

The Goa Factories (Occupational Safety and Health Audit) Rules, 2014

The Goa Factories (Occupational Safety and Health Audit) Rules, 2014, published in the Official Gazette, Sr. I No. 27 dated 04.10.2014 and came into force at once.

The Goa Factories (Occupational Safety and Health Audit) (First Amendment) Rules, 2016, published in the Official Gazette, Sr. I No. 45 dated 04.02.2016.

NOTIFICATION

No. VI/FAC-6 (L-1 Part) / IFB / 2014 / 2108 dated 23.09.2014

Whereas draft rules which the Government of Goa proposes to make in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948) (hereinafter referred to as the “said Act”), were pre-published as required by section 115 of the said Act, in the Official Gazette, Series I No. 4, dated 25th April, 2013 vide Notification No. VI/FAC-6(L-1 Part)/IFB-2013/379 dated 19.04.2013, of the Inspectorate of Factories and Boilers, Panaji, inviting objections and suggestions from all persons likely to be affected thereby within forty-five days from the date of publication of the said Notification in the Official Gazette;

And Whereas, the said Official Gazette was made available to the public on 25th April, 2013;

And Whereas, the objections and suggestions received from the public on the said draft rules have been considered by the Government.

Now, therefore, in exercise of the powers conferred by section 112 of the Factories Act, 1948 (Central Act No. 63 of 1948) and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules, namely:-

1. **Short title, application and commencement.** – (1) These rules may be called the Goa Factories (Occupational Safety and Health Audit) Rules, 2014.

(2) They shall apply to the following categories of factories, namely: –

- (i) Category I Factories;
- (ii) Category II Factories; and
- (iii) Category III Factories,

except the factories, which are having ¹[valid certificate for occupational health and safety management system issued by a certification body accredited to National Accreditation Board for Certification Bodies (NABCB) formed by the Quality Council of India under the administrative control of the Department of Industrial Policy and Promotion, Ministry of Commerce and Industry, Government of India] or which are

1. Substituted by the Goa Factories (Occupational Safety and Health Audit) (First Amendment) Rules, 2016, for “valid OHSAS (18001:2007) certificate”.

required to prepare Safety reports and Safety Audit reports as per the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, as amended from time to time.

(3) They shall come into force at once.

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

(a) “Act” means the Factories Act, 1948 (Central Act 63 of 1948);

(b) “Category I Factories” means factories involving “major accident hazards (MAH) installations” as defined under clause (ja) of rule 2 of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989, as amended from time to time;

(c) “Category II Factories” means, -

(i) factories wherein the “hazardous process” defined under clause (cb) of section 2 of the Act is involved or carried out; or

(ii) factories involving isolated storage and industrial activity at a site handling (including transport through carrier or pipeline) of hazardous chemicals less than the threshold quantities specified in column 3 of Schedules 2 and 3 of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989 but greater than 100 litres or kg at a time;

(d) “Category III Factories” means factories other than Category I Factories and Category II Factories and licensed to employ more than 50 workers on any day;

(e) “Chief Inspector” means the Chief Inspector appointed under sub-section (2) of section 8 of the Act;

(f) “Form” means Form appended to these rules;

(g) “Government” means the Government of Goa;

(h) “hazardous chemical” means a hazardous chemical as defined in clause (e) of rule 2 of the Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989;

(i) “occupational safety and health audit” means a systematic, objective assessment and documental evaluation of the occupational safety and health systems, practices, operations and procedures in and pertaining to Category I Factories, Category II Factories and Category III Factories;

(j) “Occupational Safety and Health Auditor” means a person or an organization recognized by the Chief Inspector as Occupational Safety and Health Auditor, for the purpose of carrying out occupational safety and health audits;

(k) “section” means section of the Act.

(2) Words and expressions used herein but not defined shall have the same meanings as are respectively assigned to them in the Act.

3. **Conducting Occupational Safety and Health Audit.** – The occupier shall arrange to carry out an occupational safety and health audit, as follows: -

- (a) internally, at intervals not exceeding twelve months, by factory staff,
- (b) externally, by an Occupational Safety and Health Auditor recognized by Chief Inspector at following intervals, namely :-
 - (i) once in two years for Category I Factories;
 - (ii) once in three years for Category II Factories; and
 - (iii) once in five years for Category III Factories:

Provided that, in the year when external occupational safety and health audit is carried out, internal audit need not be carried out for that year:

Provided further that after commencement of these Rules, the Occupier shall arrange to carry out an occupational safety and health audit, -

- (a) internally, by factory staff within a period of six months from such commencement; and
- (b) externally, by an Occupational Safety and Health Auditor recognized by Chief Inspector, within a period of eighteen months from such commencement.

4. **Occupational Safety and Health Auditor.** - (1) The Chief Inspector may recognize a person or an organization having persons possessing qualifications, experience and fulfilling other requirements as specified in the Schedule hereto as Occupational Safety and Health Auditor, for a period not exceeding three years from the date of such recognition.

(2) The person or an organization desirous of being recognized as Occupational Safety and Health Auditor under these Rules, shall submit to the Chief Inspector an application in Form I or Form II, as the case may be, accompanied with the documents specified in the Schedule hereto and a treasury receipt of ten thousand rupees towards fees which shall be non refundable.

(3) The Chief Inspector, upon receipt of an application under sub-rule (2), shall register such application and within a period of sixty days from the date of receipt of application, either after having satisfied himself as regards competence of the applicant, recognize the applicant person or an organization as Occupational Safety and Health Auditor and issue a certificate of recognition in the Form III or reject the application specifying the reasons therefor.

(4) The Chief Inspector may, after giving an opportunity to the Occupational Safety and Health Auditor of being heard, revoke the certificate of recognition,-

- (i) if he has reason to believe that the Occupational Safety and Health Auditor has violated any condition stipulated in the certificate of recognition; or
- (ii) for any other reason to be recorded in writing.

SCHEDULE

(A) Qualifications, experience and other requirements.

- (a) (i) Degree or diploma in engineering or technology from a recognized University / Board and ten years experience in a Department of the Central or State Government which deals with the implementation of the Factories Act, 1948 (63 of 1948) , as amended from time to time;

OR

- (ii) Degree in Mechanical / Electrical / Metallurgical / Chemical / Production / Industrial / Aeronautical / Civil engineering or Degree in Mechanical / Electrical / Metallurgical / Chemical / Production / Industrial / Aeronautical / Civil technology from recognized University / Institute with ten years industrial experience either in manufacturing / maintainance / design / project or Safety Department of any industry in the supervisory or higher capacity; or in testing of pressure vessels and pipelines, lifting machines and lifting tackles and lifts and hoists, etc;

OR

- (iii) Diploma in Mechanical / Electrical / Metallurgical / Chemical / Production / Industrial / Aeronautical / Civil engineering or technology from a recognized Board with fifteen years industrial experience either in manufacturing / maintainance / design / project or Safety Department of any industry in the supervisory or higher capacity or in testing of pressure vessels and pipelines, lifting machines and lifting tackles and lifts and hoists, etc;

and

- (b) a diploma in Industrial Safety awarded by University or Board of Technical Education of any State Government or Union Territory Administration in this behalf ;

and

- (c) a certificate of training in “safety and health audit” awarded by Directorate General Factory Advise Services and Labour Institutes, Ministry of Labour and Employment, Government of India or the National Safety Council of India, set up by Ministry of Labour and Employment, Government of India or any other institute of repute;

Provided that the Chief Inspector may relax the requirements of a certificate of training in safety and health audit, if the applicant is already functioning as an Occupational Safety and Health Auditor and is above 45 years of age.

(B) A person to be eligible for recognition of Occupational Safety and Health Auditor shall be certified physically fit by a Qualified Medical Practitioner.

5. Methodology for conducting Occupational Safety and Health Audit. - An occupational safety and health audit shall be carried out as per IS 14489:1998, the Indian Standard Code of Practice on Occupational Safety and Health Audit as updated from time to time.

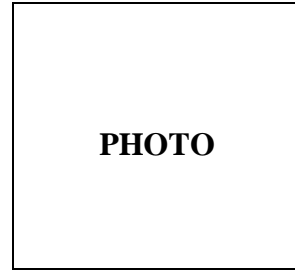
6. Submission of Reports. - The Occupier shall within a period of sixty days from the date of completion of an occupational safety and health audit, submit an audit report to the Chief Inspector, including any recommendations concerning the improvement of occupational safety and health conditions in that factory, as made by the Occupational Safety and Health Auditor.

Form I

(See rule 4 (2))

Form of Application for Recognition of a person as Occupational Safety and Health Auditor

- (1) Name of the Applicant :
- (2) Full Residential Address :
- (3) Date of Birth :
- (4) E-mail ID :
- (5) Contact No. :
- (6) Educational qualifications :
(Enclose certificates)
- (7) Details of professional :
experience. (in chronological
order)



Name of the Organization	Period of service	Designation	Area of responsibility

- (8) Membership, if any, of professional bodies :
- (9) Any other relevant information :

Declaration by the Applicant:

I,....., hereby declare that the information furnished above is true and I undertake to fulfill and abide by the conditions stipulated in the certificate of recognition and instructions issued by the Chief Inspector from time to time, if any.

Place:

Date:

Signature

Form II

(See rule 4 (2))

Form of Application for Recognition of an Organization as Occupational Safety and Health Auditor

- (1) Name and full address of the :
Organization
- (2) Organization's status (specify whether :
Government, Autonomous, Co-
operative, corporate or private)
- (3) Whether the organization has been :
recognized as an Occupational Safety
and Health Auditor under any other
statute. If so, give details.
- (4) Particulars of person's employed and :
possessing qualification and experience

Sr. No.	Name and Designation	Qualifications	Experience
(1)			
(2)			

- (5) Membership, if any, of professional :
bodies
- (6) Any other relevant information :

Declaration:

I, _____ hereby, on behalf of _____ certify the details furnished above are correct to the best of my knowledge, I undertake to –

- (i) notify the Chief Inspector about any change in the details of employees (either additions or deletion).
- (ii) to fulfill and abide by all the conditions stipulated in the certificate of recognition and instructions issued by the Chief Inspector from time to time

Place:

Date:

Signature of Head of the Organization
Or of the person authorized to sign
On behalf of Organization.

Designation

Form III

(See rule 4 (3))

Certificate of Recognition to a Person or an Organization as Occupational Safety and Health Auditor

I,..... in exercise of the powers conferred on me under rule 4 (3) of the Goa Factories (Occupational Safety and Health Audit) Rules 2014, hereby recognize (name of the person or an organization) for providing Occupational Safety and Health Audit services to the factories located in the State of Goa.

This certificate is valid from to

This certificate is issued subject to the conditions stipulated hereunder:-

- (i) The Occupational Safety and Health Audit shall be carried out in accordance with the provisions of the said Rules.
- (ii) The Occupational Safety and Health Audit shall be carried out by the recognized person only.
- (iii) The organization recognized shall keep the Chief Inspector informed of the changes in the names, designations and qualifications of the persons authorized by it to carry out Occupational Safety and Health Audit
- (iv) Statement of Occupational Safety and Health Audit done shall be submitted to the Chief Inspector on quarterly basis in the format as may be specified.
- (v) _____

Station:

Date:

OFFICIAL SEAL

Signature of the Chief Inspector

**By Order and in the name of
the Governor of Goa**

Sd / -

(S. M. PARANJAPE)

Chief Inspector of Factories & Boilers
and Ex-Officio Joint Secretary