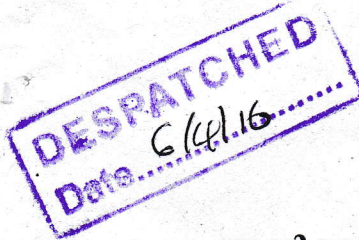


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കേരള സർക്കാർ
Government of Kerala
2016



Regn. No. KERBIL/2012/45073
dated 5-9-2012 with RNI
Reg. No. KL/TV(N)/634/2015-17



കേരള ഗസറ്റ്
KERALA GAZETTE
അസാധാരണ
EXTRAORDINARY

ആധികാരികമായി പ്രസിദ്ധപ്പെടുത്തുന്നത്
PUBLISHED BY AUTHORITY

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GOVERNMENT OF KERALA
Labour and Skills (D) Department
NOTIFICATION

G. O. (P) No. 27/2016/LBR. *4th February, 2016*
Dated, Thiruvananthapuram, 21st Makaram, 1191.

S. R. O. No. 167/2016.—In exercise of the powers conferred by section 43 read with section 18A and 18B of the Plantations Labour Act, 1951 (Central Act 69 of 1951), the Government of Kerala, after having given notice of their intention to amend the Kerala Plantations Labour Rules, 1959 as required by sub-section (1) of section 43 of the said Act by issuing notification No.27100/D2/2012/LBR dated

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33/720/2016/S-22.

23rd December, 2014 published in the Kerala Gazette Extraordinary No.131 dated 16th January, 2015 and having received objection and suggestions on the draft rules, hereby make the following rules further to amend the said rules, namely:—

RULES

1. *Short title and Commencement.*—(1) These rules may be called the Kerala Plantations Labour (Amendment) Rules, 2016.

(2) They shall come into force at once.

2. *Amendment of the Rules.*—In the Kerala Plantations Labour Rules, 1959,—

(1) in Chapter IVB, after rule 70H, the following rules shall be inserted, namely:—70(I) Prohibition and restriction on employment of women and adolescent workers in hazardous occupations in using or handling hazardous chemicals—No woman worker or adolescent worker shall be engaged in handling, storing or transportation of insecticides, chemicals and toxic substances by the employer in his plantations.

70(J) Appointment, qualification and duties of controller of chemicals—

(1) In every plantation having an extent of 50 hectares of land or more for growing plantation crops to supervise and guide the use of handling, storage and transportation of insecticides, chemicals and toxic substances in plantations.

(2) The controller of chemicals shall not be a person below the rank of Welfare Officer appointed under section 18 of the Act. He shall possess a Degree in Public Health or a Degree in Agriculture Science and needs to be posted on contract basis as and when necessary in part time or full time.

(3) The controller of chemicals shall,—

- (i) advise the employer on health and safety issues;
- (ii) be responsible for storage of equipments, chemicals, insecticides etc;
- (iii) be responsible for co-ordination and transportation of chemicals, insecticides and personnel involved in the above process;
- (iv) be responsible for reporting any incident and/or accident involving chemicals due to use of insecticide spraying;

- (v) ensure good relation with the workers and their representatives;
- (vi) ensure the correct use of chemicals and its spraying where spraying of chemicals occurs;
- (vii) ensure that protective clothing and dust mask are provided to the spraying personnel and make sure that they are using it during their duty time;
- (viii) ensure correct use of safety procedure and control of quality spraying;
- (ix) keep people, especially children away from danger of exposure to spraying;
- (x) note the quantity of chemicals and insecticides prepared as and when it is used;
- (xi) monitor storage, usage and disposal of chemicals by the labourers of plantations.

70(K) *Training*.—The employer shall organize training in handling chemicals, insecticides and toxic substances and also adopt safety precautions in handling equipments provided to the workers. The training programme shall be organized on the following matters, namely:—

- (i) procedure involved in handling, mixing, blending and applying of insecticides, chemical and toxic substances;
- (ii) control the quality of the spraying and the quality of the solution used;
- (iii) to see that the equipment is well maintained and cleaned after work;
- (iv) method of transferring the insecticide to the spraying machine;
- (v) keeping people, especially children away at the time of spraying
- (vi) manner in which the chemicals and insecticides are to be stored;
- (vii) manner of mixing the chemicals to prepare the insecticide solution;
- (viii) the use of protective clothing and mask at the time of spraying;

- (ix) training on the hazards involved in different operations;
- (x) the procedure regarding the spillage of insecticides, chemicals and toxic substances.

70(L) Medical examination of workers.—(1) Every worker who is exposed to insecticides, chemicals and toxic substances shall be examined once in a year in Garden Group Hospital/Garden Hospital or any other hospitals specified in the Act.

(2) The details of periodical medical examination and tests conducted shall be entered in the register provided for the same as shown in Annexure I.

(3) Any person showing symptoms of poisoning shall be immediately examined and given first aid measures as listed below:—

- (i) put the affected person in a clean, well-ventilated place;
- (ii) check how the product entered the body;
- (iii) keep the label and collect all possible details of the accident so as to provide the doctor complete information;
- (iv) it is very important that the poisoned person is allowed to continue breathing properly. Provide artificial respiration if necessary. The correct posture is with the person lying on his back with his head tilted back, or on his side, if he is vomiting. If he is hot and sweating, cool him with cold water, if he is cold, cover him with clothes or blanket;
- (v) do not allow the poisoned person to smoke or drink, especially alcoholic drinks, milk or water containing olive oil, as this may be harmful to him;

- (vi) inform the toxicological centre immediately;
- (vii) adequate medical treatment shall be administered;

70(M) Washing, bathing, cloak room facilities.—

(1) Every employer shall provide washing, bathing and cloak room facilities to every worker engaged in handling insecticides, chemicals or toxic substances.

(2) Protective clothing and equipment shall be provided for—

(i) every worker handling insecticides, chemicals and toxic substances during their operation, distribution, mixing and spraying shall be adequately protected with appropriate clothing;

(ii) the protective clothing shall be made of materials which prevent or resist the penetration of any form of insecticides, chemicals and toxic formulation. The materials shall also be washable so that the toxic element may be removed after each use;

(iii) a complete suit of protective clothing shall consist of the following dresses namely:—

(a) protective outer garment with hat;

(b) rubber gloves or such other protective gloves extending up to the forearm made of materials impenetrable to liquids;

(c) dust proof goggles;

(d) rubber boots (the legs of protective coveralls should be worn outside the boots);

(e) reusable cloth masks.

70(N) *Precautionary notices*.—Precautionary notices shall be exhibited in plantations which shall contain the following precautionary measures, namely:—

(a) Always read the label before using any insecticide or pesticide.

(b) Use only target specific insecticides or pesticides which have minimum effects on non targeting organisms (human beings and other animals).

(c) Use insecticides or pesticides only when they are necessary. First try to use other types of control methods like cultural control, mechanical control, physical control, biological control and genetic control. Use chemical control as your last option.

(d) Always use gloves, full covering cloths, closed shoes and mask before applying any type of chemical.

(e) Use only the recommended dose which is written on the label of the product. Never use dose higher or lower than the recommended dose.

- (f) Always apply insecticides or pesticides in the direction of the wind and never spray opposite to the direction of wind because all chemicals will shower or fall on you if you apply chemical opposite to the direction of the wind.
- (g) Use only those insecticides which are degradable in normal temperature.
- (h) Avoid chemicals which are highly persistent.
- (i) Never smell any insecticide or pesticide because it is very dangerous for health.
- (j) Use vegetables or food items after 15 days of spray of chemical.
- (k) Keep chemicals (insecticides or pesticides) away from the reach of children.
- (l) If toxicity is caused by any chemical then a doctor shall be contacted immediately, and while consulting the doctor, remember to take the bottle of pesticide or insecticide handled by the employee, because with reference to the label of the bottle the doctor would suggest proper treatment.
- (m) It is better to apply chemicals in the evening or in the morning. Try to avoid spraying in the afternoon because during this time chemicals are less effective due to degradation by direct sunlight.
- (n) Always spray the chemicals according to forecast of weather. Never spray if there is a forecast of rainfall.
- (o) Try to use modern insecticides because these are comparatively safe as compared to conventional insecticides.
- (p) Always remember that using insecticides without proper safety measures is extremely dangerous and it may even cause death. Always keep in mind the precautionary measures, before using any chemical.
- (q) Dispose of the bottle of chemical properly.
- (r) Do not wash insecticide and pesticide containers near wells or running streams.
- (s) Keep fresh water, soap and towel ready for use.
- (t) Wash hands and exposed skin thoroughly with soap and water before eating, drinking, smoking and chewing.

(u) Keep insecticides and pesticides in their original, labeled containers.

(v) Never reuse the containers for any other purpose as it is impossible to remove the traces of insecticides and pesticides from the containers wholly.

70(O) *Aerial spraying operations.*—The aerial application of insecticides chemicals and toxic substances shall be subject to the following conditions namely:—

(a) marking of the area shall be the responsibility of the controller of chemicals;

(b) the operators shall use only approved insecticides and their formulations at approved concentration and height;

(c) washing, decontamination and first-aid facilities shall be provided by the operators;

(d) all aerial operations shall be notified to the public, not less than twenty four hours in advance through competent authorities as notified by the Government in the Gazette;

(e) animals and persons not connected with the operations shall be prevented from entering such areas for a specific period; and

(f) the pilots shall undergo specialization training in spraying; including clinical effects of the insecticides.

70(P) *Disposal of used packages, surplus materials and washing of insecticides and other chemicals.*—(1) It shall be the duty of the employer to dispose of surplus materials and washing of insecticides and other chemicals in a manner so as to prevent environmental, water or air pollution.

(2) The packages of insecticides and chemicals once used shall not be left outside to prevent their reuse.

(3) The packages of insecticides and chemicals shall be broken and buried away from habitation.”

(2) after Form No. 23, the following Annexure-I shall be added namely:—

"ANNEXURE-I

[See rule 70 L]

REGISTER OF EMPLOYEES USING OR HANDLING HAZARDOUS CHEMICALS

The register of workers engaged in connection with insecticides, chemicals and toxic substances, and their periodical medical examination for the year.....

Sl. No. :
 Name : Age :
 Father's/Husband's Name :
 Full Address :
 Sex :
 Identification marks :
 Date of appointment :
 Designation :

PAST HISTORY

<i>Illness</i>	<i>Poisoning</i>	<i>Allergy</i>	<i>Exposure to Pesticides</i>	<i>No. of Years/ Seasons</i>	<i>Remarks if any</i>
(1)	(2)	(3)	(4)	(5)	(6)

FAMILY HISTORY

<i>Allergy</i>	<i>Psychological disorders</i>	<i>Haemorrhagic disorder</i>
(1)	(2)	(3)

PERSONAL HISTORY

<i>Smoking</i>	<i>Alcohol</i>	<i>Other addiction</i>
(1)	(2)	(3)

OBSERVATIONS

<i>Medical Examination</i>	<i>Pre-employment Examination</i>	<i>End of the year</i>	<i>Remarks</i>
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1. General Examination

General body limit
 Weight and height
 Blood pressure
 Respiration
 Anaemia
 Diadema
 Juandice
 Skin condition
 Temperature
 Fatigability
 Sweating
 Sleep
 Urination

2. Gastro-Intestinal

Nausea
 Vomiting
 Appetite
 Taste
 Pain in abdomen
 Bowel movement
 Liver
 Spleen

<i>Medical Examination</i>	<i>Pre-employment Examination</i>	<i>End of the year</i>	<i>Remarks</i>
3. Cardio-Respiratory			
Nasal discharge			
Wheezing			
Cough			
Expectoration			
Tightness of chest			
Dyspnoea			
Palpitation			
Heart			
Cyanosis			
Tachycardia			
4. Neuro-Muscular			
Headache			
Dizziness			
Irritability			
Pulse			
Twitching			
Tremors			
Convulsion			
Paresthesia			
Hallucination			
Unconsciousness			
Deep reflexes			
Superficial reflexes			
Coordination			
5. Eye			
Pupil			
Lachrymation			
Double vision			
Clumped vision			

<i>Medical Examination</i>	<i>Pre-employment Examination</i>	<i>End of the year</i>	<i>Remarks</i>
6. Psychological			
	Temperament		
	Judgment		
	Nervousness		
7. Kidney			
	Kidney condition		
8. Investigation			
	Blood Hb%		
	Blood DC		
	Serum cholinesterase		
	Serum bilirubin		
	Urine routine examination		
	Urine microscopic		
	X-ray of chest		

Advice given to:

1. The patient :
2. The employer :

Steps taken by the employer as per doctor's advice:

1. Doctor
2. Patient
3. Employer

By order of the Governor,

TOM JOSE,

Additional Chief Secretary to Government.

Explanatory Note

(This does not form part of notification, but is intended to indicate its general purport).

The Plantations Labour Act, 1951 (Central Act 69 of 1951) was amended by the Plantations Labour (Amendment) Act, 2010 (17 of 2010) which came into force on 7th day of June, 2010. The Government of Kerala published a draft notification to carry out the consequential amendments to the Kerala Plantations Labour Rules, 1989 vide Notification No. 27100/D2/2012/LBR dated 23rd December, 2014 published in the Kerala Gazette Extraordinary No. 131 dated 16th January 2015. Having received objections and suggestions from the public, the Government decided to suitably amend the said rules.

The notification is intended to achieve the above object.
