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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal provided dedicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

HEALTH, SAFETY AND WELFARE OF LABOURERS IN INDIA

AUTHORED BY - T SIDHARTH

Abstract

The article focuses on health, safety and welfare of labourers in India. It gives information about the importance and benefits of health, safety and welfare measures, the statutory provisions related to health safety and welfare of labourers, measures adopted by Kerala, Tamil Nadu and Karnataka state governments, central government initiatives and landmark judgements.

Key Words: Health, Safety, Welfare, Labourers and Government measures

Introduction

Health, safety and welfare are necessary for workers in an establishment. It is duty of the employer to provide adequate facilities to the workers. Good production can be achieved only when workers perform hard in their job. The workers should be satisfied with their job. In order to achieve the satisfaction, it is necessary for the employer to ensure safety, health and welfare of workers. The government should also ensure that these measures are properly implemented by the employers in factories. Certain legislative acts have been passed for the welfare of workers. Acts such as Factories Act, Mines Act etc. contain those provisions of health, safety and welfare of the workers.

Importance of Welfare Measures

The welfare measures are necessary for the proper functioning of industries. Employees are the backbone of industries. They are major contributors towards the growth in terms of productivity. In return it is the duty of employers to implement welfare measures for satisfying and encouraging the workers. The economic development of a nation depends upon the contribution given by employees. So, it is important from the part of government to ensure the welfare of the employees. The welfare measures can also be in the form of safety, health of the employees. For example, providing insurance to the employees by the government or employer, setting up safety equipment in factories such as fire extinguisher, safety gears etc

Benefits of Welfare Measures

Welfare measures increase employees' general productivity by making them happy and pleased both at home and in the production. If they are not freed from domestic problems like subpar housing, unhygienic conditions, etc., their efficiency and output may not be up to par. Once these concerns are gone, individuals can work with all of their vigour and excitement. These amenities significantly alter the workers' perspectives, enhance their mental faculties, and assist them in developing into responsible citizens. Without these amenities, individuals will inevitably succumb to numerous social vices like drinking, gambling, etc. By implementing these measures, the employer can expect high morale from employees. The chance of getting involved in anti-social activities are low. Industrial harmony is maintained through these measures. Overall welfare measures help in maintaining good industrial relations.

Importance of Health and Safety Measures

It is necessary for an industry to provide safety measures to the employees. Facilities such as good ventilation, providing safety gears, placing fire extinguishers etc are some safety measures. It is necessary to provide safety measures to make the labourers to feel secure while working in the industry. The employers and the government have to ensure the health of the employees. Various health insurance schemes were introduced such as Central Government Health Scheme, Employees State Insurance Scheme etc. These schemes will improve the mental and physical well being of the labourers. Thus there will be increase in employee productivity.

Statutory Provisions Related to Health, Safety and Welfare of Labourers in India

The central government has passed various enactments relating to the health, safety and welfare of the workers in India. They are

FACTORIES ACT, 1948

The act contains provision related to health, safety and welfare. In related to health, the act mandates that all factories maintain a clean environment and implement all necessary safety measures to protect employee health. The factory needs a good

drainage system, good lighting, good ventilation, a good temperature, etc. There needsto be access to clean water. It is necessary to construct separate restrooms and urinals for men and women in practical locations. These must be kept tidy and open to staff members.

In related to safety, the act mandates that all equipment be adequately guarded, that nominors operate any dangerous equipment in confined spaces, and that suitable manholesbe installed so that workers can escape in an emergency.

The welfare measures are: Every factory must have and keep up appropriate washing facilities for the employees. There must be places to sit, first aid supplies, shelters, storage and drying facilities, restrooms, and dining areas.

- **MINES ACT, 1952**

Welfare measures:

- Canteen should be provided If there are 250 or more employees
- If 150 or more workers are employed, shelter must be given
- Creches, if there are 50 or more women are employed.
- First aid boxes and first aid rooms for employees
- Bathroom, sanitary latrines and lockers for men and women workers

- **THE PLANTATION LABOUR ACT, 1951**

The plantation workers are entitled for the following welfare amenities

- if there are 150 or more workers are employed, canteen must be provided
- Creches should be provided if there are 50 or more women workers.
- Recreational facilities for workers and their children.
- if there are 25 or more children of workers, between the age of 6 and 12, arrangement for education should be made in the estate
- Housing facilities should be provided or every worker.

- **DOCK WORKERS (SAFETY, HEALTH AND WELFARE) SCHEME, 1961**

The port's facilities offer urinals and latrines, drinking water, laundry and bathing areas, canteens, rest areas, and first-aid kits, among other amenities. Other welfare measures that are offered in addition to these are housing, schools, educational facilities, scholarship awards, libraries, sports and recreation, and fair price stores.

- **Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.**

The following facilities are available to interstate migrant workers.

- The regular payment of salaries (at least the required minimum wage).
- Paying all workers equally, regardless of gender.
- Appropriate working conditions.
- Appropriate housing options.
- Free medical facilities.
- Worker protection apparel.

State Government Welfare Measures

- **Kerala**

- Children of employees are given grants from the board for their high school education. According to the plan, each student in grades 8 through 10 will receive financial aid of Rs. 600. The grant's eligibility is decided based on merit. By August 30th of each year, applications for the grant must be submitted in the office. Grants will be given to 3945 students per year under this plan.

- The Marriage benefit programme is intended for female employees and the daughters of employees, regardless of gender, whose monthly income does not exceed Rs. 20,000. The benefit may only be received by a subscriber's two daughters at most, and applications must be made within a year after the marriage's official completion. The benefit is worth Rs. 7500.

- Female employees who do not currently get maternity benefits under the ESI or other programmes are entitled to a maternity benefit of Rs. 15000 (the Board will contribute Rs.

2000 and the Government will contribute Rs. 13000, as is the case with other welfare fund boards).

➤ Dependents of employees who passed away while on the job but who are not covered by the ESI Employees' Compensation Act would receive Rs. 25000.

➤ The post death benefit scheme shall provide for an amount of fifty thousand rupees to the dependants of such workers who die while on duty. The application shall be submitted within one year of the deceased's death in order to qualify for this benefit. The application shall be accompanied by a copy of the death certificate and a certificate of the relationship of the applicant to the deceased.

• **Tamil Nadu**

➤ The dependants of deceased workers shall be granted a natural death allowance of INR 25 000. In addition, the dependants of the worker is granted a sum of INR 5,000 for funeral expenses.

➤ Accidental Death Assistance of Rs.1,00,000 is given to the dependant of the worker who dies in accident. Apart from this, the dependant of the worker receives a contribution of INR 5 000 for funeral expenses.

➤ A marriage aid amounting to INR 10,000 per employee or his son's daughter, who legally marries, shall be granted for both male and female.

• **Karnataka**

➤ Education assistance to children of the workers: For High School (8th to 10th std) Rs.6,000/- PUC /ITI/Dip. /TCH courses Rs. 8,000/- Degree courses Rs. 10,000/- Post Graduation courses. Rs. 12,000/- & Engineering/ Medical courses Rs. 20,000/-(Eligibility for applying 50% marks for general category candidates and 45% for SC/ST category candidates. Assistance will be given to one student for each family.)

➤ Medical assistance to workers minimum of Rs. 1,000/- to maximum of Rs.25,000/- for treatment of major ailments viz., Heart operation, Kidney transplantation, Cancer treatment, Angioplasty, Eye, Orthopaedic, Uterus operations, Gall bladder problems, Kidney stone removal, Brain haemorrhage, and for medical check-up each case Rs. 500/- to Rs. 1000/-

➤ Accident benefit of Rs. 1,000/- to Rs. 10,000/- will be paid to workers who met with accidents at work place. The application is to be submitted within three months of occurrence of accident with medical records

- Rs 10,000/- Financial Assistance will be given as maternity Benefit for working women for first 2 Children. The application is to be submitted within 6 months of Delivery.
- Funeral Expenses: Rs. 10,000/- will be given to the deceased's Workers dependents. The application is to be submitted within 6 months of death of worker.
- Medical Check-up Camps: Rs. 1,00,000/- Financial Assistance for annual medical check-up camps Sponsored by Trade Union/Associations for workers.
- Annual Sports activity: Rs. 1,00,000/- Financial Assistance for annual Sports activity at district-level by registered Trade Unions.

Central Government Initiatives

- The eligibility threshold for bonus payments was raised by the Payment of Bonus Amendment Act from Rs. 10,000 to Rs. 21,000 per month, and the calculation ceiling was raised from Rs. 3500 to Rs. 7,000, or the minimum wage.
- The Payment of Gratuity (Amendment) Act, 2018, gives the Central Government flexibility to increase the gratuity cap to an amount that may be announced from time to time and to improve the calculation of continuous service for the purpose of gratuity in cases involving female employees who are on maternity leave to an amount that may be announced from time to time. In a notification dated March 29, 2018, the maximum amount of gratuity was raised from Rs. 10 lakhs to Rs. 20 lakhs, and the length of maternity leave included in the computation was increased from 12 to 26 weeks.
- The Employee Compensation (Amendment) Act aims to increase workers' rights under the Act and rationalize penalties.
- The Payment of Wages (Amendment) Act of 2017 makes it possible to pay employees' wages in cash, by cheque, or by crediting their bank accounts.
- The Maternity Benefit Amendment Act of 2017 extends the 12-week paid maternity leave to 26 weeks.

State Government Health and Safety Measures

- Tamil Nadu**
- The Major Accident Hazard Control Cell formed in 1988 is functioning under the Additional Chief Inspector of Factories and over all charge of the Chief Inspector of Factories. This cell gives necessary guidelines for the preparation of the Major Disaster Control measures and follow up actions are taken by the Inspectorate for the execution

of the control measures in respect of Factories engaged in dangerous process. The Cell has overall control of the Testing and Safety Division.

□ To track the Occupational Safety and Health Status of people engaged in companies, an industrial hygiene laboratory with monitoring tools has been established in Chennai. This is run by a doctor in the civil surgeon cadre. Ammonia, chlorine, Sulphur dioxide, hydrogen sulphide, and different mineral dusts, among other chemicals, can be measured in airborne concentrations at the laboratory adjacent to the industrial hygiene unit. Measurements are also made of physical agents like workplace noise. The health team conducts health surveys in industries that are prone to occupational diseases, looks over and identifies the diseases, takes samples as needed and analyses them in a lab, then advises management accordingly for further follow-up. It also keeps records that are pertinent to its activities.

□ After the Bhopal disaster in 1985, the Government of Tamil Nadu established a Task Force Expert Committee under the leadership of Dr. N. Santhappa, the former vice chancellor of Madras University, to study and submit a report regarding the suitability of safety measures taken by the hazardous chemical industries in Tamil Nadu to protect worker and public health and safety. The Committee provided the Government with a number of insightful recommendations.

□ The Government of Tamil Nadu established two committees after accepting the committee's recommendations in order to update knowledge of occupational health risks and implement safety measures in the chemical and other industries that use dangerous chemicals and processes involving highly toxic substances.

□ According to the Employees Provident Fund and Miscellaneous Provisions Act of 1952, the Employees Provident Fund Organization is tasked with managing the three Social Security programmes, i.e., 1952 Employees Provident Funds Act, The 1976 Employees Deposit Linked Insurance Scheme and 1995 Employees Pension Plan. These three programmes' main goals are to offer social security, encourage people to save money while they are working, and make arrangements for their benefit after they retire from employment and their families' benefit if they pass away while working. Members in the State of Tamil Nadu and the Union Territory of Pondicherry are served by the Tamil Nadu Regional Office in Chennai. A Regional Provident Fund Commissioner (Grade-I) serves as its leader.

□ **Kerala**

□ Safety and health at work is governed by variety of statutes in the state depending on the nature of work place, manufacturing activity and specific aspects of safety and health. Some of the important statutes are given below:

1. The Factories Act 1948
2. The Kerala State Factories Rules
3. Indian Boilers Act 1923
4. Kerala Boilers Rules
5. Indian Boilers Regulations
6. Dangerous machines (Regulations) Act
7. Child Labour (Prohibition and Regulations) Act
8. Manufacture, Storage and Import of Hazardous Chemicals Rules 1989
9. Major Industrial Accident Hazards (Kerala) Rules, 1993
10. Dock Workers (Safety, Health and Welfare) Regulation
11. Dock Workers (Safety, Health and Welfare) Rules
12. Building and other construction workers Act
13. Indian Electricity Act
14. Indian Electricity Rules
15. Indian Explosives Act
16. The Petroleum Act
17. Static and Mobile Pressure Vessels Rules

□ Safety, health, and welfare of workers working in industries are taken care of by this department, which is part of the Department of Labour and Rehabilitation of the State Secretariat. The director of factories and boilers is in charge of the division. Contrary to many other states in the nation, where the Chief Inspector of Boilers oversees boilers and the Chief Inspector of Factories oversee factories, Kerala unites factories and boilers under a single directorate. Therefore, the Directorate of Factories in the state of Kerala is responsible for overseeing the execution of both the

Indian Boilers Act 1923 and the Factories Act 1948. The inspectors who have a background in mechanical engineering are also boiler inspectors.

□ **Karnataka**

□ Depending on the type of workplace, manufacturing activity, and particular safety and health issues, the state has a number of statutes that regulate safety and health at work. The following list of significant statutes includes

1. The Factories Act, 1948
2. The Karnataka State Factories Rules, 1957
3. Indian Boilers Act, 1923
4. Dangerous machines (Regulations) Act, 1983
5. Child Labour (Prohibition and Regulations) Act, 1986
6. Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989
7. Control of Major Accident Hazards Rules, 1993
8. Dock Workers (Safety, Health and Welfare) Regulations, 1990
9. Dock Workers (Safety, Health and Welfare) Rules, 1990
10. Building and other Construction Workers Act, 1986
11. Indian Electricity Act, 1923
12. Indian Electricity Rules, 1966
13. Indian Explosives Act, 1884
14. The Petroleum Act, 1934
15. Static and Mobile Pressure Vessels Rules, 1981.

□ The Department of factories and boilers, which is part of the State Secretariat's Department of Labour and Rehabilitation, is responsible for the welfare and health of factory workers. A Director, Factories and Boilers, oversees the division. In contrast to many other states in the nation, where the Chief Inspector of Boilers oversees the boilers and the Chief Inspector of Factories oversees the factories, the two are under the same Directorate in the state of Karnataka. As a result, the Directorate of Factories in the state of Karnataka is responsible for overseeing the application of both the Indian Boilers Act 1923 and the Factories Act 1948.

Landmark judgements

- Bhikusa Yamasa Kshatriya Ltd vs Union Of India¹

The court determined that the Act's primary purpose in being passed was to safeguard factory workers from workplace and industrial risks. The act imposes various obligations and duties on employers and establishments to safeguard employees and maintain a favourable working environment in order to achieve this goal. Thus, it can be concluded that the main objectives of this Act are to ensure acceptable health and safety standards at work.

- Ravi Shankar Sharma vs State of Rajasthan²

The Court determined that the Factories Act is social legislation that addresses the health, safety, welfare, and other needs of factory workers. In other words, the act has two purposes: first, it protects workers from being exploited at work and, second, it offers a path of action in the event that the law is broken.

Conclusion

The article had dealt with the importance of health, safety and welfare of labourers in India. Labourers have a huge role in building up a strong economy. Therefore, it is necessary from the part of employers and government to ensure the health, safety and welfare of the labourers. Various statutes were implemented for this purpose. But in reality, these statutes failed in implementation and remained in papers. There were many instances in which employers and government failed to provide adequate facilities and support to labourers. Failure of safety measures resulted in death and severe injuries to labourers. The failure can also cause injuries and death to public, for example: Bhopal Gas Tragedy. Entering a society where each labourer receives benefits remains a daunting task, and the debate about the flawed implementation of systems and rules continues.

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