DIRECTORATE GENERAL FACTORY ADVICE SERVICE
& LABOUR INSTITUTES

कारखाना सलाह सेवा और श्रम संस्थान महानिदेशालय

GOVERNMENT OF INDIA / भारत सरकार

MINISTRY OF LABOUR AND EMPLOYMENT/ श्रम एवं रोज़गार मंत्रालय

Draft Country Survey Document

For

FACTORY / DOCK INSPECTION SYSTEM IN INDIA

BACKGROUND

The OSH is the science of anticipation, recognition, evaluation and control of hazards arising in or from the workplace that could impair health and well being of workers. The number of occupational accidents is increasing in countries where adequate enforcement and regulatory mechanism to suit the local conditions are not effective. We have around 80 % of all ILO standards and instruments are either wholly or partly concerned with issues related with OSH. This shows the importance on the subject.

The primary function of inspection system as per C 81 - Convention concerning labour inspection in industry & commerce. Article 3.1 are :

To secure the enforcement of the legal provisions relating to conditions of work and the protection of workers while engaged in their work

To supply technical information and advice to employers and workers concerning the most effective means of complying with the legal provisions

To bring to the notice of the competent authority defects or abuses not specifically covered by existing legal provisions

In the context of changing technological, legal, traditional, economic and psychological realities in the country on the one hand, the need to safeguard safety and health of employees in the factories on the other hand, the need for strengthening and modernizing the factory / dock inspection system is being increasingly felt.

Realizing this need DGFASLI is in the process of initiating a project to standardize the factory inspection system in collaboration with State/Union Territory Government and ILO.

In order to prepare a country document about the prevailing system of factory for / Dock inspection, this document aims to compile data for the period April 2005 to March 2010.

A.	***GENERAL INFORMATION*** (period April 2005 to March 2010)
1	Population of the state.[District wise ,Adult male, Adult female ,adolescent & child] – attach a separate sheet
2	No. of registered factories. (as per classification shown below. More classification may be added) 2.1 upto 50 workers 2.2 More than 50 workers 2.3 Section 87 2.4 section 2(cb) 2.5 2.6 2.7 .....
3	No. of working factories. (as per classification shown below. More classification may be added) 3.1 upto 50 or above 50 workers 3.2 SMALL,MEDIUM, LARGE 3.3 Section 87 3.4 section 2(cb) 3.5 3.6 3.7 .....
4	No. of workers employed (as per classification shown below. More classification may be added) Male Workers Female Workers 4.1 upto 50 or above 50 workers 4.2 SMALL,MEDIUM, LARGE 4.3 Section 87 4.4 section 2(cb)

	4.5 4.6 4.7 .....
5	5.1 Period of validity of initial license issued 5.2 License normally renewed automatically for how many years ? (after fee paid)
6	% of License renewal refused with common reasons for refusal
7	% age of license renewed after getting certain clarifications
B.	***ORGANISATION***
1	Sanctioned strength of Inspectors as per Section 8 – all levels (General & specialists)
2	% inspectors in position. (General & specialists – Gender wise) Year wise (Financial Yesr)
3	No. of certifying surgeons required and % filled
4	Name the legislations which are enforced 4.1 :By the Inspectors presently 4.2 :Likely to be looked after in near future.
5	No. of Inspectors per 1000 workers in your state: (a) including specialists. (b) Excluding specialists.
6	No. of Inspectors per 1000 working factories as per classification A-3 above.

C. ENFORCEMENT TOOLS :	
1	The following are few examples for enforcement tools which are used in general. Select the tools which are in use in your state 1.Verbal warnings / written warnings /Improvement notices 2.Guidelines issued / Administrative directives or orders 3.Administratively imposed monetary/ Increased regulatory burden 4.Negotiated solutions to non-compliance /Probation for companies and directors /Contract listing / Disqualification of directors 5.Variations of licences or conditions / Civil and criminal prosecution\ 6.Stop work order 7. *[Pl add other enforcement tools used being used by you]*
2	Name the most commonly used tools during inspection in your state, in the order of usage
3	Name the tools in the order of its effectiveness when used in your state
D. FACTORY INSPECTION STATUS	
1	Do your state has declared a coherent Inspection policy. 1.1 If yes, enclose copy of your Inspection Policy. 1.2 If not available, require assistance from DGFASLI to make one?
2	Inspectors are aware of ILO convention 81 on labour inspection (ratified by India)
3	Maximum distance, in kms, to be travelled by an Inspector within his jurisdiction.
4	Minimum time required to reach the farthest distance in his jurisdiction
5	No. of industries submitting returns regularly during (April 2000 to March 2010).

6	Does your Inspector feels that his powers are inadequate and reasons thereof. How can this be overcome?
7	Inspectors are weakened due to their general lack of specialisation in technical areas, especially issues relating to Boilers, Pressure vessels and similar other specialised equipments. Do you agree with the statement? If yes, indicate such technical areas with your suggestion to overcome the difficulties.
8	State the no of times Inspectors issued written guidelines/instructions regarding general duty of the Occupier. (S 39 & 40) for April 2005 to March 2010
9	No. of industries penalized for violation for the period April 2005 to March 2010 (give year-wise details) 10.1 .also indicate the reasons for penalty with section / Rule nos
10	Average prosecutions finalized by the authorities per year (April 2005 to March 2010) 11.1 State the general difficulties/ reasons for slow finalisation, if any
11	Prosecution launched per 1000 inspections (April 2005 to March 2010) – year-wise

12	During inspections opening and closing meetings held at the level of the first Senior most / Middle level / Junior level official
13	State the time limit set in your state for finalisation and communicating the inspection report to the management
14	Minimum, Average & Maximum no of days normally taken for report finalisation in your state
15	Normally inspection report contains ways and means to remove the deficiency among others. Is it in practice in your state .If not reasons thereof.
16	Do you feel that "spot action" against the violations will be useful in your state. If yes. Mention name of enforcement tools through which you recommend spot action If no, state the reasons
17	Does your Inspector normally meet the worker representatives during the inspection.
18	State briefly the gender related matters which has come to attention of the Inspectors and remedial measures initiated

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19	Name the challenges the inspectors are facing during enforcement Mention how your inspectors are able to overcome all such challenges
20	Name the opportunities inspectors are having on OSH enforcement 20.1 State how such opportunities are used by them.
E	***INSPECTION STRATEGY***
1	Your Inspection strategy presently is : 1.1 To inspect all industries 1.2 To inspect few industries 1.3 Cant inspect all industries in depth but keep just surveillance
2	Briefly state the collaboration mechanism in place with: (a) Other Inspectorates (b) Social partners (c) Media (d) others

3	Your present strategy has an annual plan for inspection at Unit and State level If yes, enclose a copy of the plan and achievement details for last five years
4	Is there any defects or abuses [which are not specifically covered by existing legal provisions] identified during inspection. 3.1 If yes, briefly give such details 3.2 How such issues are handled by the inspector
5	% of Inspector actually provide abatement framework to the occupier after inspection
F	***ADMINISTRATIVE INFRASTRUCTURE***
1	Transport facilities made available by the Department for the Inspectors. If no, state the mechanism available for the same State your requirements ,if any
2	Necessary secretarial assistance available for preparing the inspection report State your requirements ,if any
G	***COMPETENCY STATUS***

1	Whether the department is satisfied with the entry level qualification & experience of the Inspectors. 1.1 If not, indicate the entry level qualification required.
2	State whether acquiring lateral level qualification is made compulsory for the inspectors (P G /Doctoral level) 2.1 If no, would you like to have a system for this
3	State the name and frequency of the compulsory technical departmental test/examination to be passed by the Inspectors.
4	If no system is in place, suggest suitable test / examination system for Inspectors at all levels.
H	***PRE-INSPECTION DETAILS***
1	All inspection are planned 1.1 If yes, informs whom (before inspection) 1.2 If yes, do you have the practice of sending a checklist to the management to facilitate smooth and fast inspection. (enclose a copy of checklist) 1.3 if not, % of planned inspection
2	All inspections are Unplanned –

	2.1. If yes, state reasons
3	Inspector actually prepare file and records of the factory before inspection
4	Inspector actually read history and profile of the company before inspection
5	Inspector understand process related hazards before inspection
6	Inspector actually prepare a compliance check list before inspection
7	Inspector actually prepare inspection / assessment form
8	Inspector actually undertake a walk through visit in the factory during inspection
9	Factory license - terms and conditions are referred before inspection
10	Last inspection report is referred by the inspector compulsorily
11	Action taken report by the management on the last inspection is received by the inspector before the due date from the management
12	Accident status including dangerous occurrence in the industry for the last 3-5 years and corrective action by the management is referred by inspectors before inspection

13	List of documents to be produced by the management and to be examined by Inspectors are made ready
14	List of equipment required and to be carried by the inspectors are finalized ___ days in advance
15	Latest Risk management report/study of the management is evaluated by the inspector before the inspection
16	Before the inspection Safety organization chart and its adequacy is ascertained by the Inspector
17	Records of statutory tests and examination of machinery / equipment is accepted by the inspector before the inspection/at the time of inspection after verification.
18	Minutes of the last safety committee meetings and action taken report by management is obtained and taken note before the inspection
19	Complaint records on OSH is reviewed by the inspector before the inspection
20	Inspector reviews the significant hazard/ risks present in the factory and its likely impact and send his views to his superior officer before and after inspection
21	Process knowledge , specific MSDS of chemical being used in the industry are acquired by the inspector before the inspection

22	Whether your state is satisfied with various workplace registers, both statutory and non-statutory, being maintained presently. If not, kindly suggest improvements to be incorporated.
23	Evaluate all returns submitted for statutory purpose before the inspection
24	Prepared list of applicable BIS and other standards for the industry. *(Normally management also keeps such a list with them.)*
25	Decide areas to be inspected specifically and areas generally before the inspection
26	Inspector actually inform penalty information for willful non compliance before inspection
I	***TRAINING & EDUCATION STRATEGY***
1	Is there a training policy for factory Inspectors in your state If yes ,enclose a copy of the policy
2	State whether a system is in place to specifically inform the Inspectors about their training deficiency / technical deficiency. `
3	How many times Inspectors have felt the need for training in specific areas like : Crane safety,

	Pressure vessels, Tank farm areas, Process safety, Fire system, Ventilation system, Electrical Safety, Corrosion, Hazard Identification methods, Software Models, Pipeline safety, Process waste management / Flare, Heat exchangers, Reaction vessels, Compressors, Coal handling, Transport of hazardous materials. *[This is not a full list. Please add to suit your needs]*
4	Inbuilt capacity of the state for training their own inspectors in the above areas
5	Inbuilt capacity of the state for training inspectors from other states

6	Nature of assistance required from DGFASLI to fill the gap
7	Name courses inspectors have undergone during April 2005 to March 2010
8	Do you plan to give communication skill to your inspectors (like sensitizing, inform, advise, prevent, interview, investigate, sanction)
9	All Zonal / Heads of Offices of the state have a Technical Library consisting copies of OSH Legislations / Ref books / Standards / Code of practice / list of OSH web sites (national and international)
10	% Inspectors feel that his knowledge and training are inadequate for the task entrusted to him

11	Do you appreciate that OSH education is a must for technical /medical courses 11.1 If yes, enclose a copy of the syllabus / details forwarded by you to various agencies responsible for technician, diploma, degree level technical/medical education in your state for teaching.
12	The proposed credit based modules for the freshers and existing inspectors are available at Annexure-I : Your comments and observations on the modules may be given here.
J	**INDICATORS** [for Apr 2005 to March 2010]
1	State Average FR,SR & IR of your state .(if possible district wise)
2	No. of On-site Plan - Required Submitted Returned for clarification
3	No. of Off-site plan- Required - Submitted. - Returned for clarification
4	No. of units required to conduct Safety Audit - Required Submitted Returned for clarification
5	Safety report - Required Submitted Returned for clarification
6	Safety policy - Required Submitted Returned for clarification
7	No of mock drills - Required Conducted

	Improvement / observation forwarded by the inspectors
8	Safety Officer -No of industries in which to be appointed - No of industries actually appointed
9	% of Management not giving required facilities to the safety department
10	Percentage of Industry voluntarily invite inspectors for OSH inspection
11	No of industry closed or lockout made due to OSH issues
12	OSH is a line management responsibility. This is practiced by ..... % of industries.
13	Periodic reporting of OSH performance to top management is practiced by .....% of industries.
14	Training calendar of the industry meet the minimum OSH training level. If no, indicate the % of industries not meeting
15	State the toll free tel. No., if any, to which people can address OSH enquiry
16	State the 24 hrs hot line tel. No. to which accident information can be given by the people
17	Do you feel that time has come to introduce self regulations by employer & employee together for: i) All operations. ii) Selected operations.

18	Do you feel that certain aspects of inspection could be done from office itself without physical visit by the inspector If yes, identify such area.
19	State the coordination mechanism existing between workers and inspectors
20	State the ratio of enforcement activity to promotional activity in your state
21	Do you encourage strong R & D initiative on OSH. 21.1 If yes, name the industry [including consortium of industries, industry associations where notable R & D on OSH is taking place in your state 21.2 If no, state your willingness to have a mechanism for strong R & D system in the state
22	State the performance indicators based on which the industries are generally assessed by you
23	% of industries who have a separate maintenance policy
24	% of industries who have a separate plant modification policy
25	% of industries who disseminate their accident statistics & accident details voluntarily
26	% of industries who disseminate their accident statistics & accident details upon your intervention

27	% of industries who do not disseminate their accident statistics & accident details
28	% of industries who have included OSH criteria in procedure for evaluating / selecting contractors
29	Have you standardised the reporting of work related injury of contractors
30	State the no of state level OSH study / survey/others carried during the last 3 yrs(on areas like noise, light, ergonomics, heat stress,...) 30.1 If no, would you like to have such activity in the future. If yes give details
31	Do you support constant review of check list ,SOP, control procedure and similar documents 31.1 If yes, how often inspectors verify the same
K	***LEGAL MATTERS***
1	Do Inspectors face difficulties while conducting court cases. If yes, state the difficulties
2	Do you have a Departmental Law Officer to assist them on legal matters
3	No of prosecutions filed out of total no of violations observed(Apr 05 to Mar 2010 3.1 state how the remaining violations were rectified 3.2 % of conviction rate for the period Apr 05 to Mar 2010

4	Average no of inspections made by an inspector during Apr 05 to Mar 2010
5	Common reasons on which the managements are acquitted.
6	The state has given powers to inspectors regarding : 6.1 free entry to workplaces without prior notice; 6.2 carrying out inspections and investigations at the workplace; 6.3 to require employers and employees to supply information relevant to an inspection or investigation; 6. 4 to examine records and reports relevant to health and safety at the workplace; 6.5 to apply, or to arrange the application of, sanctions when these are deemed to be necessary; 6.6 to require the immediate stoppage of working activities in the case of serious risk.
7	The inspectors are able to: 7.1 identify problems,

	7.2 detect cause, 7.3 rapidly take action on the action to be taken 7.4 always independent of external influence 7.5 follow the code of ethics set by the state