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NOTIFICATIONS BY GOVERNMENT

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NOTIFICATIONS BY GOVERNMENT

LABOUR AND EMPLOYMENT DEPARTMENT

Amendments to the Tamil Nadu Plantations Labour Rules.

[G.O. Ms. No. 138, Labour and Employment (K2), 23rd June 2016, ஆணி 9, துன்முக்கி, திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-14/2016.—In exercise of the powers conferred by sub-section (1) of Section 43 read with sub-section (2) of Section 18-A and section 18-B of the Plantations Labour Act, 1951 (Central Act 69 of 1951) the Governor of Tamil Nadu hereby makes the following amendments to the Tamil Nadu Plantations Labour Rules 1955, the draft of the same have been previously published as required under sub-section (1) of section 43 of the said Act.

AMENDMENTS

In the said rules, after Chapter VIII, the following Chapter shall be added, namely:-

CHAPTER IX

PROVISIONS AS TO SAFETY

91. Transport and storage of insecticides within the Plantation.— (1) No insecticides, chemicals and toxic substances shall be transported or stored in such a way as to come into direct contact with food stuffs or animal feeds or drinking water.

(2) If any insecticides, chemicals and toxic substances are found to be leaked out in transport or storage, it shall be the responsibility of the employer to take such measures urgently to prevent poisoning and pollution of soil or water, if any.

(3) The packages containing insecticides, chemicals and toxic substances shall be stored in separate rooms or premises away from the rooms or premises used for storing such articles or shall be kept in separate almira's under lock and key depending upon the quantity and nature of the insecticides.

(4) The rooms or premises meant for storing insecticides, chemical and toxic substances shall be well built, dry, well lit and ventilated with sufficient dimension.

92. Restriction on employment of women and adolescent worker in handling insecticides, chemicals and toxic substances.— No Women worker or adolescent worker shall be permitted to be engaged in handling or storage or transport of insecticides, chemicals and toxic substances.

93. Appointment and qualification of Supervisors.— The use, handling, storage and transportation of insecticides, chemicals and toxic substances shall be supervised by a competent person who should possess the following qualifications:-

(i) He shall be a graduate in Agriculture or in Science or he shall possess a Certificate Course on handling of chemicals and toxic substances conducted by the United Planters' Association of Southern India (UPASI).

(ii) He should be given training from a designated Training Institute; and

(iii) He should also possess valid certificate from St.Johns Ambulance Institute for giving first aid treatment to workers.

94. Training.— (1) The persons involved in handling insecticides, chemicals, and toxic substances shall be arranged for suitable training in observing safety precautions and handling safety equipments provided to them in the Institutes notified by the State 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 biocide 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.

95. Medical examination to the workers.— (1) 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 six months in Group Hospital or Garden Hospital or any other hospital notified in this regard.

(2) The medical examination and tests shall be registered in Form 27.

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

96. Maintenance of health record.— Every employer shall maintain health record of every worker such as bi-annual medical examination or any other examination when required, shall be kept in plantation and every such worker shall have access to such record.

97. Washing, bathing and cloak room facilities.— Every employer shall provide washing, bathing and cloak room facilities to the workmen, who are employed in handling insecticides, chemicals and toxic substances.

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

(b) 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 that the toxic elements may be removed after each use.

(c) A complete suit of protective clothing shall consists of the following dresses, namely:-

(i) Protective outer garment with hat.

(ii) Rubber gloves or such other protective gloves extending of way upto the fore arm made of materials impermeable to liquids.

(iii) Dust proof goggles.

(iv) Boots.

(v) Reusable cloth masks.

98. List of insecticides, chemicals and toxic substances.— Every employer shall display in plantations the list of insecticides, chemicals and toxic substances as notified by the Central Government, from time to time, under the Insecticides Act, 1968 (Central Act 46 of 1968).

99. Precautionary notices.— Every employer in the plantations shall display the following precautionary notices at or near the place 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 blowout 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 manufacturers.
- (xvii) Keep insecticides and pesticides in their original, labeled containers.
- (xviii) Do not decant insecticides and pesticides into unlabeled 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 of insecticides and pesticides from the containers.

(2) after FORM No.26, the following Form shall be added, namely:-

"FORM No.27

[Prescribed under sub-rule (2) of rule 95]

REGISTER OF PERSONS ENGAGED IN CONNECTION WITH INSECTICIDES, CHEMICALS AND TOXIC SUBSTANCES AND THEIR PERIODICAL MEDICAL EXAMINATION FOR THE YEAR.....

Sl.No.

Name:

Age:

Father's/Husband's Name:

Full address:

Sex: Male/Female:

Identification Marks:

Date of appointment:

Designation:

PAST HISTORY:

Illness	Poisoning	Allergy	Exposure to Pesticides	No.of years/ seasons	Remarks, if any
1	2	3	4	5	6

FAMILY HISTORY:

Allergy	Psychological disorders	Heamorrhagic disorder
1	2	3

PERSONAL HISTORY:

Smoking	Alcohol	Other addiction
1	2	3

OBSERVATIONS

Medical Examination	Pre-employment Examination	End of Year	Remarks
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I. General Examination.-

General Body limit:

Weight and Height:

Blood Pressure:

Respiration:

Anaemia:

Dadema:

Jaundice:

Skin condition:

Temperature:

Fatigability:

Sweating:

Sleep:

Urination:

II. Gastro - Intestinal.-

Nausea:

Vomiting:

Appetite:

Taste:

Pain in abdomen:

Bowel movement:

Liver:

Spleen:

III. Cardio-Respiratory.-

Nasal discharge:

Wheeze:

Cough:

Expectoration:

Tightness of chest:

Dyspnoea:

Palpitation:

Heart:

Cyanosis:

Tachycardia:

IV. Neuro-Muscular.-

Headache:

Dizziness:

Irritability:

Pulse:

Twitchings :

Tremors:

Convulsion:

Pasesthesia :

Hallucination:

Unconsciousness:

Deep reflexes :

Superficial reflexes:

Coordination:

V. Eye.-

Pupil:

Lachrymation :

Double vision :

Clumped vision :

VI. Psychological.-

Temperament:

Judgment:

Nervousness :

VII. Kidney.-

Kidney condition:

VIII. Investigation.-

Blood HB%:

Blood DC:

Serum cholinesterage

Serum Bilirubin:

Urine routine examination:

Urine microscopic:

X ray of Chest:

Advice given to

1. The patient
2. The employer

Steps taken by the employer as per doctor's advice

1. Patient
2. Employers."

Draft Amendments to the Tamil Nadu Motor Transport Workers Rules.

[G.O. Ms. No. 143, Labour and Employment (H1), 30th June 2016, ஆணி 16, துன்முக்கி, திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-15/2016.—The following draft of amendments to the Tamil Nadu Motor Transport Workers Rules, 1965 which it is proposed to make in exercise of the powers conferred by sub-sections (1) and (2) of section 40 of the Motor Transport Workers Act, 1961 (Central Act 27 of 1961), is hereby published for general information of all persons likely to be affected thereby as required by the said sub-section (1) of section 40 of the said Act.

2. Notice is hereby given that the draft amendments will be taken into consideration on or after the expiry of six weeks from the date of the publication of this Notification in the *Tamil Nadu Government Gazette*, and that any objection or suggestion, which may be received from any person with respect thereto before the expiry of the aforesaid period will be considered by the Government of Tamil Nadu. Objections and suggestions, if any, should be addressed to the Secretary to Government, Labour and Employment Department, Fort St. George, Chennai-600 009 through the Commissioner of Labour, Chennai-600 006.

DRAFT AMENDMENTS

In the said Rules,-

(1) in rule 43, for the expression "an annual return in duplicate", the expression "a combined annual return" shall be substituted;

(2) for FORM No.XIX, the following Form shall be substituted, namely:-

"FORM No. XIX

(see rule 43)

Combined Annual Return for the Year ending the 31st December 20

1. Name of the Motor Transport Undertaking:
2. Full Postal Address with Fax No. and E-mail of the,-
 - (i) Motor Transport Undertaking
 - (ii) Registered Office/Head Office
 - (iii) Units/Branches
3. Nature of business / industry / work / establishment / work carried-on / service rendered:
4. Registration No:
5. Validity of the Certificate of Registration:
6. Name and address of the Employer with Mobile No. and E-mail:
7. Name and address of the Manager/Authorised Person with Mobile No. and E-mail:
8. Average Number of employees employed daily:-
 - (a) Adults:
 - (b) Adolescent:

Total:

9. Normal hours worked per day:
10. Rest Interval given:
11. Weekly Holiday:
12. Number of employees exempted from section 19:
13. Number of days worked during the year:
14. Total Amount of salary / wages paid including Over time wages and allowances:
15. Number of employees who received compensatory holiday in the;
 - (i) same month
 - (ii) following month
 - (iii) third month
16. Number of employees whose employment is ceased/suspended:-
 - (i) Number of employees discharged / dismissed / terminated / resigned / retired / expired during the year:
 - (ii) Amount of compensation paid:
 - (iii) Number of employees suspended during the year:
 - (iv) Amount of subsistence allowance paid:
17. Wages:-
 - (i) Total wages paid including deductions -
 - (a) Basic wage:
 - (b) Dearness allowance:
 - (c) Overtime wage :
 - (d) Non-profit sharing bonus:
 - (e) Other allowances in cash:
 - (f) Arrears of pay in respect of previous year paid during the year:
 - (ii) Number of persons whose wages does not exceed Rs.18,000/-* per month (* subject to change as and when the Government of India Notifies)
 - Men:
 - Women:
 - Adolescent:

(iii) Particulars of Deductions made from wages:-

Deductions as	Number of Employees involved	Total Amount of Deductions Made
(a) Fines		
(b) Damages/Loss		
(c) Breach of Contract		
(d) Others		
Total		

(iv) Wage Period:

(v) Total wages paid in cash:

(vi) Total cash value of the wages paid in kind:

(vii) Disbursement from Fines	Purpose	Amount
(a)		
(b)		
(c)		

(viii) Balance of fine in hand at the end of the year:

18. Leave:-

- (i) Number of employees eligible for earned leave
- (ii) Number of employees availed/ granted earned leave
- (iii) Number of employees paid wages/ salary in lieu of earned leave:

19. Welfare Measures provided (If "yes" state briefly the standards provided): -

- (i) Canteen:
- (ii) Rest Rooms:
- (iii) Medical Facilities:-
 - (a) Number of Dispensaries:
 - (b) Number of Doctors:
 - (c) Number of Nurses:
- (iv) Uniform:
- (v) First-aid box:

20. Maternity Benefits:

(i) Benefits for	Number of Employees received the Benefits	Total amount paid
(a) Miscarriage :		
(b) Confinement:		
(c) Illness :		
(d) Medical Bonus:		
(e) Total:		
(ii) Number of women who gave notice under section 6 of the Maternity Benefit Act, 1961:		
(iii) Number of women who were granted permission to absent on receipt of notice of confinement:		
(iv) Cases in which payment was made to persons other than the woman concerned:	Number: Amount Paid:	
(v) Cases in which payment was made on the order of the Appellate Authority or Inspector:	Number: Amount Paid:	
(vi) Claims for maternity benefit rejected:	Number: Amount not Paid:	
(vii) Claims for medical bonus rejected:	Number: Amount not Paid:	
(viii) Cases in which leave for miscarriage was applied for but was rejected:	Number: Amount not Paid:	
(ix) Cases in which additional leave for illness under section 10 was applied for but was rejected:	Number: Amount not Paid:	
(x) Women deprived of maternity benefit and or medical bonus under proviso to sub-section (2) of section 12 of the Maternity Benefit Act,1961 :	Number: Amount not Paid:	
(xi) Number of cases where pre-natal confinement and post-natal care was provided by the management free of charge under section 8 of the Maternity Benefit Act, 1961;		

21. Details of remittances of Fines collected towards Tamil Nadu Labour Welfare Fund:-

- (i) Demand Draft No. and Date:
- (ii) Bank:
- (iii) Amount:

22. Bonus:-

- (i) Number of employees benefited by bonus payments:
- (ii) Percentage of Bonus declared:
- (iii) Total amount of Bonus paid:
- (iv) Date of Payment:

23. Conferment of Permanent Status:-

- (i) Number of non-permanent workmen who have completed 480 days of continuous service:
- (ii) Number of workmen made permanent during the period:
- (iii) Number of workmen yet to be made permanent during the period:
- (iv) Reasons for delay:

24. Contract Labour:-

- (i) Name and addresses of the Contractors:
- (ii) Period of Contract:
- (iii) Nature of work / operations on which contract labour was employed:
- (iv) Maximum number of workers employed by each contractor:
- (v) Number of days worked:
- (vi) Number of mandays worked:

25. Inter-State Migrant Workmen:-

- (i) Name and addresses of the Contractors in Home State:
- (ii) Name of the Principal Employer in Host State (Tamil Nadu):
- (iii) Period of Contract:

-
- (iv) Nature of work / operations on which migrant labour was employed:
 - (v) Maximum number of migrant workmen employed by each contractor:
 - (vi) Number of days worked:
 - (vii) Number of mandays worked:
 - (viii) Amount of displacement allowance paid:
 - (ix) Amount of outward and return journey allowance paid:
 - (x) Amount of wages for outward and return journeys paid:

Certified that the informations furnished above are, to the best of my knowledge and belief, correct.

Date:
Place:

SIGNATURE OF THE EMPLOYER.”.

P. AMUDHA,
Secretary to Government.