

ENQUERY: Can office staff in a factory be considered 'workers' under the Factories Act, 1948?

RESPONSE: Yes, office staff in a factory can be considered "workers" under the Factories Act, 1948, if their roles are directly incidental to or connected with the manufacturing process as per Section 2(1) of the Act.

Legal Basis: Section 2(1) of the Factories Act, 1948

The Act defines a "worker" as:

- A person employed, directly or through any agency (including a contractor).
- Performing: A manufacturing process.
Cleaning machinery or premises used in manufacturing.

Any other kind of work incidental to or connected with the manufacturing process.

This definition broadens the scope to include not just those directly involved in production but also those performing tasks that support or facilitate the manufacturing process.

Why Office Staff Can Be Considered Workers

- 1. Connection to the Manufacturing Process :** Office staff often perform tasks that are essential for the smooth functioning of the manufacturing process, such as:
 - a. Preparing production schedules.
 - b. Managing inventory records to ensure raw materials are available for production.
 - c. Coordinating with suppliers for timely delivery of materials.
 - d. Compiling reports on production output or machinery maintenance.

These tasks, though not physically part of the manufacturing process, are critical to its efficiency and continuity.

Hence, they fall under the scope of "work incidental to or connected with the manufacturing process."

- 2. Indirect Involvement in Manufacturing:** Even if office staff are not directly operating machinery, their work supports the factory's operations. For instance:
 - a. Quality control staff overseeing reports on defects.
 - b. Logistics and transport clerks ensuring finished goods are dispatched efficiently.
 - c. Finance team ensuring payments for the vendors.

Such activities are indirectly tied to the manufacturing process and are therefore considered incidental.

Judicial Interpretation

The Jharkhand High Court in *Ramadhar Singh vs. Tata Engineering & Locomotive Co. Ltd.* (2016) addressed whether office staff in a factory could be considered "workers" under the Factories Act, 1948. The appellant, Ramadhar Singh, who worked in the Materials Department and handled procurement and transportation of raw materials, claimed he was an "employee" under the Bihar Shops and Establishment Act, 1953, and filed an application for relief under Section 26 of that Act. The respondent, Tata Engineering,

argued that Singh's duties were directly connected to the manufacturing process, classifying him as a "worker" under Section 2(1) of the Factories Act.

The court analysed the definition of "worker" under the Factories Act, which includes individuals engaged in tasks incidental to or connected with the manufacturing process. It concluded that Singh's responsibilities, though performed in an office setting, were integral to the factory's operations. Consequently, he was classified as a "worker" under the Factories Act, excluding him from being considered an "employee" under Section 2(4) of the Bihar Shops and Establishment Act.

Since Singh was deemed a "worker," the Labour Court lacked jurisdiction to entertain his application. The court also noted the submission of fabricated documents by the appellant, which further undermined his claims. The appeal was dismissed, reaffirming that office staff whose work supports or influences manufacturing processes can be classified as "workers" under the Factories Act, irrespective of their job title or office-based roles.

Conclusion

Office staff in a factory are workers under the Factories Act, 1948, if their duties:

- a. Support or influence the manufacturing process.
- b. Are incidental to production activities.
- c. By contributing to production workflows, inventory

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