

Alarm for workers in India, they are not protected!!

The Peoples Training and Research Centre (PTRC) has conducted research about the occupational health and safety conditions of employees in India. The report stated that most of the employees are not protected by the occupational health and safety ordinance.

Legislation

The legal framework of India provides Occupational Safety and Health protection for workers in the manufacturing sector, mines and quarries and to some extent plantations. Way back in 1881 the Factory Act was enacted to prevent accidents, protect the health of children and women by limiting their working hours, and prohibiting night shift for them etc. It also provided weekly working hours for all workers. The Act has been amended, most recently in 1987, after the catastrophically fatal accident in Bhopal. It is now a legal requirement that hazardous processes must provide workers with information, training, medical records, equal representation on safety committees and the right to make official complaints. Though there is a Factory Act, workers are not protected. The workforce in India is divided into two sectors; one is the organized sector and the other is the unorganized sector. The Factory Act is only applied in the organized sector, however, most workers in India are recognized as working in the unorganized sector. Thus, the Factory Act is not able to protect them from occupational accidents and diseases.

Workforce

The total working population in India is 306 million. The organised workforce is estimated to total 25.9 million, which includes the service sector, trade and commerce, transport, mines and manufacturing.

According to certain estimates, the total workforce in the manufacturing sector is 30.3 million. On the other hand, there are only 2.59 million workers in the organized sector, however a large number of workers are unorganized and therefore are not protected by health and safety at work legislation. Many jobs in the unorganized sector are hazardous but there is no legal provision for workers' health and safety. A glaring example is that of sewerage workers - every year hundreds of workers die while working down sewers.

Status of Health and Safety Acts

There are a number of laws protecting health and safety at work. But there are many restrictions on these acts, thus they cannot work properly. First of all, the inspectors who are appointed to enforce certain acts are not well trained. They do not have enough knowledge to investigate occupational health and safety conditions for one workplace. Beside, they do not have the authority to prosecute those who do not implement the Act. Moreover, overburdening, lack of skill, lack of equipment and rampant corruption lead to poor implementation of these provisions. Different Acts are implemented by different ministries. Each ministry has its own priorities. There is an urgent need for separating the health and safety aspects from the other provisions of all these Acts and combining them within a single law. The new Act should provide health and safety protection for all workers, organized and unorganized at all places. Another major problem with existing Acts is lack of reliable data and management. Take the example of fatalities at work, where each ministry has its own definition for 'fatality'. Thus, there is no reliable data of workers who die in any

given industry.

Limitations of Existing Laws for Health and Safety

The existing occupational health and safety laws are poor and weak. First of all the rules are different in each state though DGFASLI drafts model rules. Besides, the health and safety acts do not cover anything more than protective equipment. The health and safety officers lack qualifications. As mentioned before, the occupational health and safety inspectors are not sufficiently trained to carry out investigations. Apart from that, notifications of occupational diseases are very poor. Section 89(2) of the Act provides for imposition of a fine on a Medical Practitioner who does not officially notify cases of occupational diseases examined by him. This is a negative incentive, and has not produced any positive results in 50 years. The Act should be amended to give positive incentives for notification and then observe the results for 25 years to come. An expert panel should be appointed to suggest legal limitations in existing laws. In the last 50 years, implementation has remained very poor, and the Law has not functioned to reduce accidents and diseases.

Health and Safety in the Unorganized Sector

There are more than 200 million workers in rural areas, engaged in agriculture, livestock and other related activities. Needless to say, they have no legal cover for Health and Safety. These workers are also deprived of the other social security schemes. Agriculture workers are exposed to toxic chemicals. With increases in mechanization in agriculture, injuries are on the rise.

Comprehensive Act on Health and Safety needed

There are four major problems with existing health and safety legislation:

1. As discussed earlier, there are different acts. The Ministries, under which they operate, do not have occupational health and safety as a priority. Health and Safety has no proper place.
2. Different Acts and different implementing authorities maintain their own accident and disease records and data. To avoid duplication, certain policy decisions are taken which further exacerbates the problem. Existing data does not present picture in totality which is an obstacle in setting goal and planning future activities.
3. The existing Acts deal with their particular aspects also apart from Health and Safety. Rights of health and safety is denied to millions of workers. Need of the day is to assemble the health and safety elements from existing Acts and bring them together in a separate, comprehensive law on the lines of Occupational Health and Safety Acts of the USA, and other western countries.
4. The existing Acts do not take into account new developed technologies, for example, biochemical industry and also hi-tech electronic industry - computer manufacture.

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