

The Odisha Gazette

EXTRAORDINARY
PUBLISHED BY AUTHORITY

No. 665, CUTTACK, MONDAY, FEBRUARY 16, 2026/ MAGHA 27, 1947

LABOUR & E.S.I. DEPARTMENT

NOTIFICATION

The 15th February, 2026

No.1166-LESI-LR-POL-0003/2026/LESI.- Whereas subsequent to enactment of the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020) (in short 'the said Code') by the Parliament, the Central Government vide Notification No. S.O. 5321(E), dated the 21st November, 2025, published in the Gazette of India, Extraordinary, Part II, section 3, sub-section 3(ii), have brought into force all the provisions of the said Code;

Now, therefore, the following draft of certain rules, which the State Government propose to make in exercise of the powers conferred under section 133 and 135 of the Occupational Safety, Health and Working Conditions Code, 2020 read with section 24 of the General Clauses Act, 1897 (10 of 1897) and in supersession of -

- (i) the Odisha Factories Rules, 1950,
- (ii) the Odisha Factories (Control of Major Accident Hazard) Rules, 2001,
- (iii) the Odisha Motor Transport Workers Rules, 1966,
- (iv) the Odisha Beedi and Cigar Workers (Conditions of Employment) Rules, 1969,
- (v) the Odisha Contract Labour (Regulation and Abolition) Rules, 1975,
- (vi) the Odisha Contract Labour (Regulation and Abolition) (Conditions of Service) Rules, 1975,
- (vii) the Odisha Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Rules, 1980,
- (viii) the Odisha Building and Other Construction Workers (Regulation of Employment and Condition of Services) Rules, 2002,

(ix) the Odisha Dock Workers (Safety, Health & Welfare) Rules, 2023,

(x) the Odisha Dock Workers (Safety, Health & Welfare) Regulations, 2023,

made by the State Government in exercise of the powers conferred by the Factories Act, 1948 (63 of 1948), the Motor Transport Workers Act, 1961 (27 of 1961), the Beedi and Cigar Workers (Conditions of Employment) Act, 1966 (32 of 1966), the Contract Labour (Regulation and Abolition) Act, 1970 (37 of 1970), the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (30 of 1979), the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (27 of 1996), the Dock Workers (Safety, Health and Welfare) Act, 1986 (54 of 1986), as the case may be, which are repealed by sections 143 of the said the Occupational Safety, Health and Working Conditions Code 2020, except as respect of things done or omitted to be done before such supersession are hereby notified as required by sub-section (1) of section 133 and sub-section (1) of section 135 for information of all persons likely to be affected thereby and **notice is hereby given that, the said draft notification will be taken into consideration after the expiry of a period of forty-five days from the date on which the copies of the Official Gazette in which this notification is published are made available to the public;**

Objections and suggestions, if any, may be addressed to the Special Secretary to Government, Labour & ESI Department, Kharavela Bhawan, Bhubaneswar-751001 and be sent through e-mail: labsec.or@od.gov.in. The objections and suggestions should be sent in a proforma containing columns (1) specifying the name and address of the person/organisation, column (2) specifying the rule or sub-rule which is proposed to be modified, column (3) specifying the revised rule or sub-rule proposed to be substituted and column (4) reasons thereof;

Objections and suggestions, which may be received from any person with respect to the said draft notification before expiry of the period specified above, will be considered by the State Government.

Draft
CHAPTER I
PRELIMINARY

1. Short title, extant and commencement.— (1) These rules may be called the Odisha Occupational Safety, Health and Working Conditions Rules, 2026.

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

(3) They shall come into force on the date of their publication in the *Odisha Gazette*.

2. Definitions.— (1) In these rules, unless the context otherwise requires,-

- (i) “Appellate officer” means the officer as notified by the State Government under section 4 and include the appellate authority to be notified by the State Government under sub-section (6) of section 119;
- (ii) “Appellate authority” means Chief Inspector-cum-Facilitator appointed under sub-section (1) of section 34 by the State Government.
- (iii) “Authority” means an authority designated by notification by the State Government under sub-section (1) of section 119;
- (iv) “Board” means the Odisha Occupational, Safety and Health Advisory Board constituted under section 17;
- (v) "Calendar year" means the period of twelve months beginning with the first day of January in any year;
- (vi) "casual leave" means leave to cover casual absence of the employees from duty for personal reasons;
- (vii) “Central rules” means “The Occupational Safety, Health and Working Conditions (Central) Rules, 2026;
- (viii) "child" means a person who has not completed fourteen years of age, or not attaining such age as stipulated under the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 from time to time;
- (ix) “Code” means the Occupational Safety, Health and Working Conditions Code, 2020 (37 of 2020);
- (x) “Compounding Officer” means an officer notified by the State Government under section 114;
- (xi) “Dangerous Occurrence” means any dangerous occurrence specified in the Schedule of rule 9 taking place in a factory or any undesired event, which may be infrequent but has a high potential for severe injury and/or death;
- (xii) “Dangerous Operation” means a factory or class or description of factories in which manufacturing process or operation is carried on which exposes any of the persons employed in it to a serious risk of bodily injury, poisoning or disease, as notified by the Government;
- (xiii) “electronically” means any information submitted by email or uploading on the designated portal or digital payment in any mode for the purposes of the Code;

- (xiv) “Enquiry Officer” means the officer appointed by the State Government for holding enquiry under section 111;
- (xv) “Form” means a form prescribed under or annexed to these rules;
- (xvi) “Hazardous substance” means any chemical or substance as defined in rule-2(e) of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, along with its quantity in column-3 of Schedules-2 and 3 of the said Rules, as amended from time to time;
- (xvii) 'Health Officer' means the Municipal Health Officer, District Health Officer or such other official as may be appointed by the State Government in that behalf;
- (xviii) “Licensing Authority” means the licensing authority appointed by the State Government for purpose of these rules;
- (xix) “Major Accident Hazard (MAH) installations” means a factory defined in rule 2(ja) of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989;
- (xx) “Manager” means a person nominated or appointed by the employer of the establishment and responsible to the occupier for the working of the factory for the purpose of the code and rules;
- (xxi) “Medical Officer” means a person appointed under section 42 of the Code by the Government of Odisha for the purposes of this Code within such local limits or for such factory or class or description of factories as it may assign to them respectively;
- (xxii) "National standards" means standards as approved by Bureau of Indian Standards and in the absence of such standards of Bureau of Indian Standards, the standards approved by the Central Government for a specific purpose;
- (xxiii) “Negotiating Union or negotiating council” means negotiating union or negotiating council referred to in section 14 of the Industrial Relations Code, 2020;
- (xxiv) “Officer In charge Canteen” means the person (other than manager) appointed by the employer for securing compliance with the provision in respect of canteens under the code for docks;
- (xxv) “Port” include all ports other than the major port in the State of Odisha as defined in the clause (8) of section 3 of the Indian Ports Act, 1908;
- (xxvi) “Registering officer” means the registering officer appointed by the State Government for purpose of these rules;

(xxvii) "responsible person" means a person appointed by the employer to be responsible for the performance of specific duty or duties and who has sufficient knowledge and experience and the requisite authority for the proper performance of such duty or duties;

(xxviii) "schedule" means a schedule appended to these rules;

(xxix) "section" means the section of the Code;

(xxx) "State Government" means the Government of Odisha.

(xxxi) "Social Security Fund" means Odisha Unorganised Workers' Social Security Fund established under the Code on Social Security, 2020.

(2) The words and expressions used in these rules but not defined shall have the same meaning as respectively assigned to them in the Code.

3. Income from the sources under explanation to clause (x) of sub-section (1) of section 2.— A member of the family having income more than the minimum rates of wages fixed for unskilled category of workers or as may be notified by the State Government from time to time from all sources shall not be included as dependent for the purpose of these rules.

CHAPTER-II REGISTRATION

4. Application for registration under sub-section (1) and (2) of section 3.— (1) (i) The employer seeking registration for an establishment not already registered shall apply electronically in **Form-I** within sixty days from the date of applicability of the Code on the designated portal of the State Government by giving details about the establishment, and uploading documents related to registration of the establishment, proof of identity and address of the employer(s)/occupier as specified in the said form. The said form shall be signed digitally or in any other manner as may be required on the portal. The applicant shall be responsible for veracity of all information submitted in the application.

(ii) The application shall be accompanied by the fees, as notified by the State Government by notification from time to time, to be deposited electronically:

Provided that the Registering Officer may entertain any such application for registration after the expiry of sixty days from the date of applicability of the Code, on payment of an additional fee of twenty-five percent, along with late fee as under of the fees payable for registration.

Period of delay	Percentage of fees
Up to 30 days	5%
Up to 60 days	10%
Up to 90 days	15%
Above 90 days	1% everyday

(iii) The Permanent Account Number (PAN) of the applicant or the establishment allotted under the Income Tax Act, 1961 (43 of 1961) or any other unique number allotted to the establishment under any other Act for the time being in force or any other particular furnished in the Form, may be verified online.

(iv) The certificate of registration shall be issued in **Form-II** electronically immediately if the application is complete in all respect but not later than fifteen days from the date of submission of complete application, failing which such establishment shall be deemed to have been registered and the certificate of registration shall be auto generated:

Provided that in exceptional circumstances the State Government may, for such period, by notification, as specified therein dispense with requirement of electronic registration, in respect of establishment or class of establishment, for part or whole state, and submission of application in Form-I so provided, may be allowed.

(v) The certificate of registration shall be non-transferable and a copy of the certificate of registration shall be displayed in the premises of the establishment at the conspicuous place(s) in hard copy or electronically.

(2) The Registering Officer under the Code may direct the employer who fails to comply with the requirements of sub-rule (1), to comply such requirements within the time stated in such direction and such employer shall thereupon comply with the direction issued by such Officer in this behalf.

(3) The employer in respect of an establishment already registered under any other State/Central labour law for the time being in force shall, update the registration particulars on the designated portal of the State Government, within six months from the date on which this Rule comes into force.

(4) Any registration obtained by providing wrong information shall be liable to be cancelled provided that establishment has been given an opportunity to show cause within a period of thirty days, electronically or by registered post or by speed post, as to why the certificate of registration should not be cancelled.

(5) The employer shall quote the registration number on all documents prepared or completed by him in connection with the Code or the Rules or the Regulations or the Scheme, as the case may be, made there under and in all correspondence with the office concerned.

(6) Any change in the ownership, management or any particular furnished in registration Form submitted on the specified portal shall be updated on the portal by the employer within thirty days of such change.

(7) The employer of an establishment, to which the provisions of the Code apply and whose business activities are in process of closure, may apply for cancellation of registration online on the designated portal of the State Government after giving complete details of the dues payable under the Central Labour Codes or State labour laws for the time being in force:

Provided that no such application for cancellation of registration shall be entertained unless the employer has furnished all statutory returns, paid all statutory dues under the Central labour Codes and any other Central or State labour laws for the time being in force and submitted a self-certification to that effect along with the application.

(8) The Registering Officer shall maintain a register of establishment electronically in **Form-III** showing the particulars of establishment in relation to which certificates of registration have been issued by him.

(9) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment is situated or as the case may be, the work is to be executed, intimating the actual date of the commencement, completion of work and cessation of establishment, as the case may be, in **Form-IV** electronically and the same shall be auto-shared to the Employees' Provident Fund Organization (EPFO) and the Employees' State Insurance Corporation (ESIC).

5. Appeal under section 4.— (1) The employer, aggrieved by the order of Registering Officer, may appeal against such order before the appellate officer notified by the State Government for such purpose within thirty days from the date of receipt by him of such order, electronically or by registered post or by speed post.

(2) Where the memorandum of appeal is in order, the appellate officer shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form or as specified by the Government by general or special order.

(3) When the appeal has been admitted, the appellate officer shall send the notice of the appeal to the Registering Officer, against whose order the appeal has been preferred and the Registering Officer

shall thereupon send the records of the case to the appellate officer online electronically or by registered post or by speed post.

(4) On receipt of the appeal, the appellate officer shall send a notice electronically or by registered post or speed post to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal. If the appellant is present when the appeal is called on for hearing, the appellate officer shall proceed to hear the appellant or his authorised agent and any other person summoned by him for this purpose, and pronounce judgement on the appeal confirming, reversing or varying the order appealed against the appeal is preferred.

(5) If on the date fixed for hearing, the appellant does not appear, the appellate officer may dismiss the appeal for default of appearance of the appellants by sending the copy of the order of dismissal to the applicant electronically or by registered post or speed post.

(6) Where an appeal has been dismissed, the appellant may apply electronically or by registered post or speed post, to the appellate officer for the restoration of the appeal within thirty days from the date of receipt of the order of dismissal under sub-rule (5) and if the appellate officer is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate officer shall restore the appeal.

(7) The order of the appellate officer under sub-rule (6) shall be communicated electronically or by registered post or speed post to the appellant and copy thereof shall be sent to the Registering Officer against whose order the appeal has been preferred.

(8) An appeal under this rule shall be disposed of within thirty days from the date on which the appeal is received under section 4.

6. Notice of commencement and cessation of operation under section 5.— The employer of every establishment being factory or relating to contract labour or building or other construction works, shall within thirty days of the commencement or cessation of operation of the establishment, submit to the Registering Officer in **Form-IV**, electronically and the notice of cessation of operation shall be enclosed with a certificate that the payment of all dues to the workers employed in the establishment have been made and the premises are kept free from storage of hazardous chemicals and substances.

CHAPTER-III

DUTIES OF EMPLOYER AND EMPLOYEE

7. Annual health examination of employees under clause (c) of sub-section (1) of section 6.—

Every employer of an establishment being a factory, dock, building and other construction work shall arrange to conduct free of cost, medical examination for every employee annually i.e. within 120 days from the commencement of the calendar year who has completed 40 years of age. The medical

examination shall be conducted by a qualified medical practitioner as per proforma specified in the **Form-V**. The Medical Examination Certificate shall be submitted by the qualified medical practitioner to the concerned employer and employee:

Provided that an employer may avail facility for medical examination of the employee(s) under relevant rules made under the Code on Social Security, 2020, through the Employees' State Insurance Corporation (ESIC).

Provided further that the workers employed in a 'hazardous process' and 'dangerous operations' shall be medically examined in the manner as may be prescribed by the Central Government in the standards framed under section 18 of the Code in respect of factories.

8. Letter of appointment to employee under clause (f) of sub-section (1) of section 6.— No employee shall be employed in any establishment unless he or she has been issued a letter of appointment in the format given below:

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

Format

- (i) Name of employee:
- (ii) Date of birth:
- (iii) Father's / Mother's name:
- (iv) Aadhaar number:
- (v) Labour Identification Number (LIN) of the establishment:
- (vi) Universal Account Number (UAN) or Insurance Number (ESIC) (if available):
- (vii) Designation:
- (viii) Category of skill:
- (ix) Date of joining:
- (x) Wages/Basic/Pay and Dearness Allowance:
- (xi) Other allowance including accommodation whichever is/are applicable:
- (xii) Avenue for achieving higher wages or higher position:
- (xiii) Applicability of social security Employees' Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC) benefits:

(xiv) Broad Nature of duties to be performed:

(xv) Any other information:

Signature of occupier or employer or owner or agent or manager

9. Notice of accidents and dangerous occurrences under sub-section (1) of section 10 and section

11.— (1) Where at any place in an establishment which is a factory, dock work or building or other construction work, an accident occurs which results in the death of any person, the employer or occupier or manager of the establishment shall forthwith send a notice thereof in **Form-VI** electronically and inform by telephone to the Inspector-cum-Facilitator and Chief Inspector-cum-Facilitator and District Magistrate or Sub-Divisional Officer, the officer-in-charge of the nearest police station and the family members of the injured or deceased person.

(2) Where at any place in an establishment which is factory, dock work, building or other construction work an accident occurs which results in bodily injury by reason of which the person injured is prevented from working for a period of forty eight hours or more immediately following the accident, the employer or occupier or manager of the establishment shall forthwith send a notice in **Form-VI** within twelve hours after the completion of forty eight hours, electronically to the Inspector-cum-Facilitator.

(3) Wherein an establishment which is a factory or building or other construction work or minor dock, there is any dangerous occurrence as specified in the Schedule annexed hereto, whether causing any bodily injury or disability or not, a notice in **Form-VI** shall within twelve hours be sent to:

- (a) the Inspector-cum-Facilitator;
- (b) the District Magistrate or Sub-Divisional Magistrate;
- (c) the Chief Inspector-cum-Facilitator
- (d) the Divisional / Joint Labour Commissioner having jurisdiction
- (e) the relatives of the injured or deceased person:

Provided that if in the case of an accident or dangerous occurrence, death occurs to any person injured by such accident or dangerous occurrence after the notices referred to in the foregoing sub-rules have been sent, the employer or occupier or manager of the establishment shall forthwith send a notice thereof by telephone and electronically to the authorities and persons mentioned in sub-rules (1) and (2) and also have this information confirmed in writing within twelve hours of the death:

Provided further that, if the period of disability from working for 48 hours or more referred to in sub-rule (2) does not occur immediately following the accident, or the dangerous occurrence, but later on, occurs in more than one spell, the report thereof referred to shall be sent to the Inspector-cum-Facilitator in the Form-VI within 24 hours following the hours when the actual total period of disability from working resulting from the accident or the dangerous occurrence becomes 48 hours.

SCHEDULE

- (i) Bursting, of any plant or pipeline or equipment containing petroleum, steam, compressed air or other substance at a pressure greater than the atmospheric pressure;
- (ii) Collapse or failure of a crane, derrick, winch, hoist or other appliances used in raising or lowering persons or goods, or any part thereof, or the overturning of a crane;
- (iii) Explosion, explosion due to explosives, fire, leakage or release of harmful toxic gases, bursting out, leakage or escape of any molten metal, or hot liquid or gas causing bodily injury to any person or damage to any room or place in which persons are employed;
- (iv) Explosion of a receiver or container used for the storage at pressure greater than atmospheric pressure of any gas or gases (including air) or any liquid or solid resulting from the compression of gas;
- (v) Collapse or failure of lifting appliances or hoist or conveyors or other similar equipment for handling building or construction material or breakage or failure of rope, chain or loose gears, overturning of cranes used in building or other construction work, falling of objects from height;
- (vi) Collapse of any wall, floor, gallery, roof bridge, tunnel, chimney, wall, building or subsidence of soil or any other structure, platform, staging, scaffolding or any means of access including formwork, contact work, excavation and collapse of transmission;
- (vii) Spillage or leakage of hazardous substances and damage to their container;
- (viii) Collapse, capsizing, toppling or collision of transport equipment within the establishment;
- (ix) Fall from height of any excavation, loading or transport machinery;
- (x) A breakage, fracture or failure of an essential part of any machine or apparatus whereby the safety of persons may be endangered;

- (xi) A failure of any structure or installation whereby the safety of persons may be endangered; or spark generated due to electrical flash-over causing burn injury to any person;
- (xii) a major uncontrolled emission of petroleum or chemical spillage;

10. Notice of disease under sub-section (1) and (2) of section 12.— (1) A notice in the following format shall be sent forth electronically, to the Inspector-*cum*-Facilitator or Chief Inspector-*cum*-facilitator, by the employer or occupier or manager of an establishment in which there occurs any disease as notified under the Third Schedule to the Code.

NOTICE OF DISEASE

- (1) Name and address the employer or Occupier or Manager
- (2) Name and address of establishment:
- (3) Nature of establishment:
- (4) Details of Patient:
 - (a) Name of patient:
 - (b) Worker number of patient:
 - (c) Address of patient:
 - (d) Precise occupation of patient:
- (5) Nature of disease from which patient is suffering:
- (6) Date of detection of disease:
- (7) Details of medical practitioner:
- (8) Has the case been reported to the Medical Officer:

Date:

Signature of employer or occupier or manager

(2) If any qualified medical practitioner attends on a person who is or has been employed in an establishment and who is or is believed by the qualified medical practitioner to be suffering from any disease specified in the Third Schedule to the code, the qualified medical practitioner shall without delay send a report in writing to the office of the Chief Inspector-*cum*-Facilitator stating-

- (a) the name and full postal address of the patient,
- (b) the disease from which he believes the patient to be suffering, and

(c) the name and address of the establishment in which the patient is or was last employed.

11. Duties of employee under clause (d) and (g) of section 13.— If an employee comes to know that of any unsafe or unhealthy condition in the establishment, he shall report to the health and safety representative or safety officer, as soon as practicable, electronically or in writing or telephonically and such representative or officer or agent or manager, as the case may be, report to the employer electronically or by registered post or speed post.

12. Right of employees under sub-section (3) of section 14.— On receipt of information from the employee relating to the existence of an imminent danger to their safety and health, the employer shall take immediate remedial action in this regard. The employer, whether satisfied or not, shall send a report forthwith of such actions taken, to the Inspector-cum-Facilitator electronically or by registered post or speed post.

CHAPTER-IV

OCCUPATIONAL SAFETY AND HEALTH

13. State Occupational Safety and Health Advisory Board under sub-section (2) of section 17.—

(1) Constitution.- The State Occupational Safety and Health Advisory Board shall consist of the following members to advise the State Government on such matters arising out of the administration of this code:

- (a) Secretary, Labour & ESI Department, Odisha - Chairperson, *ex-officio*
- (b) Labour Commissioner, Odisha - Member, *ex-officio*
- (c) Member Secretary, Odisha State Pollution Control Board - Member, *ex-officio*
- (d) Principal Chief Conservator of Forest - Member, *ex-officio*
- (e) Special / Additional Secretary, Labour & ESI Department, Odisha - Member, *ex-officio*
- (f) Director of Factories and Boilers, Odisha - Member Secretary, *ex-officio*
- (g) Chief Engineer (Buildings), Works Department - Member, *ex-officio*
- (h) Chief Engineer (Rural Development Department) - Member, *ex-officio*
- (i) Deputy Chief Controller of Explosive - Member, *ex-officio*
- (j) Director, ESI Scheme, Odisha - Member, *ex-officio*
- (k) Director, Health Services, Odisha - Member, *ex-officio*
- (l) Two representatives of employers nominated by the State Government - Member

(m) Two representatives of employees nominated by the State Government - Member

(n) A representative of professional body associated with the matter for which standards, rules, policies being framed nominated by the State Government - Member

(o) Two eminent persons connected with the field of Occupational Safety and Health, or representatives of reputed research institutions or similar other discipline nominated by the State Government - Member

(p) One Special invitee for seeking inputs in specific matter nominated by the State Government.

(2) Tenure of Board.- The tenure of Board of members as referred in clauses (l), (m), (n), (o), (p) of sub-rule (1) shall be three years.

(3) The State Board shall meet at least once in six months or as often as necessary to discharge the functions as specified in sub-section (1) of section 17 of the Code.

14. Resignation.— (1) A member of the State Board, not being an *ex-officio* member, may resign his office by a letter in writing addressed to the Chairperson of the State Board.

(2) The seat of such member shall fall vacant from the date on which his resignation is accepted by the State Government or on the expiry of thirty days from the date of receipt of the letter of resignation by the State Government, whichever is earlier.

15. Cessation of membership.— If any member of the State Board, not being an *ex-officio* member, fails to attend three consecutive meetings of the State Board without obtaining the leaves sanctioned by the Chairperson of State Board for such absence, he shall cease to be a member of State Board:

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending three consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of State Board.

16. Disqualification for Membership.— A person shall be disqualified for being a member of the State Board,—

(i) if he is of unsound mind and stands so declared by a competent authority;

(ii) if he is an un-discharged insolvent; or

(iii) if he has been convicted for an offence, having a penalty of imprisonment of three months or more.

17. Removal from Membership.— The State Government may remove any member of the State Board, if in its opinion such member has ceased to represent the interest which he purports to represent on such State Board:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making presentation against the proposed action under this rule.

18. Travelling Allowance for Members.— (i) The travelling allowance of an official member of the State Board shall be governed by the rules applicable to him for journey performed by him on official duties and shall be paid by the authority paying his salary.

(ii) The non-official members of the State Board shall be paid travelling allowance for attending the meeting of the State Board at such places as per the instructions issued by Finance Department, Government of Odisha from time to time.

19. Manner of Filling Vacancies.— When a vacancy occurs or is likely to occur in the membership of the State Advisory Board, the Chairperson of State Advisory Board shall submit a report to the State Government and on receipt of such report, the State Government shall take steps to fill the vacancy by making an appointment from amongst the category of persons to which the person vacating membership belonged and the person so appointed shall hold office for the remainder of the term of office of the member in whose place he is appointed.

20. Notice of Meeting and List of Business.— (a) Ordinarily, two weeks' notice shall be given to the members of the State Advisory Board of a proposed meeting:

Provided that, two weeks' notice shall not be necessary where, in the opinion of Chairperson of the State Advisory Board, business of an emergent nature has to be transacted.

(b) No business except which is included in the list of business for a meeting of such State Advisory Board shall be considered at such meeting without the permission of the Chairperson of the State Advisory Board.

21. Disposal of Business.— (a) Every matter which the State Advisory Board is required to take into consideration shall be considered at a meeting of State Advisory Board, or if the Chairperson of State Advisory Board so directs, by sending the necessary papers to every member for opinion and the matter shall be disposed of in accordance with the decision of the majority:

Provided that where there is no opinion of majority on a matter and the members of the State Advisory Board are equally divided, the Chairperson of the State Advisory Board shall have a second or a casting vote.

(b) No act or proceedings of the State Advisory Board shall be invalid merely for reasons of any vacancy in or any defect in constitution of the State Advisory Board.

22. Meeting of the Board and Quorum.— (1) (a) The Board shall meet once in a six month or may meet as often as necessary:

Provided that the Chairperson shall, within fifteen days of the receipt of a requisition in writing from not less than one third of the members of the Board, call a special meeting thereof.

(b) No business shall be transacted at any meeting unless at least 1/3rd members are present:

Provided that if at any meeting less than 1/3 members are present the Chairperson may adjourn the meeting to another date informing members present and giving notice to the other members that he proposes to dispose of the business at the adjourned meeting whether there is a prescribed quorum or not, and it shall there upon be lawful for him to dispose of the business at the adjourned meeting irrespective of the member of members attending:

Provided further that when the Chairperson calls a meeting for considering any matter which in his opinion is of urgent nature, a notice of not less than three days shall be deemed sufficient.

(2) Chairperson to preside at meetings.— The Chairperson shall preside over all meetings of the Board, and if the Chairperson is, for any reason, unable to attend a meeting of the Board, any member nominated by the Chairperson in this behalf, and in the absence of such nomination, any other member elected by the members present from amongst themselves at the meeting, shall preside at the meeting.

(3) Minutes of meetings.— The proceedings of each meeting of the Board shall be recorded and circulated to all members after approval by the Chairperson as soon after the meeting as possible, subject to confirmation in the next meeting of the Board. After such confirmation, they shall be recorded in a Minute Book, which shall be kept for permanent record.

(4) Allowances payable to Non-official members.— Every non-official member shall be paid travelling allowance and daily allowance for attending meetings of the Board and its sub-committees at rates admissible to Group-A officers of the State Government.

23. Technical committees or Advisory committees under sub section (3) of section 17.—

A. Constitution of the Technical Committee.-

- (i) The State Government may constitute as many technical committees or advisory committees consisting of such number of members having such qualifications as may be prescribed by the State Government, to assist to assist the State Government or State Advisory Board in discharge of their functions relating to the area falling within their respective jurisdictions.
- (ii) The Technical Committees may be multi-members committee, and consist of members from government, public, autonomous or private institutions/industries.
- (iii) The members of the committee shall have Bachelor's degree in engineering with Diploma/ post-graduate diploma in industrial safety or Master's Degree in (Physics/Chemistry)/

MBBS with Associate Fellow of Industrial Health (AFIH), with an experience of not less than 20 years in the relevant field/industry.

- (iv) The Chairperson of the Technical Committee may be the ex-officio member as nominated by the State Government.
- (v) The Technical Committee may constitute sub-committees to meet the specific requirements.
- (vi) The Technical Committee shall follow such rules and procedure including its transaction of business as may be issued by an order by the State Government or State Advisory Board from time to time.
- (vii) TA/DA for non-official members of the Technical Committee shall be as per the instructions issued by Finance Department, Government of Odisha from time to time.

B. Functions of Technical Committees.-

- (i) The Technical Committees shall propose to frame, formulate and review standards, rules and regulations on Occupational Safety, Health and Working Conditions under the Code.
- (ii) The Technical Committee shall meet regularly on need basis and not less than once in three months.

C. Resignation.-

- (i) A member of the Technical Committee, not being an ex officio member, may resign his office by a letter in writing addressed to the State Government through the Chairperson of the Technical Committee.
- (ii) A Chairperson of the Technical Committee may resign his office by a letter in writing addressed to the State Government through Secretary, Labour and ESI Department.
- (iii) The seat of such a member or Chairperson as case may be shall fall vacant from the date on which his resignation is accepted by the State Government, or on the expiry of thirty days from the date of receipt of the letter of resignation by State Government whichever is earlier.

D. Cessation of membership.-

If any member of the Technical Committee, not being an ex officio member, fails to attend two consecutive meetings of such Committee, without obtaining the permission of the Chairperson of such Committee for such absence, he shall cease to be a member of such Committee:

Provided that the State Government may, if it is satisfied that such member was prevented by sufficient cause from attending two consecutive meetings, direct that such cessation shall not take place and on such direction being made, such member shall continue to be a member of such Committee.

E. Disqualification for membership.-

- (i) A person shall be disqualified for being a member of the Technical Committee —
- (a) if he is of unsound mind and stands so declared by a competent court;
 - (b) if he is an undischarged insolvent; or
 - (c) if he has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude.
- (ii) Where a question arises as to whether a disqualification has been incurred under clause (i), the State Government shall decide such question, should be treated as final.

F. Removal from membership.-

The State Government may remove any member or Chairperson of the Technical Committee, if in its opinion such member has ceased to represent the interest which he purports to represent on such Committee:

Provided that no such member shall be removed unless a reasonable opportunity is given to him of making a representation against the proposed action under this rule.

24. Safety Committee under section 22.— (1) In following class of factories or establishments:

- (a) major accident hazard factories irrespective of workers ordinarily employed,
- (b) a factory carrying on “hazardous process” or operations declared to be “dangerous operations” under section 82 of the Code wherein fifty workers or more are ordinarily employed,
- (c) any other factory or establishment wherein two hundred fifty or more workers are ordinarily employed,

shall constitute a safety committee consisting of representatives of employers and workers:

Provided that factories declared under section 81 of the Code situated in a particular area and carrying out “hazardous process” or “dangerous operations” of similar nature, shall have a common Safety Committee for them with the prior approval of Chief Inspector-cum-Facilitator for the purpose this rule. The area of common safety committee shall be decided by Chief Inspector-cum-Facilitator. The Chief Inspector-cum-Facilitator shall facilitate formation of such safety committee.

The tenure of the safety committee shall be for three years for factories and the tenure of the safety committee for other establishment shall be for three years or duration of construction site of building or other construction work. The safety committee shall meet at least once in every month for factories and building or other construction work.

The representative of the workers shall be chosen by the registered trade Union. In case where there is no registered trade union the members may be chosen by the workers of the factory/ establishment:

Provided that there shall be adequate representation of the women workers in the committee.

(2) Safety Committee shall have the right to be adequately and suitably informed of –

- (i) potential safety and health hazards to which the workers may be exposed at workplace;
- (ii) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments or factories.

(3) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations.

25. Composition of Safety Committee.— (1) The representatives of the management on Safety Committee, shall consist of-

- (a) An Occupier or a Manager, or a Chief Executive Officer or a responsible person, who by his position in the organisation can contribute effectively to the functioning of the Committee, shall be the Chairman;
- (b) A Safety Officer and Medical Officer wherever available and the safety officer in such a case shall be the Secretary of the Committee and
- (c) A representative each from the production, maintenance and purchase departments.
- (d) A representative each from the engineering or technical, plant and machinery and purchase departments for building and other construction work;
- (e) In case of common safety committee, minimum one employee from each factory shall be nominated by the occupier.

(2) (i) the Safety Committee shall consist of equal number of members representing the employer and the workers, which shall not exceed twenty;

(ii) the representatives of the employer in the Safety Committee shall be nominated by the employer and shall, as far as possible, be officials in direct touch with or associated with the working of the establishment, preferably the heads of major departments of the establishment;

(iii) the representative of the workers in the Safety Committee shall be chosen in the following manner, namely:-

- (a) where there is a sole negotiating union or negotiating union under sub-section (2) or sub-section (3) of section 14 or a negotiating council under sub-section (4) of section 14 of the Industrial Relations Code, 2020 (35 of 2020) such negotiating union or negotiating council, as the case may be, shall nominate the worker's representatives on the Safety Committee and in the case of the negotiating council, the nomination shall be in the manner that every registered Trade Union representing in negotiating council shall be represented in the Safety Committee in proportion to the number of workers of the industrial establishment who are members of such Trade Union;
- (b) where there is no such sole negotiating union or negotiating union or negotiating council as referred to the clause (a), the workers of the industrial establishment shall choose amongst themselves the worker's representatives to the Safety Committee:

Provided that, the employer may, deploy an electronic process of conducting the process of choosing representative of workers over an information technology application, online platform or like other platform under:

Provided further that there shall be adequate representation of women workers on the Safety Committee and such representation shall not be less than the proportion of women workers to the total number of workers employed in the industrial establishment:

Provided also that the tenure of the members of the Safety Committee shall be three years:

Provided also that in case there is no recognized both negotiating union or negotiating council and where any dispute arises regarding choosing of the worker's representative to the Safety Committee, the matter may be referred to the concerned Joint Labour Commissioner having jurisdiction, who shall after hearing the parties decide the matter and his decision shall be final.

(3) The minutes of the meeting of the Safety Committee constituted under sub-rule (1) shall be recorded and sent to the Inspector-*cum*-Facilitator having jurisdiction.

(4) Function and duties of the Safety Committee in an establishment shall include,—

- (a) assisting and cooperating with the management in achieving the aims and objectives outlined in the 'Safety and Health Policy' of the establishment;
- (b) dealing with all matters concerning health, safety and environment and to arrive at practicable solutions to problems encountered;
- (c) creating safety awareness amongst all workers;

- (d) undertaking educational, training and promotional activities;
- (e) discussing reports on safety, environmental and occupational health surveys, safety audits, risk assessment, emergency and disaster management plans and implementation of the recommendations made in the reports;
- (f) looking into the matters likely to cause danger to the safety and health of the workers and suggest corrective measures; and
- (g) reviewing the implementation of the recommendations made by it.

26. Function and duties of the Safety Committee.— The functions of the Committee shall be –

- (a) To discuss remedial measures against the unsafe conditions and practices in the establishment as pointed out in the reports of worker's representative brought to the notice of the Committee and make appropriate recommendations;
- (b) To discuss the report of inquiry into accident, dangerous occurrences etc. and make appropriate recommendation;
- (c) To formulate and implement appropriate safety campaign based on analysis of accidents and dangerous occurrences;
- (d) To serve as a forum for communication on Safety and occupational health matter;
- (e) To discuss the Standard Operating Procedures(SOP) prepared for different plant, equipment, installations and methods at factories/establishment and make appropriate recommendations;
- (f) Stimulating interest of employer and building workers in safety by organizing safety weeks, safety competition, talks and film shows on safety, preparing posters or taking similar other measures as and when required or as necessary;
- (g) To inspect the potentially hazardous areas of the factory to pre-empt any danger to human life and safety.

27. Safety Officer for Factory and Building or Other Construction Works.— (1) In every establishment wherein 250 or more workers, building and other construction work wherein 250 or more workers, factories wherein 500 or more workers and factories involving any hazardous process as per clause (zb) of section 2 or any operation declared to be dangerous under section 82 wherein 250 or more workers and major accident hazard factories irrespective of workers ordinarily employed, the employer/ occupier shall employ Safety Officer as per the scale mentioned below:-

- (A) Factories for major accident hazard factories

Sl. No.	Licenced manpower	No. of safety officers to be appointed
1.	Upto 250 workers	One safety officer
2.	For more than 250 workers	One additional safety officer for every 250 workers and fractions thereof

(B) For factories carrying on hazardous process

Sl. No.	Licenced manpower	No. of safety officers to be appointed
1.	250 to 500 workers	One safety officer
2.	For more than 500 workers	One additional safety officer for every 500 workers and fractions thereof

(C) For other factories

Sl. No.	Licenced manpower	No. of safety officers to be appointed
1.	500 to 1000 workers	One safety officer
2.	For more than 1000 workers	One additional safety officer for every 1000 workers and fractions thereof

(D) For Building & other construction work

Sl. No.	Licenced manpower	No. of safety officers to be appointed
1	250 to 500 workers	One safety officer
2	For more than 500 workers	One additional safety officer for every 500 workers and fractions thereof

Provided that adequate number of Safety Officers shall be deployed during each shift of work, in proportionate to the number of workers engaged.

28. Qualification, duties and conditions of service of Safety Officer.— (1) The qualification, duties and conditions of service of safety officers shall as may be prescribed by the Central Government in the standards framed under section 18 of the Code.

Provided that the safety officers appointed in factories, building and other construction work shall be on probation for a period of six months and their job shall be confirmed only after acceptance by the Chief Inspector-cum-Facilitator through performance evaluation. Such safety officer should be able to read, write and speak in Odia.

(2) The Chief Inspector-cum-Facilitator may constitute a team of Chief Safety Officers with at least five members to examine the safety standards, identify the gaps and suggest improvement measures

for such factories in the nearby vicinity as may be assigned by the Chief Inspector-cum-Facilitator from time to time.

CHAPTER-V

HOURS OF WORK AND ANNUAL LEAVE WITH WAGES

29. Daily and weekly hours with intervals and spread over under clause (b) of sub-section (1) of section 25.— (1) No worker shall be required or allowed to work in an establishment for more than forty-eight hours in any week.

(2) The period of work in each day subject to sub-rule (1), interval for rest and spread over shall be as notified by the State Government.

30. Weekly holiday under sub-section (2) of section 26.— For the purpose of section 26, there shall be posted up in a conspicuous place outside the office of every establishment, a notice showing the weekly holiday in English and Odia language. Where the weekly holiday is not the same day for all persons employed in the establishment, the notice shall show the holiday allowed to each relay, or set of persons or individual.

(2) No adult worker shall be required or allowed to work in an establishment on the weekly day of rest (hereinafter referred to as the said day), unless,-

(i) he has or will have a holiday for a whole day on one of the three days immediately before or after the said day; and

(ii) the employer of the establishment has, before the said day or the substituted day under clause (i), whichever is earlier,-

(a) delivered a notice at the office of the Inspector-cum-Facilitator of his intention to require the worker to work on the said day and of the day which is to be substituted; and

(b) displayed a notice to that effect in the establishment:

Provided that no substitution shall be made which will result in any worker working for more than ten days consecutively without a holiday for a whole day.

31. Compensatory Holiday.— (1) Where, a worker is deprived of any of the weekly holidays for which provision is made under section 26 of the Code, except in the case of worker engaged in any work which for technical reasons must be carried on continuously throughout the day, the compensatory holidays to be allowed under sub-section (3) of section 26 shall be so spaced that not more than two compensatory holidays are given in one week.

(2) The employer / manager of the establishment shall display, on or before the end of the month in which holidays are lost, a notice in respect of workers allowed compensatory holidays during the following month and of the dates thereof, at the place at which the notice of periods of works specified under section 31 is displayed. Any subsequent change in the notice in respect of any compensatory holiday shall be made not less than three days in advance of the date of that holiday.

(3) Any compensatory holiday or holidays to which a worker is entitled shall be given to him before he is discharged or dismissed and shall not be reckoned as part of any period of notice required to be given before discharge or dismissal.

32. Extra Wages for overtime under section 27.— (1) where in an establishment, a worker works for more than eight hours in any day as daily wager, or for more than forty-eight hours in any week, as the case may be, he shall in respect of such overtime work be entitled to wages at the rate of twice his ordinary rate of wages and shall be paid at the end of each wage period.

(2) In calculating overtime on any day, a fraction of an hour between 15 to 30 minutes shall be counted as 30 minutes and in case of more than 30 minutes it shall be rounded and shall be counted as an hour on actual basis.

(3) In calculating the wages or earnings in the case of a worker paid by the month, the daily wages shall be $\frac{1}{26}$ th of his monthly wages; and in the case of any other worker, it shall be the daily wages or earnings as the case may be.

(4) The total number of hours of work in any day shall not exceed twelve hours, inclusive of interval for rest and overtime, except in the following circumstances in respect of factories and building or other construction work, namely:-

- (a) urgent repairs;
- (b) work in the nature of preparatory or complimentary work;
- (c) work which is necessarily so intermittent that the intervals during which they do not work while on duty ordinarily amount to more than the intervals for rest;
- (d) work which for technical reasons must be carried on continuously;
- (e) engaged in making or supplying articles of prime necessity which must be made or supplied every day,
- (f) engaged in a process which cannot be carried on except during fixed seasons;
- (g) engaged in a process which cannot be carried on except at times dependent on the irregular action of natural forces;

- (h) engaged in an engine-rooms or boiler-houses or in attending to power-plant or transmission machinery;
- (i) engaged in process on account of the break-down of machinery;
- (j) engaged in the loading or unloading of railway wagons or lorries or trucks;
- (k) exceptional press of work; and
- (l) engaged in any work, which is notified by the State Government in the *Odisha Gazette* as a work of national importance:

Provided that no worker shall be allowed to work overtime exceeding one hundred forty-four hours in any quarter of a year.

33. Circumstances for exemption from restriction on double employment in a factory under section 30.— (1) The Inspector-cum-Facilitator may allow the employment of adult workers in more than one factories on the same day subject to the following circumstances,—

- (i) such adult worker has not worked more than forty-eight hours in a week and is allowed weekly holidays as per rule 32;
- (ii) A note under the initials of the Inspector-cum-Facilitator shall be made in the remarks column of a Register of such workers permitted to work in more than one factory.

(2) The State Government may by general or special order exempt any establishment or any person on double employment under section 30, in exceptional cases as deem proper, assigning full justification of such order.

CHAPTER-VI

MAINTENANCE OF REGISTERS, RECORDS AND RETURNS

34. Notice of periods of work under sub-section (2) of section 31.— The notice referred to in sub-section (2) of section 31 shall be displayed at conspicuous places on a notice board or electronic board of the establishment and maintained in **Form-VII** and a copy of such notice shall be sent to Inspector-*cum*-Facilitator electronically or by registered post or speed post.

35. Maintenance and production of reports, registers and other records under section 33.— (1) Every employer of establishment shall maintain:-

- i. Register of employees in **Form VIII**
- ii. Register of attendance-*cum*-muster roll in **Form VIII (A)**
- iii. Register of wages, over time and deduction in **Form VIII (B)**.

Registers under this chapter shall be maintained electronically or otherwise. Entries in the registers shall be made in English and Odia language.

Every employer shall produce records and registers, on demand before the Inspector-*cum*-facilitator or any person authorized in that behalf of the State Government.

All the registers and other records shall be preserved in original for a period of at least five calendar years from the date of last entry made therein.

(2) Every employer shall issue wage slips, electronically or manually to the employees in **Form VIII C** on or before of payment of wages to the employee.

Explanation.— (i) The Form VIII C of these rules is same as the Form V of Odisha Rules framed under sub-section (3) of section 50 of the Code on Wages (29 of 2019);

(ii) In respect of establishment which are required to maintain register under the rules framed under the Code on Wages 2019 and the Code on Social Security, 2020, the following registers and wage slips required to be maintained by the employer of the establishment under those Codes and rules made there under shall be deemed to be maintained by the employer under these rules, namely:-

- (a) Register of employees
- (b) Register of Attendance-*cum*-Muster Roll
- (c) Register of Wages, over time and deductions
- (d) Wage slip

(4) All registers and other records required to be maintained under the Code and Rules made thereunder shall be maintained complete and up-to-date and unless otherwise provided for, shall be kept at an office or the nearest convenient building within the precincts of the work place or at a place within a radius of three kilometers.

(5) Annual Returns –

(a) The employer to which the provisions of this Code applies on or before the 28th or 29th day of February in each year, upload a unified annual return in **Form-IX** online on the designated portal of the State Government, giving information as to the particulars specified in respect of the preceding year:

Provided that during inspection, the Inspector-*cum*-Facilitator may require the production of accounts, books, register and other documents maintained in electronic form or otherwise.

Explanation.— For the purposes of this sub-rule, the expression “electronic form” shall have the same meaning as assigned to it in clause (r) of section 2 of the Information Technology Act, 2000 (21 of 2000).

(b) If the employer to which the provisions of this Code applies sells, abandons or discontinues the working of the establishment, then he shall, within one month of the date of such sale or abandonment or four months of the date of such discontinuance as the case may be, upload online, on the designated portal of the State Government, a further unified return in Form-IX referred to in clause (a) and half yearly return **in Form-IXA** in respect of the period between the end of the preceding year and the date of the sale, abandonment or discontinuance.

(c) in case of manual registers and other records, be legibly entered in ink in English and Odia language;

(d) be preserved in original for a period of at least five years after the date of the last report or entry:

Provided that when the original record is lost or destroyed before the expiry of five years period, true copies thereof, if available, shall be preserved for the prescribed period;

(e) be produced, electronically or by registered post or speed post, on demand before the Chief Inspector-*cum*-Facilitator or an Inspector-*cum*-Facilitator or any person authorized in that behalf of the State Government.

36. The manner and form of displaying notices under clause (b) of section 33.— Every employer shall display or cause to be displayed at the conspicuous place of the workplace of the establishment under his control, notices showing the name and address of the establishment, hours of work, wage period, date of payment of such wages, details of accident and dangerous occurrence in the establishment for the last five years, name and address of the Inspector-*cum*-facilitator having jurisdiction to such establishment and date of payment of unpaid wages to such workers in English and Odia Language.

37. Manner of filing the return and periods of filing return to the Inspector-*cum*- Facilitator under clause (d) of section 33.— Every employer of an establishment shall send annually a return relating to such establishment in Form-IX related to category of employees, health and welfare facilities, retrenchment/ layoffs, bonus, maternity benefits etc. to the Inspector-*cum*-Facilitator having jurisdiction so as to reach him not later than 1st February following the end of each calendar year with a copy to Director General Labour Bureau electronically.

38. Register of accident and dangerous occurrences.— The register of accident and dangerous occurrences required by clause (d) of section 33 of the Code shall be maintained in **Form-X**.

39. Register of leave with wages under clause (a) of section 33.— (1) The owner, agent or manager of every establishment shall maintain in respect of every employee thereof a record of leave with wages electronically or manually in **Form-XI**.

(2) The register mentioned in sub- rule (1) shall be preserved for a period of at least five years after the last entry in them has been made and shall not be destroyed even after the expiry of that period unless it has been properly transferred to the new register.

CHAPTER-VII

INSPECTOR-CUM-FACILITATOR AND OTHER AUTHORITY

40. Qualification and Experience of Chief Inspector-cum-Facilitator under sub-section (5) of section 34.— (1) The Director of Factories and Boilers shall be the Chief Inspector- cum-Facilitator for the purposes of the execution of the Code in the State, in respect of factories, dock work and occupational safety and health provisions for the building and construction work and in respect of all other matters, the Labour Commissioner, Odisha will be the Chief Inspector-cum-Facilitator.

(2) The qualification and experience of the Inspector-cum-Facilitator and the Chief Inspector-cum-facilitator shall be notified by the State Government.

41. Power to take samples of any articles or substances under clause (x) of sub-section (1) of section 35.— (1) An Inspector-cum-Facilitator shall take samples or substances in an establishment as per the inspection scheme mandated under the designated portal of the State Government after informing the employer of the establishment, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the establishment, such use being –

- (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the code or the rules made thereunder, or
- (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the establishment.

(2) Where the Inspector-cum-Facilitator takes a sample under sub-rule (1), he shall, in the presence of the person informed under that sub-section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark thereto.

(3) The person informed as aforesaid shall, if the Inspector-cum-Facilitator requires, provide the appliance for dividing, sealing and marking the sample taken under this rule.

(4) The Inspector-cum-Facilitator shall,-

- (a) forthwith give one portion of the sample to the person informed under sub-rule (1);

- (b) forthwith send the second portion to a Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) for analysis and report thereon;
- (c) retain the third portion for production to the Court before which proceedings, if any, are instituted in respect of the substance.

(5) Any document purporting to be a report under the hand of any Government Analyst or National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratory upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceeding instituted in respect of the substance.

42. Powers and duties of Inspector-cum-Facilitator under clause (xiv) of sub-section (1) of section 35.— (1) Inspector-cum-Facilitator shall, after every inspection, as may be deemed necessary, issue prohibition or improvement notice in the **Form-XII** pointing out the non-compliance of provisions of safety, health and working conditions under the Code, and rules and regulations made there under, to the employer or occupier or owner or manager or officer-in-charge of the ship or their agent.

(2) An Inspector-cum-Facilitator shall, at each inspection, ascertain to what extent any shortcomings notified at a previous inspection have been rectified and the notices previously issued have been complied with and his findings and any shortcomings which may come to light during the inspection, together with any order passed by him under the Code or the regulations made there under shall be recorded and maintained.

(3) An Inspector-cum-Facilitator may at any time during normal working hours of a factories/ establishment/ building or other construction work after informing the Occupier or manager of the factory/ building or other construction work or other person for the time being purporting to be in charge of the factory/ building or other construction work, taken in the manner hereinafter provided a sufficient sample of any substance used or intended to be used in the factory/ building or other construction work such used being,-

- (a) in the belief of the Inspector-cum-Facilitator in contravention of any of the provisions of the Code or the rules made thereunder, or
- (b) in the opinion of the Inspector-cum-Facilitator likely to cause bodily injury to, or injury to the health of employee in the factory/ building or other construction work.

(4) Where the Inspector-cum-facilitator takes a sample under sub-rule (3), he shall, in the presence of the person informed under that sub-section unless such person wilfully absents himself, divide the sample into three portions and effectively seal and suitably mark them, and shall permit such person to add his own seal and mark there to.

(5) The person informed as aforesaid shall, if the Inspector-cum-facilitator so requires, provide the appliance for dividing, sealing and marking the sample taken under this section.

(6) Any document purporting to be a report under the hand of any Government Analyst or NABL accredited laboratory upon any substance submitted to him for analysis and report under this section, may be used as evidence in any proceeding instituted in respect of the substance.

(7) Cessation of activities in absence of valid factory license.-

(a) During the inspection, if the occupier, owner or manager of a factory fails to submit the valid factory license the Inspector-cum-Facilitator for the Factories shall make an order in writing for cessation of activities of such factory:

Provided that the Inspector-cum-Facilitator shall give reasonable opportunity to the occupier, owner and manager of the factories to submit a valid factory license.

(b) The order of cessation of activities of such factory shall stand revoked on production of valid factory license by the occupier, owner and manager.

(8) Information required by the Inspector-cum-Facilitator.- The occupier, owner or manager of a factory shall furnish any information that an Inspector-cum-Facilitator may require for the purpose of satisfying himself whether any provision of the Code has been complied with or whether any order of an Inspector-cum-Facilitator has been duly carried out. Any demand by an Inspector-cum-Facilitator for any such information if made during the course of inspection, shall be complied forthwith if the information is available in the factory or, if made in writing shall be complied with within seven days of receipt thereof.

(9) Safety of Buildings and Machinery.- (i) If it appears to the Inspector-cum-Facilitator that any building or part of a building or any part of the ways, machinery or plant in a factory is in such a condition that it is dangerous to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be adopted and requiring them to be carried out before a specified date.

(ii) If it appears to the Inspector-cum-Facilitator that use of any building or part of of building or any part of the ways, machinery or plant in a factory involves danger to human life or safety, he may serve on the occupier or manager or both of the factory an order in writing prohibiting its use until it has been properly repaired or altered and after written permission from the Inspector-cum-Facilitator with prior approval of the Chief Inspector-cum-Facilitator.

(10) Maintenance of Building.- If it appears to the Inspector-cum-Facilitator that any building or part of a building in a factory is in such a state of disrepair as is likely to lead to conditions

detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which in his opinion should be taken and requiring the same to be carried out before such date as is specified in the order.

(12). Competent person.— (a) The Chief Inspector-cum-Facilitator may recognize any person as a 'Competent Person' under section 2(1)(l) for the entire State or such revenue districts based on available facilities for such period as may be specified for the purposes of carrying out tests, examination, inspections and certification of buildings, hoists and lifts, lifting machines, chains, ropes and lifting tackles, pressure plants, confined space, ventilation system and such other processes or plants and equipment as stipulated in this Act and these rules located in a factory, if such a person possesses the qualifications, experience and other requirements as set out in **Schedule-A**, annexed to these rules.

Note-I – The Chief Inspector-cum-Facilitator may relax the requirements of qualification in respect of a “Competent Person” if such person is exceptionally experienced and knowledgeable.

Note-II – The ‘Competent Person’ recognized under this provision shall not be above the age of sixty (60) and shall be physically fit for the purpose of carrying out the tests, examination and inspections.

(b) The Chief Inspector-cum-Facilitator may recognise an institution of repute, having persons possessing qualifications and experience as set out in the Schedule for the purpose of carrying out tests, examinations, inspections and certification of buildings, hoists and lifts, lifting machines, chains, loose gears, wire ropes and lifting tackles, pressure plants, water-sealed gas holder, confined space, ventilation systems and such other process or plants and equipment’s as stipulated in the Act and these rules as a "Competent Person" within such area and for such period as may be specified.

(c) The application for certificate of recognition as in **Form-XIII** shall accompany a registration fee Rs.5,000/- (Rupees five thousand) only in shape of treasury challan under the head of account as notified by Government from time to time for each such applicant. The fees once paid is not refundable.

(d) The Chief Inspector-cum-Facilitator shall constitute a Committee of not less than three Officers of his Directorate, who shall examine the competence and the facility available at the disposal of the applicant and shall recommend for recognition within one month from the date of receipt of the application.

(e) The Chief Inspector-cum-Facilitator on receipt of an application in Form (s) from an applicant or an institution intending to be recognised as a "Competent Person" for the purposes of the Act and these rules shall register such application and within a period of sixty days of the date of receipt of

the application, may either recognise the applicant as a "Competent Person" and issue a certificate of competency in the prescribed **Form-XIV** or reject the application specifying the reason therefore.

(f) Certificate of recognition so granted shall be valid for a period of one year from the date of issue and may be renewed on payment of Rs.2,000/- (Rupees two thousand) only deposited in shape of treasury challan under the head of account as notified by the Director of Factories & Boilers from time to time. The fee once paid is not refundable.

(g) The Chief Inspector may, after giving an opportunity to the competent person of being heard, revoke the certificate of competency, if he has reasons to believe that a competent person-

- (i) has violated any condition stipulated in the certificates of competency; or
- (ii) has carried out a test examination and inspection or has acted in a manner inconsistent with the intent or the purpose of the Act or these rules.

(h) The Chief Inspector may, for reasons to be recorded in writing require rectification of lifting machines, chains, loose gears, wire ropes and lifting tackles, pressure plants or ventilation systems as the case may be, which has been certified by a competent person outside the State.

43. Specialised qualification and experience, duties and responsibilities of experts to be empaneled under section 37.—

(1) Third Party Auditor.- The State Government shall, by notification, formulate a scheme to empanel experts possessing qualifications and experience as prescribed under sub-rule (2) for the purpose of such start-up establishment or class of establishments, as may be specified in the notification

(2) Academic Qualification and Experience:-

- (i) degree in branch of Chemical, Mechanical, Electrical or Production Engineering from recognized institution and having ten years of experience in manufacturing, maintenance, design, project or safety department in the supervisory or above capacity in factories; or
- (ii) diploma in branch of Chemical, Mechanical, Electrical, Production Engineering and diploma in industrial safety from recognized institution and having fifteen years' of experience in manufacturing, maintenance, design, project or safety department in the supervisory or above capacity in factories; or degree of Bachelor of Science with Physics and/or Chemistry and diploma in industrial safety from recognized institution and having fifteen years' experience in manufacturing or maintenance or safety Department of any establishment in the supervisory or above capacity in factories, and one year full time Diploma in Industrial Safety recognized by the Board of Technical Education or All India

Council of Technical Education or recognized University; or Central or Regional Labour Institutes.

- (iii) degree or diploma in any branch of Engineering and having fifteen years of experience in Factory Inspectorate or Directorate of Industrial Safety and Health or fifteen years of experience in the DGFASLI or Central Labour Institute or Regional Labour Institutes of DGFASLI.
- (iv) should have undergone specialized safety auditor course imparted by Regional Labour Institutes or Central Labour Institutes or any other institute of repute recognized by the Central Government or State Government.

44. The manner of providing alternative employment under sub-clause (d) of clause (A) of sub-section (1) of section 38.— The occupier of the factory may take necessary steps for providing employment to the workers affected by the order of prohibition issued by Inspector-cum-Facilitator under sub-clause (d) of clause (A) of sub-section (1) of section 38 and as far as practicable provide alternate employment to the workers so affected. Where it may not be possible for the occupier to provide such employment, he shall be responsible for making payment of salary/wages to the affected workers during the period for which the prohibition order is in operation.

45. Appointment of Medical officer under sub-section (1) of section 42.— The Medical Officer shall be a medical practitioner who possesses any recognised medical qualification as defined in the National Medical Commission Act., 2019 (30 of 2019) and who is enrolled on a Indian Medical Register as defined in clause (e) and on a State Medical Register as defined in clause (1) of section 35, 36, 37 and 40 of the said Act.

(2) The Medical Officer shall be trained in Occupational Health course including International Labour Organisation (ILO) classification of chest Radiograph duly recognized by the Central Government.

46. Duties of medical officer under sub-section (2) of section 42.— The duties of medical officers shall as may be prescribed by the Central Government in the standards framed under section 18 of the Code.

CHAPTER-VIII

SPECIAL PROVISION RELATING TO EMPLOYMENT OF WOMEN

47. Special provision relating to employment of women under section 43.— The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m. in any day, namely:-

- (i) The consent of women workers willing to work in night shift shall be taken in writing;
- (ii) No woman shall be employed against the maternity benefit provisions laid down under the Code on Social Security, 2020;
- (iii) Adequate transportation facilities with GPS tracking system shall be provided to women workers to pick-up and drop near their residence;
- (iv) The Occupier / employer of an establishment shall provide separate toilet and washroom facilities for women employees;
- (v) The Occupier / employer of a factory, dock, building and other construction work with over 50 employee shall provide crèche facilities or arrange crèche facilities from voluntary or other organizations during night shift:
- (vi) The work place including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women or any area used by women workers should be well-lit, near the work place where women work and preferably have suitable provisions of closed-circuit television (CCTV) surveillance;
- (vii) Boarding and lodging for women workers, where applicable, shall be kept exclusively for women under the control of women wardens or supervisors;
- (viii) Dedicated telephone numbers of the establishment along with Government Toll-free Helpline number for Women (181) and Labour & ESI Department Helpline number 18003456703 shall be displayed prominently and conspicuously at the establishment and inside vehicles used for transportation of workers;
- (ix) Any Occupier employing women during night shift, shall submit a Self-certification in **Form-XXX**, electronically, in the designated portal of the Department, that he or she has fulfilled all conditions and provided all the facilities as mentioned in this rule and shall take due care and diligence regarding the safety, security and dignity of women workers;
- (x) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.

48. Adequate safety of employment of women in dangerous operations under section 44.—

Women workers may be allowed to work in all operations, provided that while appropriate protective gear or equipment shall be ensured for all workers as per national standard, it must also be specifically ensured for pregnant and nursing women:

Provided that no pregnant woman shall be allowed to work in a factory involved in dangerous operation, where she is likely to be exposed to hazardous substances which are carcinogenic for herself and teratogens (for fetus).

The State Government may declare from time to time, by notification, the class of establishments and the standard for safeguarding of women in hazardous and dangerous processes.

CHAPTER-IX
SPECIAL PROVISIONS FOR CONTRACT LABOUR & INTER-STATE MIGRANT
WORKERS, etc.

Part-I
Contract Labour

49. Conditions of License under sub-section (3) of section 47.— (1) The contractor shall ensure that:

- (i) the hours of work shall conform to these rules relating to section 25;
- (ii) the wages shall be paid in accordance with the Code on Wages, 2019;
- (iii) if the contract labour of the contractor is working at the premises of the principal employer, then, it shall be the responsibility of the principal employer to provide the facilities or amenities such as toilet, washroom, drinking water, bathing facilities if required, changing room, first aid box, canteen and crèche; and
- (iv) all other facilities and entitlements shall be provided by the contractor.

(2) In case the contractor fails to make payment of minimum wages to the contract labour, then, the Labour Commissioner, Odisha or his representative, shall cause such payment to be made to the contract labours who have not been paid, out of the security deposit referred to in rule 55 including by invoking the bank guarantee.

(3) The contractor shall intimate within fifteen days of the receipt of a contract work order about the details of the contract work order in the manner as specified in rule 59.

(4) For the purposes of obtaining licence, the contractor as an entity or as an individual should not be an un-discharged insolvent or convicted any time during the last two years of an offence which is criminal in nature involving offences, which are liable for punishment for more than three months of imprisonment or must not be black-listed by any department of Government.

(5) If a contractor is desirous of obtaining common licence for:

- (i) supplying or engaging contract worker where the number of such workers in any individual district is less than 50, but the grand total of such workers in all the constituting districts is more than or equal to 50;

(ii) undertaking or executing the contract works in more than one district or for the whole of Odisha,-

- (a) he shall apply electronically on the designated portal to the Chief Inspector-cum-Facilitator and Labour Commissioner or his delegated authority as declared by the State government as the licensing authority for the whole State, for the purpose;
- (b) on receipt of such application for a single licence submitted electronically to the authority notified in this behalf under sub-section (1) of section 119 of this code, the concerned districts shall be consulted electronically. If no response is received within fifteen days from the date of issue of such communication the consultation process is deemed to have been complied with.

(7) Licence issued under this rule shall be valid for the period applied according to work order and for which the fees has been deposited by the applicant.

(8) Copy or copies of the licence so issued shall be sent to the concerned District Labour Officer (Enforcement), in whose jurisdiction the contract work or works for which the licence is issued, falls.

50. Form and manner of application for contractor license under of sub-section (1) of section 48.— Every application by a contractor within a State for the grant of a license shall be made on-line electronically through the designated portal of the State Government in **Form-XV** to the authority referred to in section 119 (hereafter in this chapter referred to as the authority).

51. Forms, terms and conditions of license under section 48.— (1) Every license granted under this chapter shall be in **Form- XVI**.

(2) Every license granted or renewed is subject to the following conditions, namely:—

- (i) the license shall be non-transferable;
- (ii) the number of contract labour employed by the contractor shall not, on any day, exceed the maximum number specified in the license;
- (iii) save as provided in these rules, the fees paid for the grant, or as the case may be, for renewal of the license shall be non-refundable;
- (iv) the rates of wages payable to the contract labours by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, shall not be less than the rates so fixed.

52. Procedure for issue of license under sub-section (2) of section 48.— (1) Before a license is issued under this chapter, bank guarantee for an amount of security calculated at the rate of Rupees

1000/- for each of the contract labours to be employed, in respect of which the application for license has been made, shall be deposited by the contractor with the authority for performance of the conditions of the license and compliance with the provisions of the Code and the rules made there under.

If a contractor proposes to engage one lakh or more but less than one lakh fifty thousand contract labours, an amount of security shall be Rs. 10 Crores, engages one lakh fifty thousand but less than two lakhs contract labour, an amount of security shall be Rs. 15 Crores, engages two lakh or more contract labour, an amount of security shall be Rupees. 20 Crores.

(2) Wherein the issued contract license had expired, based on the request of the applicant in Form-XV, the authority may adjust the security deposit under sub-rule (1) in respect of his application for new license.

(3) The fees to be paid for the grant of a license shall be as specified in the table below, namely:-

(a)	No license is required up to 49 contract labour	Nil.
(b)	50 and above but not exceeding 100 contract labour	Rs. 1000
(c)	101 and above but not exceeding 300 contract labour	Rs. 2000
(d)	301 and above but not exceeding 500contract labour	Rs. 3000
(e)	501 and above but not exceeding 1000 contract labour	Rs. 5000
(f)	1001 and above but not exceeding 5000 contract labour	Rs. 10000
(g)	5001 and above but not exceeding 10000 contract labour	Rs. 20000
(h)	10001 and above but not exceeding 20000 contract labour	Rs. 30000
(i)	20001 and exceeding contract labour	Rs.40000

53. Renewal of license under sub-section (3) of section 48.— (1) Every contractor shall apply electronically on the designated portal of the State Government to the licensing authority for renewal of the license.

(2) Every such application shall be submitted on the portal referred to in sub-rule (1) at least thirty days prior to expiry of license period but not before ninety days of such expiry of license.

(3) The fee chargeable for renewal of the license shall be the same as for the grant of license under rule 55:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty five per cent, shall be payable for such renewal.

(4) It shall be the responsibility of the authority concerned to renew license electronically, within seven days of receipt of such application, failing which, the licence shall be deemed to be issued and auto generated and responsibility of such failure shall be on such authority.

54. Refund of security deposit.— (1) On expiry of the period of license the contractor may, if he does not intend to have his license renewed further, make an application electronically to the licensing authority for the refund of the security deposited by him (in form of bank guarantee) along with copy of licence so expired and notice of completion of work and bank details in which amount is required to be refunded.

(2) If the authority is satisfied that there is no breach of the conditions of license or there is no order for the forfeiture of security deposit or any portion thereof, he shall direct the refund of the security deposit to the applicant.

(3) If there is any order directing the forfeiture of any portion of contractor's security deposit, the amount to be forfeited shall be deducted from the security deposit, and balance, if any, shall be refunded to the contractor within thirty days from the making of application under sub-rule (1).

(4) Any application for refund shall, as far as possible, be disposed of within thirty days of the making of such application.

55. Responsibility of contractor under sub-section (4) of section 48.— (1) The rates of wages payable to the workers by the contractor shall not be less than the rates fixed under the Code on Wages, 2019 and where the rates have been fixed by agreement, settlement or award, not less than the rates so fixed.

(2) In case where the contract labour employed by the contractor performs the same or similar kind of work as the worker directly employed by the principal employer of the establishment, the holidays, hours of work and other conditions of service of the contract labour of the contractor shall be the same as applicable to the workers directly employed by the principal employer of the establishment on the same or similar kind of work. In case of any dispute whether the work is of similar kind, the matter be referred to the concerned Joint Labour Commissioner whose decision shall be final.

(3) In other cases the wage rates, holidays, hours of work and conditions of service of the contract labour of the contractor shall be such as specified under the Code and rules made there under.

(4) All contract labour shall be made member of Employees' Provident Fund Organisation (EPFO) and Employees' State Insurance Corporation (ESIC) subject to applicability as under respective provisions of the Code on Social Security, 2020.

(5) The contractor shall notify any change in the number of contract labours or conditions of work to the Authority, electronically.

56. Intimation of work order and time limit for intimation under section 50.— (1) Every contractor shall within fifteen days of the receipt of a contract work order shall intimate about the contract work order containing the details such as the name of the principal employer, address of the premises where work is being undertaken, date of commencement of the contract work, the number of contract labour employed under that work order, duration of work orders to the authority.

(2) The details of work order shall be sent under sub-rule (1) by the contractor or his authorized representative.

(3) The intimation under sub-rule (1) shall be sent electronically on the designated portal of the State Government or by e-mail or speed post to the Labour Commissioner, Odisha as well as to the licensing authority having jurisdiction.

57. Revocation or suspension of license under sub-section (2) of section 50.— (1) If the authority is satisfied that the licence has been obtained by mis-representation or suppression of any material fact or if the contractor has failed to comply with the conditions subject to which licence was granted or the contractor has contravened any provision of Part-I of Chapter-XI of the Code or rules made there under, the authority shall issue a show cause notice of 15 days to the contractor electronically.

(2) On receipt of the reply if any, from the contractor within 15 days of the receipt of the notice, the Licensing Authority shall examine the same and in case the licensing authority feels that the continuation of contract business by the contractor is going to lead to grave harm to the contract labours, he may pass a speaking the order recording the reasons for revocation or suspension or otherwise and communicate the order to the contractor electronically or by registered post or speed post. A copy of the Order shall also be endorsed to the Labour Commissioner Odisha, concerned Divisional Commissioner having jurisdiction.

(3) If the contractor has complied with the concerned provisions of the Code and rules made there under within the stipulated time period, the Licensing Authority shall revoke the suspension giving a speaking order or else the suspension may be continued.

(4) If the contractor fails to comply with the order in sub-rule (1), the licencing authority may forthwith pass an order of revocation of license, recording the reasons thereof and communicate to the contractor electronically or by registered post or speed post. The copy of the order shall be endorsed electronically to the Labour Commissioner, Odisha and the Divisional Labour Commissioner having jurisdiction.

58. Appeal under sub-section (1) of section 52.— The appellate authority under sub-section (1) of section 52 shall be the authority as notified by the State Government.

59. Responsibility of payment of wages under section 55.— (1) The contractor shall fix the wage periods in respect of which wages shall be payable and no wage period shall exceed one month.

(2) The wages of every person employed as contract labour in an establishment or by a contractor shall be paid before the expiry of seventh day after the last day of the wage period in respect of which the wages are payable.

(3) The wages shall be disbursed through bank transfer or electronic mode only.

(4) The wages of contract labours shall be paid without any deductions of any kind, except those specified by the State Government by general or special order in this behalf or permissible under the Code on Wages 2019, by the contractors to the contract labour.

(5) A notice showing wage period and date and time of disbursement of wages of contract labour shall be displayed at the place of work and a copy sent by the contractor to the principle employer electronically or in person under acknowledgement.

(6) Every contractor (including the contractors employing less than 50 contract labours) shall send half-yearly return in **Form-IXA** so as to reach the licensing authority concerned not later than 30 days from the close of the half year, electronically, that is to say January to June and July to December.

(7) In case the contractor fails to make payment of wages to the contract labour within 7 days of completion of wage period, then the principal employer shall take necessary action and make payment of wages in full or the unpaid balance dues, as the case may be, to the concerned contract labour employed by the contractor within 15 days and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as debt payable by the contractor or from the security deposit lying with the principal employer.

(8) Every principal employer of an establishment shall submit annual return in **FORM-IX (Part-II)** so as to reach the licensing authority and Divisional Labour Commissioner, having jurisdiction, not later than 1st February following the end of each Calendar year electronically, except in cases of contract which undertakes to produce given result.

60. Making payment of wages from the security deposit amount under sub-section (4) of section 55.— If the contractor or principal employer does not pay the wages to the contract labour employed by him, the Labour Commissioner, Odisha or his representative or the competent officer as may be notified by the State Government shall conduct or cause to conduct, an inquiry and after giving an

opportunity to be heard to the contractor shall pass an order to make payment if any, of such wages from the amount deposited by the contractor as security deposit. The contractor shall re-furnish the security deposit within a period of fifteen days or else his license will be liable to be suspended.

61. Experience certificate under section 56.— Every concerned contractor shall issue on demand, experience certificate in **Form-XVII** to the contract labour giving details of the period, work performed, experience gained in various fields performed by such contract labour.

62. The form and manner of making application under clause (b) of sub-section (2) of section 57.— If a question arises as to whether any activity of an establishment is a core activity or otherwise, the aggrieved party may make an application, to the Additional Secretary to Government, Labour & ESI Department, Odisha, giving reasons along with supporting documents.

63. Period of making report and the period of deciding the question under clause (c) of sub-section (2) of section 57.— On receiving the application under clause (b) of sub section (2) of section 57, the Secretary, Labour and ESI Department, Government of Odisha shall, if deems proper, refer the application to the Labour Commissioner, Odisha for making such enquiry as may be required and the Labour Commissioner, Odisha shall submit the report or recommendations to the Secretary, Labour and ESI Department, Government of Odisha within thirty days for taking appropriate action under these rules and the Secretary shall decide the matter within one month from the date of receipt of such report or recommendation and communicate the said decision of the Government to the parties through electronically or by registered post or by speed post for implementation of the said order of the Government.

Part-II

Inter-State Migrant Workers

64. Journey allowance to Inter-State Migrant Worker under section 61.— The employer shall pay a lump sum amount on account of fare for to & fro journey to inter-state migrant worker by train (not less than 2nd Class Sleeper) or by bus or any other mode of passenger transport from the place of employment to the place of residence in the home state in the event; if he has worked for a period of not less than one hundred and eighty days in the concerned establishment(s) in preceding twelve months:

Provided that the journey allowance shall be given to an inter-state migrant worker once in twelve months. In the event of change of employer by the inter-state migrant worker during the middle of the employment period and he has not availed the journey allowance from his previous employer, then on the basis of a certificate to be given by inter-state migrant worker, the employer where the inter-state migrant worker is presently working and the such worker has completed one

hundred and eighty days in preceding twelve months including the period spent with the previous employer, then the employer shall give journey allowance.

65. Setting up of a Toll Free helpline number to the inter-state migrant worker under section

63.— A Toll-Free help-line number shall be provided by the Labour & ESI Department, Odisha, to address queries and grievances of the inter-state migrant workers.

66. Study of inter-state migrant workers under section 64.—

The State Government may identify the studies to be carried out to promote safety, health and welfare of inter- State migrant workers. Wherever required, the State Government may also consult the other State Governments or expert organizations involved in the safety, health and welfare of inter-State migrant workers.

Part-III

Audio-Visual Workers

67. Agreement for audio-visual worker under sub-section (3) of section 66.— (1) The form of agreement for the audio-visual workers with the producer is given in **Form-XVIII**. The agreement shall be registered with the competent authority as may be notified by the State Government.

(2) After registration the same shall be forwarded by the producer to the Chief Inspector-cum-Facilitator, electronically on the designated Portal of the State Government, or by registered post or by speed post.

68. Procedure for reference of disputes under clause (vii) of sub-section (4) of section 66.— The procedure for reference of dispute to a conciliation officer or a tribunal shall be in conformity with the Industrial Relations Code, 2020 (35 of 2020) and rules framed thereunder.

Part-IV

Beedi and Cigar Workers

69. Form of application and the payment of fees under sub-section (2) of section 74.— (1) Every application for grant of a licence shall be made online electronically through the designated portal of the State Government in **Form-XIX** to designated authority notified by the State Government under sub-section (1) of section 119 on payment of fees as specified below in sub-rule (2).

(2) The fees to be paid for the grant or renewal of a license under sub-section (2) and sub-section (6) of section 74 shall be specified in the Table below:

Number of employees proposed to be employed on any day during the financial year for which the licence	For Industrial premises in which power driven	For Industrial premises in which power driven
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is required to be granted or renewed	machinery is used	machinery is not used
Between 10 and 19	Rs. 400	Rs. 300
Between 20 and 49	Rs. 800	Rs. 600
Between 50 and 99	Rs.2,000	Rs. 1,500
Between 100 to 249	Rs. 3,500	Rs. 3,000
250 or more	Rs. 6,000	Rs. 5,000

(3) Every licence granted or renewed under section 74 in **Form-XX** shall be subject to the following conditions, namely :-

- (i) the manufacturing process shall be carried on only in that part of the industrial premises as specified for the purpose in the licence;
- (ii) the maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence;
- (iii) power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises;
- (iv) except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises;
- (v) the licence shall not be transferable;
- (vi) the fees paid for the grant or renewal of the licence shall be non-refundable.

(4) Before granting a licence, the competent authority shall also take into considerations whether the site of any industrial premises is proposed to be altered, or whether any industrial premises has been closed by the applicant during the period of twelve months immediately preceding the date of the application with a view to causing prejudice to the interests of the labour.

70. Manner of preparing the plan of the place or premises under sub-section (3) of section 74.—

Application for licence shall be accompanied by a plan of the place or premises showing-

- (i) The site of such place or premises, the areas therein to be used for manufacturing processes and the immediate surroundings of such place of premises, including adjacent buildings structures, roads, drains and the like; and

(ii) the plan, elevation and necessary, cross-sections of, the details relating to natural lighting, ventilation, means of escapes in case of fire, position of the plant and machinery, if any, used, aisles and passage-ways, in or in relation to the various buildings which are intended to be used for manufacturing processes;

71. Other matters under clause (e) of sub-section (4) of section 74.— The State Government by notification from time to time may prescribe such other matters relating to welfare of the labour in the locality, interest of the public generally.

72. Fees for renewal under sub-section (6) of section 74.— (1) Every application for renewal of a license under sub-section (6) of section 74 shall be made in **Form- XIX / XV** as prescribed under sub-section (1) section 119 to the competent authority.

(2) Every such application shall be submitted on the said portal at least 30 days prior to expiry of license period but not before 90 days of such expiry of license:

Provided that if the application for renewal is not received within the time specified in sub-rule (2), an additional fee of twenty-five per cent, shall be payable for such renewal.

(3) The fee chargeable for renewal of the license shall be the same as for the grant of license.

(4) It shall be the responsibility of the authority concerned to renew license within seven days electronically or otherwise.

73. Time of filing appeal and fees under section 75.— An appeal under section 75 shall be made electronically or by registered post or by speed post, within a period of 30 days from the date of receipt of the order sought to be appealed against. The fees payable in respect of an appeal under section 75 shall be Rs. 1000.

74. Permission to work by employees outside industrial premises under section 76.— (1) The employer shall apply electronically to the licensing authority in the designated web portal of the State Government in the Labour and ESI Department, for the work required to be carried out outside the industrial premises under section (1) of section 76 in **Form XXI**.

(2) The licensing authority on receipt of the online application in **Form-XXI** may consider the following and issue permission electronically within seven days from the date of receipt of the application-

(i) The employer who applies for the above permission shall have valid license issued under section 74 for such premises.

(ii) The suitability of the place where it is proposed to be used for wetting or cutting of beedi or tobacco leaves.

(iii) Wetting or cutting of beedi or tobacco leaves shall be carried on only in that place where permission is granted.

(iv) The total number of employees employed by the employer for wetting or cutting of beedi or tobacco leaves outside the industrial premises shall not exceed the total number of workers for which issued under section 74.

(3) The licensing authority may, in addition to the foregoing terms and conditions, determine and specify in the permission such other terms and conditions, in individual cases as it may deem necessary.

75. Record of outside work under sub-section (2) of section 76.— The record to be maintained by the employer of the work permitted under sub-section (2) of section 76 to be carried on outside the Industrial premises shall be in **Form-XXII**.

Part-V

Factories

76. Approval and licensing of factories under sub-section (1) of section 79.—

(I) Approval of Plans – (1) The State Government or the Chief Inspector-cum-Facilitator of Factories may require, for the purposes of the Code, submission of plans of any factory which was either in existence on the date of commencement of the code or which has not been constructed or extended, such plans shall be drawn to scale showing-

- (a) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains, etc.;
- (b) the plan, elevation and necessary cross sections of the factory buildings indicating all relevant details relating to natural lighting ventilation and means of escape in case of fire and the position of the plants and machinery, aisles and passage ways; and
- (c) such other particulars, as the State Government or the Chief Inspector-cum- Facilitator of Factories, as the case may be, may require.

(2) No site shall be used for the location of a factory or no building shall be constructed, reconstructed, extended or taken into use as a factory or part of a factory or any other extension of plant or machinery carried out in a factory unless previous permission in writing is obtained from the State Government or the Chief Inspector-cum-Facilitator. Application for permission shall be made electronically through designated Portal of the State in **Form-XXIII** which shall be accompanied by the following documents namely-

- (a) a flow chart or the manufacturing process supplemented by a brief description of the process in its various stages;
- (b) plans in duplicate drawn to scale showing-
 - (i) the site of the factory and immediate surroundings including adjacent buildings and other structures, roads, drains, etc.;
 - (ii) the plan elevation and necessary cross sections of the various buildings indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fires. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage ways; and
- (c) such other particulars if the Chief Inspector-cum-Facilitator may require.

Provided that the Occupier of every factory seeking permission under the provisions of the Odisha Industries (Facilitation) Act, 2004 may apply in the combined application form for establishment which is a factory of industries.

(3) The application referred to in sub-rule (2) shall be accompanied by payment of a fee at the rate of 3 times the licence fee subject to a 'minimum of Rs. 2500 (Rupees two thousand five hundred) only in case of original plan and at the rate of 50% of the licence fee subject to a maximum of Rs. 30,000 (Rupees thirty thousand) only in case of extension plans, for the purpose of scrutiny and evaluation of such plans.

(4) If the Chief Inspector-cum-facilitator is satisfied that the plans are in consonance with the requirements of the Rules he shall subject to such conditions as he may specify, approve them electronically; or he may call for such other particulars as he may require to enable such approval to be given.

(5) Under no circumstances shall the plan be returned unapproved. Provided that where a Chief Inspector-cum-facilitator of factories refuse to grant a permission to the site, construction, reconstruction, or an extension of a factory, the applicant may within 30 days of the date of such refusal, appeal to the State Government.

(6) Certificate of stability.– (i) No manufacturing process of a factory shall be carried on in any building which has been constructed, reconstructed, altered, repaired, increase in machinery, change in existing process, extended or taken into use as a factory or part of a factory until a certificate of stability thereof in respect of that building, obtained from a competent person in such form as may be prescribed by the Central Government in the standards under section 18, has been

submitted by the occupier or manager of the factory to the Chief Inspector-cum-Facilitator and accepted by him.

(ii) Certificate of Stability” shall be signed by Competent Person along with the tests, load calculation and analysis reports relating to stability:

Provided further that no manufacturing process shall be carried out in any premises of a factory unless a fresh certificate of stability is obtained from a competent person once in each period of five years or after every extension, alteration, repairs or addition of machinery, plants etc. and sent to the Chief Inspector-cum-Facilitator of factories:

(7) Validity Period of Proposed Sanction.- Every proposed approval shall become null and void if no construction started within 6 months from the date of approval.

(8) Revocation of Sanction. - The approval granted under this rule can be revoked by the Chief Inspector-cum-Facilitator of factories if it is found that such approval has been obtained by the occupier or manager by misrepresentation of material facts or submission of fraudulent documents along with the application or if the majority of construction has not been done in accordance with the approval granted.

(9) Presumption of Sanction.- If the Chief Inspector-cum-Facilitator of factories or any other official working on his behalf fails to convey approval or rejection or any observation within a period of 30 days of the receipt from any person of a valid application, the plans shall without prejudice to the provisions of this rule, be deemed to have been approved.

(10) Application for registration and grant of licence.- The occupier of every factory shall submit application online through designated portal of State Government to the Chief Inspector-cum-Facilitator an application in the prescribed **Form XXV-A** for the registration of the factory and grant of licence with an option to apply for one year term or five year term or ten year term licence:

Provided that the occupier of premises in use as a factory on the date of the commencement of these rules shall submit such application within 30 days from the date of the commencement of these rules.

Provided further that the occupier of a factory seeking registration and grant of licence under the provision of the Orissa Industries (Facilitation) Act, 2004 shall apply in the combined application form for operation of industries.

(11) Grant of licence to a factory - (1) A licence for a factory shall be granted and renewed by the Chief Inspector -cum- Facilitator in **Form-XXVI and XXVI-A** respectively prescribed for the purpose and on payment of the fees specified in **Schedule-D**.

(1-a) A licence for five year or ten year term shall be granted in **Form-XXVIA** by the Chief Inspector-cum- Facilitator on payment of five times or as the case may be ten times of the licence fee in vogue.

(2) Every Licence granted or renewed in Form **XXVI or XXVIA** under this chapter shall remain in force up to the 31st December of the year for which the licence is granted or renewed.

(3) In case of Factories found to be running without proper application for registration and or renewal of licence the fees payable shall be ble the amount prescribed in Schedule-G.

(12) The Chief Inspector-cum-Facilitator of factories may refuse to grant of license of the factory, if he is satisfied.— (i) that an application is not accompanied by plans: -

(a) of the site on which the factory is to be situated,

(b) for the construction or extension of the factory, or

(ii) that the application is accompanied by plans which have not been approved or the condition subject to which they are approved have not been complied with, or

(iii) that material requirements of the relevant provisions specified in Schedule to sub-rule (1) of these rules in relation to the factory concerned have not been complied with, or

(iv) that there is imminent danger to life in the factory due to explosive or inflammable dust, gas or fumes and effective measures, in his opinion have not been taken to remove the danger. Subject to the provisions hereinafter contained with respect to cancellation and unless earlier renewed under these rules, every such license shall remain in force, till the date of expiry mentioned in the License., until the date of 1st day of December of next following year and shall then expire.

(13) Amendment of licence which is a factory- (1) A licence granted under sub-rule (11) may be amended by the Chief Inspector -cum-facilitator.

(2) A licensee whose licence requires to be amended by virtue of increase in the number of persons employed or in the horse power installed or change in the name of the factory or any change in manufacturing process or all taken together shall submit an application in **Form XXV-A** electronically to Chief inspector-cum-Facilitator of Factories stating the nature of amendment before thirty days of the intention to do so.

(3) The fee for amendment of a licence by virtue of increase in number of persons or in the horse power installed or change in the name of factory or any change in manufacturing process or all taken together shall be Rs.500/- in addition to the amount (if any) by which the fee that would have been payable if the licence had originally been issued in the amended form exceeds the fee originally paid for the licence.

(4) If the application for the amendment of license is received at any time after the expiry of the period specified in sub-rule (2) then notwithstanding any action which may be taken against the licensee for such default, the license may be amended on payment of an additional fee equal to 25 per cent of the fee payable under sub-rule (3).

(14) Renewal of licence.- (1) A licence may be renewed by the Chief Inspector- cum-Facilitator.

(2) Every application for the renewal of a licence shall be made online accompanied by the notice of occupation in the prescribed Form and shall reach the Chief Inspector not less than 2 months before the date on which the licence expires

(2-a) The License shall be deemed to be renewed provided that the application and the fee for renewal of licence is received on line with self-declaration in **Form XXV-B** certifying no change in manpower, installed power, factory layout, manufacturing process, occupier and manager.

(3) The same fee shall be charged for the renewal of licence as for the grant thereof. Provided that if the application for renewal is not received within the time specified in sub-rule (2) and received thereafter but within the date on which the licence expires, the licence shall be renewed only on payment of a fee 25 percent in excess of the fee ordinarily payable for the licence. If the application is received after the date on which the licence expires, the licence shall be renewed only on payment of a fee 100 percent in excess of the originally payable for licence.

(4) The occupier shall have the option to apply for renewal of licence for a term of five consecutive calendar years with five times of usual licence fee and for a term of 10 consecutive calendar years with 10 times of usual licence fee.

(15) Refusal of licence - The Chief Inspector may refuse the renewal of licence on the ground that the applicant has been guilty of repeated contravention of safety provisions of the Code or Rules or both or the applicant has obtained the licence by fraud or by misrepresentation:

Provided that before refusing any licence, the applicant shall be given an opportunity to show cause as to why the licence shall not be refused.

(16) Revocation of licence - The Chief Inspector may, at any time before expiry of the period for which the licence has been granted or renewed, revoke the licence on any of the grounds specified in sub-rule (15) above or if:-

- (i) there is imminent danger to life and property in the factory due to explosive or inflammable dust, gas or fumes, and effective measures in his option have not been taken to remove the danger; and/or;

(ii) employment of child worker below 14 years of age noticed:

Provided that before revoking the licence, the applicant shall be given an opportunity to show cause as to why the licence shall not be revoked.

(17) Transfer of licence.- (1) The holder of a licence may, at any time before the expiry of the licence, apply electronically through the designated portal for permission to transfer his licence to another person

(2) Such application shall be made to the Chief Inspector-cum-Facilitator who shall, if he approves of the transfer, enter upon the licence, under his signature an endorsement to the effect that the licence has been transferred to the person named electronically through the designated portal.

(3) A fee of five hundred rupees shall be payable on such application.

(4) If the application is received after the licensee disassociated from the organization a delay fee of 10% of renewal fee for each year shall be payable on such application.

(18) Procedure on death or disability of licensee. - If a licensee dies or becomes insolvent, the person carrying out the business of such licensee shall not be liable to any penalty under the Act for exercising the powers granted to the licensee by the licence during such time as may reasonably be required allow him to make an application for the amendment of the licence in his own name for the unexpired portion of the original licence

(19) Prohibiting running of a factory without a valid licence.- An occupier shall not use any premises as a factory or carry on any manufacturing process in a factory unless a licence has been issued in respect of such premises and is in force for the time being :

(20) Intimation of change of Manager.— The intimation of change of manager shall be in **Form-XXVII**. The intimation for change of manager shall be submitted online for information of the Inspector-cum-Facilitator of factories. The endorsement of change of manager will be made electronically by the Chief Inspector - cum- Facilitator of factories.

(21) Intimation of closure of factory:

(a) The occupier and/ or the Manager shall be jointly or severally responsible for sending information in duplicate, to the Inspector-cum-Facilitator of Factories of any intended closure of the factory or any shift, section or department thereof, immediately after it is decided to do so, and before the closure takes place stating:

(i) the date of intended closure;

(ii) the reasons for closure;

- (iii) the number of workers on the muster-roll of the factory on the day the information is sent;
- (iv) the number of workers likely to be affected by the closure; and
- (v) the probable period of closure

Provided that in the case of any factory in respect of which Standing Orders settled or certified under the Code on Industrial Relation, 2020, as the case may be, provide for the display on the notice boards of the factory a notice of the proposed closure of the factory or any shift, section, or department thereof such information to the Inspector-cum-Facilitator of factories shall be given on the date on which such notice is displayed:

Provided further that it shall not be necessary for the occupier or manager to send information of intended closure if the closure is rendered inevitable on account of fire, breakdown of machinery, stoppage of power or water supply or any other cause beyond his control.

(b) The occupier and/ or the manager shall be jointly or severally responsible for sending information in duplicate to the Inspector-cum-Facilitator as soon as the factory or any shift, section or department thereof, is actually closed with the following details, namely:-

Name of factory and full address	Name of Industry*	Date of closure *	Reasons For closure	Name of closure whether, entire or partial, partial the shift, section of department closed	Number of workers on the muster roll of factory at the time closure	Number of workers affected by the closure.

Class of Industry whether (1) Cotton Textile, (2) Silk Textile, (3) Woolen Textile, (4) Hosiery, (5) Engineering or (6) Miscellaneous should be stated.

(c) The occupier and/ or the manager shall be jointly or severally responsible for sending also information in duplicate to the Inspector-cum-Facilitator of factories as soon as the factory or any shift, section or department thereof is re-opened with the following details, namely: -

Name of Factory and full address	Name of Industry*	Date of Closure*	Number of workers affected at the time of closure	Factory or any shift, section or department thereof opened	Number of workers on muster roll at the time of re- opening	Number of Workers re- employed (ii) newly employed

Class of Industry whether (1) Cotton Textile (2) Silk Textile, (3) Woolen Textile, (4) Hosiery, (5) Engineering or (6) Miscellaneous should be stated.

Explanation 1.— For the purpose of this rule, “closure” means the closing of a factory, or any shift, section or department thereof or the total or partial suspension of work (other than work of a temporary nature) by the occupier and/ or manager of the factory or total or partial refusal by the occupier for manager of the factory to continue to employ persons employed by him where such refusal does not amount to the discharge, dismissal or suspension of a worker or workers by way of punishment.

Explanation 2.— This rule shall not apply in the case of a closure of any section or department of a factory if such closure does not affect the total number of workers employed in the factory.

77. Common facilities and services for joint liability of owner of premises and occupiers of the factories under section 80.— (1) Wherein any premises, separate buildings are leased to different occupiers for use as separate factories, the owner of the premises shall be responsible for the provisions and maintenance of common facilities and services, such as approach road, drainage, water supply, lighting and sanitation.

(2) Where in any premises, independent or self-contained floors or flats are leased to different occupiers for use as separate factories, the owner of the premises shall be liable as if he were the occupier or manger of the factory, for any contravention of the provisions of this Code, in respect of:-

- (i) latrines, urinals and washing facilities in so far as the maintenance of the common supply of water for these purposes is concerned;
- (ii) fencing of machinery and plant belonging to the owner and not specifically entrusted to the custody or use of an occupier;

- (iii) safeness of access to the floors or flats and maintenance and cleanliness of stair cases and common passages;
- (iv) precautions in cases of fire;
- (v) maintenance of hoists and lifts; and
- (vi) maintenance of any other common facilities provided in the premises.

(3) The Chief Inspector-cum-Facilitator shall have subject to the control of the State Government, power to issue orders to the owner of the premises in respect of carrying out of the provisions of sub-section (1) and (2).

(4) The provisions of sub-section (2) relating to the liability of the owner/occupier shall apply where in any premises independent rooms with common latrines, urinals and washing facilities are leased to different occupier for use as separate factories:

Provided that the owner/occupier shall be responsible also for supplying with the requirements relating to the provision and maintenance of latrines, urinals and washing facilities.

78. Dangerous manufacturing processes or operations under section 82.- (1) The operations listed in the Chapter IV of the standards prescribed by the Central Government under section 18 of the Code when carried on in any factory are declared to be dangerous manufacturing processes or operations under section 82 of the code.

79. Site Appraisal Committee under sub-section (1) of section 83.-

(1) Constitution under section 83 - The following provisions shall govern the functioning of the Site Appraisal Committee (hereinafter referred to as the "Committee" in these rules), namely:-

- (a) the State Government may constitute or reconstitute the committee as and when necessary;
- (b) the Director of Chief Inspector-cum-Facilitator of factories will be the Chairman of the Committee;
- (c) the State Government, to assist the Chief Inspector-cum-Facilitator, may co-opt the following persons as members of the Committee:
 - (i) a representative of the Fire Service Organization of the State Government;
 - (ii) a representative of the Department of Industries of the State Government;
 - (iii) a representative of the State Pollution Control Board;

(iv) a representative of the Director General of Factory Advice Service and Labour Institute, Mumbai;

(2) Applications as for appraisal of Sites in respect of the factories covered under section 2(1)(za) of the Code shall be submitted to the Chairman of the Committee along with 15 copies thereof in **Form XXXI** annexed to this rule. The committee may dispense with the furnishing of the information on any particular item in the application under consideration.

(3) Chairman of the Committee will devise a mechanism to-

- (a) Register the applications received for appraisal of site in a separate register and acknowledge the same within a period of 7 days.
- (b) Fix up meeting in such a manner that all the applications received and registered are referred to the Committee within a period of one month from the date of their receipt.
- (c) The Committee may adopt a procedure for its working keeping in view the need for expeditious disposal of applications.
- (d) The Committee shall examine the application for appraisal of a site with reference to the prohibitions and restrictions on the location of industry and the carrying on the Process and operations in different areas as per the provisions of Rule 5 of the Environment (Protection) Rules, 1986 framed under the Environment (Protection) Act., 1986.
- (e) The Committee may call for documents examine experts, inspect the site, if necessary, and take other steps for formulating its view in regard to the suitability of the site.
- (f) Wherever the proposed site requires clearance by the Ministry of Industry or the Ministry of Environment and Forests of the Government of India site appraisal will be considered by the Committee only after such clearance has been received.

(4) Travelling Allowance – The Committee will decide from time to time as per existing State Service/ Financial Rules.

(5) The following information shall be supplemented to the application by enclosing copies documents, maps or blue prints etc. wherever necessary

1. Name and address of the applicant.
2. Site ownership Data.
- 2.1. Revenue details of site such as Survey number, plot number, Allotment /Registration number etc.

2.2. Whether the site is classified as forest and if so, whether approval of the Central Government under section 5 of the Indian Forests Code, 1927 has been obtained.

2.3. Whether the proposed site attracts the provisions of section 3(2)(V) of the Environment (Protection) Act, 1986, if so, the nature of the restrictions.

2.4. Local authority under whose jurisdiction the site is located.

2.5. Documentary evidence of ownership.

3. Site Plan –

3.1. Site Plan with clear identification of boundaries and total area proposed to be occupied and showing the following details nearby the proposed site –

- (a) Historical monument, if any, in the vicinity.
- (b) Names of neighboring manufacturing units and human habitats, educational and training institutions, petrol installations, storages of liquefied petroleum gas and other hazardous substances in the vicinity and their distances from the proposed unit.
- (c) Water sources (river, streams, canals, dams and water filtration plants etc.) in the vicinity.
- (d) Nearest hospitals, fire-stations, civil defense stations and police stations and their distances from the proposed unit.
- (e) High tension electrical transmission lines, pipelines for water, oil, gas or sewerage: railway lines, roads, stations, jetties gas and other similar installations in the vicinity.
- (f) details of soil conditions and depth at which hard strata obtained.
- (g) Contour map of the factory showing nearby hillocks and difference in levels.
- (h) Plot plan of the factory showing the entry and exit points roads within, water drains, etc.

4. Project Report –

- (a) A summary of the salient features of the project.
- (b) Status of the organization (Government, Semi-Government, public or Private etc.)
Maximum number of persons likely to be employed in the factory.
- (c) Maximum requirement of power and water and sources of their supply. Block diagram of the buildings and installations, in the proposed unit.
- (d) Details of the proposed housing colony, hospital, school and other infrastructural facilities.

5. Organizational structure for proposed manufacturing unit / factory. Organization diagram of –
 - (a) Proposed enterprise in general and
 - (b) health, safety and environment protection departments and their linkage to operation and technical department.
 - (c) Proposed health and safety policy.
 - (d) Area allocated for treatment of wastes and effluents.
 - (e) Percentage of outlay on safety, health and environment protection measures.
6. Meteorological data relating to the site –
 - (a) Average, minimum and maximum of temperature, humidity and wind velocities during the previous ten years.
 - (b) Seasonal variations of wind direction.
 - (c) Highest water level reached during the floods in the area recorded so far.
 - (d) Lightning and seismic data of the area.
7. Communication Links –
 - (a) Availability of telephone / telex / wireless and other communication facilities for outside communication. Proposed internal communication facilities.
 - (b) Manufacturing processes Information: Processes flow diagram in detail indicating processes parameters, e.g. temperature, pressure, etc. at various stages of manufacturing processes or Process.
 - (c) Brief write-up on processes and technology.
 - (d) Critical processes parameters, such as pressure build-up, temperature rise and runaway reconditions.
 - (e) Other external effects critical to the processes having safety implications, such as ingress of moisture or water, contact with incompatible substances, sudden power failure.
 - (f) Highlights of the built - in safety/pollution control devices or measures incorporated in the manufacturing technology.
8. Information on Hazardous Materials - Raw materials, intermediates, products and by-products and their quantities (Enclose material safety data Sheet in respect of each hazardous substance). Main and intermediates, storages proposed for raw materials/ intermediates/ products (maximum quantities at any time to be stored).

Transportation methods to be used for inflow and outflow of materials their quantities and likely routes to be followed. Safety measures proposed for :

- (a) handling of materials;
- (b) internal and external transportation; and
- (c) disposal (packing and forwarding of finished products.)

9. Information of Disposal of Wastes and Pollutants-

- (a) Major pollutants (gas, liquid, solid) their characteristics and quantities (average and at peak loads).
- (b) Quality and quantity of solid wastes generated, methods of their treatment and disposal. Air, water and soil pollution problems anticipated and the proposed measures to control the same, including treatment and disposal of effluents.

10. PROCESS Hazards Information:

- (a) A copy of the report on environmental impact assessment be enclosed. A copy of the report on Risk Assessment study be enclosed.
- (b) Published (open or classified) reports, if any on accident situations / occupational health hazards or similar plants elsewhere (within or outside the country).

11. Information of proposed Safety and Occupational Health Measures.

- (a) Details of fire-fighting facilities and minimum quantity of water, Carbon dioxide and/or other fire-fighting measures needed to meet the emergency.
- (b) Details of the proposed in house medical facilities.

12. Information on emergency Preparedness:

- (a) On-Site emergency plan and detailed disaster control measures.
- (b) Proposed arrangements, if any, for mutual aid scheme with the group of neighboring factories.

13. Any other relevant information :

I certify that the information furnished above is correct to the best of my knowledge and nothing of importance has been concealed while furnishing it.

Applicant's full name and address

Signature of the Applicant

80. Recommendation by Site Appraisal Committee under sub-section (2) of Section 83.- The site appraisal committee referred to in sub-section (1) shall make its recommendation within a period of thirty days of the receipt of the application for any of the purpose referred to in the said sub-section.

81. Compulsory disclosure of information by occupier under sub-section (1) of section 84.- (1) All the provisions contained in the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 and the Chemical Accidents (Emergency Planning, Preparedness, and Response) Rules, 1996 framed under the Environment (Protection) Act, 1986 by the Central Government will be the part of these Rules.

(2) Material Safety Data Sheet- Collection and development and Dissemination of information-

(1)The occupier of every factory carrying on a hazardous Process shall arrange to obtain or develop information in the form of Material Safety Data Sheet (MSDS) in respect of every hazardous substance or material handled in the manufacture, transportation and storage in the factory. It shall be accessible, upon request, to a worker for reference-

(a) every such material Safety Data Sheet shall include the following information-

(i) the identification mark used on the label;

(ii) hazardous ingredients of the substance;

(iii)physical and chemical characteristics of the hazardous substance;

(iv)the physical hazards of the hazardous substance, including the potential for fire, explosion and reactivity ;

(v)the health hazards of the hazardous substance, including signs and symptoms of exposure, and any medical condition which are generally recognised as being aggravated by exposure to the substance ;

(vi)the primary route or routes of entry ;

(vii) the permissible limits of exposure prescribed by State Government;

(viii) any generally applicable precautions for safe handling and use of the hazardous substance, which are known, including appropriate hygienic practices, protective measures during repairs and maintenance of contaminated equipment, procedures for clean-up of spills and leaks ;

(ix)any generally applicable control measures, such as appropriate engineering controls work practices, or use of personal protective equipment;

(x)emergency and first-aid procedures ;

- (xi) the date of preparation of the Material Safety Data Sheet, or the last change in it ; and
 - (xii) the name, address and telephone number of the manufacturer, importer, occupier or other responsible party preparing or distributing the Material Safety Data Sheet, who can provide additional information on the hazardous substance and appropriate emergency procedures if necessary.
- (b) The occupier while obtaining or developing a Material Safety Data Sheet in respect of a hazardous substance shall ensure that the information, recorded accurately, reflects the scientific evidence used in making the hazard determination. If he becomes aware of any significant information regarding the hazards, the new information shall be added to the Material Safety Data Sheet as soon as practicable.
- (c) An example of such Material Safety Data Sheet is given in the **Schedule B** annexed to this Rule.

(2) Every container of a hazardous substance shall be clearly labelled or marked to identify :—

- (a) The contents of the container ;
- (b) The name and address of the manufacturer or importer of the hazardous substances.
- (c) the physical and health hazards; and

the recommended personal protective equipment needed to work safely with the hazardous substance.

82. The Occupational Safety and Health Policy under sub-section (2) of section 84.- (1) Occupier of every factory, at the time of registration, shall prepare and submit a written statement of his policy in respect of safety and health of workers at work containing such details as may be prescribed by Central Government in standards framed under section 18 of the Code.

83. The manner of disclosing information by occupier of a factory under sub-section (5) and (7) of section 84.-

(1) Disclosure of information to workers :-

- (i) The occupier of a factory carrying on a 'hazardous process' shall supply to all workers the following information in relation to handling of hazardous materials or substances in the manufacture, transportation, storage and other processes:
 - (a) Requirements of sections 84, 85 and 89 of the Code;
 - (b) A list of 'hazardous processes' carried on in the factory;
 - (c) Location and availability of all Material Safety Data Sheets as per Rule 58;

- (d) Physical and health hazards arising from the exposure to or handling of substances;
- (e) Measures taken by the occupier to ensure safety and control of physical and health hazards;
- (f) Measures taken by the workers to ensure safe handling, storage and transportation of hazardous substances;
- (g) Personal Protective Equipment required to be used by workers employed in 'hazardous process' or 'dangerous operations';
- (h) Meaning of various labels and markings used on the containers of hazardous substances as provided under rule 58;
- (i) Signs and symptoms likely to be manifested on exposure to hazardous substances and to whom to report;
- (j) Measures to be taken by the workers in case of any spillage or leakage of a hazardous substance;
- (k) Role of workers vis-à-vis the emergency plan of the factory, in particular the evacuation procedures;
- (l) Any other information considered necessary by the occupier to ensure safety and health of workers.

(ii) The information required by sub-rule (i) shall be compiled and made known to workers individually through supply of booklets or leaflets and display of cautionary notices at the workplaces. The booklets, leaflets and the cautionary notices displayed in the factory shall be in the language understood by the majority of the workers and also explained to them.

(iii) The Chief Inspector -cum- Facilitator may direct the occupier to supply further information to the workers as deemed necessary.

(2) Disclosure of information to General Public:- The occupier of every factory carrying on a 'hazardous process' shall in consultation with the District Emergency Authority designated by the Appropriate Government, take appropriate steps to inform the general public who are likely to be in the area which might be affected by an accident. Such information shall include:

- (a) Name of the factory and address where situated;
- (b) Identification, by name and position, of the person giving the information;
- (c) Confirmation that the factory has approval from the Factories Inspectorate and Pollution Control Board;

- (d) An explanation in simple terms of the hazardous process(es) carried on in the premises;
- (e) The common names of the hazardous substances used which could give rise to an accident likely to affect them, with an indication of their principal harmful characteristics;
- (f) Brief description of the measures to be taken to minimize the risk of such an accident in compliance with its legal obligations under relevant safety statutes;
- (g) Salient features of the approved disaster control measures adopted in the factory;
- (h) Details of the factory's emergency warning system for the General Public;
- (i) General advice on the action members of the public should take on hearing the warning;
- (j) Brief description of arrangements in the factory, including liaison with the emergency services, to deal with foreseeable accidents of such nature and to minimize their effects; and
- (k) Details of where further information can be obtained.

(3) Disclosure of information to the Local Authority.- The Occupier of every factory carrying on a "hazardous process" shall furnish the following information in writing to the Panchayatiraj Institutions (PRIs) or Urban Local Bodies (ULBs) having jurisdiction over the geographical area in which the factory is situated,-

- (a) The information furnished to general public as prescribed in sub-rule (2);
- (b) A statement of the names and the quantities generally stored or in process of hazardous substances included in the list of chemicals prescribed in rule-2(e) of the Manufacture, Storage and Import of Hazardous Chemical Rules, 1989, along with its quantity in column-3 of Schedules-2 and 3 of the said Rules, as amended from time to time.

(4) Disclosure of information to the Chief Inspector-cum-Facilitator:- (i) The occupier of a factory carrying on a hazardous process, shall intimate to the Chief Inspector-cum-Facilitator all information having a bearing on preparation of an on-site emergency plan and a disaster control and management plan in respect of the factory.

(ii) a report on status relating to risk assessment and environmental impact assessment and the measures taken for prevention of accidents, Rules made thereunder.

(5) Onsite Emergency Plan:- The occupier of a factory carrying on a hazardous process shall prepare a draft on-site emergency plan and submit it to the Chief Inspector *-cum-* Facilitator electronically through the designated portal. The Chief Inspector *-cum-* Facilitator may make such modification in the plan as necessary, in consultation with the occupier and approve the same.

The information furnished shall include the quantity of the solid and liquid wastes generated per day their characteristic and the methods of treatment such as incineration of solid wastes, chemical and biological treatment of liquid wastes, and arrangements for their final disposal. It shall also include information on the quality and quantity of gaseous waste discharge through the stacks or other openings and arrangements such as provisions of scrubbers, cyclone separators, electrostatic precipitators of similar such arrangements made for controlling pollution of the environment.

(2) The occupier shall also furnish the information prescribed in the sub-rule (1), and to the State Pollution Control Board.

(6) Confidentiality of Information.- The occupier of a factory carrying on ‘hazardous process’ shall disclose all information needed for protecting safety and health of the workers and the general public in the neighbourhood –

- (a) His workers;
- (b) District Emergency Authority;
- (c) Local Inspector–*cum*-Facilitator; and
- (d) Chief Inspector–*cum*-Facilitator,

as required under sub-rules (1), (2) and (4) of rule 83. If the occupier is of the opinion that the disclosure of details regarding the process and formulations will adversely affect his business interests, he may make a representation to the Chief Inspector-*cum*-Facilitator stating the reasons for withholding such information. The Chief Inspector-*cum*-Facilitator shall give an opportunity to the occupier of being heard and pass an order on the representation.

An occupier aggrieved by an order of Chief Inspector cum facilitator may prefer an appeal before the State Government within a period of 30 days. The State Government shall give an opportunity to the occupier of being heard and pass an order. The order of the Government shall be final.

84. The conditions for accessibility of the record by the workers under clause (a) of section 85.-

(1) The occupier of every factory carrying out a ‘hazardous process’ shall make accessible the health records including the record of worker’s exposure to hazardous process or, as the case may be, the medical records of any worker for his perusal under the following conditions:-

- (a) Once in every six months or immediately after the medical examination, whichever is earlier;
- (b) If the factory Medical Officer is of the opinion that the worker has manifested signs and symptoms of any notifiable disease as specified in the Third Schedule of the Code.
- (c) If the worker leaves the employment;
- (d) If any one of the following authorities so direct:
 - (i) the Chief Inspector cum facilitator;
 - (ii) the Health Authority of the State Government;
 - (iii) the Commissioner of Employees Compensation;
 - (iv) the Director, Employees State Insurance Corporation (Medical Benefits); and
 - (v) the Director General, Factory Advice Service and Labour Institutes.

(2) A copy of the up to date health records including the record of worker's exposure to hazardous process or, as the case may, the medical records shall be supplied to the worker on receipt of an application from him. X-ray plates and other medical diagnostic reports may also be made available for reference to his medical practitioner.

85. The qualification and experience of persons handling hazardous substance and manner of providing necessary facilities for protecting the workers under clause (b) of section 85.-

(1) All persons who are required to supervise the handling of hazardous substances shall possess the following qualifications and experience:

- a. Degree in Chemical Engineering with minimum five years' experience in supervisory capacity;
 - i. or
- b. MSc in Chemistry or Diploma in Chemical with minimum 10 years' experience.

86. The manner of providing for medical examination of a worker under sub- clause (ii) of clause (c) of section 85.-

(1) Workers employed in a 'hazardous process' shall be medically examined by a qualified medical practitioner in **Form-V** herein after referred to as a Factory Medical Officer, in the following manner:-

- (a) Once before employment, to ascertain physical fitness of the person to do the particular job:-
- (b) Once in a period of 12 months, to ascertain the health status of all the workers in respect of occupational health hazards to which they are exposed and in cases where in the

opinion of the Factory Medical Officer it is necessary to do so at a shorter interval in respect of any workers.

- (c) The details of pre-employment and periodical medical examination carried out as aforesaid shall be recorded in the Health Register in the **Form-XXVIII**.

(2) No person shall be employed for the first time without a certificate of fitness in **Form-XXIX** granted by the Factory Medical Officer. If the Factory Medical Officer declares a person unfit for being employed in any process covered under sub-rule (1), such a person shall have the right to appeal to the Inspector who shall refer the matter to the Medical Officer whose opinion shall be final in this regard. If the Inspector is also a Medical Officer, he may dispose of the application himself.

(3) Any findings of the Factory Medical Officer revealing any abnormality or unsuitability of any person employed in the process shall immediately be reported to the Medical Officer / Chief Inspector-*cum*-Facilitator who shall in turn, examine the concerned worker and communicate his findings to the occupier within 30 days. If the Medical Officer is of the opinion that the worker so examined is required to be taken away from the process for health protection, he will direct the occupier accordingly, who shall not employ the said worker in the same process. However, the worker so taken away shall be provided with alternate placement unless he is in the opinion of the Medical Officer, fully incapacitated in which case the worker affected shall be suitably rehabilitated.

(4) A Medical Officer on his own motion or on a reference from an Inspector may conduct medical examination of a worker to ascertain the suitability of his employment in a hazardous process or for ascertaining his health status. The opinion of the Medical Officer in such a case shall be final. The fee required for this medical examination shall be paid by the occupier.

(5) The worker taken away from employment in any process under sub-rule (2) may be employed again in the same process only after obtaining the Fitness Certificate from the Medical Officer and after making entries to that effect in the Health Register.

(6) The worker required to undergo medical examination under these rules and for any medical survey conducted by or on behalf of the State Government shall not refuse to undergo such medical examination.

87. The measures or standards under sub-section (1) of section 86.- The Health and safety standards in the factories shall be in accordance with standards framed by the Central Government under section 18 of the Code. For the purpose of compliance with the requirements under sub-sections (1), (4) and (7) of section 84 and section 85 of the Code, the Chief Inspector-*cum*-Facilitator may, if deem necessary, issue guidelines from time to time to the occupiers of factories carrying on

‘hazardous process’. Such guidelines may be based on National Standards, Codes of Practice, or recommendations of International Bodies such as ILO and WHO.

88. Permissible levels of certain chemical substances in work environment under section 88.-

The permissible threshold limits of chemical and toxic substances shall as may be prescribed by Central Government in the standards framed under section 18 of the Code.

89. Procedure in appeal.- (1) An appeal presented under section 90 shall lie to the Chief Inspector-*cum*-Facilitator, or in cases where the order appealed against is an order passed by that officer, to the State Government or to such authority as the State Government may appoint in this behalf and shall be in the form of a memorandum setting forth concisely the grounds of objection to the order and bearing Court-fees stamp in accordance with Article 11 of Schedule II to the Court-fees Act., 1870, and shall be accompanied by a copy of the order appealed against.

(2) *Appointment of assessors-* On receipt of the memorandum of appeal, the appellate authority shall if it thinks fit or if the appellant has requested that the appeal should be heard with the aid of assessors, call upon the body declared under sub-rule (3) to be representative of the industry concerned, to appoint an assessor within a period of 14 days. If an assessor is nominated by such body, the appellate authority shall appoint a second assessor itself. It shall then fix a date for the hearing of the appeal and shall give due notice of such date to the appellant and to the Inspector whose order is appealed against, and shall call upon the two assessors to appear upon such date to assist in the hearing of the appeal.

(3) The appellant shall state in the memorandum presented under sub-rule (1) whether he is a member of any such bodies as notified by the State Government. The body empowered to appoint the assessor shall-

- (a) if the appellant is a member of one of such bodies, be that body;
- (b) if he is a member of two such bodies, be the body which the appellant desires should appoint such assessor; and
- (c) if the appellant is not a member of any of the aforesaid bodies or if he does not state in the memorandum which of such bodies he desires should appoint the assessor, be the body which the appellate authority considers as the best fitted to represent the industry concerned.

(4) *Remuneration of assessors-* An assessor appointed in accordance with the provisions of sub-rules (2) and (3) shall receive for the hearing of the appeal, a fee to be fixed by the appellate authority, subject to a maximum of fifty rupees *per diem*. He shall also receive the actual travelling expenses. The fees and travelling expenses shall be paid to the assessor by Government; but where assessors

have been appointed at the request of the appellant and the appeal has been decided wholly or partly against him the appellate authority may direct that the fees and travelling expenses of the assessor shall be paid in whole/in part by the appellate authority.

90. Persons defined to hold positions of supervision or management under clause (a) of sub-section (1) of section 91.- (1) The following persons shall be deemed to hold positions of supervision or management:-

- (i) all persons specified in the **Schedule C**; and
- (ii) any other person who, in the opinion of the Inspector-*Cum*-Facilitator, holds a position of supervision or management as given in Schedule C.

(2) All timekeepers employed in a factory within the meaning of sub-section (1) of Section 2 shall be deemed to be employed in a confidential position in the factory.

91. Exemptions under clause (b) of sub-section (1) of section 91.- Adult workers engaged in factories specified in Schedule C shall be exempted from the provisions of the sections specified in the column 4 subject to the conditions, if any, specified in column 5 of the said schedule.

Part-VI

Plantation

92. Housing accommodation for workers under clause (a) of sub-section (1) of section 92.- Every employer shall provide for every worker and his family residing in a plantation, housing accommodation as near as possible to the place of work.

93. Standard and specification of housing accommodation.- All housing accommodation for workers in a plantation shall conform to such standards and specific actions as may be approved by the State Government on the recommendation of the State Advisory Board constituted as per sub-section (1) of section 17 of the Code.

94. Sites for housing accommodation.- (i) The housing accommodation shall be provided on dry well drained land which, consistent with the requirement regarding distance from the plantation, has supplies of wholesome drinking water within a reasonable distance. In malarial tracts, the house shall be provided at a safe distance from the swamps and marshes and above the highest flood level.

(ii) Adequate electric lighting arrangements shall be provided by the employer in the houses provided for the workers and also in and around the area in which housing accommodation is provided.

(iii) The employer shall maintain in good condition the approach roads and parts to the area where houses are located as also the sewers and drains in that area.

(iv) The employer shall not deny the public free access to those parts of the plantation where the workers are housed.

(v) The employer shall cause the vicinity of all houses to be kept clear of refuse and excreta and the latrines and drains to be cleaned out daily and all refuse in or near them to be collected, removed and disposed of hygienically.

(vi) Adequate facilities of toilets with sewage, disposal shall be ensured by the employer

95. Maintenance of houses.- (1) The employer shall, at his own expense, execute such repairs to the houses as may be required from time to time and maintain the houses in fit and safe condition for occupation.

(2) A worker occupying a house may, and Inspector-cum-Facilitator appointed under this Code shall bring to the notice of the employer any defects in the condition of a house which make it dangerous to the health and safety of the worker. Where an Inspector-cum-Facilitator so brings any such defects to notice, it shall be the duty of the employer to rectify the same at the earliest.

(3) The employer shall get all the houses lime-washed/ painted at least once every year and all the doors, windows and other wooden structure varnished or painted once in three years. A record of dates on which lime-washing or painting was carried out shall be maintained in a register.

96. Accommodation to be rent free.- No rent shall be charged by an employer for the housing accommodation provided to workers and their families residing in his plantation.

97. Occupation of Houses.- (1) Houses shall be allotted on the basis of one house for a worker and his family:

Provided that if there are two or more workers in a family, only one house shall be allotted in respect of any such family in the name of any worker in the family:

Provided further that in the case of termination of services of a worker, in whose name a house is allotted under the preceding proviso, the said house or any other standard house shall be re allotted in the name of any other member of his family, who is a worker:

Provided also that it shall be open to the employer to allot houses to workers not having families at the rate of one house for not more than four such workers.

98. Occupation of accommodation after termination of employment.- (1) When a worker dies in the service of the employer, or retires or goes on transfer, or resigns, or goes on leave or when his services are terminated he or his family may retain the house up to the period as detailed below:-

(i) in the case of death, a period not exceeding three months,

(ii) in the case of transfer or termination of service, retirement or resignation, a period not exceeding two months;

(iii) in the case of leave, for the period of leave ; and

(iv) in the case where discharge or dismissal of a worker results in an industrial dispute, for so long as the same is not finally disposed of.

(2) If a worker fails to vacate the house on expiry of the period mentioned above and continues to occupy the same when no member of his family is working, he shall be liable to pay the employer such rent at a rate not exceeding 10% of his wages as may be fixed by the Chief Inspector-cum-Facilitator.

99. Drinking water.- An adequate supply of wholesome drinking water shall be made available in every plantation at worksites or at a place or places to be approved by the Inspector-cum-Facilitator at all times, during working hours. The water provided for drinking shall be supplied from the taps connected with a public water supply system.

Provided that where drinking water is supplied from any well or reservoir, the water in it shall be sterilized periodically and the date on which sterilizing is carried out shall be recorded,

Provided further that this requirement shall not apply to any such well or reservoir if the water therein is filtered and treated before it is supplied for consumption.

100. Toilet facilities.- (1) Toilet facilities shall be provided in every plantation on the scale of one toilet for every fifty hectares of the area under cultivation or part thereof in addition to the toilet provided to the houses of workers:

Provided that there shall be at least one separate toilet for each gender.

(2) The toilet shall be conveniently situated and shall have exclusive access for the respective genders.

101. Urinal Facilities.- Urinal facility shall be provided on the scale of one urinal for every twenty hectares of the area under cultivation or part thereof. The urinals shall be conveniently situated for all genders.

102. Construction and maintenance of drains.- All drains carrying waste of sullage water shall be constructed in masonry or other impermeable materials and shall be regularly flushed and the effluent disposed of by connecting such drains with a suitable drainage line:

Provided that, where there is no such drainage line, the effluent shall be deodorized and rendered innocuous and then disposed of in a suitable manner to the satisfaction of the

103. Crèches under clause (b) of sub-section (1) of section 92.- (1) In every plantation wherein fifty or more workers (including workers employed by any contractor) are employed or were employed on any day of the preceding twelve months, the employer shall provide and maintain a crèche or crèches for the use of their children who are below the age of six years according to the standards laid down in these rules.

(2) Every crèche shall be conveniently accessible to the mothers of the children accommodated therein.

(3) There shall be not less than 1.5 square metres of the floor area for each child to be accommodated in a crèche.

(4) The building in which the crèche is situated shall be of sound construction with a good plinth.

(5) The plan of the crèche building shall be in accordance with the standard plan or plans laid down by the Chief Inspector-cum-Facilitator:

Provided that where no standard plan has been laid down or where it is proposed to deviate from a standard plan, the Chief Inspector-cum-Facilitator's approval shall be obtained.

(6) The crèche shall be furnished with suitable furniture and a cradle for each child below the age of two and provided with playing materials such as sliding chutes, see-saws, dummy horses, toys etc.

(7) A suitable fenced and shady open air playground shall be provided for the older children.

(8) There shall be in or adjoining crèche a suitable wash room for the washing of the children and their clothes and a toilet for the use of the children in the creche.

(9) The employer shall appoint a woman as creche-in-charge to look-after children during the absence of their parents, who shall possess such qualification and training in the care of children and infants as may be approved by the State Government.

Provided that:-

(i) an establishment may avail common creche facility of the Central, State Government, Municipality, NAC, Village Panchayat or private entity or provided by Non-Governmental Organisation or by any other organisation; or

(ii) a group of establishments may agree to pool their resources for establishing a common creche.

104. Educational facilities for worker's children under clause (c) of sub-section (1) of section 92.- (1) Every employer shall, if the number of workers' children between the ages of 6 and 12, in his

plantation exceeds 25, provide and maintain a primary school or schools for imparting primary education to the children:

Provided that an employer may not be required to provide and maintain a primary school if there is one under the direct management of the Government or of any local body for imparting free education to the children upto the primary or higher standard, with enough seats to admit the children between the ages of six and twelve of the workers in his plantation and within a distance of 1.5 kilometres from the place where workers reside in his plantation.

Provided further that a group of employers may jointly provide and maintain a primary school and share its expenses.

(2) Every school to be provided and maintained under sub-rule (1) shall be conveniently situated and within 1.5 kilometres from the workers' quarters.

(3) The school building shall be constructed in accordance with the standard plan or plans which may be laid down by the State Government:

Provided that where there is no standard plan or where it is proposed to deviate from a standard plan, the Government's approval of the plan of the school building shall be obtained from the appropriate authorities.

(4) Where adequate space is available, an open-air playground with suitable accessories shall also be provided for the children attending the school.

(5) The employer or employers, as the case may be, shall provide for every primary school maintained under Rule 116 such educational and other equipment as may be considered necessary by the Government and adhere to the curriculum, duration, standard and syllabus of the course of instruction to be imparted in the primary school as may be prescribed by the School & Mass Education Department of the State Government.

(iv) No fees shall be charged from the worker's children attending the primary school.

105. Medical facilities under sub-section (1) (d) of section 92.- (1) The employer shall provide coverage to every worker employed in his plantation (including his family) under chapter-IV of the Code on Social Security, 2020 or provide sickness allowance for each day of certified sickness for a total period of fourteen days in a year at the rate of wages paid ordinarily.

Provided that where under existing provisions under any law the sickness allowance is higher, workers shall not, by dint of this rule, be deprived of such higher allowance.

(2) Sickness allowance specified in sub-rule (1) shall be paid at the option of the worker either as advance or along with the wages payable to the worker after he resumes his work on recovery from certified sickness.

(3) The certificate of sickness shall be issued by the Health Officer to every worker entitled to obtain sickness allowance.

106. Restriction on employment of women and adolescent worker in handling insecticides, chemicals and toxic substances under sub-section (2) of section 93.- No pregnant women or adolescent worker shall be allowed to handle any hazardous substance.

107. Appointment and qualification of Supervisors under sub-section (3) of section 93.-The use, handling, storage and transportation of insecticides, chemicals and toxic substances shall be supervised by a person who should possess the following qualifications:-

- (i) Graduate in Agriculture or Chemistry or
- (ii) Having a Certificate Course on handling of Chemicals and Toxic substances conducted by an Institution recognized by the State/ Central Government
- (iii) Possess valid certificate from an Institution recognized by the State/ Central Government for giving first aid treatment to workers.

108. Training under sub-section (4) of section 93.- (1) The persons involved in handling insecticides, chemicals and toxic substances shall be given suitable training in observing safety precautions and handling safety equipment provided to them in the institutes notified by the Government from time to time.

(2) All the workers who apply, handle, transport or come into contact with agro-chemicals or other chemical substances must be trained in at least in the following subjects:-

- (i) General occupational health;
- (ii) Formulations, names, and the bin code action of the substances used in the case of pesticides;
- (iii) Correct use of personal protective clothing and equipment;
- (iv) Preventive measures and measures for reducing damage to health and the environment, caused by the chemical substances, equipment, techniques, signage, medical examination etc.;
- (v) Emergency procedures, first aid and medical attention for cases involving poisoning or undue contact with chemical substances;
- (vi) Techniques for handling chemical substances and for the correct application of agro-chemicals;

- (vii) Secure handling and transportation of agro-chemicals for drivers; and
- (viii) Other necessary training suitable for the plantation.

109. Medical examination to the workers under sub-section (5) of section 93.- (1) Without prejudices to clause (c) of section 6 of the Code, every worker who is engaged in the work of handling, dealing, or spraying or mixing insecticides, chemical and toxic substances shall be medically examined initially at the time of employment and thereafter once in a year in a hospital or hospitals notified in this regard.

(2) The medical examination and tests shall be in Form-V.

(3) Any person showing symptoms of poisoning shall be immediately examined and given proper treatment.

(4) Every employer shall maintain health record of every worker such as annual medical examination or any other examination when required, shall be kept in plantation and every such worker shall have access to such record.

110. Washing, bathing, cloak room, protective clothing and equipment facilities under sub-section (7) of section 93.- (1) Every employer shall provide washing bathing and cloak room facilities to the workmen, who are employed in handling insecticides, chemicals and toxic substances.

(2) If washing facilities are required for women, it shall be separate for women and adequate privacy shall be ensured.

(3) Every plantation wherein the workers engaged are handling insecticides, pesticides, chemicals and toxic substances, the employer shall provide for cloak room facilities for each worker to keep his work clothing and the personal clothing separately in a hanging position.

(4) Persons handling insecticides, chemicals and toxic substances during its operation, distribution, mixing, spraying shall be adequately protected with appropriate clothing.

(5) The protective clothing shall be made of materials which prevent or resist the penetration of any form of insecticide, chemical and toxic formulations. The materials shall also be washable so as to remove the toxic elements after each use.

(6) A complete suite of protective clothing shall consist of the following dresses, namely:-

- (i) Pesticide resistant water-proof outer garment with wide brim washable hat;
- (ii) Pesticide resistant Rubber gloves or such other protective gloves extending of way upto the fore arm made of materials impermeable to liquids;
- (iii) Boots such as rubber or polyvinyl chloride;

- (iv) Face shield or splash proof /dust proof goggles;
- (v) Reusable cloth masks.

111. Precautionary notices under sub-section (9) of section 93.- Every employer of a plantations shall display the following precautionary notices in Odia and in the language understood by majority of the workers, in a prominent place near the area where the insecticides chemicals and toxic substances are handled: -

- (i) Use protective clothing's like overalls, gloves, goggles, rubber gum-boots and wide-rimmed hats;
- (ii) Do not wear clothes contaminated with insecticides and pesticides;
- (iii) Clean the protective clothing by washing with soap and water;
- (iv) Do not allow children, sick persons and pregnant women and nursing mothers to handle insecticides and pesticides;
- (v) Do not eat, drink, smoke or chew while handling insecticides and pesticides;
- (vi) Never blow out clogged nozzles with mouth;
- (vii) Do not use leaking sprayers. Avoid contamination of the skin, mouth and eyes;
- (viii) Do not inhale the insecticides unattended in the fields;
- (ix) Never spray insecticides and pesticides against the wind;
- (x) Do not leave insecticides and pesticides unattended in the fields;
- (xi) Do not allow humans and livestock to enter the insecticides and pesticides sprayed fields for a period of time, suggested by the manufacturers;
- (xii) Do not wash insecticides and pesticides containers near a well or running stream;
- (xiii) Keep clean water, soaps and towels ready for use;
- (xiv) Wash hands and exposed skin thoroughly with soap and water before eating, drinking, smoking or, chewing and after work;
- (xv) Keep the insecticides and pesticides locked in store room and out of reach of children and other unauthorized persons;
- (xvi) Do not enter sprayed field. Follow the re-entry periods for all insecticides and pesticides including herbicides, suggested by the manufactures;
- (xvii) Keep insecticides and pesticides in their original, labelled containers;
- (xviii) Do not decant insecticides and pesticides into unlabelled containers except for immediate use;

(xix) Dispose the containers safely after thoroughly emptying and washing. They may be buried in a place away from water source;

(xx) Never reuse the container for any other purposes if it is impossible to remove the traces and pesticides from the containers.

112. Any other matter required to be or may be prescribed under section 135(2)(za).– (1) Every employer shall display in plantations the list of insecticides, chemicals and toxic substances as notified by the Central Government, from time to time and storage and transport in accordance with the Insecticides Act, 1968 (Central Act 46 of 1968) and rules framed thereunder.

(2) Every employer shall be responsible to provide such facilities and abide by such regulations as may be prescribed by the State Government by notification from time to time.

Chapter-X

OFFENCES and PENALTIES

113. Manner of holding enquiry under sub-section (1) of section 111.– The State Government may by notification in the official gazette appoint any Group-A officer not below the rank of District Labour Officer or Assistant Director of Factories & Boilers having jurisdiction for holding enquiry and imposing penalty in such manner as may be prescribed by the Central Government under this section.

114. Form and manner of preferring appeal and the fee to accompany such appeal under sub-section (3) of section 111.– (1) The employer aggrieved by the order of enquiry officer, may appeal against such order before the appellate officer at least one level higher the enquiry officer, appointed by the State Government for such purpose within thirty days from the date of receipt by him of such order, electronically or by registered post or by speed post along with fees at the rate of twenty-five percent of penalty imposed to be deposited in the official account of the appellate authority electronically or otherwise.

(2) Where the memorandum of appeal is in order, the appellate authority shall admit the appeal, acknowledge it and intimate admission of such appeal, and shall register the appeal in electronic form or otherwise to be kept for the purpose called the register of appeals.

(3) When the appeal has been admitted, the appellate authority shall send the notice of the appeal to the enquiry officer, against whose order the appeal has been preferred and the enquiry officer shall thereupon send the records of the case to the appellate authority online electronically or otherwise.

(4) On receipt of the appeal, the appellate authority shall send a notice to the appellant to appear before him on such date and time as may be specified in the notice for the hearing of the appeal electronically or by registered post or speed post.

(5) If on the date fixed for hearing, the appellant does not appear, the appellate authority may dismiss the appeal for default of appearance of the appellants by sending the copy of the order to the applicant electronically or by registered post or speed post.

(6) Where an appeal has been dismissed, the appellant may apply electronically or by registered post or speed post to the appellate authority for the restoration of the appeal within thirty days from the date of receipt of the order and if the appellate authority is satisfied that the appellant was prevented by sufficient cause from appearing, the appellate authority shall restore the appeal subject to costs at the discretion of the authority.

(7) The order of the appellate authority shall be communicated electronically or by registered post or speed post to the appellant and copy thereof shall be sent to the enquiry officer against whose order the appeal has been preferred and shall be disposed of within a period of thirty days from the date of receipt of appeal.

115. Manner of compounding under sub-section (1) of section 114.– (1) The Employer (Occupier / Manager) who is willing for compounding of offence under this Code may apply in **Form-XXXII** to the officer notified by the State Government for the purposes of compounding of offences under sub-section (1) of section 114 (hereinafter, referred to as the Compounding officer).

(2) The compounding officer notified by the state government shall issue electronically or otherwise, a compounding notice for the offences which are compoundable under section sub-section (1) of section 114.

(3) The person so noticed may deposit the entire compounding amount by electronic transfer or otherwise, within fifteen days of the receipt of the notice.

(4) The Compounding Officer shall issue a compounding certificate in **Form- XXXIII** within ten days of receipt of the compounding amount, to such person from whom such amount has been received in satisfaction of the compounding notice.

(5) If a person so noticed fails to deposit the compounding amount within one month, prosecution shall be instituted before the competent Court of law.

(6) No prosecution shall be instituted without giving an opportunity to the employer to comply with such provisions subjected to proviso of sub-section (1) of section 110 and compounding as under section 114.

CHAPTER-XI
SOCIAL SECURITY FUND

116. Social Security Fund.- The fine, penalty and any other amount recovered under this code and rules made there under shall be transferred or deposited to the Odisha Unorganized Workers' Social Security Fund established under section 115 of the Code.

117. Manner of administering and expending Odisha Unorganized Workers Social Security Fund.- The Odisha Unorganized Workers' Social Security Fund shall be administered and expended for welfare of the unorganised workers in the manner as specified under the Code on Social Security, 2020 (36 of 2020) read with the Odisha Social Security Rules, 2026.

CHAPTER-XII
MISCELLANEOUS

118. The form of application, manner of filing the application and the fee to be accompanied therewith including the information relating to the employment of inter-state migrant workers under sub-section (2) of section 119.- (1) If a person desirous of obtaining common licence in respect of factories, industrial premises for beedi and cigar work or for supplying or engaging contract labour; or undertaking or executing the contract works or any combination thereof under sub-section (1) or sub-section (2) of section 47 in more than one districts or for the whole State then he shall apply electronically on the designated portal of the State Government in **Form-XV** to the Labour Commissioner, Odisha who shall be the licensing authority appointed by the State Government for the purpose of licence in respect of industrial premises for beedi and cigar work or for supplying or engaging contract labour; or undertaking or executing the contract works.

For the purpose of licence of factories, the application shall be transferred to the Director of Factories & Boilers, Odisha, who shall issue the licence to the applicant through the designated portal of the State Government.

(2) License issued under this rule shall be valid for five years.

119. Actions, manner of taking actions and inquiry under sub-section (3) of section 119.- Where the Authority referred to in sub section (3) of section 119 is satisfied that the common licence may be issued in respect of factory, industrial premises and for construction establishment engaging contract worker or any combination thereof, a single licence for any one of them under these rules shall be issued in **Form-XVI** electronically within 45 days of the receipt of the said application. In case the Authority rejects the application, he shall assign the reasons for such rejection and communicate to the party within the above mentioned period electronically.

120. The form of appeal, the fee to be accompanied there with and the appellate authority under sub-section (6) of section 119.— (1) Any person aggrieved by an order passed under this section by the licensing authority referred to sub-rule (1) of rule 87, shall prefer an appeal before the Secretary, Labour and ESI Department, Government of Odisha.

(2) Any person aggrieved by an order passed under this section by the licensing authority referred to sub-rule (2) of rule 87, shall prefer an appeal before the Labour Commissioner, Odisha or the Director of Factories & Boilers, as the case may be.

(3) The Application for the appeal shall be accompanied with the rejection order of the licensing authority and fee receipt of Rs. 1000/- to be deposited in the official account of the Appellate Authority.

121. Manner of survey under sub-section (2) of section 121.— (1) The Chief Inspector-Cum-Facilitator, or any other officer or committee so appointed by the State Government to undertake survey in accordance with provisions of sub-section (2) of section 121, may, at any time during the normal working hours of an establishment, or at any other time as it is found by him or the committee to be necessary, after giving notice in writing to the employer or manager of the establishment or any other person who for the time being in charge of the establishment, to undertake survey relating to safety and health in the establishment and outside.

(2) Employer or manager or other person shall afford all facilities for such survey, including facilities for the examination and testing of plant and machinery and collection of samples and other data relevant to the survey.

(3) For the purpose of facilitating surveys every worker and person in near vicinity, if so required by the person conducting the survey, present himself to undergo such medical examination as may be considered necessary by such person and furnish all information in his possession and relevant to the survey.

(4) Any time spent by a worker for undergoing medical examination or furnishing information under sub-rule (3) shall, for the purpose of calculating wages and extra wages for overtime work, be deemed to be time during which such worker worked in the establishment.

122. Any other matter which is required to be, or may be, prescribed under this code.— (a.) Power to waive, etc.— Notwithstanding anything contained in these rules, the State Government may, when it considers that it is required in the public interest, it may, by notification, waive off or defer any of the provisions of these rules to be in force in whole State or such part thereof for such period as may be specified in the notification.

(b.) Adoption of procedure prescribed by Central Government.- Notwithstanding anything contained in these rules, wherein the State Government is the appropriate Government, but the Central Government has been specifically empowered to prescribe any procedure or make rule under the Code, the State Government shall adopt the same procedure as prescribed by the Central Government.

SCHEDULE-A

[See sub-rule (12) of rule 42]

(Qualification and experience of competent person)

	Section or Rules under which competency is recognised	Qualification required	Experience for the purpose	Facilities at his command.
1	2	3	4	5
1.	Certificate of stability for buildings.	Degree in Civil or Structural Engineering or Mechanical	(i) A minimum of 10 years of experience in the design or construction of testing or repairs of structures; (ii) Knowledge of non-destructive testing, various codes of practices that are current and the effect of the vibrations and natural forces on the stability of the building, and (iii) Ability to arrive at a reliable conclusion with regard to the safety of the structure or the building.	Requisite non-destructive test facilities and owning or tie up with an NABL accredited lab for relevant testing
2.	Hoists and lifts	A degree in Electrical and/ or Mechanical Engineering	(i) A minimum experience of 7 years in design or erection or maintenance; or inspection and test procedure of lifts and hoists. (ii) He shall be- (a) Conversant with relevant codes of practices and test procedures that are current; (b) conversant with other statutory	Facilities for load testing, tensile testing, gauges equipments/ gadgets for measurement and any other equipment required for determining the safe working conditions of the Hoists and Lifts.

			requirements covering the safety of Hoists and Lifts; (c) able to identify the defects and arrive at a reliable conclusion with regard to the safety of the Hoists and Lifts	
3	Lifting Machinery, chains, ropes and lifting tackles.	Degree in Mechanical or Electrical. Metallurgical Engineering	(i) A minimum experience of 7 years in design or erection or maintenance, or testing, examination and inspection of lifting machinery, chains, ropes and lifting tackles. (ii) He shall be- (a) conversant with the relevant codes of practices and test procedures that are current; (b) conversant with fracture machines and metallurgy of the material of construction; conversant with heat treatment/ stress relieving techniques as applicable to stress bearing components and parts of lifting machinery and lifting tackles; capable of identifying defects and arriving at a reliable conclusion with regard to the safety of lifting machines, chains, ropes and lifting tackles.	Facilities for load testing tensile testing, heat treatment, equipment gadget for deflection measurement, gauges and such other equipment to determine the safe working conditions of the lifting machinery, tackles.
4	Pressure Plant	Degree in	(1) A minimum	Facilities for

		Chemical or Electrical or Metallurgical or Mechanical Engineering	experience of 10 years in design or erection or maintenance or testing, examination and inspection of pressure plants. (ii) He shall be- (a) conversant with the relevant codes of practices and test procedures relating to pressure vessels; (b) conversant with other statutory requirements concerning the safety of unfired pressure vessels and equipment operating under pressure; (c) conversant with the non-destructive testing techniques as are applicable to pressure vessels; (c) able to identify the defects and arrive at a reliable conclusion with regard to the safety of the pressure plant.	carrying out hydraulic test, non-destructive test, pneumatic test gauges equipment/gadgets for measurement and any other equipment or gauges to determine the safety in the use of pressure vessels.
5	(i) Precautions against dangerous fumes.	Degree in Chemical Engineering	A minimum of 7 years in collection, analysis of environmental samples and calibration of monitoring equipment.	Meters, instruments and devices duly calibrated certified for carrying out the tests and certification of safety in working In confined spaces.
6	Ventilation systems	Degree in Mechanical or Electrical Engineering or equivalent.	(i) A minimum of 7 years in the design fabrication, installation, testing of ventilation system and systems used for extraction and	Facilities for testing the ventilation system instruments and gauges for testing the effectiveness of the extraction systems for dusts, vapours

			<p>collection of dusts fumes and vapours and other ancillary equipment.</p> <p>(ii) He shall be conversant with relevant codes of practice and tests procedures that are current in respect of ventilation and a traction system for furnaces and shall be able to arrive at a reliable conclusion with regard to effectiveness of the system</p>	<p>and fumes and any other equipment needed for determining the efficiency and adequacy of these systems. He shall have the assistance of a suitable qualified technical person who can come to a reasonable conclusion as to the adequacy of the system</p>
	<p>(i) Grinding or glazing of metals and process incidental thereto;</p> <p>(ii) Cleaning or smoothing, roughening, etc. of articles, by a jet of sand, metal shot, or grit, or other abrasive propelled by a blast of compressed air or steam.</p> <p>(iii) Handling and processing of Asbestos.</p> <p>(iv) Manufacturing of Rayon by viscose process.</p> <p>(v) Dust prone buildings or sheds of integrated steel and aluminium manufacturing units</p>			

SCHEDULE-B

(See rule-81)

MATERIAL SAFETY DATA SHEET**1. Chemical Identity:**

Chemical Name Chemical Classification			
Synonyms Trade Name			
Formula C.A.S. No. U. N. No.			
Regulated Identification		Shipping Name	Hazchem No.
		Codes / Label	
Hazardous Waste I.DNo.			
Hazardous C.S.A. No.		Ingredients C.A.S. No.	Hazardous Ingredients
1.3			
2.4			
2. Physical and Chemical Data			
Boiling Range / Point 0C Physical State Appearance			
Melting / Freezing Point 0C Vapour Pressure			
Vapour Density (Air-1)		@35^0C mmHg	Others
Solubility in Water			
30^0C mmHg			
Specific Gravity		pH	
Water-1			
3. Fire and Explosion Hazard Data :			
Flammability Yes/No		UEL%	Flash Point 0C Temperature^ 0C
		Auto-ignition	
TDG Flammability		UEL% Flash Point 0C	Hazardous Products of combustion
Explosion Sensitivity to Impact		Explosion Sensitivity to Static Electricity	

Hazardous Polymerisation			
Combustible Liquid	Explosive Material	Corrosive Material	
Flammable Material	Oxidiser		Others
Pyrophoric material	Organic Peroxide		
4. Reactivity Data :			
Chemical Stability			
Incompatibility with other materials			
Reactivity Hazardous Products of Reaction			
5. Health Hazard Data :			
Routes of Entry Effects of Exposure / Symptoms			
Emergency Treatment			
TLV (ACGIH)	ppm.	Mg/m3	STEL
			ppm.
			Mg/m3
Permissible Exposure limit	ID50	ppm.	Mg/m3
Threshold mg/m3	LD50	Order	ppm
NFPA Hazard Signals	Health Flammability	Stability	Special
6. Preventive Measures :			
Personnel Protective Equipments			
Handling and Storage Precautions			
7. Emergency and First Aid Measure :			
Fire	Fire-Extinguishing Media		
Special Procedures			
Unusual Hazards			
Exposure	First Aid Measures		
Antidotes / Dosages			
Spills	Steps to be taken		
Waste Disposal Method			
8. Additional Information / References :			

9. Manufacture / Suppliers Data :	
Contact Person in Emergency:	
Name of Firm Mailing Address	Local Bodies involved
Telephone / Telex no. Telegraphic	
Address	
Standard Packing	
Tremear Details / Reference	
Others	
10. Disclaimer :	

SCHEDULE-C*(See rule-90)*

1. Managers
 2. Assistant managers
 3. Engineers
 4. Foremen
 5. Weaving masters and spinning masters in textile mills.
 6. Head electricians
- Persons defined to hold confidential positions.- All timekeepers employed in a factory shall be deemed to be employed in a confidential position in the factory.
- 7.....
 - 8.....
- List to be maintained of persons holding confidential position or position of supervision of management.-A list showing the names and designations of all persons to whom the provisions of sub-section (1) of section 91 have been applied shall be maintained in every factory.
 - Exemption of certain adult workers.- Adult workers engaged in factories specified in column 2 of the schedule hereto annexed on the work specified in column 3 of the said schedule shall be exempted from the provisions of the sections specified in the column 4 subject to the conditions, if any, specified in column 5 of the said schedule.

SCHEDULE-D**[See rule 76(11)]**

Total amount of power installed (in K.W.)	Maximum number of persons to be used															
	20	50	100	250	500	750	1000	1500	2000	2500	3000	5000	7500	10000	15000	25000
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)
Not exceeding 10	600	900	1500	2250	3750	5250		9000	12000	15000	18750	30000	37500	45000	52500	60000
Exceeding 10 but not exceeding 50	1200	1500	2250	3000	5250	7500	12000	15000	22500	30000	33000	42000	52500	56250	60000	75000
Exceeding 50 but not exceeding 100	1500	2250	3000	5250	6000	15000	18750	22500	30000	33000	42000	52500	56250	60000	75000	82500
Exceeding 100 but not exceeding 200	2250	3000	5250	6000	7500	18750	22500	30000	33000	42000	52500	56250	60000	75000	82500	90000
Exceeding 200 but not exceeding 400	3000	5250	6000	7500	11250	22500	30000	33000	42000	52500	56250	60000	75000	82500	90000	105000

Exceeding 400 but not exceeding 800	5250	6000	7500	11250	16500	30000	33000	42000	52500	56250	60000	75000	82500	90000	105000	112500
Exceeding 800 but not exceeding 1500	6000	7500	11250	16500	22500	33000	42000	52500	56250	60000	75000	82500	90000	105000	112500	120000
Exceeding 1500 but not exceeding 4000	7500	11250	16500	22500	24000	42000	52500	56250	60000	75000	82500	90000	105000	112000	120000	135000
Exceeding 4000 but not exceeding 6000	11250	16500	22500	24000	42000	52500	56250	60000	75000	82500	90000	105000	112500	120000	135000	150000
Exceeding 6000 but not exceeding 8000	16500	22500	24000	42000	45000	56250	60000	75000	82500	90000	105000	112500	120000	135000	150000	165000
Exceeding 8000 but not exceeding 25000	22500	24000	42000	45000	60000	60000	75000	82500	90000	105000	112500	120000	135000	150000	165000	180000
Exceeding 25000 but not exceeding 50000	24000	42000	45000	60000	75000	75000	82500	90000	105000	150000	120000	135000	150000	165000	180000	195000
Exceeding 50000 but not exceeding 100000	42000	45000	60000	75000	90000	82500	90000	105000	150000	165000	135000	150000	165000	180000	195000	210000

Exceeding 100000 but not exceeding 200000	45000	60000	75000	9000	105000	90000	105000	150000	165000	180000	150000	165000	180000	195000	210000	225000
Exceeding 200000 but not exceeding 300000	60000	75000	9000	105000	120000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000
Exceeding 300000 but not exceeding 400000	75000	9000	105000	120000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000
Exceeding 400000 but not exceeding 500000	9000	105000	120000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000
Exceeding 500000 but not exceeding 600000	105000	120000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000
Exceeding 600000 but not exceeding 700000	120000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000	345000

Exceeding 700000 but not exceeding 800000	135000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000	345000	360000
Exceeding 800000 but not exceeding 900000	150000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000	345000	360000	375000
Exceeding 900000 but not exceeding 1000000	165000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000	345000	360000	375000	390000
Exceeding 1000000 but not exceeding 1500000	180000	195000	210000	225000	240000	255000	270000	285000	300000	315000	330000	345000	360000	375000	390000	405000
Exceeding 1500000 but not exceeding 2000000	225000	240000	255000	270000	285000	300000	315000	330000	345000	360000	375000	390000	405000	420000	435000	450000
Exceeding 2000000 but not exceeding 3000000	255000	270000	285000	300000	315000	330000	345000	360000	375000	390000	405000	420000	435000	450000	465000	480000
Exceeding 3000000 but not exceeding 4000000	300000	315000	330000	345000	360000	375000	390000	405000	420000	435000	450000	465000	480000	495000	510000	525000
Exceeding 4000000 but not exceeding 5000000	345000	360000	375000	390000	405000	420000	435000	450000	465000	480000	495000	510000	525000	540000	555000	570000

* For every additional 1000 workers or fraction thereof exceeding 25000, additional fees of Rs. 10000 shall be charged.

Form I

[See sub-rule (1)(i) of rule 4]

**Application for Registration for existing establishments / new establishment / Amendment to
Certificate of Registration****A. Establishment Details.**

1. Retrieve details of Establishment through LIN:
2. Name of Establishment:
3. Location and Address of the Establishment:
4. PAN:
5. Others details of Establishment:
 - a. Total Number of employees engaged directly in the establishment:
 - b. Total Number of the contract employees engaged:
 - c. Total Number of Inter-State Migrant workers employed:

6 (a) For factories:

Details of the manufacturing process	Full postal address and situation of the factory along with plan approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Total amount of power installed in Kilowatt
1	2	3	4	5

6 (b) For building and other construction work:

Type of Construction work	Probable period of commencement of work	Expected period for completion of work	Details of approval of the local authority
1	2	3	4

6 (c) For Motor Transport Undertaking:

Name of Motor Transport Undertaking	Types of Transport (Freight / Passenger Services)	Maximum number of vehicles attached	Maximum number of workers engaged					
			Permanent			Contract		
			Male	Female	Total	Male	Female	Total
1	2	3	4	5	6	7	8	9

7. Ownership Type/ Sector:

8. Activity as per National Industrial Classification:

9. Details of Selected NIC Code:

10. Identification of the establishment e-sign/ digital sign of employer/ representative:

For Dock work:

Name of dock Work/ Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous Chemicals handled and stored along with quantity
1	2	3	4	5

Details of Employer:-

- i. Name & Address of Employer / Occupier / Owner/Agent/ Chief Executive/ port authorityetc. :
- ii. Designation :
- iii. Father's/ Husband's Name of the Employer :
- iv. Email Address, Telephone& Mobile No. :

Manager/ Agent Details

- v. Full name & Address of Manager/ Agent or person responsible for supervision and control of the Establishment
- vi. Address of Manager/ Agent:

vii. Email Address, Telephone& Mobile No. :

Contractor Details

Name andAddress Contractor	Email address & Mobile of Contractor	Name of Work	Maximum No. of Contract labour engaged	Date of Commencement / Probable date of Completion of work
1	2	3	4	5

Others Details:-

Signature/ E-sign/digital sign of employer

Dated:-

Place:-

Form II

[See sub-rule (1)(iv) of rule 4]

Certificate of Registration of Establishment

Registration No.

Date

A Certificate of registration containing the following particulars is hereby granted under sub section (2) of section 3 of the Occupational Safety, Health and Working Conditions Code, 2020 (...37 of 2020) to (Name of the establishment)

1. Nature of work carried on in the establishment (Please tick mark)

- (a) Factory
- (b) Contract Work
- (c) Building and Other Construction Works
- (d) Dock work
- (e) Motor Transport Undertaking
- (f) any other work (not covered above)

2. Details of the establishment:

- a. Total Number of employees engaged directly in the establishment:
- b. Total Number of the employees engaged through contractor
- c. Total Number of Contractors and their details:

3. Number of inter-state migrant workers engaged:

3 (a) For factories

Details of the manufacturing process	Full postal address and situation of the factory along with plan Approval details	Name and address of the occupier and manager	Maximum number of workers to be employed on any day	Total amount of power installed in Kilowatt
1	2	3	4	5

3 (b) For building and other construction work

Type of Constructionwork	Probable periodof commencement of work	Expected periodfor completion of work	Details of approval ofthe local authority
1	2	3	4

3 (c) For Motor Transport Undertaking:

Name of Motor Transport Undertaking	Types of Transport (Freight / Passenger Services)	Maximum number of vehicles attached	Maximum number of workers engaged						
			Permanent			Contract			
			Male	Female	Total	Male	Female	Total	

3 (d) Dock work

Name of Dock Work / Port	Types of Dock Works	Name of the Cargo handled and stored along with quantity	Name of the chemicals handled and stored along with quantity	Name of the hazardous Chemicals handled and stored along with quantity
1	2	3	4	5

4. Remarks of registering officers

Place:

Date:

Signature E -Sign/DSC of Registering Officer
along with designation

Conditions of Registration

(1) Every certificate of registration issued under rule 4 shall be subject to the following conditions, namely:

- (a) the certificate of registration shall be non-transferable;
- (b) The number of workers employees employed in an establishment directly and contractemployees shall not, on any day, exceed the maximum number specified in the certificate of registration; and
- (c) Save as provided in these rules, the fees paid for the grant of registration certificate shall be non-refundable.

(2) The employer shall intimate the change, if any, in the number of workers employees or the conditions of

work to the registering officer within 30 days.

- (3) The employer shall, within thirty days of the commencement and completion of any work, intimate to the Inspector-cum-Facilitator, having jurisdiction in the area where the proposed establishment or as the case may be work is to be executed, intimating the actual date of the commencement or, as the case may be, completion of establishment such work in Form IV annexed to these rules electronically.
- (4) A copy of the certificate of registration shall be displayed at the conspicuous places at the premises where the work is being carried on.

Form III

[See sub-rule (8) of rule 4]

Register of Establishment

SI. No.	Nature of work	Registration No. and Date	Name and Address, location of the establishment registered	Name, Address and Contact Details of Employer	Total number of Workers and Total Horse power (if any)	Total number of Contract Workers	Remarks
1	2	2	3	4	5	6	7
	(a) Factories, (b) Dock work (c) Building and other Construction work (d) Contract work, (e) Motor Transport Undertaking, Any other Work (not covered above)						

Form IV

[See rules 4(9) and 6]

A-Notice of Commencement / completion of work /cessation of Establishment:

1. Registration No:
2. Name and Address of Establishment:-
3. Name and Designation of employer/ Port authority (who has ultimate control over the affairs of the establishment :-
4. Full address to which communication relating to the establishment to be sent :-
5. Nature of work of the establishment :-
6. In case of the notice is for commencement of work the approximate duration of work:-
7. in case of completion of work/cessation of establishment, the date of completion /cessation:

I/We here by intimate that the work of establishment having registration No. dated
 is likely to commence/ cessation
 is likely to be completed with effect from (Date/on (Date)

In case of cessation of work:

I/we hereby certify that the payment of all dues to the workers employed in the establishment has been made and the premises are kept free from storage of hazardous chemicals and substances.

Signature of the Employer

To

The Inspector-cum-Facilitator

Form V

(See rule-7)

Medical ExaminationPART –A (Sl.No.1-11) : To be filled by the Employee:

1. Name of employee.....
2. Gender
3. Age (with DOB).....
4. Company.....
5. Designation.....
- 5a. UAN:.....
6. In-charge Employer / Executive Contacts.....
7. Complete personal /plant Address
8. Mobile / Phone
9. Email.....
10. Medical illness (Current) and under treatment & medication, If, any.....
11. Nature of Job (furnish more details, if hazardous and work-related viz. Physical, Chemical, Biological, Ergonomic etc)

Date:

Signature of Employee

PART-B:

12. Medical Test Carried out & Reports to be Attached as Annex . Medical Officer's interpretation/ Opinion of the Tests below (To indicate only if abnormal, referring the attached Test reports) :
 - a. Ht. Wt. Chest, Waist Circumference, Body Mass Index:
 - b. Vision (Ophthalmologist tests):
 - i. Visual Acuity both Right & left eyes
 - ii. Colour Vision.....
 - c. Blood Pressure
 - d. Complete Blood Count:
 - e. Blood Sugar (Fasting/PPBS/HbAC1).....
 - f. SpO2.....
 - g. Blood Urea Nitrogen (BUN).....
 - h. SGOT/SGPT.....

- i. Lipid profile.....
- j. ESR.....
- k. Thyroid profile.....
- l. X-ray Chest etc.....
- m. ECG.....
- n. Sickle cell anemia.....
- o. Thalassemia.....
- p. Others if any.....

13. Final Diagnosis/ Opinion / Treatment if any, advise by qualified medical practitioner

14. Does the person has seizure (s) related disorders or difficulties working at Height ? If yes, explain the works to be avoided: Yes/No/ NA (Not applicable)

Date:

Signature of the qualified medical practitioner

SEAL

NOTE: All the above information is highly confidential between the Applicant and the Examining Physician. Sharing of the above with Employer or any other agency/persons is permitted only on obtaining Consent from the Applicant/Employee.

Annual Health Examination Report

A. Demographics:

Question	Answer	Remarks
Name of the Worker:		
Age:		
Permanent Address		
Gender:		
Total Number of family Members		
Total monthly family Income:		

Is the employee under ESI (Employees' State Insurance) Scheme? If yes, provide IP Number	Yes / No	
Is the employee under any other health scheme apart from ESI-Scheme? (If yes, provide the name of the scheme)	Yes / No	

B. Occupational History

Question	Answer	Remarks
Present Designation:		
Work Profile		
Duration of service in the present work profile		
Working Hours per shift:		
Night Shift Per Week		
Night Shift per Month		

C. Brief Review of Medical History: Diagnosed previously or currently under treatment or Currently suffering From

Question	Answer (Yes/No)	Remarks
Anaemia		
Jaundice		
Asthma		
COPD		
History of Any other Lung Disease: (If Yes, Please Specify)		
Vertigo/Dizziness		
Diabetes Mellitus		

Hypertension		
Any Cancer (If Yes, Please Specify the Cancer)		
Chronic Low Back Pain		
Chronic Pain in hand or Elbow		
Hernia		
Hydrocele		
Varicose Vein		
Haemorrhoids		
History of amputation/fracture/dislocation injury during work (If Yes, please specify)		
Dermatitis (If Yes, specify Site)		
Hearing Impairment		
Visual Impairment		
Any Major Illness requiring hospitalization in last 1 year(If Yes, Name of the Disease)		
Occupational Injury in Last 1 year: if yes Specify the Location of injury and frequency		

D. Current Symptoms-Diseases Module:

Question	Answer (Yes/No)	Remarks
Smoking habit		
Chewing Tobacco or Pan Masala or Gutkha:		
Alcohol Addiction		
Dermatosis (Irritant Contact)		
Dermatitis/Eczema/Chloracne/Allergic Contact		

Dermatitis:		
Mucosal Irritation of eyes/Nose/Throat with response to chemical agent or biological agent:		
Symptoms like Respiratory Difficulty/ Chest Tightness		
Dry Cough at beginning of shift:		
Currently suffering from TB:		
Jaundice or Hepatitis		
Currently suffering from Low Back Pain / Pain in hand or Elbow: / Visual Problems / Hearing Problems		
Any current injury (amputation/ fracture/ dislocation)		

E. Physical Examination

Date of Examination:

Question Remarks	Answer (Yes/No)	or as appropriate
General Skin Condition: (If Any Dermatitis, please mention its location)		
Weight (in Kg):		
Height (in Meter)		
Temperature (0 Ferenhit):		
BP:		
Pulse:		
SpO2:		
Respiratory Rate:		
Examination of Breast of female employee		

F. Investigation Report

1. Routine Blood Investigation: Attach the photocopy of the report
2. Blood Grouping & Rh Typing and HB Electrophoresis Once in a lifetime

Parameter	Answer (Normal/Increase/Decrease)	Value
Hb %:		
Total WBC Count and Differential Count:		
Platelet Count		
ESR:		
FBS:		
PPBS:		
HBA1C level		
BUN:		
Creatinine:		
Total Protein		
Albumin		
Globulin		
SGOT		
SGPT		
Bilirubin		
Urine RE		
Urine ME		
Prostate Specific Antigen (PSA)		

G. Standard Chest X Ray (PA) View: attach the photocopy of the report

Date:

Parameter	Answer (Normal/Abnormal)	Value (if any important
Report		

H. Eye Examination: attach the photocopy of the report**I. lead ECG and Echocardiography:** Final Report**J. MEDICAL FITNESS TESTS FOR PERSONS WORKING AT HEIGHT** (as may be applicable):

1. Detailed Medical History and in-Depth General Medical Examination including tests for Vision, Hearing,

Musculoskeletal System, Respiratory System, Cardiovascular System etc.

As applicable to all employees

2. Special Examination

a) Cardiovascular

Uncontrolled hypertension or ischemic heart disease will be a contraindication. In the presence of hypertension and abnormal ECG findings, the employee should be referred to a Cardiologist for fitness.

b) Tests for Labyrinthine functions and for sense of position Eye Examination for Bilateral Nystagmus, Romberg sign.

The presence of bilateral nystagmus and a positive Romberg sign will be an absolute contraindication.

c) Neurological examination Evaluate seizure disorders: CT Scan of Brain and E.E.G if indicated

d) Assessment of Diabetic Control Status:

(in case of employees suffering from Diabetes Mellitus)

e) Assessment of Phobia (Acrophobia) and any other Mental Health Disorder like Anxiety or Depression

f) Evaluation for Vertigo and Dizziness

For use of Industrial Safety Section:

Walking freely over a horizontal bar at 1 ft. height: PASS / FAIL

Wearing a safety belt and tying the rope knot: PASS/ FAIL

Walking over a horizontal structure at 9 ft. height wearing a belt: PASS/ FAIL

General physique (O.K./NOT O.K): PASS/ FAIL

K. Any other information/examination/biological investigation/test as mutually agreed by the Occupier and factory medical officer.

Date:

Signature

Form VI*(See rule-9)***NOTICE OF ACCIDENT OR DANGEROUS OCCURRENCE**

E.S.I.C. Employer's Code number:

E.S.I.C. Insurance Number of the injured person

1. Name of employer :
2. Address of works / premises where the accident or dangerous occurrence took place
3. Nature of industry and LIN of the establishment:
4. Branch or department and
5. Exact place where the accident or dangerous occurrence took place :
6. Name and address of the injured person :
 - (a) Gender :
 - (b) Age (at the last birthday) :
 - (c) Occupation of the injured person :
7. Local E.S.I.C. Office to which the injured person is attached :
8. Date, shift and hour of accident or dangerous occurrence :
9. Hour at which the injured person started work on the day of accident or dangerous occurrence:
 - (a) whether wages in full or part are payable to him for the day of the accident or dangerous occurrence:
 - (b) Cause or nature of accident or dangerous occurrence :
10. If caused by machinery-

Give the name of machine and the part causing the accident or dangerous occurrence :

State whether it was moved by mechanical power at the time of accident or dangerous occurrence :

State exactly what the injured person was doing at the time of accident or dangerous

occurrence:

In your opinion, was the injured person at the time of accident or dangerous occurrence -acting in contravention of provisions of any law applicable to him; or acting in contravention of any orders given by or on behalf of his employer; or acting without instructions from his employer?

In case reply to (d) (i), (ii) or (iii) is in the affirmative, state whether the act was done for the purpose of and in connection with the employer's trade or business. :

In case the accident or dangerous occurrence took place while travelling in the employer's transport, state whether-

the injured person was travelling as a passenger to or from his place of works :

the injured person was travelling with the express or implied permission of his employer:

the transport is being operated by or on behalf of the employer or some other person by whom it is provided in pursuance of arrangements made with the employer; and :

the vehicle is being/not being operated in the ordinary course of public transport service

:

In case the accident or dangerous occurrence took place while meeting emergency, state-

(a) its nature; and

(b) whether the injured person at the time of accident or dangerous occurrence was employed for the purpose of his employer's trade or business in or about the premises at which the accident or dangerous occurrence took place. :

Describe briefly how the accident or

dangerous occurrence took place :

Names and addresses

of witnesses : (1)

(2)

(a) Nature and extent of injury (e.g. fatal, loss of finger, fracture of leg, scald, scratch followed by sepsis, etc.) :

(b) Location of injury (e.g. right leg, left hand, left eye, etc.)

11. If the accident or dangerous Occurrence was not fatal, state whether the injured person was disabled for more than 48 hours :

12. date and hour of return of work :

(a) Physician, dispensary or hospital from whom or which the injured person received or is receiving treatment:

(b) Name of dispensary/panel doctor elected by the injured person :

(c) Has the injured person died ? :

Women (adult)															Children									
Total number of women employed															Total number of children employed									
F			G			H			I			J			K		L		M		N			
1	2	3	1	2	3	1	2	3	1	2	3	1	2	3	1	2	1	2	1	2	1	2		
																								2

Description of Group															Remarks									
Group letter															Nature of work									
A																								
B																								
C																								
D																								
E																								

Form VIII

(See rule 35(1)(i))

EMPLOYEE REGISTER

Name of Establishment:		
Name of the Employer/owner:		
Labour Identification Number (LIN)/Registration Number of Establishment		
To be maintained for all employees of the establishments		
1.	Employee Code	
2.	Name	
3.	Surname	
4.	Gender	

5.	Father's/Spouse's Name	
6.	Date of Birth	
7.	Place of Birth	
8.	Nationality	
9.	Education level	
10.	Date of Joining	
11.	Designation	
12.	Category (unskilled, semi-skilled, skilled or highly skilled)	
13.	Type of employees / worker	
14.	Mobile Number	
15.	Universal Account Number (UAN)	
16.	PAN	
17.	PPF No.	
18.	Nominee	
19.	EPS/NPS	
20.	Details of Family	
21.	Details of Posting	
22.	Scale of Pay	
23.	Promotion	
24.	ESIC Insurance No.	
25.	Aadhaar number	
26.	Bank A/c No.	
27.	Bank	
28.	Branch(IFSC)	
29.	Present address	
30.	Permanent address	
31.	Service Book No.	
32.	Date of Exit	
33.	Reason for Exit	
34.	Mark of Identification	
35.	Photo	
36.	Specimen Signature/Thumb Impression	
37.	Remarks	

Form VIII (A)

[See rule 35(1)(ii)]

ATTENDANCE REGISTER-CUM-MUSTER ROLL

																For the Month of..... , year 20.....																
Name of Establishment:																																
Name of the Employer/owner:																																
Labour Identification Number (LIN)/Registration Number of Establishment																																
1.	Serial Number																															
2.	Employee Code																															
3.	Name																															
4.	Designation																															
5.	Shift or relay																															
6.	Place of work/department/section																															
7.	Date and timings of In and Out																															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15																	
	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31																
8.	Total number of days worked																															
9.	Total number of extra hours worked																															
10.	In case of tour or assignments outside the work place suitable entries may be made																															
11.	Signature of Register keeper																															

Form VIII (B)

[(See rule 35(1)(iii)]

REGISTER FOR WAGES, OVERTIME AND DEDUCTIONS

Name of Establishment:																															
Name of the Employer/owner:																															
Labour Identification Number (LIN)/Registration Number of Establishment																															

Wage Period from dd/mm/yyyy to dd/mm/yyyy (Monthly/Fortnightly/Weekly/Daily/Piece Rated)		
1.	Serial Number	
2.	Employee Code Number	
3.	Name	
4.	Designation	
5.	Rate of Wage	
	a)Basic	
	b)DA	
	c)Other allowance	
	d)Total	
6.	No. of days worked	
7.	Overtime hours worked	
8.	Amount of Wages Earned	
	a)Basic	
	b)DA	
	c)Other allowance	
	d)Payment of overtime	
	e)Total wages earned	
9.	Deductions	
	a)EPF	
	b)ESIC	
	c)Society	
	d)Income Tax	
	e)Insurance	
	f)Others	
	g)Recovery of Fine	
	h)Recovery of Damaged/Losses	
	Total Deductions	
10.	Net Payment	
11.	Receipt by Employees/Bank Transaction ID	
12.	Date of Payment	
13.	Initials of Employer/Representative	
14.	Remarks	

Form VIII (C)

[See rule 35(2)]

Wage slip

Name of the Establishment				
Address:.....			Period:.....	
1.	Name of the Employee:			
2.	Father's/Spouse's Name:			
3.	Designation:			
4.	UAN:			
5.	Bank Account Number:			
6.	Wage period:			
7.	Rate of wages payable	a) Basic	b) D.A.	c) other allowances
8.	Total attendance/unit of work done:			
9.	Overtime wages			
10.	Gross wages payable			
11.	Total deductions	a) PF	b) ESI	c) Others
12.	Net wages paid			

Form IX

[See rule 35(5)]

ANNUAL RETURN

FOR THE YEARENDING

Single Annual Integrated Return to be filed On-line under the Occupational Safety, Health and Working Conditions Code, 2020, the Code on Industrial Relations, 2020, the Code on Social Security, 2020, and the Code on Wages, 2019 and the rules made there under.

Instructions to fill up the Annual Return

- (1) This return is to be filled-up and furnished on or before 1st February every year.
- (2) The return has two parts i.e. Part-I to be filled up by all establishments.
- (3) Part-II to be filled-up by the establishments who are a Mine only in addition to Part-I.
- (4) The terms Establishment and Mines shall have the same meaning as under the Occupational Safety, Health and Working Conditions Code, 2020.
- (5) This return is to be filled-up in case of Contractor or manpower supplier who have engaged more than 50 workers and in case of Mines even if there is one worker employed in the relevant period.

Applicable to All Establishments - Part-I

A. General Information:

Sl. No.			Instructions for filling the column
1.	Labour Identification Number		EPFO, ESIC, MCA, MoLE (LIN)
2.	Period of the Return	From - To-	Period should be calendar year
3.	Name of the Establishment		
4.	Email ID (employer)		
5.	Telephone No. (employer)		
6.	Mobile number (employer)		
7.	Premise name		
8.	Sub-locality		
9.	District		
10.	State		
11.	Pin code		
12.	Geo Co-ordinates		
B(a).	Hours of Work in a day		

year (Section 59 of OSH Code)								
(iv) Number of fixed term employee engaged	M/F/T	M/F/T	M/F/T	M/F/T				

D. Details of contractors engaged in the Establishment:

Sl. No.	Name with LIN of the Contractor	No. of Contract Labour Engaged

E. Details of various Health and Welfare Amenities provided.

Sl. No.	Nature of various welfare amenities provided	Statutory (specify the statute)	Instructions for filling
1.	Whether facility of Canteen provided (as per section 24(v) of OSH Code, 2020)	Tick yes or no in the box and not applicable	Applicable to all establishments wherein hundred or more worker including contract labour ordinarily employed
2.	Crèches (as per section 67 of Code on Social Security Code, 2020 and Section 24 of the OSH Code 2020)	Tick yes or no in the box and not applicable	Applicable to all establishments where fifty or more workers are employed
2a	If 2 above is not given than whether Crèches allowance under Social Security Code, 2020 given.	Tick yes or no in the box and not applicable	Reference .. Code on Social Security, 2020
3.	Ambulance Room (as per section 24(2)(i) of OSH Code, 2020)	Tick yes or no in the box and not applicable	Applicable to building and other construction work wherein more than five hundred workers are ordinarily employed

4.	Safety Committee (as per Section 22(1) of OSH Code, 2020.	Tick yes or no in the box and not applicable	Applicable to establishments and factories employing 500 workers or more, factory carrying on hazardous process and BoCW employing 250 workers or more workers.
5.	Safety Officer(as per Section 22(2) of OSH Code,2020)	No. of safety officers appointed	In case of mine 100 or more workers and in case of BoCW 250 or more workers are ordinarily employed.
6.	Qualified Medical Practitioner (as per Section 12(2) of OSH Code 2020.	No. of Qualified Medical Practitioner appointed.	There is no specification for minimum number of Qualified Medical Practitioner employed in establishment. However, this detail is required to have data on occupational health.

F. The Industrial Relations:			Instructions for filling
1.	Is the Works Committee has been functioning.(Section 3 of IR Code, 2020)	Yes/No and not applicable	Industrial establishment in which 100 or more workers are employed
(a)	Date of its constitution.		
2.	Whether the Safety Redressal Committee constituted (Section 4 of IR Code, 2020)	Yes/No and not applicable	Industrial establishment employing 20 or more workers
3.	Number of registered Unions in the establishments.		
4.	Whether any negotiation union exist (Section 14 of IR Code,2020)	Yes/No	
5.	Whether any negotiating council is constituted (Section 14 of IR Code,	Yes/No	

	2020)			
6.	Number of workers discharged/dismissed, retrenched or whose services were terminated during the year:			
	Dismissed	Retrenched	Discharged /Terminated or Removed	Grand Total
7.	Man-days lost during the year on account of			

Sl. No.	Reasons	Period / Date	No. of man-days lost	
(a)	Strike			
(b)	Lockout			
8.	Details of retrenchment / lay off			
Sl. No.	No. of persons retrenched during the period	Details of payment paid to retrenched employees No. of workers laid off during the period	No. of man-days lost due to lay-off	Applies on industrial establishment employing 300 or more workers

G. Details pertaining to maternity benefit:

No. of female employees	No. of female employees availed maternity leave	No. of female employees paid medical bonus	No. of deduction of wages, if any made from female employees

H. Details of payment of bonus:

Sl. No.	No. of employees covered under the	Total amount of bonus actually paid	Date on which the Bonus paid

	Bonus provision			
I. Details of accidents, dangerous occurrence and notifiable diseases:				
Sl. No.	Total number of accidents by which a person injured is prevented from working for a period of 48 hours or more as per Section 10 of the OSH Code, 2020.	Total number of fatal accidents and names of the deceased as per Section 10 of the OSH Code, 2020.	Total number of Dangerous Occurrences as defined under Section 11 of the OSH Code, 2020	Total number of cases of Notifiable Diseases specified in Third Schedule of the OSH Code, 2020 along with the details of affected persons
J. Mandays and Production Lost due to accidents / dangerous occurrence				
Sl. No.	Accident/Dangerous Occurrence	Man days lost	Production Lost	

PART II

ANNUAL RETURN period ending 31st December

(to be submitted by the principal employer)

1. Name of the principal employer:
2. Name of the establishment:
3. Registration number (LIN) of the establishment:
4. Details of the Contractors, wages paid, etc.:

Sl. No.	Month	Name and address of the contractors	LIN of the contractor	Name of the work	Maximum number of contract worker employed	Amount paid against wage bill (if applicable) to the contractor	Date of payment of wage bill (if applicable)	Amount of the wages paid directly to the contract labour by	Date of payment of wages paid directly to the contract labour	Remarks
							-			

						(including EPF, ESIC, Bonus etc.)		Principal Employer (in case the contract or fails to pay)	by Principal Employer (in case the contract or fails to pay)	

Date:

Signature of the principal employer

Form IXA

[See rules 35(5)(b) and 59(6)]

(Half Yearly Return (January to June / July to December) to be submitted by Contractor)

1. Name and address of the contractor:
2. Name and address of the principal employer and LIN:
3. LIN of the contractor:
4. License number of the contractor (if applicable):
5. Name of the contract work with location/station:
6. Details of the number of Contract Workers, Wages Paid etc.:

Sl. No.	Months	Number of Contract Labour employed	Total amount of wages paid in a month	Over time	Bonus	Date and amount of Wage bill received by contractor from Principal Employer	ECR number of ESIC	ECR number of EPF	Wages paid by 7th of the month or due date as applicable Yes/No	Remark
	January									
	February									
	March									
	April									
	May									
	June									

Signature of the contractor:

Date:

Form X*(See rule-38)***REGISTER OF ACCIDENTS AND DANGEROUS OCCURRENCES**

Name of Injured/ deceased person (if any)	Date of Accident or dangerous occurrence	Date of report to Inspector- cum- Facilitator	Nature of accident or dangerous occurrence	Date of return of injured Person to work	Number of days the injured Person was absent from work
1	2	3	4	5	6

Form XI

[See rule-39(1)]

REGISTER FOR LEAVE WITH WAGES

Part I - Adults

Part II – Adolescents

Establishment:

Name of worker :

Department :

Father's Name:

Sl. No.	Sl. No. in the register of workers	Date of entry into service	Interruptions					Leave due with effect from	Whether leave not desired during the next 12 months	Date from which the worker is allowed leave	Wages for Leave Paid in	Discharged worker		Remarks
			Sickness and accidents	Authorized Leave	Lock Out or Legal Strike	In voluntarily un employment	Others					Date of Discharge	Date and amount of payment made in lieu of leave due	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15

Note: - Separate page shall be allotted to each worker

FORM –XII
[See sub-rule (1) of rule-42]
IMPROVEMENT NOTICE AND PROHIBITION ORDER
PART I

PROHIBITION ORDER

Inspector-cum-facilitators Notice on Inspection of Establishment/Factories/Port

Inspector-cum-Facilitator's notice to the Occupier/ Manager/Employer/ Owner/Master/Officer-in-charge/ Owner of lifting appliances/ loose gears / lifting devices / scaffold who, by himself, his agents, or his employers as the case may be.

Name of the establishment/ Factory/ Port/ lifting appliance, lifting device/ transport equipment/ ladders / staging	Where situated lying/used/location	Registration no. of the Establishment/Factory	LIN No. of the Establishment
1	2	3	4

An inspection of the above named Establishment/Factory/Port/ lifting appliances/ loose gears/ lifting devices,/transport equipment/ ladders/ staging was made on_____.

The activities connected with Establishment /Factory/Port, which are being carried on by you/about to be carried on by you/under your control involve a risk or danger to the Life, Safety and Health of employee and involve the following contraventions :

CONTRAVENTIONS

- 1.
- 2.

Contd.

Therefore, I hereby direct that the said activities shall not be carried on by you or under your control unless the said contraventions and matters mentioned have been rectified to the satisfaction of the Inspector-cum-Facilitator. This order is being issued without prejudice or any legal action, which may be taken for these contraventions. On hearing from you that the requirements have been complied with, the Establishment/Factory/ Port/ lifting appliance/ loose gear or similar gear/transport equipment/ladders/staging shall again be visited to verify the extent of compliance.

No. _____

Dated _____ this _____ day of 20_____

Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020.

REQUIREMENTS

On compliance with all or any of the above contraventions, the Inspector-cum-Facilitator shall be informed in

the manner prescribed overleaf, of the date and place at which the establishment/factory/port/ lifting appliance/ loose gears or similar gear transport equipment/ ladders and staging can be re-inspected.

Sir,

The contravention notified by you have been effectively attended to. The Establishment/Factory/Port /Lifting appliance/ Loose gears or similar gear/ transport equipment/ ladders / staging shall be ready for inspection on the date and place named below:

Date of Inspection	Place
Dated at _____ this day of _____ 20____	Signature Employer, Occupier, Owner, Manager, Master Officer in-charge or Agents, owner of machinery and gear or the person, who by himself, his agents or his employers, carried on the establishment.

To

The Inspector-cum-Facilitator under the Occupational Safety, Health and Working Conditions Code, 2020.

PART-II

Improvement Notice

Inspector-cum-Facilitator's notice to the Employer/Occupier/ Owner/ Master/ Manager/ Officer-in-charge or Agents/ Owner of lifting appliances/ loose gears/ lifting devices/ or the person, who, by himself, his agents or his employers, carries on specified work in the Establishment/Factory/Dock, as the case may be.....

Name of the establishment/factory/dock/ lifting appliances/ loose gear/ lifting device/ transport equipment/ ladders and staging	Where situated/lying used/location	Port of Registry	Official no.//9if any) of the ship

An inspection of the above-named Establishment/Factory/ Dock/ Ship/ Lifting appliances/Loose gears/ Lifting devices/ Transport equipment/ Ladders / stagings was made on

The following contraventions were observed. You are required to rectify the said contraventions and send the compliance report in writing within Days.

This notice is being issued without prejudice to any legal action which may be taken for these contraventions on hearing from you that the requirements have been complied with, the Establishment/Factory/ Dock/ Ship/ Lifting appliances/Loose gears/ Lifting devices/ Transport equipment/ Ladders / stagings will again be visited with a view to verify the extent of compliance.

Contraventions

- 1.
- 2.
3. Contd.

No.

_____ Dated _____ this _____ day of _____ Requirements. on compliance with all or any of the requirements, the Inspector-cum-Facilitator should be informed in the manner prescribed overleaf of the date and place at which named Establishment/Factory/ Dock/ Ship/ Lifting appliances/Loose gears/ Lifting devices/ Transport equipment/ Ladders / stagings can be re-inspected.

The requirements noted by you have been effectively complied with. The Establishment/Factory/ Dock/ Ship/ Lifting appliances/Loose gears/ Lifting devices/ Transport equipment/ Ladders / stagings will be ready for inspection on the date and place named below:

Date of Inspection	Place
Dated at _____ this day of _____ _____ 20_____	Signature Employer/ Occupier/ Owner/ Master/ Manage/ Officer in-charge or Agents, owner of machinery and gear or the person, who by himself, his agents or his employers, carried on specific work in the Establishment/Factory/Port.

Form XIII

[See sub-rule (12)(c) of rule 42]

(Form of Application for grant of certificate of competency to a person)

1. Name
2. Father's name
3. Date of birth
4. Permanent Address
5. Name of the Organisation(if not self-employed)
6. Designation
7. Educational qualification (copies of testimonials to be attached)
8. Details of professional experience (in chronological order)

Name of the Organisation	Period of service	Designation	Area of responsibility
(1)	(2)	(3)	(4)

9. Membership, if any of professional bodies
10. (i) Details of facilities s (examination, testing etc. at his disposal)
(ii) Arrangements for calibrating and maintaining the accuracy of the facilities.
11. Purpose for which competency Certificate is sought (Section or Sections of the Act should be stated).
12. Whether the applicant has been declared as a competent person under any statute (If so, the details)
13. Any other relevant information ..
14. Declaration by the applicant ..

Ihereby declare that the Information furnished above is true, I undertake-

- (a) that in the event of any change in the facilities at my disposal (either addition or deletion) or my leaving the aforesaid organisation, I will promptly inform the Chief Inspector.
- (b) to maintain the facilities in good working order, calibrate periodically as per manufacturers instructions or as per National Standards; and
- (c) to fulfil and abide by all the conditions stipulated in the Certificate of competency and instructions issued by the Chief Inspector from time to time.

Place & date

Signature of the applicant

Declaration by the Institution (if employed)

I,.....certify that Shri. ... whose details are furnished above, is in our employment and nominate

him on behalf of the organisation for the purposes of being declared as a competent person under the Act,
I also undertake that I will-

- (a) notify the Chief Inspector in case the competent person leaves our employment;
- (b) provide and maintain in good order all facilities at his disposal as mentioned above;
- (c) notify the Chief Inspector any change in the facilities (either addition or deletion);

Signature.....

Designation.....

Tel. No.....

Date.....

Official Seal

Form XIV*{See rule-42(12)(e)}*

CP (O) No.

Date.....

Certificate of Recognition as Competent Person

[Issued in pursuance of Section 2(ca) of the Occupational Safety, Health & Working Conditions Code, 2020 and the rules made thereunder]

The Chief Inspector-cum-Facilitator and Boilers, Orissa in exercise of the power's conferred under Section 2(ca) of the Factories Act and Rules made thereunder, hereby recognise

*.....represented by **..... to be a competent person for the purpose of carrying out test, examination inspection and certifications for ***..... used in factories subject to the conditions overleaf.

The jurisdiction extends all over Orissa/is restricted to M/s.....

This certificate is valid from

Official Seal

Chief Inspector-cum-Facilitator , Odisha

Revalidation Details

From	To	Signature of authority
(1)	(2)	(3)

* Name of Institution

** Name of the Competent Person

*** (a) Building

(b) Hoists

(c) Lifts

(d) Chains

(e) Lifting Machines

(f) Ropes

(g) Lifting Tackles

(h) Pressure Plant

- (i) Ventilation System
- (j) Confined space ;
- (k) Plants and equipments of dangerous processes as applicable.

This certificate is issued subject to the conditions stipulated hereunder

- (i) tests examinations and inspections shall be carried out in accordance with the provisions of the Act and the Rules made thereunder and that prescribed in National Standard.
- (ii) tests, examinations and inspections shall be carried out under direct supervision of the Competent person or by a person so authorised by an institution recognised to be a Competent Person;
- (iii) the Certificate of Competency issued in favour of a person shall stand cancelled if the person leaves the organisation mentioned in this application;
- (iv) the institution recognised as a Competent Person shall keep the Chief inspector informed of the names, designation and qualifications of the person authorised by it to carry out tests, examination and inspections;
- (v) the Competent Person should be physically present at the time of testing and examination;
- (vi) records of daily work done should be maintained in a log book incorporating therein the details regarding the date, the work done, observations made, directives given etc;
- (vii) copies of examination on certificates in all cases where defects are noticed and repairs are ordered or any conditions imposed on its use are to be marked to the Inspector of Factories concerned;
- (viii) application for renewal of certificate along with a brief account of work done during the period of validity of the certificate may be made at least one month before the certificate expires together with fees prescribed for the purposes;
- (ix) this recognition is subject to constant review and liable to be cancelled if deficiencies come to notice.

Form XV

(See rules 50 and 118)

APPLICATION FOR LICENCE

On Line Application for License/ Renewal of License/Amendment of License (including Common/single license)	
Government of Odisha, Labour & ESI Department	
ESTABLISHMENT PROFILE:	
Labour Identification Number	Date
Acknowledgement Number: Date of Application:	
I. Particulars of Establishment for which licence required:	
1. Name of Establishment:	
2. Address of establishment	
(a) Head Office address along with email Id :	
(b) Corporate office address along with email Id:	
3. Telephone Number :	
4. Activity as per National Industrial Classification : (Select all applicable activities given)	
5. Details of selected NIC Code:	
6. Nature of work carried on in main establishment :	
7. Identifier of the Establishment : (Select) : e-sign/digital sign	
II. Details of Employer:	
1. Full Name of Employer: relationship with establishment.	
2. Full Address of Employer:	
3. Email Id of employer:	
4. Mobile No. of employer:	
III. Particulars of the Contract Labour to be employed / is employed (If licence is required work wise)	

Locations of worksites	Name of works	Activity as per national industrial classification	Date of commencement	Date of completion	Name of Establishments in which contract labour is/proposed to be employed	Name Address, email id of the Site In charge
1	2		3	4	5	6

5. Maximum number of workmen proposed to be employed on the Establishment on any date: 24

6. Amount of Licence Fee: INR (Transaction Id :)

7. Amount of Security Deposit: INR (Transaction Id :)

IV. DETAILS OF ESTABLISHMENTS FOR WHICH COMMON LICENCE REQUIRED , (IF APPLYING FOR)

Type of Establishments	Name & Address of establishment	(i) Nature of work carried out in the establishment (ii) Activity as per National Ind'l classification	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/proposed to be employed	Maximum number of employees employed/proposed to be employed
1	2	3	4	5	6	7

V. DETAILS OF ESTABLISHMENTS FOR WHICH SINGLE LICENCE IS REQUIRED (IF APPLYING FOR)

Name of States in which the establishment are situated	Name of each work	Maximum number of labour will be/is employed	Date of commencement	Permanent establishment or probable date of completion	Maximum number of employees employed/proposed to be employed	Registration number, if obtained, then details thereof
1	2	3	4	5	6	7

Signature of Contractor

(eSign/DSC)

Note: This is an online application summary applied on Shram Suvidha Portal or designated Portal.

APPLICATION FOR RENEWAL OF LICENCE

1. Licence No. Date :

2. LIN & PAN

3. Name and address of the establishment:

4. Date of expiry of previous licence :	
5. Whether the licence of the employer/contractor was suspended or revoked:	
6. Details of Fees paid : (Enclose e-payment receipt): Amount date of payment :	
E-sign /digital sign of the employer/contractor	date:
APPLICATION FOR AMENDMENT OF LICENCE :	
1. Licence No	Date:
2. LIN & PAN	
3. Name and address of the establishment:	
4.Details for which amendment is sought :	
(a). Maximum number of worker presently employed : (If there is increase in the maximum number of workers to be employed, then additional fees/security deposit as per law needs to be deposited:	
(b). Details of fees paid through e payment date on which made :	
(c). Other details requiring amendment in the licence issued (Necessary documents may be uploaded in support of change required)	
E-sign /digital sign of the employer/contractor	date of application.

Date

Place

Form XVI*(See rules 51 and 119)***PROFORMA OF LICENSE**

Licence No. -----

Reg. No. -----

Date of Reg. -----

Licence is hereby granted to.....

for the premises known as.....

situated at

nature of work

for use as a establishment within the limits stated herein after, subject to provisions of the Occupational Safety, Health and Working Conditions Code, 2020, and the rules made there under.

The ----- 20..

Issuing Authority

Sl. No.	Period of issue	Valid For	Fee	Date of Payment	Excess fee for late payment	Date of payment	Signature of the Issuing Authority
		Maximum number of Contract labour /workers on any one day					

AMENDMENTS:

Year when Amended	Maximum number of Contract labour /workers on any one day	Date of payment of amendment fee	Date of Payment	Signature of the Issuing Authority

E-sign /digital sign of the designated authority

Form XVII

(See rule-61)

EXPERIENCE CERTIFICATE OF CONTRACT EMPLOYEE

<u>To whom so ever concerned</u>
1. Name of contractor/employer*:
2. LIN/PAN No. of the contractor/employer *:
3. Email Id of the contractor /employer *:
4. Mobile No. of the contractor/employer *:
5. Nature and location of work:
6. Name of Principal Employer*:
7. LIN/PAN No. of the Principal Employer :*
8. Email Id of the Principal Employer : *
9. Mobile No. of the Principal Employer :*
10. Name of the worker*:
11. UAN / Aadhaar No.:
12. Mobile No. :
13. Serial Number in the Employee Register :
14. Registration number, date and name of the Board if the building and other construction worker is registered as a beneficiary:
15. Period of Employment:
16. Designation:
Seal and Signature of Contractor
*Please strike off whichever is not applicable.

Form XVIII*(See rule-67)***Agreement between Producer and Audio-visual worker**

This agreement is made on this day.....month.....year..... between Messers..... having office at(hereinafter referred to as the “Producer”) on the first part and Shri/Smt/Kumson/daughter/wife of Shri residing at (herein after referred to as the “audio-visual worker”) on the second part. The terms ‘Producer’ and ‘audio-visual worker’ shall include their heirs, successors, administrators and legal representatives:

Now, therefore this agreement is made as follows:

1. That both the parties agree that the duration of this agreement shall be from the date hereof till the completion of the audio-visual and this period shall not exceed consecutive months.
2. That the audio-visual worker agrees to attend studio, location or work place, as the case maybe, subject to the requirement of his previous engagement and on his confirmation, to his respective job punctually as and when he shall be required by a written intimation by the Producer or the person duly authorised by him in writing.
3. That inconsideration of the audio-visual worker services, as aforesaid, the Producer agrees to pay and the audio-visual worker agrees to receive a sum of Rs..... (Rupees.....) payable as advance on signing of this agreement and the balance of Rs.....payable in equal installments.
4. That in the event of the audio-visual production being not complete within the stipulated period and the Producer still needing the services of the audio-visual worker to complete the audio-visual production, the producer agrees to pay and the audio-visual worker agrees to receive additional remuneration on pro-rata basis, payable in the same manner as stated in Clause 3 above, till the completion of the production.
5. That in case the assignment of the audio-visual worker is completed earlier than the period stipulated in Clauses 1 and 4 above, the producer shall settle the account of the audio-visual worker and pay the remaining balance of the agreement amount in full before the commencement of re-recording work/censor of the production, whichever is earlier.
6. That the audio-visual worker shall, if so required,
 - (a) attend the studios, location or work-place, as the case may be, earlier than the a scheduled time of the shift, for preparatory work, and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs. per hour or part thereof for such early attendance.
 - (b) continue to work beyond the working day, with one hour break and in that case, he/she shall be paid by the Producer extra wages at the rate of Rs..... for the work during the extended hours and refreshments, and transport facilities.

7. That the Producer shall provide transport and food or pay traveling allowances to and fro to report to duty and food allowance while on duty as are customary or fixed by bilateral arrangements between the Producer's and audio-visual worker's representative organizations.
8. That the Producer shall also pay for all travelling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.
9. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.
10. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control :-
- (a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ; or
 - (b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.
11. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement, the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be titled to employ another audio-visual worker in his/her place.
12. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are proved before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given

a decision in favour of such termination and the audio-visual worker has been paid all his dues.

13. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual worker whether or not to allow his/her name to go on the credit titles of the film.

14. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.

15. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.

16. That the Producer shall also pay for all traveling and accommodation expenses, fares, cost of food and such other allowances as are customary when the audio-visual worker is required to work on location outdoors.

17. That the Producer shall get the audio-visual worker insured for any injury or damage to his/her person including death caused by accident arising out of or in the course of his/her employment and/or during the period of his/her assignment under this agreement.

18. That where the Producer is prevented from proceeding with the production of the audio-visual by reason of fire, riot, natural calamity, order of the public authority or any other reason beyond his control :-

(a) he shall be entitled to suspend the operation of this agreement during the period of suspension of production in case the production is suspended. The producer shall serve notice in writing of such suspension on the audio-visual worker and shall pay all his/her dues up to the date of service of such notice. Upon resumption of work on the film, this agreement shall revive and shall remain valid for the period stipulated in Clause I excluding the period of suspension there from ; or

(b) he shall be entitled to terminate this agreement as from the cessation of production, in case the production ceases completely. The producer shall serve a notice in writing of such cessation on the audio-visual worker and make payment of all the amount due to the audio-visual worker at the time of termination.

19. That in case if the Producer desires to terminate this agreement before the expiry of its term for reasons other than misconduct in relation to performance of the audio-visual worker's duties or of his/her unwillingness to perform the services required under this agreement the producer shall be entitled to do so only upon payment of the balance of the stipulated amount of the agreement. Only after such payment to the audio-visual worker, the Producer shall be entitled to employ another audio-visual worker in his/her place.

20. That the Producer shall have the right to terminate this agreement on ground of misconduct on the part of the audio-visual worker in relation to performance of his/her duties or his/her unwillingness to perform the service required under the agreement, upon payment to the audio-visual worker of the amount due at the time of termination, calculated taking into consideration the audio-visual worker's total work in the audio-visual and the work he/she has completed till the date of termination of this agreement. Termination under this clause shall not be made unless the charges of the Producer against the audio-visual worker are provide before a forum comprising equal number of representatives of the Producers' Organisation and the audio-visual worker's Organisation to which the Producer and the audio-visual worker respectively may belong. The decision of the forum shall be binding on both the parties. The producer can engage another audio-visual worker for the job towards this agreement only after the forum has given a decision in favor of such termination and the audio-visual worker has been paid all his dues.

21. That in case of premature termination of this agreement, it shall be the option of the Producer whether or not to retain the work of the audio-visual worker in the audio-visual and at the same time, it shall be option of the audio-visual workers whether or not to allow his/her name to go on the credit titles of the film.

22. That the Producer shall have the right to decide the manner of representing the audio-visual worker's personality on the screen, his/her clothes, make-up and hair-style and the audio-visual worker shall fully and willingly comply with the direction of the Producer in this regard, provided that the requirements of the Producer in this respect have been notified to the audio-visual worker and accepted by him/her.

23. That the audio-visual worker agrees that he/she shall render his/her services to the best of his/her ability in such manner as the Producer or, at his instance, the Director of the audio-visual may direct and shall comply with all reasonable instructions that he may give for the production of the film.

24. That the audio-visual worker shall comply with all the regulations of the studio, location or work place as the case may be.

25. That the Producer shall not without the consent in writing of the audio-visual worker, assign or transfer the benefit of this agreement to any other person.

26. That the provisions of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 shall be applicable to this agreement.

27. That the Producer shall not utilise the work of the audio-visual worker in any film, other than the audio-visual under this agreement, without prior permission of the audio-visual worker.

The parties have put their hands to this agreement on the date, month and year said above in the presence of each other and in the presence of the witnesses.

1. Witness	Producer	Name Address
2. Witness	audio-visual worker	Name Address

Form-XIX

[See sub-rule (1) of rule 69]

Application for grant or renewal of licence for the financial year

1. Full name of the industrial premises
2. (i) Full postal address and situation of the industrial premises...
(ii) Full address to which communication relating to the industrial premises should besent.....
(iii) Full address of the applicant.....
3. Maximum number of employees proposed to be employed on any one day during the financial year.....
4. Full name and residential address of the person who shall be the employer for the purposes of the Act.....
5. If the employer is a partnership company, etc., full name and residential address of otherpartners or directors, etc.....
(See Note 1 at the end)
6. Financial resources of the employer (e.g., particulars and value of movable and immovable properties, bank reference, income tax assessment, (etc.).....
7. Whether the employer is a trade mark holder registered under the Trade and Merchandise Marks Act, 1958.....
8. Value of beedies or cigars or both manufactured at the industrial premises during the preceding financial year.....
9. Previous experience of the applicant in the industry.....
10. Whether the proposed site of the industrial premises amounts to the alteration of the site of any existing industrial premises and, if so, the reasons for such alteration.....
11. Whether any industrial premises was closed by the applicant during the period of twelve months immediately preceding the date of the application and, if so, the reasons therefor.....
12. Source of obtaining tobacco.....
13. Whether the beedies or cigars or both manufactured by the applicant will be sold and marketed by himself or through a proprietor or a registered user of a trade mark registered under the Trade and Merchandise Marks Act, 1958, or any other person.....
14. Whether the plans of the premises are enclosed.....
15. Amount of fees Rs.....(Rs.....) paid in Treasury on vide Challan No. enclosed.

I hereby declare that the particulars furnished by me in the form are to the best my knowledge and belief accurate.

Date :

Signature of applicant

Note 1 -Where the industrial premises are run or proposed to be run by a contractor for or on behalf of another person or persons or company, etc., the said other person or persons or company, etc., is under the Act the employer and particulars to be entered for "employer" in the Form should be in regard to such person, persons or company, etc.. The applicant for licence may, however, be either the contractor or the employer.

Note 2 - (1) This Form shall be completed in ink in block letters or typed.

(2) If any Person named against item 5 is a minor, the fact shall be stated clearly.

FORM-XX
 [See rule 69(3)]

Licence

Fee Rs.....

Licence No.....

Registration No.....

Licence is hereby granted to.....

Valid only for the premises described below for use as an industrial premises employing not more than employees on any one day during the year.....subject to the conditions specified in annexure.

The licence shall remain in force till the 31st day of March.....name of the industrial premises.....Situation of the industrial premises.

Permission is also granted for the installation of power-driven machinery.

Date :

Signature and seal of the competent authority

Renewal

Date of renewal	Fees paid for renewal	Date of expiry
(1)	(2)	(3)
1.		
2.		
3.		
4.		

Date :

Signature and seal of the competent authority

Annexure

This licence is subject to the following conditions:

1. The manufacturing process shall be carried on only in that part of the industrial premises specified for the purpose in the licence.
2. The maximum number of employees employed in the industrial premises shall not on any day exceed the number specified in the licence.
3. Power-driven machinery not specified in the licence shall not be used in the manufacturing process in the premises.
4. Except with the prior permission in writing of the competent authority, the industrial premises shall not be extended and except with the like permission, no structural alterations shall be made in any building on such premises.
5. The licence shall not be transferable.

FORM NO. XXI

(See rule - 74)

APPLICATION FOR THE WORK REQUIRED TO BE CARRIED OUT OUTSIDE THE INDUSTRIAL PREMISES

1. Type of Establishment:
2. Name & Address of establishment:
3. Nature of work:
4. Place or Places where the work required to be carried out outside the industrial premises:
5. Date of commencement of Work:
6. Maximum number of employees employed:
7. Remarks:

Form XXII

(See rule-75)

Record of outside work

Number and date of Government's order permitting work outside the Industrial premises.....

Date	Place of places where outside work was permitted	Nature of work	Name of employee	Remarks
1	2	3	4	5

Form XXIII

{ See rule-76(I) }

Application for permission to construct/extend or take into use any building / premises as a factory

1. Applicant's Name :
Age :
Father's Name :
Permanent address- :
Village/Plot No./Street/Lane :
P.O. :
P.S. :
Town/City/District :
State :
PIN :
Calling :
2. Full name and postal address of the factory :
3. Address for correspondence :
4. Location of the Factory - :
State :
District :
Sub-division :
P.S. :
Near of village or town, nearest Rly. :
Station :
5. Particulars of plants to be installed :
(Separate sheet where necessary be annexed)
6. (a) Number of persons proposed to :
be engaged :
Men :
Women :
(In case of extension, increase of number of persons due to extension and :
No. of persons engaged in existing portion be mentioned :
separately)
(b) Amount of power proposed to be installed :
(The list of machines with K.W. rating of their prime movers be annexed. In :
case of extension, such list for existing portions and for extension be :
mentioned separately).
7. Proposed date of commencement of

construction

8. Particulars of no objection Certificate/Consent letter of Orissa State Pollution Control Board,
Bhubaneswar/Local Authority.
(Attested copy to be enclosed)
9. Amount of fee paid..... Chalan No..... Date.....
Treasury/Bank name.....

Date.....

Place.....

(Signature of applicant)

With Seal

Note - This application shall be accompanied by the following documents

- (a) A flow chart of the manufacturing process supplemented by a brief description of the process in its various stages.
- (b) Plans, in duplicate, drawn to scale, showing
 - (i) the site of the factory and immediate surroundings including adjacent building and other structures, roads, drains, etc; and
 - (ii) the Plan elevation and necessary cross Sections of the various buildings, indicating all relevant details relating to natural lighting, ventilation and means of escape in case of fire. The plans shall also clearly indicate the position of the plant and machinery, aisles and passage way; and
- (b) Such other particulars as the Chief Inspector may require.)

Form-XXV-A

[See rule-76(10) & 76(13)(2)]

Application for registration and grant for renewal/amendment of licence for the year and notice of occupation specified in Sections 6 and 7*(To be submitted in duplicate)*

1. Full name of the factory with factory licence number if already registered from before.....
2. (a) Full postal address and situation of the factory.....
(b) Full address to which communications relating to the factory should be sent
3. Nature of manufacturing process/processes-
(a) carried on in the factory during the last twelve months (in the case of factories already in existence).....
(b) to be carried on in the factory during the next twelve months (in the case of all factories).....
4. Names and values of principal products manufactured during the last twelve months.....
5. (i) Maximum number of workers proposed to be employed on any one day during theyear.....
(ii) Minimum number of workers employed on any one day during the last twelve months.....
(iii) Number of workers to be ordinarily employed in the factory.....
6. (i) Nature and total amount of power (H. P.) installed or proposed to be installed.....
(ii) Maximum amount of power (H. P.) proposed to be used.....
7. Full name and residential address of the person who shall be the Manager of the factory for the purposes of the Act.....
8. Full name and residential address of the occupier i.e.,-
(i) The proprietor of the factory in case of private firm/proprietary concern.....
(ii) Directors in case of public limited liability company/firm.....
(iii) Where a Managing Agent has been appointed the name of Managing Agents and Directors thereof.....
(iv) Share-holders in case a private company where no Managing Agents have beenappointed.....
(v) The Chief Administrative Head in case of a Government of local Fund factory.....
9. Full name and address of the owner of the premises or building (including the precincts thereof) referred to in Section 93.....
10. In the case of a factory constructed or extended after the date of the commencement of therules-

(a) reference number and date of approval of the plans for site whether for old or now building and for construction or extension of a factory by the State Government/Chief Inspector :

(b) reference number and date of approval of the arrangements, if any, made for the disposal of trade waste and effluents and the note of the authority granting such approval :

11. Amount of fee Rs.....(Rupees)

(i) Paid in.....Treasury on.....

(ii) Vide Challan No..... (enclosed).

Signature of occupier

Date.....

Signature of Manager

Date.....

Note-1. This Form should be completed in block letter or typed.

- 2. If the power is not used at the time of filling up this Form, but is introduced later the fact should be communicated to the Chief Inspector immediately.*
- 3. If any of the persons named against item 8 is minor the fact should be clearly stated.*
- 4. In the case of a factory, where under the proviso to Sub-sections (1) and (2) of Section 100, a person has been nominated as the occupier, information required in item 8 should be supplied only in respect of that person.*
- 5. In the case of a factory where a Managing Agent or Agents have been appointed as occupiers under the Indian Companies Act, 1913 (VII of 1913), information required in item 8 should be supplied only in respect of that person or persons.*

Form XXV-B

[See rule-76(14)(2-a)]

(Self-declaration by the Occupier and Manager for renewal of factory licence)

I / We _____ Son/Daughter of
 _____ resident of _____ P.O. -
 _____, PS _____ District _____ State _____, Pin _____ do
 hereby declared as under .

1. That, I Sri / Smt. _____ am the occupier of the
 factory M/s. _____, Registration No.
 _____ situated at
 _____ P.O. _____, PS.
 _____, District _____, Pin _____.
2. That, Sri / Smt. _____ is the Manager of the
 factory.
3. That, the factory license for the preceeding year is _____ is in
 force for _____ KW and manpower of
 _____.
4. That, there is no change in manpower and installed power in the factory.
5. That, there is no change in factory layout and manufacturing process, no addition and alteration made
 with reference to plan approved in letter No. ____ dt. of the _____

Further, we undertake that, we will be held liable for penal action, if the information furnished
 above are found to be false at any stage in future.

Signature of Occupier

Signature of Manager

Form XXVI

[See sub-rule (11) of rule 76]

Registration and licence to work a factory

Registration No.....

Serial No.....

Fee Rs.

Licence is hereby granted to valid only for the premises described below for use as a factory employing not more than persons in any one day during the year and using motive power not exceeding H.P., subject to the provisions of the Occupational Safety, Health & Working Conditions Code, 2020 and the rules made thereunder.

This licence shall remain in force till the 31st day of December, 20..

Chief Inspector-cum-Facilitator, Odisha

The 20.....

Description of the licensed premises

The licensed premises shown on Plan No.....dated ; are situated in..... and consist of

Date of renewal	Date of expiry	Signature of Licensing Authority

Form-XXVI-A

[See sub-rule (11) of rule 76]

REGISTRATION AND GRANT / RENEWAL OF LICENCE TO WORK A FACTORY

Registration No.

Fees Rs. per annum

Serial No.....

Licence granted to Valid only for the premises shown on plan approved
vide letter No..... dt..... are situated atP.O
..... Dist for use as a factory manufacturing
.....
.....
.....
.....
.....
.....

under the name M/s. employing not more
thanPersons on any one day during the period and using motive power not
exceeding KW subject to the provisions of the Occupational Safety, Health and Working
Conditions Code, 2020 and Rules made thereunder. The licence is hereby granted / renewed for a period
of five years/ten years.

The licence shall remain in force from to

Chief Inspector-cum-Facilitator, Odisha

N.B. – Any change in manpower/motive power / manufacturing process / occupier be promptly notified in
the prescribed manner to the Chief Inspector-cum-Facilitator.

FORM XXVII

[See rule-76(20)]

Notice of change of Manager

1. Name of the factory with current licence number.....
2. Postal address.....
3. Name of the outgoing Manager.....
4. Name of the new Manager with postal address
5. His father's name with postal address.....
6. Date and time of transfer of charge (forenoon or afternoon).....

Signature of new Manager

Signature of Occupier

FORM-XXVIII

[See sub-rule (2) of rule 86]

HEALTH REGISTER

1	S No	
2	Department /Works	
3	Name of Worker	
4	Sex	
5	Age (at last birthday)	
6	Date of employment on present work	
7	Date of leaving or transfer to other work with reasons for discharge or transfer	
8	Nature of job or occupation	
9	Raw materials, products or by-products likely to be exposed to	
10	Dates	
11	Result Fit or Unfit	
12	Signs and symptoms observed during examination	
13	Nature of tests and results thereof	
14	If declared unfit for work, state period of suspension with reasons in details	
15	Whether certificate of unfitness issued	
16	Re-certified fit to resume duty on	
17	Signature of the Certifying surgeon with date	

FORM XXIX

[See sub-rule (2) of rule 86]

CERTIFICATE OF FITNESS

Serial number :

I certify that I have personally examined (name)..... Son
of (father's name)..... residing at (address).....

Who is desirous of being employed as (designation)
..... in (process, department and
factory)..... and that his age, as
nearly as can be ascertained from my examination, is.....years, and that he is,in my opinion,
fit/unfit for employment in the above mentioned factory as mentioned above.

2. He may be produced for further examination after a period of.....

3. The serial number of the previous certificate is. Signature or left hand thumb
impression of person examined:

Signature or left hand thumb impression of person examined:

Signature of Medical Officer:

Date :

I certify that I examined the person mentioned above on	I extend this certificate until (if certificate is not extended, the period for which the worker is considered unfit for work is to be mentioned)	Signs and symptoms Observed during Examination	Signature of the Medical Officer

FORM XXX
(See rule-47)

Self-Certification

Certified that I/We,, Occupier / Manager of M/s....., situated at, Dist....., bearing Registration No..... have complied all the conditions prescribed by the Government of Odisha for engagement of women workers during night shift in my/our factory.

Certified further that no woman worker has been engaged in my/our factory during night shift without her consent in writing.

I am / We are the authorised person(s) to submit the above declaration which is true to the best of my / our knowledge and belief.

I / We understand and acknowledge that if any of the aforementioned facts or information is found to be false, misleading or misrepresented, I/We shall be held liable for legal action as per applicable Acts and Rules.

Signature of the Manager

Signature of the Occupier

Name:

Name:

Mobile No.

Mobile No.

e-mail ID

e-mail ID

Date:

Date:

FORM XXXI

[See sub-rule (2) of rule 79]

APPLICATION FOR THE SITE APPRAISAL COMMITTEE

1. Name and address of the applicant.
2. Site Ownership Data:
 - 2.1. Revenue details of the site such a Survey No., Plot No.
 - 2.2. Whether the proposed site attracts the provisions of section 3 of Environments Protection Act,1986, if so the nature of the restrictions: and
 - 2.3. Local authority under whose jurisdiction the site is located.
3. Site Plan :
 - 3.1. Site plan with clear identification of boundaries and total area proposed to be occupied and showing details nearby the proposed site
 - a) Name of adjoining manufacturing units and human habits, educational and training institutions, petrol installations, storages liquified Petroleum Gas and other hazardous substances, if any, within one kilometer from the proposed unit.
 - b) Water sources (crivers, streams, canal dams, water filtration plants) in the vicinity.
 - c) Nearest hospitals, Fire-stations, Civil Defence Stations and Police Station and their distances.
 - d) Details of high tension electrical transmission lines, pipe lines for oil, gas sewerage, if any, passing through the site, and e) Location of railway stations, railway lines, Scheduled road, bypass, if any near the site.
 - 3.2. Plot Plan of the factory, showing entry and, exit points, roads.
4. Project Report.
 - 4.1 . A summary of the salient features of Project.
 - 4.2. Maximum number of persons like be working in the factory.
 - 4.3. Maximum amount of power and requirements and source of supply.
 - 4.4. Block diagrams of the buildings installations, in the proposed and
 - 4.5 Details of housing colony, hospital, school and other infrastructural facilities proposed.
5. Organisation structure of the proposed manufacturing unit/factory :
 - 5.1.. Person responsible far protection of safety, health and environment.
 - 5.2. Proposed health and safety policy of the proposed enterprise.
6. Manufacturing Process Information:
 - 6.1. Process flow diagrams.
 - 6.2. Brief write up on process and technology.
 - 6.3. Critical Process parameters such as pressure build up, temperature rise and run-awayreaction.

6.4. Other external effects critical to the process having safety implications such as in grass of moisture or water, contact with incompatible substances sudden power failure ; and

6.5. High lights of the built-in-safety/pollution control devices or measures incorporated in the manufacturing technology.

7. Information of Hazardous Materials :

7.1 Raw materials, intermediates, products and by products and their quantities (enclosed Material Safety Data Sheet in respect of each hazardous substances).

7.2. Main and intermediate storages proposed for raw material /intermediates/products/ByeProducts(maximum quantities to be stored at any time)

7.3. Transportation methods to be used for materials inflow and out flow, their quantities to be stored at anytime ; and

8. Safety measures proposed for : • Handling of materials. • internal and external transportation, and • Disposal (packing and forwarding of finished products).

9. Information on Dispersal/Disposal of wastes and pollutants ;

9.1. Major Pollutants (gas, liquids, solid) their characteristics and quantities (average and at peakloads).

9.2. Quality. And quantity of solid wastes generated, methods of their treatment and disposal.

9.3. Air, Water and Soil Pollution problems anticipated and the proposed measures to control. the same, including treatment and disposal of effluents.

10. Process Hazards Information :

10.1. Enclose a copy of the report on environmental impact assessment.

10.2. Enclosed a copy of the report on Risk Assessment Study : and

10.3. Published (open or classified) reports if any, on accident situation/occupational health hazards or similar plants (within or outside the country).

11. Information of proposed Safety and Occupational Health Measure ;

11.1. Details of fire fighting facilities and minimum quantity of water carbon dioxide and other firefighting measures needed to meet the emergencies;

11.2. Details of in-house medical facilities Proposed.

12. Information on Emergency preparedness:

12.1. On Site Emergency Plan; and

12.2. Proposed arrangements, if any for mutual aid scheme with the group of neighbouring factories.

I certify that the information furnished above is correct to the best of my knowledge and nothing has been concealed while furnishing it.

I certify that the information furnished above is correct to the best of my knowledge and nothing has been concealed while furnishing it.

Signature

Date

Designation

FORM-XXXII

[See sub-rule (1) of rule 115]

**APPLICATION UNDER SUB-SECTION (1) OF SECTION 114 FOR COMPOUNDING
OF OFFENCE**

1. Name of applicant (name of the employer who committed the offence under the occupational safety health and working conditions code, 2020 to be mentioned

2. Address of the applicant _____

3. Particulars of the offence _____

4. Section of the Code under which the offence has been committed

5. Details of the compounding amount deposited (electronically generated receipt to be attached) _____

6. Details of the prosecution, if filed for the violation of above mentioned offences may be given _____

7. Whether the offence is first offence or the applicant had committed any other offence prior to this offence, if committed, then, full details of the offence _____

8. Any other information which the applicant desires to provide _____

Applicant (Name and Signature) Dated Place:

FORM-XXXIII

[See sub-rule (4) of rule 115]

Composition Certificate

Ref: Notice No. _____

Date:

This is to certify that the offence under sub-section ... of section 114 of the Code in respect of which Notice No. Dated: _____ was issued to Shri / Smt. (Applicant), the employer of (name and Registration Number of establishment) has been compounded on account of remission of full amount of full amount of Rs. (Rupees) towards the composition of offences to the satisfaction of the said Notice.

(Signature) Name and Designation of the Officer

Date:

Place:

By Order of the Governor

CHITHRA ARUMUGAM

Additional Chief Secretary to Government