

¹[Khyber Pakhtunkhwa] FACTORIES (ADULT EXEMPTION) RULES, 1972

7th March, 1972

No. SOL (V) 1X-2/70.— With reference to the Government of West Pakistan Labour Department's Notification No. 1-6 (L11)/65, dated the 16th June, 1969 and in exercise of the powers conferred by section 43 of the Factories Act, 1934 (Act XXV of 1934), the Governor of the ²[Khyber Pakhtunkhwa] is pleased to make the following rules, namely:—

1. **Short title and commencement.**—(I) These rules may be called the ³[Khyber Pakhtunkhwa] Factories (Adult Exemption) Rules, 1972.

(2) They shall come into force at once.

2. In these rules unless there is anything repugnant in the subject or context —

(i) 'Act' means the Factories Act, 1934 ;

(ii) 'Chief Inspector' means the Chief Inspector appointed under sub-section (2) of section 10 ;

(iii) 'Form' means the form appended to these rules;

(iv) 'Inspector' means the Inspector appointed under sub-section (1) of section 10;

(v) 'Section' and 'sub-section' respectively mean the section and sub-section of the Act.

3. Persons holding position of supervision of management.—

The following persons shall be deemed to hold position of supervision or management in a factory:

(1) General Manager, Workshop Superintendent, Works Manager, Manager, Assistant Manager, Departmental Head, Chief Engineer, Electrical Engineer, Head Store-Keeper, Foreman, Labour Officer, Boiler Engineer, Technical Experts, Assistant Engineer, Overseer, Inspectors of Workshop/Engineering Branch, Chargemen, Chargehands, Mechanical Engineer, Civil Engineer, Section Officer, Administration Officer, Store Officer, Personnel Officers and Chemist,

(2) Any other person who in the opinion of the Chief Inspector, holds a position of supervision or management in the factory.

¹ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

² Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

³ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

4. **Persons holding confidential position.**—All Clerks not covered by the definition of worker, as given in clause (h) of section 2, accountants, computers, stenographers/secretaries of the managers and assistant managers, draftsmen and time-keepers shall be deemed to be employed in a confidential capacity.

5. A list showing the names and designations of all persons, to whom the provisions of sub-section (1) of section 43 have been applied, shall be maintained and when so required by the Inspector produced before him.

EXEMPTIONS

6. **Urgent repairs.**—When the work in engineering or other workshop on the repair of plant, or other machinery or plant incidental to, or connected with the manufacturing process used in manufacturing processes, or on repairs in connection with maintenance of a public service, or any factory on the repair of any part of the machinery, plant or structure of that factory is of such nature that delay in its execution would involve—

- (1) substantial interruption to the manufacturing process in any factory, or
- (2) substantial interruption to a public service or
- (3) danger to human life or safety,

all adult male workers employed on such work shall be deemed to be employed on urgent repairs within the meaning of section 43 (2) (a) and shall be temporarily exempt from the provisions of sections 34, 36, 37, 38, 39 and 40 for the period occupied in the completion of such repairs, subject to the following conditions;—

- (a) that the period of exemption for any one worker shall not exceed fourteen days in any calendar month;
- (b) that no worker shall be employed for more than fourteen consecutive days without one full day's holiday ;
- (c) that no worker shall be employed continuously for more than eight hours without rest interval of at least one hour;
- (d) that a notice stating, the name of workers employed and precise nature of their work shall be sent to the Chief Inspector, the Inspector of the region and the Inspector of area concerned within twenty-four hours of the commencement of such employment, and a copy of the said notice shall be affixed in a conspicuous place near the main entrance of the factory before the workers are put on such work.

7. **Preparatory and complimentary work.**— Adult male workers employed on despatching and receiving of goods, of solely on maintenance of work or as engine drivers, boiler attendants, millwrights-mates and switch board attendant, turbine drivers, electric motor drivers and oilmen shall be deemed to be employed on preparatory and complimentary

work in all factories within the meaning of section 43 (2) (b) and as such shall be exempt from the provisions of sections 34, 36, 37, 38, 39 and 40 subject to the following conditions:—

- (a) that no such worker shall be employed for more than eight hours continuously without a rest of one full hour;
- (b) that no such worker shall be employed in any factory for more than sixty hours in any week or for more than ten hours in any one day; and
- (c) in seasonal factories no worker shall be allowed to work in such a manner that the spread over exceeds 12 hours in a day.

8. Intermittent work,—Adult male workers employed as—

- (1) mechanic;
- (2) engine drivers;
- (3) foreman;
- (4) mill wrights;
- (5) mill wrights-mates;
- (6) oilmen ;
- (7) electricians ;
- (8) blacksmiths ; and
- (9) moulders;

shall be deemed to be employed on intermittent work in all factories within the meaning of section 43 (2) (c) and as such shall be exempt from the provisions of sections 34, 36, 37 and 38 subject to the following conditions:—

- (a) that no worker shall be employed for more than eight hours continuously without a rest of one full hour; and
- (b) that no worker shall be employed in any factory for more sixty hours in any week or for more than ten hours in any one day.

9. Continuous processes.—Adult male workers employed—

- (1) on the generation of electricity;
- (2) on the manufacture of ice in ice factories ;

- (3) on brewing in breweries ;
- (4) on distillation in distilleries ;
- (5) on the production of glass in glass works ;
- (6) on distillation in rosin and turpentine factories ;
- (7) on tanning in tanneries ;
- (8) on the manufacture of cement and asbestos sheets and allied products in cement works;
- (9) on the manufacture of sugar in sugar factories and refineries;
- (10) on the operations of blast furnaces in iron and steel factories ;
- (11) in water works or water supply pumping stations ;
- (12) on the production of carbon dioxide gas in carbolic acid gas factories ;
- (13) in the mineral oil refining process ;
- (14) on oil pressing, oil refining and soap making in oil mills:
- (15) on the manufacture of paper and straw board in paper and straw board mills;
- (16) on the manufacture of chemicals in chemical works :
- (17) on pottery making in pottery works ;
- (18) on the manufacture of starch in starch factories ;
- (19) on cupola on the foundry section of iron, brass and steel manufacturing operations ;
- (20) on dyeing and bleaching sections of textile mills ;
- (21) in the preparation of oxygen and acetylene ;
- (22) on the process of hydration of potatoes and other vegetables;
- (23) on the process of hydration of meat.
- (24) on shooting of films in films studios;

- (25) on mixing, compounding, masticating, solepulling, frictioning, cutting, pressing and crushing of rubber and manufacturing of tyres and tubes in rubber factories,
- (26) on machinery in cold storage;
- (27) on manufacturing of blades and razors;
- (28) on processing of soft fruits, fruit juices and vegetables ;
- (29) on refining, bleaching, filtering, hydrogenerating and deodorizing and compression oxygen, the filling of cylinders in banaspati (vegetable oil and hydrogenerating factories);
- (30) on manufacturing of glue and gelatine;
- (31) in fish canning and fish curing factories;
- (32) in electric transforming factories;
- (33) in train gas lighting factories of railways ;
- (34) in coal gas factories;
- (35) in gur factories ;
- (36) in the natural gas refining process ;
- (37) on the manufacture of pharmaceutical products including vitamins and by-products in the pharmaceutical factories;
- (38) in oil tank installation (when the oil tankers are discharged and oil is pumped into the tanks);
- (39) on manufacturing of infant milk food and milk food products;
- (40) on production of 7-Up Drinking the 7-Up Bottling Company Ltd.
- (41) On—
 - (i) Bituminising;
 - (ii) Waxing;
 - (iii) Poly extrusion in films; and
 - (iv) Poly extrusion of paper board foils, etc; in pulp, paper and board mills;
- (42) on manufacturing of enamelled copper wires;

- (43) on the manufacturing of paints and varnishes ;
- (44) on the manufacture of procelain insulators, tiles, bushing and switch fuses in electric equipment manufacturing factories ;

shall be deemed to be employed on continuous processes within the meaning of section 43 (2) (d) and as such shall be exempt from the provisions of sections 34, 35, 36, 37 and 38 subject to the following conditions, namely :—

- (a) that such worker shall ordinarily be employed on daily eight hours shifts;
- (b) that no such workers shall be employed for more than fourteen consecutive days without compensatory continuous rest period of at least twenty-four hours;
- (c) that when shifts are changed—
 - (i) no shift may be employed for more than sixteen hours in one day (that is to say, two periods of eight hours each with an interval of eight hours);
 - (ii) the system of shift shall have been approved by the Chief Inspector or the Inspector of the region concerned;
 - (iii) the persons who have worked double time shall at next change of shifts have a complete holiday of twenty-four consecutive hours ; and
 - (iv) the average weekly hours of work in any period of three weeks shall not exceed fifty-six ;
- (d) that a note shall be maintained in the remarks column of the register of adult Workers against the name of every workers in respect of whom the exemption is claimed to have been allowed or granted ; and
- (e) that the decision of the Chief Inspector shall be final as to whether the work of any such worker is or is not of the nature described in exemption.

10. **Bakeries and dairies.**—Adult male workers employed in bakeries and dairies shall be deemed to be employed in making or supplying articles of prime necessity which must be made or supplied every day within the meaning of section 43 (2) (e) and as such shall be exempt from the provisions of section 35 :

Provided that no such workers shall be employed for more than fourteen consecutive days without a holiday for a whole day.

11. Tea factories adult male workers employed in tea factories shall be deemed to be employed in manufacturing process which cannot be carried on except at times dependent on the irregular action of natural forces within the meaning of section 43 (2) (g), read with sub-section (3) of that section and as such shall be exempt from the provisions of sections 35, 37, 39 and 40 on the conditions that—

- (i) the manager or the occupier of the factory, before he avail himself of the exemption has served on the Chief Inspector, the Inspector of the region concerned and the Inspector of the area concerned and displayed in the factory, notice of his intention so to avail himself, and whilst he avails himself of exemption shall keep the notice so displayed;
- (ii) an attendance register for such workers in Form 'A' is maintained and in respect of each such worker the time of commencement of each period of work is entered therein before the period of work has commenced and the time of finishing each period of work is entered therein immediately after the period of work has been completed:
- (iii) no such worker shall be employed for more than fourteen consecutive days without a holiday for whole day.

12. **Fodder presses.**— Adult male workers employed on fodder pressing shall be deemed to be employed on a process which cannot be carried on except at times dependent on the irregular action of natural sources within the meaning of section 43 (2) (g) and as such shall be exempt from the provisions of sections 35 and 37 :

Provided that no such worker shall be employed for more than fourteen consecutive days without a holiday for whole day.

13. **Engine rooms and boiler houses.**—Adult male workers employed in engine rooms and boiler houses shall be exempt under section 43 (2) (h) from the provisions of section 35 on the conditions that—

- (i) no such workers shall be allowed to work for more than eight hours on a weekly holiday;
- (ii) the weekly hours of such worker do not exceed sixty hours in day week; and
- (iii) no such workers shall be employed for more than fourteen consecutive days without holiday for whole day.

14. **Screen room and flour godown of flour mills.**—In respect of adult male workers employed as foreman, machinemens (operators and cleaners), shooting men, mixermens, oilers, packers and stitchers, flour godown coolies, salesmen and sweepers in the screen rooms, mill and flour godowns of flour mill the following provisions shall apply—

- (1) where the manufacturing process is carried on continuously throughout the day and all such workers in a factory are ordinarily employed on daily eight hours shifts the provisions of sections 34, 35, 36, 37 and 38 shall not apply on the conditions that—
- (a) on the notice of periods for worker required under section 39 the manager shall enter against each group of workers working under the provisions of this clause the words " working under the provisions of sub-side (1) of rule 14 of the ⁴[Khyber Pakhtunkhwa] Factories (Adult Exemption) Rules, 1972"; and
- (b) no such worker shall be employed for more than fourteen consecutive days without a compensatory period of at least twenty-four hours at one time or alternatively.
- (2) Where the manufacturing process is carried on continuously throughout the day and all such workers in a factory are not ordinarily employed on daily eight hours shift, the provisions of sections 34 and 35 shall not apply on the conditions that—
- (a) on the notice of periods for work required under section 39, the manager shall enter against each group of workers working under the provisions of this clause, the words "working under the provisions of rule 14 of the ⁵[Khyber Pakhtunkhwa] Factories (Adult Exemption) Rules, 1972;"
- (b) no such workers shall be employed on Sunday or the fixed for the weekly holiday for more than six hours; and
- (c) every such worker shall be given a weekly rest period commencing on Sunday or the day fixed for weekly holiday of not less than twenty-four consecutive hours.

15. **Records of exemption, to be kept by manager.**— The manager of every factory shall maintain a record of all exemptions granted to the factory from any provisions of the Act in Form 'B' and such record shall be produced before the Inspector when he so requires.

16. **Limit of total overtime period.**—Except in the case of workers exempted under section 43 (2) (a), the total overtime period of any adult worker exempted from the provisions of section 34 shall not exceed twelve hours in any one week.

⁴ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

⁵ Sub. by the Khyber Pakhtunkhwa Act. IV of 2011.

FORM (A)

(Rule 11)

REGISTER OF ADULT WORKERS EMPLOYED IN THE FACTORIES

Name of Factory _____ for week ending _____ 198

Serial No.	Name	Nature of work	Group No.	Period of work	Sunday		Monday		Tuesday		Wednesday		Thursday		Friday		Saturday		Records of transfers from one Group to another
					In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	In	Out	

Ist _____
 2nd _____
 3rd _____
 4th _____
 Ist _____
 2nd _____

FORM 'B'
(Rule 15)
EXEMPTIONS

Section or Rule from which exemption is granted	Subject death with	Extent of and reason for exemption	Date and No. of Order	Signature of Occupier or Manager