments including X-ray arrangements for such examinations and such other equipments as may be prescribed by the Chief Inspector for time to time. The Factory Medical Officer so appointed shall perform the following duties:-

(a) maintain health register;

(b) undertake medical supervision of persons employed in the factory;

(c) look after health, education and rehabilitation of sick, injured or affected workers;

(d) carry out inspection of work rooms where dangerous operations are carried out and advise the management of the measures to be adopted for the protection of health of the workers employed therein.

(9) The Health Records of the workers exposed to asbestos, shall be maintained by the occupier and kept up to a minimum period of 40 years from the beginning of the employment or 15 years after retirement or cessation of the employment, whichever is later and shall be accessible to workers concerned or their representatives.

(10) The record of medical examinations and appropriate tests carried out by the said Factory Medical Officer shall be maintained in separate register approved by the Chief Inspector which shall be kept readily available for inspection by the Inspector and produce on demand.

20. Exemptions.- (1) If in respect of any factory, the Chief Inspector is satisfied that owing to the exceptional circumstances or infrequency of the processes or for any other reason, all or any of the provisions of this Schedule is not necessary for protection of the workers in the factory, the Chief Inspector may by a certificate in writing, which he may at his discretion revoke at any time, exempt such factory from all or any of such provisions subject to such conditions, if any, as he may specify therein.

(2) The Chief Inspector may permit temporary derogation, through a notification in an Official Gazette, from the measures prescribed in this Schedule under conditions and within limits of time determined after consultation with the representative organisations of employers and workers concerned.

APPENDIX.

PICTORIAL CAUTIONARY NOTICE.

- (a) Asbestos/asbestos dust which is used, handled or manipulated in this factory is a very hazardous to health.
- (b) Prolonged exposure to asbestos dust may lead to serious diseases like lung fibrosis (Asbestosis) and lung cancer.
- (c) Entry is prohibited without protective equipment.
- (d) Wear the Protective Equipments to safeguard your health.
- (e) No food stuffs or drinks shall be brought into this area.
- (f) Smoking, eating food or drinking and chewing tobacco in this area is prohibited.
- (g) Scrupulous cleanliness shall be maintained in this area.
- (h) Dry sweeping in this area is prohibited. Any spillage of asbestos shall be cleaned by vacuum cleaning only.
- (i) A sack or container contaminated with asbestos shall not be cleaned by hand and is to be disposed off by an appropriate method.
- (j) All protective equipments and clothing shall be re-dusted by vacuum cleaning and stored in an appropriate place provided for the purpose.
- (k) Entry of unauthorised persons or authorised persons without proper protective equipments is prohibited.
- (l) Report for the prescribed medical examinations and tests regularly to protect your own health.
- (m) Report to your doctor immediately if you suffer from persistent breathlessness, chest tightness or cough.”.

R. KIRLOSH KUMAR,
Secretary to Government.