

Safety and Health at Workplace: A study of legislations with respect to tanning Industry

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Abstract: Laws play an important role in maintaining safety and health at the workplace. An effective regulatory and legal framework is indispensable for the proper and sustained growth of the company. In rapidly changing national and global business environment, it has become necessary that regulation of corporate entities is in tune with the emerging economic trends. Further, due to continuous increase in the complexities of business operation, the forms of corporate organizations are constantly changing. Various laws have been introduced and amended, from time to time, to bring more transparency and accountability in the provisions for tanneries. The laws have been simplified so that they are amenable to clear interpretation and provide a framework that would facilitate faster economic growth. This paper presents various provisions of U.P. Factories Manual which protect the interests of the labour and other investors and stakeholders.

Keywords: Regulatory framework, Occupational Safety and Health, Working conditions.

Safety and health occupy an important position in the policy framework of India's Constitution. To give effect to the directive principles of the Constitution, the Government of India has enacted several laws on safety and health, which are to be enforced by the Central and State Governments. The directive principles impose equal pay for equal work, provision of just and humane conditions of work, and a wages which allow a decent living to all workers. Safety and health have also been incorporated in the National Five-Year Plans.

The evolution of the approach towards workers' health and working conditions is reflected in the topics in the subsequent Plans. Before the sixth Five-Year Plan (1980-85), the main emphasis was on the protection of workers against accidents. In the sixth Plan, protection against occupational diseases was added, prompted by the development of the chemical and various process industries. Environmental conservation and protection was also mentioned in the sixth Plan. The seventh Five-Year Plan (1985-90) further emphasized the importance of industrial safety which was inspired by the accident at the Union Carbide Plant in Bhopal in 1982. However, promotional services were restricted to surveys, research, training in hazard identification and inspection, without any emphasis on how to attain improvements at the workplace. Actions in these Plans were mainly of a legislative and academic nature.

Eighth Five Year Plan India runs through the period from 1992 to 1997 with the main aim of attaining objectives like modernization of the industrial sector, rise in the employment level, poverty reduction, and self-reliance on domestic resources. It focuses on to promote social welfare measures like improved healthcare, sanitation, communication and provision for extensive education facilities at all

levels. The Tenth Five Year Plan India (2002-2007) aims to transform the country into the fastest growing economy of the world and targets an annual economic growth of 10%. This was decided after India registered a 7% GDP growth consistently over the last decade. It aims at cleaning all the main rivers between 2007 and 2012 and Ensuring persistent availability of pure drinking water in the rural areas of India, even in the remote parts. Eleventh five year plan provides provision of clean drinking water, sanitation and a clean environment that are vital to improve the health of our people, to reduce incidence of diseases and deaths.

The Ministry of Labour, Government of India and Labour Departments of the State and Union Territories are responsible for the occupational safety and health of workers. The Industrial Safety and Health Branch of the Ministry discharges the overall functions relating to policy decisions and laying down guidelines for countrywide adoption, as labor is a concurrent subject in the Constitution. As most of the laws on safety and health are Central Government legislation, the Ministry performs the important function of piloting the bills through Parliament after inter ministerial consultations and consultations with the State Governments and organizations of employers and workers. Liaison with the International Labor Organization and other countries is carried out by the Ministry. Co-ordination at national level is undertaken by the Ministry by periodically convening the State Labor Ministers Conference and State Labor Secretaries Conference, in which policy matters and issues on uniformity in labor laws are discussed.

Objectives of the Study:

1. To study the various legal measures proposed and undertaken by the Government to provide occupational safety and health to the labours in the Industry.
2. To search out the reasons that are responsible for slow implementation of policies and laws made for the safety and welfare of the labour.

Research Methodology: This is descriptive types of study and we have performed surveys to obtain data through observation and direct communication with the correspondents (labours in the tannery). In this study the following methods of collection of primary data have been adopted.

- a. Observation Method: For this purpose a checklist has been designed which contains a list of safety measures to be taken in the tannery. This checklist helps to carry out a workplace inspection. Before ticking the respective boxes we have also consulted with the supervisors and workers in the respective areas.
- b. Personal Interview Method: This method of data collection involves presentation of oral-verbal stimuli and reply in terms of oral-verbal responses. Personal interviews have been taken up as the situation demanded. The answers have been recorded in the form of remarks in front of the safety checklist questions.

Limitations of the Study:

1. It was not possible to include all types of tanneries in this study because of paucity of time, but the studied tanneries are important ones and representatives of the Leather industry.
2. In spite of all efforts, it was difficult to get detailed insight about the topic as concept is mainly concerned with the strategy of the tanneries. But the management executives were not able to provide ample time for the research work.
3. To the extent, all the tanneries were not approachable and accessible.

Safety Legislations in the Leather Industry:

Working conditions and the nature of employment tend to have major repercussions on the health of a workman. The concept of 'Occupational health' has evolved from work-related ailments. Occupational health broadly means any injury, impairment or disease affecting a worker or employee during his course of employment. Further, it not only deals with work-related disorders but also encompasses all factors that affect community health within it. The inadequate surveillance of employees is the most important reason for increased prevalence of work related and other non-communicable life style diseases at work place.

With the changing job patterns, working relationships, the rise in self-employment, outsourcing of work, etc. there has been a problem in the management of occupational safety and health risks. Nevertheless particular attention needs to be paid to the health and safety of workers in 'hazardous occupations' and especially the migrant workers and other vulnerable persons. Work related hazards and occupational diseases in small-scale industries and agriculture are likely to increase as the occupational safety and health services are out of reach in these occupations. However, with increasing Public Interest Litigations (PILs), Proactive legislations and continual struggle by environmental activists, the awareness with respect to occupational health concerns are gaining more ground.

Occupational Health Laws:

The Factories Act, 1948, the Mines Act, 1952, The Dock Workers (Safety, Health & Welfare) Act, 1986 are some of the laws, which contain provisions regulating the health of workers in an establishment. Whereas the Employees State Insurance Act, 1948 and the Workmen's Compensation Act, 1923 are compensatory in nature. The legislations on working conditions are provided in table below. To enable a unified approach, a proposal for enactment of a General Enabling Act is being considered.

Table : Regulations related to occupational health and safety in India

<i>Year</i>	<i>Law, Decree or Regulation</i>	<i>Objectives</i>	<i>Enforcement</i>
1884	Explosives Act	Legislation pertaining to hazardous substances	A multiplicity of legislative approaches, with different administrative and enforcement arrangement
1934	Petroleum Act	Legislation concerning hazardous activities	
1968	Insecticides Act		
1971	Insecticides Rules		
1989	Manufacture, Storage and Import of Hazardous Chemicals Rules under the Environment (Protection) Act 1986		
1910	Indian Electricity Act		
1932	Indian Boilers Act		
1971	Radiological Protection Rules		
1983	Dangerous Machines (Regulation) Act		
1948	Factories Act		
1951	Plantations Labor Act		
1952	Mines Act		
1986	Dock Workers (Safety, Health and Welfare) Act		

The Factories Act, 1948 was enacted with the object of protecting workers from subjecting to unduly long hours of bodily strain or manual labour. It lays down that employees should work in healthy and sanitary conditions so far as the manufacturing will allow and that precautions should be taken for their safety and for the prevention of accidents. Therefore U.P. Factories manual, 1950 has been studied for the purpose of the study which is implemented in Leather Industries.

Enforcement of The Factories Act, 1948:

This act has following objectives-

1. It provides workers with a reasonable protection with regard to machinery, pressure vessels, dangerous fumes and gases.
2. It also provides guidelines for health and safety on the plant including ventilation, illumination, safe buildings and protection in case of fire.
3. It safeguards, that workers have access to safe drinking water and washing facilities.
4. It also regulates working hours, annual leave and wages.
5. The legislation also deals with on-site emergency plans and requires a detailed disaster plan.
6. The employer is specifically required to appoint qualified supervisors and arrange for measures for health monitoring.
7. The legislation provides for workers' participation in safety management through the constitution of Safety and Health Committees/Councils. Despite this legislation, implementation lags behind because of the complexity of the regulation.

The Constitutional aspects of Employees' right to health:

Article 21 of the Indian Constitution guarantees the protection of life and personal liberty of a person. Various Supreme Court judgments have, under this "right to life" upheld the right to employees' health. The Indian Constitution has shown notable concern to workmen in factories and industries as envisaged in its Preamble and the Directive Principles of State Policy. The Directive Principles of State Policy provide:

- a) For securing the health and strength of workers, men and women,
- b) That the tender age of children is not abused,
- c) That citizens are not forced by economic necessity to enter avocations unsuited to their age or strength,
- d) Just and humane conditions of work and maternity relief are provided and,
- e) That the Government shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry.

Hence, the Government, Central or State, while drafting policies for the safety and health of workers must keep in mind the Directive Principles in accordance with the nature of employment and must be in consultation with workers' welfare organisations, environmental activists, etc.

The overall responsibility relating to safety health of the workers is of the Industrial Safety and Health Branch of the Ministry of Labor. The Directorate-General Factory Advice Service and Labor institutes, in the technical office attached to the Ministry of Labor located in Bombay, attends to matters relating to the safety and health of workers employed in factories, i.e. manufacturing industries and ports and docks. Besides, the Directorate General, on behalf of the Ministry, carries out the important function of providing training for Factory Inspectors and co-ordinating training outside the country. Facilities at these institutes are expected to provide education and training and to conduct research on the health and safety of industrial workers.

At the State level, the departments of Labor through the Inspectorate of Factories and Industrial Health Inspection Service carry out surveys within the industrial plants, and enforce and monitor the legal standards. The safety and health provisions under the Factories Act, 1948, are enforced by the Factories Inspectorates in 31 States and Union Territories. The Act gives workers a weekly day off, fourteen days' annual leave, bans child labor and restricts the employment of young persons between the ages of 14 and 18. The State Factories Inspectorates also enforce requirements under some of the allied Acts, such as the Payment of Wages Act, the Maternity Benefit Act and the Minimum Wages Act. The Directorate-General Factory Advice Service and Labor Institutes, being the technical organization of the Ministry, liaises with the State Factories Inspectorate and advises them on the administration of the Factories Act 1948, the infrastructural facilities required for the purpose and issuance of U.P. Factories Rules,1950. These Rules are contained in Chapter IV and Chapter V of the Act. It has been described as under.

CHAPTER IV-A: Section 40 of the act describes the rule no.63 which states the provisions relating to Hazardous Processes in factories.

Rule No.63-A. Site Appraisal Committee:

(1) *Constitution*-This provision governs the functioning of the Site Appraisal Committee. The State Government may constitute or reconstitute the committee and when necessary. The State Government may appoint a senior official of the Factories Inspectors to preferably with qualification in Chemical Engineering to be Secretary of the Committee. The State Government may co-opt the following persons as members of the Committee.

- a. A representative of the Fire Service Organization of the State Government.
- b. A representative of the Department of Industries of the State Government.
- c. A representative of the Director General of Factory Advice Service and Labour Institute, Mumbai.

(2) Functions of the Committee-

- a. The Secretary shall arrange to register the applications received for appraisal of site in a separate register and acknowledge the same within a period of 7 days.

- b. The Secretary shall fix up meeting in such a manner that all the application received and registered are referred to the Committee within a period of one month from the date of their receipt.
- c. The Committee may adopt a procedure for its working keeping in view the need for expeditious disposal of applications.
- d. The Committee shall examine the application for appraisal of a site with reference to the prohibitions and restrictions on the location of industry and the carrying on the processes and operations in different areas as per the provisions of Rule 5 of the Environment (protection) Rules, 1986 framed under the Environment Protection Act, 1986.
- e. The Committee may call for documents examine experts, inspect the site, if necessary and take other steps for formulating its view in regard to the suitability of the site.
- f. Wherever the proposed site requires clearance by the Ministry of Industry or the Ministry of Environment and Forests of the Government of India site appraisal will be considered by the Committee only after such clearance has been received.
- g. No business shall be transacted in any meeting unless at least five members are present.
- h. **Traveling Allowance-** A non-official member of the committee shall be entitled to draw traveling and daily allowances for any journey performed by him in connection with his duties as member of the Committee at the rates and subject to the conditions laid down in Rule 20 of Financial Handbook, Volume III.

It also gives a layout of the form of application to be given to the Committee. This layout contains information such as name and address. The information should be supplemented by enclosing copies of documents, maps or blue print etc. wherever necessary. It contains information such as Name and address of the applicant, Site ownership Date, Site Plan, Project Report, Organizational structure for the proposed manufacturing unit/factory, Metrological data relating to the site, Communication Links, Manufacturing Process Information, Information on Hazardous Materials, Information of Dispersal/disposal of Wastes and Pollutants, Process Hazards Information, Information of proposed safety and occupational health measures, Information on emergency preparedness or any other relevant information

Rule No. 63-B. Sections 7-A (3), 41-B(2) and 112-Health and Safety Policy:

1. The occupier of every factory, except as provided for in sub-rule (2) shall prepare a written statement of his policy in respect of health and safety of workers at work.
2. All factories-
 - a) Covered under Section 2(m)(i) but employing less than 50 workers.

- b) Covered under Section 2(m)(ii) but employing less than 100 workers are exempted from requirements of Sub-rule (1):
Provided that they are not covered under the First Schedule under Section 2(cb) or carrying out processes or operations declared to be dangerous under Section 87 of the Act.
3. The policy should specify the following:
- a) arrangements for involving the workers;
 - b) intention of taking into account the health and safety performance of individuals at different levels while considering their career advancement;
 - c) the responsibility of the contractors, sub-contractors, transporters and other agencies entering the premises;
 - d) a resume of health and safety performance of the factory in its Annual Report;
 - e) relevant techniques and methods such as safety and its risk assessment for periodical assessment of the status on health, safety and environment and taking all the remedial measures.
 - f) its intentions to integrate health and safety, in all decisions including those dealing with purchase of plant, equipment, machinery and material as well as selection and placement of personnel.
 - g) arrangements for informing, educating and training and retraining its employees at different level and the public, wherever required.
4. A copy of the declared health and Safety Policy signed by the occupier shall be made available to the Inspector having jurisdiction over the factory and to the Chief Inspector.
5. The policy shall be made widely known by making and displaying copies available to all workers including contract workers, apprentices, transport workers, suppliers, etc.
6. The occupiers shall revise the Safety Policy as often as may be appropriate but it shall necessarily be revised wherever any expansion or modification having implications on safety and health of persons at works is made or new substances or articles are introduced in the manufacturing process having implications on health and safety of persons exposed to such substances or articles.

Rule No. 63-C. Sections 41-B and 112.-Material Safety Data Sheet-Collection and development and dissemination of information:

1. The occupier of every factory carrying on a hazardous process shall arrange to obtain or develop information in the form of Material Safety Data Sheet (MSDS) in respect of every hazardous substance or material handled in the manufacture, transportation and storage in the factory. It shall be accessible, upon request to a worker for reference. Every such Material Safety Data Sheet shall include the following information-
- a) The identification mark used on the label.

- b) Hazardous ingredients of the substance.
 - c) Physical and chemical characteristic of the hazardous substance.
 - d) The physical hazards of the hazardous substance, including the potential for fire, explosion and reactivity.
 - e) The health hazard to the hazardous substance, including signs and symptoms, exposure, and may medical condition which are generally recognized as being aggravated by exposure to the substance;
 - f) The primary route or routes of entry;
 - g) The permissible limits of exposure prescribed in the Second Schedule under Section 41-F of the Act, and in respect of a chemical not covered by the said Schedule any exposure limit used or recommended by the manufacture, importer or occupier.
 - h) Any generally applicable precautions for safe handling and use of the hazardous substance, which are known including appropriate hygienic practices, protective measures during repairs and maintenance of contaminated equipment, procedures for clean up of spills and leaks.
 - i) Any generally applicable control measure, such as appropriate engineering control works practices, or use of personal protective equipment;
 - j) Emergency and first-aid procedures;
 - k) The date of preparation of the Material Safety Data Sheet, or the last change in it; and
 - l) The name, address and telephone's number of the manufacturer, importer, occupier or other responsible party preparing or distributing the Material Safety Data Sheet, who can provide additional information on the hazardous substance and appropriate emergency procedure, if necessary.
2. The occupier while obtaining or developing a Material Safety Data Sheet in respect of a hazardous substance shall ensure that the information, recorded accurately, reflects the scientific evidence used in making the hazard determination. If he becomes newly aware of any significant information regarding the hazard of a substance, or ways to protect against the hazards, the new information shall be added to the Material Safety Data Sheet as soon as practicable.
 3. Every container of a hazardous substance shall be clearly labelled or marked to identify the contents of the container, the name and address of the manufacturer or importer of the hazardous substances, the physical and health hazards and the recommended personal protective equipment needed to work safely with the hazardous substance.

Information contained in this material data sheet is believed to be reliable but no representation guarantee or warranties of any kind are made as to its accuracy, suitability for a particular application of results to be obtained from them. It is up to the manufacturer/seller to ensure that the information contained in the material Safety data sheet is relevant to the product manufacture/ handled or sold by him as the case may be. The Government makes no warranties expressed or implied in respect of the adequacy of this document of any particular purpose.

Rule No. 63-D. Disclosure of information to the workers:

1. The occupier of a factory carrying on hazardous process shall supply to all workers the following information in relation to handling of hazardous materials or substances in the manufacture, transportation, storage and other processes-
 - a) a list of hazardous processes carried in the factory;
 - b) physical and health hazards arising for the exposure to or handling of substances;
 - c) measure taken by the occupier to ensure safety and control of physical and health hazards;
 - d) measures to be taken by the workers to ensure safe handling storage and transportation of hazardous substances;
 - e) personal protective equipment required to be used by workers employed in hazardous process of dangerous operations;
 - f) meaning of various labels and markings used on the containers of hazardous substances as provided under Rule 63-D;
 - g) signs and symptoms likely to manifest on exposure (hazardous substances and, to whom to report);
 - h) measures to be taken by the workers in case of any spillage or leakage of hazardous substance;
 - i) role of workers that is the emergency plan of the factory, in particular the evacuation procedures;
 - j) any other information considered necessary, by the occupier to ensure safety and health of workers.
2. The booklets, leaflets and the cautionary notices displayed in the factory shall be in the language understood by the majority, of the workers and shall also be explained to them.
3. The Chief Inspector may direct the occupier to supply further information to the workers as deemed necessary. .

Rule No. 6-E. Disclosure of information to the Chief Inspector:

1. The occupier of every factory carrying on hazardous process shall furnish, in writing to the Chief Inspector a copy of all the information furnished to the workers.
2. A copy of compilation of Material Safety Data Sheets in respect of hazardous substances used, produced or stored in the factory shall be furnished to the Chief Inspector and the Local Inspector.

3. The occupier shall also furnish any other information asked for by the Chief Inspector from time to time for the purpose of the Act and the Rules made there under.

Rule No. 63-F. Information on industrial wastes:

1. The information furnished under Rules 63-D and 63-E shall include the quantity of the solid and liquid wastes generated per day their characteristics and the methods of treatment such as incineration of soiled wastes, chemical and biological treatment of liquid wastes and arrangements for their final disposal.
2. It shall also include information, on the quality and quantity of gaseous waste discharge through the stacks or other openings and arrangements such as provisions of scrubbers, cyclone separators, electrostatic precipitators of similar such arrangements made for controlling pollution of the environment.

Rule No. 63-G. Review of the information furnished to workers:

1. The occupier shall review once in every Calendar year and modify if necessary, the information furnished under Rules 63-D, and 63-E to the workers and the Chief Inspector.
2. In the event of any change in the process or operations or methods of work or when any new substance is introduced in the process or in the event of a serious accident taking place the information so furnished shall be reviewed and modified to the extent necessary.

Rule No. 63-H. Confidentiality of information:

1. The occupier of a factory carrying on a hazardous process shall disclose all information needed for protecting safety and health of the workers to his workers and Chief Inspector. The Chief Inspector shall pass an order on the representation after giving an opportunity to the occupier of being heard.
2. An occupier aggrieved by the order of the Chief Inspector may prefer an appeal to the State Government within a period of 30 days and the State Government may after giving an opportunity to the occupier of being heard shall pass order and the order of the State Government shall be final.

Rule No. 63-I. Section 41-B, 41-C and 112 -Medical Examination:

1. Workers employed in a hazardous process shall be medically examined by qualified medical practitioner, hereinafter referred to a Factory, Medical Officer, in the following manner-
 - a) once before employment, to ascertain physical fitness of the person to do a particular job;
 - b) once in a period of 6 months, to ascertain the health status of all the worker in respect of occupational health hazards to which they are exposed, and at 11 shorter interval in respect

of a worker in whose case the Factory Medical Officer is of the opinion that it is necessary to do so;

- c) The detail of pre-employment and periodical medical examinations carried out as aforesaid shall be recorded in the Health Register in Form 27.
3. Any finding of the Factory Medical Officer revealing any abnormality or unsuitability of any person employed in the process shall be reported immediately to the Certifying Surgeon who shall in turn examine the concerned worker and communicate his findings to the occupier within 30 days. If the Certifying Surgeon is of the opinion that the worker so examined is required to be taken away from the process for health protection, he will direct the occupier accordingly, who shall not employ the said worker in the same process. However, the worker so taken away shall be provided with alternative placement unless he is in the opinion of the Certifying Surgeon full incapacitated in which case the worker affected shall be suitably rehabilitated.
 4. A Certifying Surgeon on his own motion or a reference for an Inspector may conduct medical examination of a worker to ascertain the suitability of his employment in a hazardous process or for ascertaining his health status. The opinion of the Certifying Surgeon in such a case shall be final. The requisite fee for this medical examination shall be paid by the occupier.

CHAPTER -V: section 42 of the act provides rule no. 64 relating to washing facilities in the factories.

Rule No.64: Washing facilities: There shall be provided and maintained in every factory for the use of the workers employed, adequate and suitable facilities for washing, which shall include soap, where the work to be done is dirty and dangerous involving contact with lead, tar, etc. The facilities shall be conveniently accessible and shall be kept in a clean and orderly condition. The washing facilities shall include a trough with taps or jets at intervals of not less than two feet, washbasins with taps attached, taps on stand-pipes, showers controlled by taps, circular troughs of the fountain type, provided that the Inspector may, having regard to the needs and habits of the workers, fix the proportion in which the aforementioned types of facilities shall be installed.

If female workers are employed, separate washing facilities shall be provided and so enclosed or screened that the interiors are not visible from any place, where persons of the other sex work or pass. The entrance to such facilities shall bear conspicuous notice in the language understood by the majority of the workers "For women only" and shall also be indicated pictorially.

Section 43: This section of the act provides Rule no. 65 relating to facilities for storing clothes:

Rule No. 65-Facilities for storing clothes:

All Engineering Workshops, Iron and Steel Works, Chemical Factories, Oil Mills and Motor Garages, covered by the Act shall provide facilities for storing clothing not used during working hours. Such facilities shall include the provisions of separate rooms, pegs, lockers or such other arrangements for drying of wet clothes as may be approved by the Chief Inspector.

Section 45(1): This section of the act provides Rule no.66 relating to first aid appliances.

Rule No. 66- First aid appliance:

The first aid boxes or cupboards shall be distinctively marked with a red cross on a white ground and shall contain Twelve small sterilized dressings, Six medium size sterilized dressings, Six large size sterilized dressings, Six large size sterilized burn dressings, Six (12 oz.) packets sterilized cotton wool, One (2 oz.) bottle containing a 2 per cent alcoholic solution of iodine, One (2 oz.) bottle containing sal volatile having the dose and mode of administration indicated on the label, One roll of adhesive plaster, One snake-bite lancet, One (1 oz.) bottles of potassium permanganate crystals, One pair of scissors, One copy of the first aid leaflet approved by the Chief Inspector of Factories.

Findings:

In India, the number of workers at a given workplace is important with regard to enforcement of specific legislation. In small-scale industries or companies with less than 10 workers, workers have almost no rights. The Minimum Wages Act for some selected industries and the Workmen's Compensation Act are the only legal protection for those workers. In industries with more than 10 workers when power is used or more than 20 workers when there is no use of power, the firm has to register under the Factories Act and has to pay its contribution according to the Payment of Bonus Act. When there are more than 20 workers, the company has to contribute to the Provident Funds and has to enter the Employees State Insurance Scheme (ESI). In the case of 50 or more workers, the Industrial Workers Act and the Industrial Disputes Act can be enforced and when there are over 100 and 250 workers the rules of the Factories Act are further enlarged by dictating all kind of provisions for the workers.

According to PRIA (Society for Participatory Research In Asia), State Factories Inspectorates are unable or unwilling to enforce legislation as they are overloaded and sometimes collude with the employer. It is important to repeat here, that only those firms employing more than 20 persons (without power) or 10 persons (with power) are required to report on occupational injuries and diseases. The following are the reasons why factories covered under factories Act do not benefit from labor legislation:

- 1) A worker cannot directly take a factory owner to court even if the latter violates all provisions of the Factories Act. The Factory Inspectorate is the only authority which can seek legal action against employers;
- 2) Not all factories are inspected by the Factory Inspector because this target is beyond his/her capacity (both in terms of time and money);
- 3) The Acts only provide/lay clear remedies that are available to workers subsequent to disease or infirmity, but do not lay down any principle regarding prevention of unsafe working conditions;

- 4) The benefit at the time of injury under the Employees' State Insurance Scheme ESI is not available if the injured worker has not contributed to the common fund for at least 13 months;
- 5) As far as the Employees' State Insurance Scheme is concerned, it has become a scheme for the general health of the worker. The ESI hospitals do not have trained doctors to diagnose occupational diseases;
- 6) Under the Workmen's Compensation Act, a worker is entitled to compensation only if he/she is bedridden for a minimum of 3 days. If the injury does not hamper the production of a commodity, then it is not considered an injury.

A broad insight into the existing occupational health laws in India explicably brings out the verity of non-implementation of such laws, considering the present scenario with respect to the workmen's health conditions. The workmen in dangerous employments are exposed to substances like asbestos, chromium and silica dust and are vulnerable to respiratory diseases and cancer. There is need to preserve the good health of workmen by ensuring safe and healthy working conditions and provides prompt compensation on account of injury or occupational disease. Due to limited contributions of governmental agencies and trade unions to safeguarding workers' health, it has been observed that the current status can only be changed by the capacity of the workers themselves to organize and fight for those choices which are the most conducive to their overall health.

In conclusion, governments, private employers and trade unions fall short in protecting workers' health. There is a role for civic initiatives, including the workers themselves, in this field.

References:

- *de Graaf A (1988): Workers in the Formal Industry. A case study examining the labor and living conditions of workers in the formal industry in a town in southern India. M.A. thesis, department Human Geography. University of Amsterdam 1988.*
- *Ory FG and Budorf A (1997) Strategies and methods to promote occupational health in low-income countries Pg 49-55.*
- *U.P. Factories Manual 1950.*
- *Vaidyanathan G (1992): Profile on Occupational Safety and Health in India. Labor Administration. International Labor Organisation. Asian and Pacific Regional Centre for Labor Administration (ARPLA) Bangkok.*
- *Van Liemt G (1989): Minimum labor standards and international trade: Would a social clause work? International Labor Review, 128, 4: 433-448.*
- *VHAI Voluntary Health Association of India (1987): Occupational hazards. Health for the Millions, Vol. XIII, no. 4.*