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## **Welfare Officers (Recruitment And Conditions Of Service) (Gujarat) Rules, 1963**

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## **Welfare Officers (Recruitment And Conditions Of Service) (Gujarat) Rules, 1963**

In exercise of the powers conferred by sub-section (2) of section 49 and section 50 and 112 of the Factories Act, 1948 (LXIII of 1948) the Government of Bombay, is pleased to make the following rules, namely:-

### **1. Short Title And Commencement :-**

(1) These Rules may be called Welfare Officers (Recruitment and Conditions of Service) ( Gujarat) Rules, 1963. (1 A) They shall extend to the whole of the State of Gujarat. (2) They shall come into force on such date<sup>1</sup> as the State Government may, by notification in the Official Gazette, appoint in this behalf: Provided that in that part of the State of Gujarat to which these rules did not extend before 1st November, 1963, they shall come into force on and from that date. Footnote: 1. Came into force on 1-6-1953 vide Notfn. d. 8-5-1953.

### **2. Definitions :-**

In these Rules, unless the context otherwise re-quires:- (a) "Act" means the Factories Act, 1948 (LXIII of 1948): (b) The expressions "Factory and occupier" have the meanings respectively assigned to them in the Act.

### **3. Number Of Welfare Officers :-**

(1) The occupier of every factory wherein five hundred or more

workers are ordinarily employed; shall appoint, at least one Welfare Officer: 1[Provided that where the number of workers exceeds the number specified in column 1 of the schedule appended hereto but does not exceed the numbers specified against them in column 2 thereof, an Assistant Welfare Officers, Additional Welfare Officer or Additional Welfare Officers or both, as specified against them in column 3 of the said schedule, shall be appointed to assist the Welfare Officer appointed under this rule.] Schedule

Where the number of workers exceeds	But does not exceed	Number of Assistant or Additional Welfare Officer
2,500	3,500	One Assistant Welfare Officer
3,500	4,500	One Additional Welfare Officer
4,500	6,500	One Additional Welfare Officer and one Assistant Welfare Officer
6,500	8,500	Two Additional Welfare Officers.
8,500	10,500	Two Additional Welfare Officers and one Assistant Welfare Officer.
10,500		Three Additional Welfare Officers

1[(2) The qualifications, manner of recruitment and the duties of the Additional Welfare Officers and the Assistant Welfare Officers shall be the same as those prescribed for a Welfare Officer.] Footnote: 1. Sub. by Notfn. d. 1-10-1954.

#### **4. Qualifications :-**

(1) A person shall not be eligible, for appointment as a Welfare Officer, unless he:- (a) has obtained a degree or Diploma 1[x x x] recognised by the State Government in this behalf; and (b) had adequate knowledge 2[of Hindi or] of the language spoken by the majority of the workers in the factory to which he is to be attached. (2) Preferential qualification:- A person holding a degree of a University recognised by the State Government in this behalf shall be given preference over other candidates possessing the qualifications mentioned in sub-rule (1) above. Footnotes: 1. Del. by Notfn. d. 7-4-1953. 2. Ins. by Notfn. d. 1-10-1954.

#### **5. Recruitment Of Welfare Officer :-**

(1) The post of a Welfare Officer shall be advertised in at least two news papers circulating in the region in which the factory is situated, out of which one shall be an English newspaper. (2) The selection shall be made from among the candidates applying for the post by a Committee appointed by the occupier of the Factory. 1(3) The appointment when made shall be notified by the occupier to the State Government or such authority as the State Government may specify for the purpose, giving full details of the qualifications etc. of the officer appointed and the conditions of his service. (4)

The Commissioner of Labour, Ahmedabad. shall also maintain a list of approved candidates for appointments as Welfare Officers in factories, having due regard to the qualifications laid down in these rules. Such list shall be open for inspection to any occupier of a factory. Footnote: 1. The Chief Inspector of Factories. Bombay has been specified as the authority for the purpose of sub-rule (3) of rule 5 vide Notfn. d. 17-9-1953. 1[5A. Filling up of vacancy:- Any vacancy caused by the death, dismissal, discharge or resignation of a Welfare Officer or for any other reason shall be filled within three months of the occurrence of the vacancy.) Footnote: 1. Ins. by Notfn. d. 22-4-1954.

#### **6. Conditions Of Service Of Welfare Officers :-**

(1) 1The Welfare Officer and Additional Welfare Officer shall be given appropriate status corresponding to the status of other departmental hands serving under the Chief Head of the factory. 2[1A) The Assistant Welfare Officer shall be given appropriate status corresponding to the status of other assistants in the departmental heads in the factory.] (2) The conditions of service of a 3[Welfare Officer, Additional Welfare Officer and Assistant Welfare Officer] shall respectively be the same as of other members of the staff of corresponding status in the factory: Provided that in case of a proposed discharge or dismissal of a Welfare Officer 4[Additional Welfare Officer or Assistant Welfare Officer] the employer shall before taking action place before the Commissioner of Labour, Ahmadabad. the nature of the proposed action and the ground there for. The Commissioner of Labour may, after making such inquiry as he deems fit advise the employer on the proposed action. Footnotes: 1. These words subs. by. Notfn. d. 1-10-1954. 2. Ins. by Notfn. d. 1-10-1954. 3. Subs, by Notfn. d. 1-10-1954. 4. Ins. by Notfn. d. 1-10-1954.

#### **7. Duties Of Welfare Officers :-**

The duties of the Welfare Officer shall be (i) to establish contacts and hold consultations with a view to maintaining harmonious relations between the factory management and workers; (ii) to bring to the notice of the factory management the grievances of workers individual as well as collective, with a view to securing their expeditious redress; (iii) to study and understand the point of view of labour in order to help the factory management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand; (iv) to watch industrial relations with a view to using his influence to prevent a dispute

arising between the factory management and workers and in the event of a dispute having arisen to help to bring about a settlement by persuasive efforts; (v) to advise workers against going on illegal strikes and the management against declaring illegal lockouts and to help in preventing antisocial activities; (vi) to maintain an impartial attitude during legal strikes or lockouts and help to bring about a peaceful settlement; (vii) to advise and assist the factory management in the fulfilment of obligations, statutory or otherwise, concerning the application of provisions of the Factories Act, 1948, and the rules made thereunder and to establish liaison with the Factory Inspector and the Medical Service concerning medical examinations of employees, health records, supervision of hazardous jobs, sick, visiting and convalescence, accident, prevention and supervision of safety committees, systematic plant inspection, safety education, investigation of accidents, maternity benefits and workmens compensation; (viii) to promote relations between factory management and workers which will ensure productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to their working environments; (ix) to encourage the formation of Works and Joint Production Committees, Co-operative Societies and Safety First and Welfare Committees and to supervise their work; (x) to advise and assist factory management in provisions of amenities, such as canteens, shelters for rest creches, adequate latrine facilities, drinking water, sickness and benevolent scheme payments, pensions and superannuation funds, and gratuity payments; (xi) to help the factory management in regulating the grant of leave with wages and explain to the workers the provisions relating to leave with wages and other leave privileges and to guide the workers in the matter of submission of application for grant of leave for regulating authorised absence; (xii) to advise and assist factory management in providing welfare facilities such as housing facilities, foodstuff, social and recreational facilities, sanitation, education of children and advise on individual personal problems: (xiii) to advise the factory management on question relating to training of new starters, apprentices, workers on transfer and promotion instructors and supervisors, supervision and control of notice board and information bulletins to further education of workers and to encourage their attendance at Technical institutes; (xiv) to suggest measures which will serve to raise the standard of living of workers and in general promote their well-being; 1[(xv) to bring to the notice of workers their rights and liabilities under the

Standing Orders of the factory and other rules which grant rights to and define the duties of workers or which are directed to the discipline, safety and protection of workers and the factory.]

Footnote: 1. Added by Notfn. d. 22-4-1954. 1[7A. Non Performance of other duties:- 2[(1) No Welfare Officer, Additional Welfare Officer or an Assistant Welfare Officer shall deal with any disciplinary case against a worker, or appear before a Conciliation Officer, or in Courts or Tribunals on behalf of the factory management against a worker or workers.] 3[(2) If the Chief Inspector of Factories, Ahmedabad is of the opinion that a Welfare Officer, Additional Welfare Officer or an Assistant Welfare Officer is being required or permitted by the occupier of the Factory to do work which is inconsistent with or detrimental to the performance of his duties prescribed by rule 7, the Chief Inspector of Factories may, by an order in writing, direct that such Welfare Officer, as the case may be, shall not be required or permitted to do such work.] 1. Ins. by Notfn.d.7-6-1958. 2. Ins. by Notfn.d. 7-6-1958. 3. Rule 7A renumbered as sub-rule (2) of that rule by- Notfn. d. 18-4-1965.

#### **8. Powers Of Exemption :-**

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

#### **9. Repeals And Savings :-**

On the commencement of these rules in that part of the State of Gujarat, to which they did not extend before such commencement, any rules in force in that part with respect to matters covered by these rules shall stand repealed: Provided that any thing done or action taken under the provisions of the rules hereby repealed shall be deemed to have been done or taken under the corresponding provisions of these rules and shall continue in force until superseded by anything done or any action taken under the provisions of these rules.