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LABOUR & ESI DEPARTMENT

NOTIFICATION

The 17th January, 2022

No. 438-LESI-LL2-FM-0010-2019/LESI.— Whereas, the draft of certain rules further to amend the Odisha Factories Rules, 1950 was published as required by Section 115 of the Factories Act, 1948 (63 of 1948) in the Extraordinary issue No.1452 of the *Odisha Gazette* dated the 8th September, 2021 under the Notification of the Government of Odisha in the Labour & ESI Department No. 7361-LL2-FM-0010-2019/LESI, dated the 2nd September, 2021, for information of all persons likely to be affected thereby and objections and suggestions were invited in respect of the said draft within a period of forty-five days from the date of publication of the said notification in the *Odisha Gazette*;

And, whereas, no objection or suggestion is received from any person within the period so stipulated above in respect of the said draft;

Now, therefore, in exercise of the powers conferred by Section 112 of the Factories Act, 1948, the State Government do hereby make the following rules further to amend the Odisha Factories Rules, 1950, namely:—

1. (1) These rules may be called the Odisha Factories (Amendment) Rules, 2021.

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

2. In the Odisha Factories Rules, 1950 (hereinafter referred to as the said rules), after rule 40, the following rules shall be inserted, namely: —

“40A. Workplace Sanitation for Women.- (1) Sanitary napkins of adequate quantity conforming to Indian standards shall be provided and maintained in the women's toilet for their use, and the same be replenished on daily basis.

(2) Disposable bins with lids shall be provided within the women's toilet for the collection of the used napkins and the used napkins shall be disposed of as per the procedure approved by the inspector.”.

3. In the said rules, for rule 62H, the following rules shall be substituted, namely:-

“62H. Personal Protective Equipment.- (1) All workers shall be provided with Personal Protective Equipment (PPE) as required under any of the provisions of the Factories Act, 1948 or these rules and such PPE shall conform to the relevant national standard and the occupier shall require the workers to use such PPE and the same shall be maintained in proper working conditions by the occupier and no amount what so ever shall be charged by the occupier from the workers for provision of such PPE.

(2) Without prejudice to the generality of the provisions of sub-rule (1), the various types of PPE to which this rule shall extend for use in factories shall be as follows:—

- (a) All Workers who are likely to be exposed to any hazard which may cause head injury shall be provided with safety helmets conforming to relevant national standards, when work is being carried out at height, safety helmet shall be provided with a chin strap, no safety helmet which has resisted an impact shall be reused and, periodic cleaning and visual inspection to check any deformation in size or shape of the helmet shall be carried out;
- (b) Protective footwear shall be provided to workers who are exposed to hazards which are likely to cause injury to them by way of materials being dropped on their feet or nail or other sharp objects penetrating their sole, the type and nature of foot wear to be used at workplaces shall be decided by the occupier based on nature of work being carried at such work places, proper disinfection shall be carried out to prevent contagious fungal infection of the skin that causes scaling, flaking, and itching of the affected areas, and proper medical care shall be carried out to prevent workers from suffering from ingrown nails, metatarsalgia, heel spur, hammer toes and nerve damage after wearing safety shoe;
- (c) The relevant national standard shall be applicable for eye-protection intended for use in industrial undertakings to provide protection for the eyes of the workers against hazards such as flying particles and fragments, splashing materials and molten metal's harmful dust, gases or vapour, aerosols and radiations which are likely to impair vision or damage the eyes and additional eye protection over

their prescription lenses shall be used ensuring that the protective eyewear does not disturb the proper positioning of the prescription lenses.

- (d) Relevant national standard shall be followed for the requirements of goggles, hand shield and helmet intended to protect an operator above the shoulder from harmful radiation, spark and particles of hot metal during welding, cutting and similar operations employing a gas flame or electric arc;
- (e) Suitable gloves, leather gauntlets and mittens conforming to relevant National Standard shall be used for protection of hand of the workers from getting injured, such protective gloves shall be provided where the hands are exposed to hazards such as those from skin absorption of harmful substances, severe cuts or lacerations, severe abrasions, punctures, chemical burns, thermal burns, and harmful temperature extremes, and suitable protective clothing as per relevant National Standard available for apron (Rubberized, acid and alkali resistant) shall be used for protection of workers who are likely to be exposed to any hazard which may cause injury to their skin;
- (f) Protection against the effects of noise exposure shall be provided when the sound levels exceed the prescribed standard, the relevant National Standard shall be followed while selection of suitable ear protection and periodic disinfection of reusable ear protectors shall be carried out to eliminate hearing loss caused by infection, discharge, pain etc. in the ear;
- (g) Respiratory protective equipment based on the nature of hazard as per relevant national standard shall be provided by the occupier of the factory to the workers for their respiratory protection against dust, fumes, gases, particulates, and clinical examination and appropriate medical tests shall be undertaken to avoid irritant dermatitis, nose bridge sores, because of prolong use of respiratory personal protective equipment; and
- (h) Other appropriate personal protective equipment based on the nature of hazards as per the relevant national standard shall be provided by the occupier to the workers, which shall include,-
 - (i) safety harnesses with independently secured lifelines where protection against falls cannot be provided by other appropriate means,
 - (ii) life vests and life preservers where there is a danger of falling into water, and
 - (iii) distinguishing clothing or reflective devices or otherwise conspicuously visible material when there is regular exposure to danger from moving vehicles.

(3) The Inspector may, having regard to the nature of the hazards involved in work and process being carried out, order the occupier or the manager in writing to supply to the workers exposed to particular hazard any personal protective equipment conforming to relevant National Standard as may be found necessary.”.

By Order of the Governor
CHITHRA ARUMUGAM
Principal Secretary to Government