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LABOUR AND EMPLOYMENT DEPARTMENT

Draft Amendment to the Tamil Nadu Plantations Labour Rules.

[G.O. Ms. No. 199, Labour and Employment (K2), 18th October 2016, ஐப்பசி 2, துன்முக்கி,
திருவள்ளூர் ஆண்டு-2047.]

No. SRO A-21/2016.—The following draft of an amendment to the Tamil Nadu Plantations Labour Rules, 1955 which it is proposed to issue, in exercise of the powers conferred by sub-section (1) of Section 43 read with section 18 of the Plantations Labour Act, 1951 (Central Act LXIX of 1951) and in supersession of the Labour and Employment Department, Notification No. SRO A-25/2005, dated the 18th May 2005, published at pages 80 to 82 of Part III—Section 1(a), is hereby published for information of all the persons likely to be affected thereby as required by sub-section (1) of Section 43 of the said Act.

2. Notice is hereby given that the draft amendment will be taken into consideration on or after the expiry of six weeks from the date of 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 period aforesaid, will be considered by the Government of Tamil Nadu. Objection or suggestion, 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 AMENDMENT

In the said Rules, after Chapter VII, the following Chapter shall be added, namely:-

“CHAPTER VIII.

WELFARE OFFICERS.

85. Welfare Officers.—The employer of every plantation, wherein three hundred or more workers are ordinarily employed, shall appoint at least one welfare officer:

Provided that where the number of workers exceeds one thousand and five hundred, one welfare officer to be designated as assistant welfare officer, shall be appointed for every one thousand and five hundred workers or a fraction thereof, if such fraction exceeds three hundred:

Provided further that in a plantation,-

- (i) where three hundred or more, but not more than one thousand and five hundred workers are employed and the majority of the workers are women, the welfare officer to be appointed shall be a woman.
- (ii) where the number of workers exceeds one thousand and five hundred, of whom more than three hundred but not more than one thousand and five hundred are women, the assistant welfare officer to be appointed under the first proviso shall be a woman; and
- (iii) where the number of women workers exceeds one thousand and five hundred, the assistant welfare officers to be appointed shall be a woman at the rate of one assistant welfare officer for every one thousand and five hundred women workers or fraction thereof, if such fraction exceeds three hundred.

86. Qualifications.—No person shall be eligible for appointment as welfare officer, unless he possesses the following qualifications, namely:-

- (1) (a) a Master's Degree in Labour Management (or) a Bachelors Degree in Labour Management awarded by the Tamil Nadu Institute of Labour Studies, Chennai; or
- (b) a Post Graduate Degree or Diploma in Social Work, Social Science, Personnel Management, Labour Relations or Social Welfare with Labour Laws on Industrial Relations and Labour Welfare or Industrial Relations as a main subject of any University or Institution recognized by the University Grants Commission for the purpose of its grant; or
- (c) a Post Graduate Diploma in Labour Administration awarded by the Tamil Nadu Institute of Labour Studies, Chennai; or

- (d) a Post Graduate Diploma in Personnel Management, Industrial Relations and Labour Welfare awarded by the Productivity Councils in Tamil Nadu or any other Institutions recognized by the State Government for this purpose; or
- (e) a Post Graduate Diploma in Labour Laws and Administrative Laws conducted by Dr.Ambedkar Government Law College, Chennai; or
- (f) a Degree of any University or Institution recognized by the University Grants Commission for the purpose of its grant and a Diploma in Labour Laws awarded by the Indian Law Institute, New Delhi.

(2) adequate knowledge of the language spoken by the majority of the workers in the plantation to which he is to be attached:

Provided that in the case of a person who is employed as a welfare officer at the time of publication of this Notification in the *Tamil Nadu Government Gazette*, the State Government may subject to such conditions as it may specify, relax all or any of the aforesaid qualifications.

87. Recruitment of welfare officers.—(1) Vacancies in the post of welfare officers shall be advertised in two daily newspapers having wide circulation in the State, one of which shall be in Tamil and other in English:

Provided that the vacancies in the Government undertaking plantations and private plantations financially assisted by the Government shall be filled up through the Employment Exchange.

Provided further that vacancies in the said plantations shall be advertised in the newspapers only after obtaining non-availability certificate from the Employment Exchange.

(2) Selection for appointment to the post of welfare officer shall be made from among the candidates applying for the post by a committee appointed by the employer of the plantation.

(3) The appointment when made shall be notified by the employer to the State Government or such other authority as the State Government may specify for the purpose, giving the details of the qualifications, age, pay, previous experience and other relevant particulars of the officer appointed and the terms and conditions of his service.

88. Conditions of Service of welfare officer.—(1) A welfare Officer shall be given appropriate status corresponding to the status of a member of plantation executive staff.

(2) The conditions of service of a welfare officer shall be the same as those of other members of the staff of corresponding status in the plantation;

Provided that in case of discharge or dismissal, the welfare officer / assistant welfare officer shall have a right of appeal to the chief inspector of plantations whose decision thereon shall be final and binding upon the employer of the plantation.

The appeal shall be preferred within thirty days from the date of receipt by the welfare officer of the order or discharge or dismissal.

(3) The scale of pay and the allowances of the welfare officer / assistant welfare officer and other conditions of service shall be as same as those of the other officers of corresponding status in the plantation.

(4) No penalty shall be imposed upon a welfare officer by the management, unless he has been first informed in writing of the grounds on which it is proposed to take action and has been afforded an adequate opportunity of defending himself.

89. Duties of welfare officer.—The duties of the welfare officer shall be -

(a) to establish contacts and hold consultations with a view to maintain harmonious relations between plantation management and the workers;

(b) to bring to the notice of the plantation management the grievances of workers, individual as well as collective with a view to securing their expeditious redress and to act as a liaison officer between the management and labour;

(c) to study and understand the point of view of labour in order to help the plantation management to shape and formulate labour policies and to interpret these policies to the workers in a language they can understand;

(d) to watch industrial relations with a view to using his influence in the event of a dispute between the plantation management and the workers and to help to bring about a settlement by persuasive effect;

(e) to advise on fulfillment by the management and the concerned departments of the plantation of obligations, statutory or otherwise, concerning regulation of working hours, maternity benefits, medical care, compensation of injuries and sickness and other welfare and social benefit measures;

(f) to advise and assist the management in the fulfillment of its obligations statutory or otherwise, concerning prevention of personal injuries and maintaining a safe work environment;

(g) to promote relations between the concerned departments of the plantation and workers which will bring about productive efficiency as well as amelioration in the working conditions and to help workers to adjust and adapt themselves to the working environment;

(h) to encourage the formation of works and Joint Production Committee, Co-operative Societies and Welfare Committees such as Works Committee, Sub-Committee and to supervise their work;

(i) to encourage provision of amenities such as canteens, shelters for rest, school, creches, adequate latrine facilities, drinking water, medical facilities and superannuation benefits;

(j) to help the plantation 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;

(k) to advise on provision of welfare facilities, such as housing facilities, social and recreational facilities, sanitation, advice on individual personal problems and education of children;

(l) to advise the plantation management on questions relating to training of new starters and supervisors, supervision and control of notice board and information bulletins to further education of workers and to encourage their attendance at technical institutes;

(m) to suggest measures which will serve to raise the standard of living of workers and in general promote their well being;

(n) to work for the improvement of educational facilities and to promote adoption of the family welfare measures amongst the worker; and

(o) to implement the scheme of eradication of illiteracy among the workers in co-ordination with the Education Department authorities or any other agencies as the case may be.

90. welfare officer not to deal with disciplinary cases or appear on behalf of the management against workers.-

No welfare officer shall deal with any disciplinary case against a person employed in a plantation or appear before a Conciliation Officer, Court or Tribunal on behalf of the management of the plantation against a person or persons employed in the plantation except when he is required by the Conciliation Officer, Court or Tribunal to appear as an independent witness;

Provided that nothing in this rule shall be deemed to prohibit a person employed in a plantation from approaching the welfare officer in respect of a grievance arising out of any case of disciplinary action against him".

P. AMUDHA,
Secretary to Government.