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GOVERNMENT OF THE PEOPLE'S REPUBLIC OF BANGLADESH

MINISTRY OF LABOUR AND MANPOWER

Labour and Manpower Division

Section IX

NOTIFICATION

Dhaka, the 4th December, 1983

No. S.R.O. 465-L/83/S-IX/A-2/83/162.—The following draft of the Bangladesh Factories (Exemption) Rules, 1983, which it is proposed to be made by the Government in exercise of the powers conferred by section 63 of the Factories Act, 1965 (E.P. Act No. IV of 1965), is hereby published for the information of all persons likely to be affected thereby, as required by subsection (1) of section 114 of the said Act.

Any objection or suggestion in respect of the said draft received on or before 5th March 1984 will receive due consideration, and the draft will be taken into consideration by the Government on or after the date specified:

THE BANGLADESH FACTORIES (EXEMPTION) RULES, 1983

1. **Short title and validity.**—(1) These rules may be called the Bangladesh Factories (Exemption) Rules, 1983.

(2) They shall remain valid for three years.

2. **Definitions.**—(1) In these rules,—

(a) "Act" means the Factories Act, 1965;

(b) "Form" means a Form appended to these rules; and

(c) "section" means a section of the Act.

(2) Words and expressions used but not defined in these rules shall, unless the context otherwise requires, have the meaning assigned to them in the Act,

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3. **Persons holding position of supervision, etc.**—(1) Managers employed in factories shall, under sub-section (1) of section 63, be deemed to be persons holding position of supervision or management and are persons employed in work of confidential in nature.

(2) A record of the names and designations of all persons referred to in sub-rule (1) shall be maintained correctly and legibly in ink, and shall be made available in the factory for examination by the Inspector.

4. **Fifty-six hour limit.**—No adult worker exempted from the provision of section 50, other than an adult male worker employed under rule 6 on urgent repairs, shall be allowed to work for more than sixty hours in any week and on an average fifty-six hours per week in any year.

5. **Compensatory holidays.**—(1) Where, as a result of any of these rules exempting the workers in any factory from the operation of the provisions of section 51, a worker is deprived of any of the weekly holidays for which provisions is made by sub-section (1) of that section, he shall, as provided in sub-section (1) of section 52, be allowed such number of compensatory holidays as are equal to the holidays so lost in the manner hereinafter specified.

(2) Every worker shall be allowed a compensatory holiday admissible to him under sub-rule (1), as soon as circumstances permit, either within the same month in which the holiday was due to him or within two months immediately following that month:

Provided that in the case of a seasonal factory, a worker shall be allowed the compensatory holidays before the close of the current session:

Provided further that a notice of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

(3) All workers may be allowed compensatory holidays either simultaneously or by rotation as may be deemed expedient.

(4) Notwithstanding anything contained in the foregoing sub-rules, in the case of a seasonal factory having continuous manufacturing processes, a worker may, subject to the approval of the Chief Inspector, be allowed the compensatory holidays admissible under sub-rule (1) at the end of the current season at a time commencing on a day not later than the date immediately following the day on which the current season comes to a close, and such worker shall be paid the wages due for the number of compensatory holidays so allowed before he is discharged for the season.

6. **Urgent repairs.**—The provisions of sections 50, 51, 53, 54, and 55 shall not apply to an adult male worker engaged on urgent repairs, subject to the conditions that—

(a) throughout the full period of such work, a notice stating the names of the workers employed therein shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 109;

(b) a notice stating therein briefly the nature of the repairs, the time of commencement of work and its probable duration shall be sent to the Chief Inspector and the Inspector of Factories, of the area forthwith;

- (c) no worker shall be employed on such work for more than seven consecutive days without a holiday for a whole day;
- (d) a statement showing the total number of hours worked each day in the week by each such worker shall be sent to the Chief Inspector and the Inspector of Factories of the area within thirty-six hours after the completion of the work; and
- (e) a notice of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

Explanation.—“Urgent repairs” means any repairs—

- (1) to machinery and plant necessary to prevent or to remedy a breakdown that has caused or may cause a stoppage of the manufacturing process; or
- (2) which are of such a nature that failure to execute them forthwith may cause serious interruption of a public service or danger to, or detention of, a ship, a train or an aircraft; or
- (3) carried out by engineering works or foundries in connection with any repair which is of the nature described in clause (1) or (2) of this explanation;

Provided that the periodical overhaul of a locomotive, inland steamer, or other mechanically propelled vehicles shall not be deemed to be “urgent repairs” for the purpose of clause (2) of this explanation.

7. Engine and boiler attendants.—The provisions of section 51 shall not apply to adult male workers engaged solely in the work of attending to boilers or prime movers, subject to the condition that—

- (a) the manager of the factory shall classify all such workers into groups according to the nature of the work;
- (b) a notice showing the groups of workers working under the provisions of this rule shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 109;
- (c) an attendance register for such workers shall be maintained in Form No. I, and in respect of each worker the time of commencement of each period of work shall be entered therein beforehand, and the time of expiry of each period of work shall be entered therein immediately after the period of work has expired;
- (d) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day; and
- (e) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

8. Maintenance workers and workers employed on despatching or receiving of goods.—The provisions of section 51 shall not apply to adult male workers and the provisions of section 53, 54 and 55 shall not apply to adult workers who are engaged solely on the maintenance of machinery and plant or on the despatching or receiving goods, subject to the condition that—

- (a) the manager of the factory shall classify all such workers into groups according to the nature of their work;

- (b) a notice showing the group or groups of workers working under the provisions of this rule shall be displayed and maintained in accordance with the provisions of sub-section (2) of section 109;
- (c) an attendance register for such workers shall be maintained in Form No. I, and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of expiry of each period of work shall be entered therein immediately after the period of work has expired; and
- (d) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

9. **Continuous process.**—The provisions of section 50, 51, 53, 54 and 55 shall not apply to adult male workers engaged in—

- (1) iron and steel factories, on the operation of blast furnaces, open hearth and electric steel plants, electric metal melting plants of the Ajax Wyatt and Nurthrupp type and gas fired metal melting plants, working on the regenerative principle;
- (2) coke overplant, on the operation of coke ovens;
- (3) by-product plant, on the recovery and treatment of by-product;
- (4) water works or water pumping stations as pumpmen, engine drivers, oiler and attendants;
- (5) gas works on the actual production of coal gas;
- (6) gas factories on the production and treatment of carbon dioxide, oxygen and acetylene;
- (7) ice factories, on the manufacture and handling of ice;
- (8) cold storage plant, on the work of attending to the refrigeration machinery;
- (9) chemical factories, on the manufacture of sulphuric acid, nitric acid, hydrochloric acid, epsom salt, alum, aluminium sulphate, sodium sulphate, ferrous sulphate, sodium chloride, calcium hypochloride, copper sulphate, hyposulphide of soda, sulphide of soda, caustic soda, nitrate of potash, phosphoric acid, ammonia, liquid chlorine, other chloroform, sodium salicylates, sodium tartrate, sodium acetate, sodium citrate, potash citrate, potash acetate, potash tartrate, lime, sulphur solution, bisulphate of lime, zinc oxide, litharge, red lead, white lead, strychnine, cleromattes and dicleromattes, caffeine, ephedrine, atropine, kurshi, Prophyllin, dextrine and absorbent and on the sterilisation of surgical dressing, on the distillation of cost tar and the recovery of its by-products;
- (10) paper mills on the work of attending to bamboo preparing plants, grass preparing plants, digesters, breakers, bleaching plant, bleach making plant, stariners and washers, beaters, paper making machines, super calender, acid making plant, soda recovery plant, pumping plant, reelers, cutters and power plant;
- (11) electrical generating and distributing stations, on the work of operating generating plant and switch-gear;

- (12) glass factories, on the work of charging and attending to the posts of tanks, attending sheets, glass making machines and firing the furnaces;
- (13) sugar factories, using the vacuum pan system;
- (14) refractory ceramic, brick, tile and pipe works, on the work of firing and attending kilns;
- (15) distilleries, on fermentation and distillation plant, brewers on the work of melting and brewing with chemical refrigeration;
- (16) training extract factories, on the work of charging and discharging vats and attending to evaporators and finishers;
- (17) shelac factories on the solvent and heat-extraction processes of shelac manufacture;
- (18) paint factories, on the work of manufacturing standard oil and chromium oxide;
- (19) gramophone works, on the work of electrical deposition of copper on wax matrices;
- (20) cement factories, on the manufacture of asbestos and cement from the piles at the feed and to the delivery and stacking of form products in the watering chambers;
- (21) gun and rifle factories, on the operation of furnaces using the process of nitriding steel by ammonia gas;
- (22) aluminium workshops on the manufacture of alumina from crushed bauxite;
- (23) fertiliser factory;
- (24) rayon mill; and
- (25) refinery; subject to the conditions that—
 - (a) on the notice of periods for work required under section 60, the manager shall enter against each group of workers working under the provisions of this rule, the words, figures, brackets and comma "working under the provisions of rule 9 of the Bangladesh Factories (Exemption) Rules, 1983.";
 - (b) the workers engaged on such work shall ordinarily be employed on daily eight hour shifts;
 - (c) no such workers shall be employed for more than fourteen consecutive days without a compensatory rest period of at least twenty-four hours at one time; and
 - (d) notice of periods of such work shall be sent to the Government in the Ministry of Labour, the Chief Inspector and the Inspector of Factories of the area forthwith.

10. **Rice Mills.**—(1) The provisions of sections 51, 54 and 60 shall not apply to adult workers engaged in rice mills using parboiling process. The manager or, as the case may be, the occupier of the factory shall—

- (a) serve on the Chief Inspector and the Inspector of Factories of the area, and display in the factory, a notice of the intention of the worker to avail himself of this exemption and shall, whilst the worker avails himself of the exemption, keep the notice so displayed;

- (b) maintain a register of such workers in Form No. I and shall enter therein in respect of each such worker—
- (i) the time of commencement of each period of work, and
 - (ii) the time of expiry of each period of work immediately after the period of work has expired.
- (2) No such worker shall be employed for more than four consecutive days without a holiday for a whole day.
- (3) Notice of periods of work under this rule shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

11. **Tea Factories.**—The provisions of sections 51, 54 and 60 shall not apply to adult workers engaged in tea factories, subject to the condition that—

- (a) the manager or the occupier of the factory has, before he avails himself of this exemption, served on the Chief Inspector and the Inspector of Factories of the area, and displayed in the factory, a notice of his intention to so avail himself and whilst he avails himself of the exemption, shall keep the notice so displayed;
- (b) an attendance register for such worker is maintained in Form No. I, and in respect of each such worker the time of commencement of each period of work shall be entered therein beforehand and the time of expiry of each period of work shall be entered therein immediately after the period of work has expired;
- (c) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day; and
- (d) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

12. **Sugar Factories.—Open pan process.**—The provisions of section 51 shall not apply to adult male workers engaged in sugar factories using the open pan process, subject to the condition that—

- (a) on the notice of periods for work required under section 60, the manager shall enter against each group of workers working under the provisions of this rule the words, figures, brackets and comma “working under the provisions of rule 12 of the Bangladesh Factories (Exemption) Rules, 1983”;
- (b) an attendance register for such worker is maintained up-to-date in Form No. II;
- (c) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day; and
- (d) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

13. **Tanneries.**—The provisions of section 51 shall not apply to adult male workers engaged in tanneries on the processes of soaking, drying, bating and curing of tanning hides, kips or skins, subject to the condition that—

- (a) on the notice of periods for work required under section 60, the manager shall enter against each group of workers working under the provisions of this rule the words, figures, brackets and comma “working under the provisions of rule 13 of the Bangladesh Factories (Exemption) Rules, 1983”;

- (b) an attendance register for such workers is maintained up-to-date in Form No. II;
- (c) the number of hours worked by any such worker on a Sunday does not exceed six;
- (d) no such worker shall be employed for more than fourteen consecutive days without a holiday for a whole day; and
- (e) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

14. **Flour Mills.**—In the case of adult workers employed as sirdars, machinememen (operators and cleaners), shootingmen, mixturemen, oilers, packers and stitchers, flour-godown coolies, sealman and sweepers in the screen-room, mill and flour godowns of a flour mill, the following provisions shall apply:—

- (1) where the manufacturing process is carried on continuously throughout the day and such workers are ordinarily employed on daily eight-hours shifts, provisions of sections 50, 51, 53, 54 and 55 shall not apply, subject to the condition that—
 - (a) on the notice of periods for work required under section 60, the manager shall enter against each group of workers working under the provisions of this clause the words, figures, brackets and comma “working under the provision of clause (1) of rule 14 of the Bangladesh Factories (Exemption) Rules, 1983”; and
 - (b) no such worker shall be employed for more than fourteen consecutive days without a compensatory rest period of at least twenty-four hours at one time;
- (2) where the manufacturing process is carried on continuously throughout the day and such workers are not ordinarily employed on daily eight-hours shifts, the provisions of sections 50 and 51 shall not apply, subject to the condition that—
 - (a) on the notice of periods for work required under section 60 the manager shall enter against each group of workers working under the provisions of this clause the words, figures, brackets and comma “working under the provisions of clause (2) of rule 14 of the Bangladesh Factories (Exemption) Rules, 1983”;
 - (b) no such worker shall be employed on a Sunday for more than six hours;
 - (c) every such worker shall be given a weekly rest period of not less than twenty-four consecutive hours; and
 - (d) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

15. **Water Pumping Station Valvemen.**—The provisions of sections 51 and 55 shall not apply to adult male workers employed as Valvemen in the water pumping stations, subject to the condition that—

- (a) on the notice of periods for work required under section 60 the manager shall enter against each group of workers working under the provisions of this rule the words, figures, brackets and comma “working under the provisions of rule 15 of the Bangladesh Factories (Exemption) Rules, 1983”;

- (b) no such worker shall be employed for more than twenty-eight hours in any week; and
- (c) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

16. **Jute and cotton mill.**—(1) Workers employed in jute and cotton mill on "A" and "B" shifts on the basis of four hours' rest are exempted from the operation of the provision of section 55, subject to the condition that the period of work along with rest-interval does not exceed the spreadover limit of twelve hours a day.

(2) notice of periods of work under sub-rule (1) shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

17. **Re-rolling mills.**—Workers employed in re-rolling mills on "A" and "B" shifts on the basis of one hours' work and one hour's rest are exempted from the operation of the provisions of section 55, subject to the condition that—

- (a) the period of work along with rest interval does not exceed twelve hours a day; and
- (b) notice of periods of such work shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

18. **Printing of newspapers.**—The provisions of sections 50, 53 and 55 shall not apply to workers engaged in the printing of newspapers if such printing is held up on account of the breakdown of machinery, subject to the condition that—

- (a) throughout the full period of printing a notice stating the names of the workers engaged therein shall be displayed and maintained in accordance with provisions of sub-section (2) of section 109;
- (b) a notice stating therein briefly the nature of the repairs, the time of commencement of the work and its probable duration shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith;
- (c) no worker shall be engaged in printing for more than seven consecutive days without a holiday for a whole day; and
- (d) a statement showing the total number of hours worked each day in the week by each such worker shall be sent to the Chief Inspector and the Inspector of Factories of the area within thirty-six hours after the completion of the work.

19. **Fridays.**—(1) Workers who do not work on more than two shifts are exempted from the operation of the provisions of section 55 on Fridays only, provided that the period of work along with the rest interval together does not exceed twelve hours on that day.

(2) Notice of periods of work under sub-rule (1) shall be sent to the Chief Inspector and the Inspector of Factories of the area forthwith.

FORM NO. 1

REGISTER OF ADULT WORKERS

(Vide rules 7, 8, 10 and 11)

Sl No.	Name.	Nature of work.	Group No.	Period of work.	Namefor the week ending							Total Weekly hours.	Record of transfers from one group to another.	Remarks.
					Actual times starting and stopping for each		Thurs- nesday		Friday		Sat-ur day			
					Sunday	Monday	Tues- day	Wed- nesday	Thurs- day	Friday	Sat-ur day			
					In	Out	In	Out	In	Out	In	Out		
					In	Out	In	Out	In	Out	In	Out		

FORM NO. II
 REGISTER OF ADULT WORKERS
 (Vide rules 12 and 13)

Name for the week ending

Sl. No.	Name.	Name of work.	Group No.	Relay No.	ATTENDANCE							Record of transfers from one group or relay to another.	Remarks.
					Sun-day	Mon-day	Tues-day	Wednes-day	Thurs-day	Fri-day	Satur-day		
1	2	3	4	5	6	7	8	9	10	11	12	13	14

NOTE : —The letters "p" and "A" may be used to indicate "Present" or "Absent" as the case may be.

By order of the
 Chief Martial Law Administrator
 SYED ANWARUL ISLAM
 Deputy Secretary.

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