

**ENQUERY: Under the Factories Act, 1948, is the Manager considered a Deputy to the Occupier or not?**

**RESPONSE: Under the Factories Act, 1948, the Manager is not automatically considered a deputy of the Occupier.**

### **Manager under the Factories Act, 1948**

The Manager is a designated individual responsible for overseeing the day-to-day operations and compliance of the factory. Section 7 of the Act mandates the appointment of a Manager by the Occupier.

#### **Key Responsibilities of a Manager**

- 1. Operational Management:**
  - a. Ensures the factory operates smoothly while adhering to the legal and operational guidelines under the Factories Act.
  - b. Supervises work schedules, safety protocols, and workers activities.
- 2. Compliance with Provisions:**
  - c. Ensures compliance with provisions relating to health, safety, working hours, and welfare of workers.
  - d. Maintains registers and records as specified under various sections of the Act.
- 3. Communication with Authorities:**
  - e. Serves as the primary point of contact for Inspectors and other regulatory authorities during inspections or visits.
  - f. Notifies authorities in case of accidents, hazardous occurrences, or non-compliance issues.
- 4. Worker Welfare and Safety:**
  - g. Ensures that workers are provided with a safe working environment, proper facilities (such as drinking water, lighting, ventilation), and adequate training.
  - h. Supervises the implementation of welfare measures like crèches, canteens, and first-aid facilities.
- 5. Statutory Obligations:**
  - i. Implements safety measures for hazardous processes as required under Chapter IVA of the Act.
  - j. Displays notices regarding working hours, safety precautions, and worker rights in prominent areas within the factory premises.
- 6. Maintenance of Records:**
  - k. Updates and preserves statutory records related to health, safety, and welfare.
  - l. Ensures that any directives issued by authorities are properly documented and followed.

### **Occupier under the Factories Act, 1948**

The Occupier is the individual who holds ultimate control over the factory's affairs. Defined under Section 2(n) of the Act, the term encompasses partners, directors, or other senior officials in case of a company or association.

## Key Responsibilities of an Occupier

1. **Overall Accountability:**
  - Responsible for ensuring that the factory complies with all legal and statutory requirements of the Factories Act.
  - Liable for any violations, penalties, or legal proceedings arising from non-compliance.
2. **Notification and Registration:**
  - Submits notices regarding the opening, closure, or alterations of factory operations to the Chief Inspector.
  - Ensures proper licensing and registration of the factory as per Section 6 of the Act.
3. **Policy Implementation:**
  - Establishes and communicates policies related to health, safety, and welfare to ensure a safe working environment.
  - Provides adequate resources for the implementation of safety measures, especially in hazardous processes (e.g., disclosure under Section 41B).
4. **Worker Safety and Welfare:**
  - Ensures that workers are provided with necessary protective equipment, training, and facilities to prevent occupational hazards.
  - Prepares and reviews safety statements and policies under Section 7A(3).
5. **Appointment and Oversight:**
  - Appoints the Manager and ensures that qualified personnel oversee the factory's daily operations.
  - Monitors the performance of the Manager and other key personnel to ensure legal compliance.
6. **Handling Hazardous Processes:**
  - Takes specific responsibility for hazardous processes under Chapter IVA, such as ensuring permissible exposure limits and emergency preparedness.

## Differences between Manager and Occupier

Aspect	Manager	Occupier
Role	Operates and manages daily factory functions	Exercises overarching control and authority over the factory's operations.
Primary Responsibility	Ensures operational Compliance with legal provisions.	Ensures overall compliance and strategic adherence to the Factories Act.
Legal Liability	Limited to operational violations or oversights.	Holds ultimate liability for factory compliance under the Act.
Point of Contact	Primary contact for factory inspections or inquiries.	Notifies authorities about factory operations and ensures policies are followed.
Decision-Making	Implements decisions made by the Occupier.	Responsible for making critical decisions and allocating resources.
Appointment	Appointed by the Occupier.	Could be a Director, partner, or senior official as defined in the