

# A Study Over the Health and Safety of Workers with Reference to Safeguard Provisions in India

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**Abstract:** *The Government of India believes without proper health and safety measures inside the premises of a factory or an industry justice will not be assured pertaining to the attainment of safety and health which plays an indispensable role towards achieving the economic growth of the country. The industry requires the workers to engage in heavy risk sectors like welding, lifting of machinery in factories, harmful radiation, compressed glasses gives negative impact on health of workers resulting to deaths also will have a negative impact on the productivity as well as on the workplace environment it is important to identify the potential risk at workplace and also the measures to be taken in order to reduce the accidents. The main aim of the research is to understand public opinion on health and Safety of workers in India. The sample size is 201. The statistical tool used here is Graphical representation. The independent variable is age, gender, educational qualification and occupational groups and dependent variables are satisfaction towards Health and Safety provisions in labor legislations, opinion on specific training related to health, opinion on absence of precautionary measures and accidents. Safety measures result in improving the conditions under which workers are employed and work. It improves not only the physical efficiency of an individual but also provides protection to their life. Inadequate provision of safety measures in factories may lead to an increase in the number of accidents. Wellbeing measures as recorded above somewhat represent the danger of accidents in the industrial sector.*

**Keywords:** Health, Safety, Workers, Industry, Hazards, Accidents, Workplace

## I. INTRODUCTION

Labor law is considered to be a broad concept which deals with employment, remuneration, Welfare measures, Health and Safety conditions of work, trade unions and the industrial relations. It also includes social security and the employer and employee relationship. In India the evolution of labor law started in the period of British colonization. Due to the need for cheap labors, British colonies started importing the Indian laborers to other foreign countries. So, it paved the way for the enactment of abolition of slavery act 1833. Later, Fatal Accident Act of 1853 was introduced for providing compensation to those who incurred damage in the place of employment. Industrial revolution took place in the 18th century and later reached India. During this era no industrial laws were in place and young children as old as twelve and women were exploited. 12 hours of shifts and working conditions with no safety, welfare or health in mind of the employer. Thus, few employees came together to form a labor legislation and India got its first Factories Act in 1881. Likewise various labor legislations have been enacted in India to protect the welfare of the employee but still some of the accidents that take place Safety refers to the absence of accidents. Stated differently, safety refers to the protection of workers from the danger of accidents. The factories act of 1948 the provisions related to health and Safety includes Fencing of machinery, Fencing of machinery in use or in motion is obligatory under Section 21 of the Factories act 1948. Safety measures in case of work on or near machinery in motion under section 22 Such examination or operation shall be carried out only by specially trained adult male worker wearing tight fitting clothing has been recorded in the register prescribed in this behalf and who has been furnished with a certificate of appointment and while



he is so engaged. No woman or young person shall be allowed to clean, lubricate or adjust, Section 25 provides further safeguard for workers from being injured by self-acting machines, Section 26 provides further safeguards for casing of new machinery of dangerous nature. In all machinery driven by power and installed in any factory, Section 33 requires that in every factory every fixed vessel, sump, tank, pit or opening in the ground or in a floor which, by reason of its depth, situation, construction, or contents is or may be source of danger shall be either securely covered or securely fenced. Section 40 provides that the inspectors in case of dangerous conditions of building or any part of ways, machinery or plant requires the manager or occupier or both to take such measures. The rules for labor welfare government assistance, perceived as the Factories Act, 1948, used to be instituted with the significant standard of guarding laborers utilized in manufacturing plants towards modern related perils. With that goal it forces upon owners and occupiers positive assignments to safeguard unwary as appropriately as careless representatives and to impenetrable work for them which is favorable and safe. The Act offers for the wellbeing, security, government assistance and various elements of OHS for workers in manufacturing plants. It is implemented by utilizing the country states through their assembling unit inspectorates. The arrangements for laborers' security, wellness and government assistance are normally seen to be lacking and unacceptable and surprisingly such wellbeing as is outfitted by means of this guidelines does not really stretch to the huge mass of individuals utilized in workplaces as of now not covered by utilizing the Act. Considering the huge and creating modern activities in the country, an extremist updating of the Factories Act is alluded to concerning and can't be delayed. The offering a warning of mishaps and the arrangement of workers' examiners by means of the boss The Directorate of Mines is enabled to embrace security and work related wellness reviews in the mines and the focal specialists is engaged to designate a "skilled" character for inquisitive into the work related afflictions that have been detected. Only a little region on the Indian work pressure is utilized in the coordinated area; thusly the guideline does now not really cowl an enormous period of the labor force. With regards to Indian circumstances, then, at that point, perhaps, OHS dangers can be alleviated through monetary motivations. Monetary motivations in this domain have many advantages over regulations. First, in countries like India, the requirement of current work lawful rules is careless, organizations tend to pass by rules on OHS. Signals from the business sectors can't be ignored. Second, rules recommend an insignificant level of measures for OHS. When this degree is reached, there is no reason for development. Monetary motivating forces do presently not quit at a definite level. Third, adjusting the legitimate rules to new perils sets aside time. Financial motivating forces notice two new risks as appropriately as noteworthy ones. Fourth, money related impetuses measure the result of OHS, presently not the means. Guidelines recommend positive means, which should be viable. One reason for this disappointment is the absence of requirement; . Moreover, controllers react just when complaints are registered or when accidents are accounted for. Likewise the inspectors are not sufficiently prepared to react to a grievance or accident. The Ministry of labor and employment has initiated the four new labor codes which are based on welfare, wages, industrial relations and healthcare of the employees. The SHRAM SUVIDHA portal was established for the purpose of bringing transparency and accountability in enforcement of labor laws and easy complexity. It provides for the labor identification number for the purpose of online inspection and compliances. The national pension scheme for traders, shopkeepers and self-employed persons has been launched for the benefit of the unorganized workers in India. In the United Kingdom, for example, the practice has been to permit a limit of activity and opportunity to bosses' and laborers' associations in the guideline of their shared relations and the assurance of states of work. In Australia and New Zealand mollification and discretion councils decide matters typically managed in different nations by enactment or aggregate understanding, like wages, hours, and states of work. It is concluded that there is a major legislation which provides for the labor law and is also effective in the implementation of it. The main aim of the research paper is to study the Health and Safety of the workers with reference to safeguard provisions in India.

#### **OBJECTIVES OF THE STUDY:**

- To understand about the Health and Safety provisions in India
- To know about the public opinion on the effectiveness of safeguard measures in Industrial establishments.
- To create an awareness about the precautionary measures prescribed under the Safeguards provisions.



## **II. LITERATURE REVIEW:**

The author discussed the impact of labor regulation on industrial performance in India. The paper reviews a wide range of other evidence, pointing in a very different direction, on the actual enforcement of labor laws, labor flexibility, and industrial employment (**Rab 2016**). The author has found that laws supporting employee voice and collective bargaining may have beneficial social effects in middle-income countries. It is also found that there is very little evidence of unemployment effects due to more protective labor laws (**Faunce 2008**). The author has argued for the importance of relationships for specific investments for skills. The paper underscores the role of the labor law in this context and the importance of such concerns for labor law reform (**Bamforth, n.d.2016**). The author discusses the pervasive recognition that the county needs to reform its labor law regime. It has become counterproductive to the twin objectives of job creation and industrial peace and industrial hazards in the very people it meant to benefit (**"The Constitutional Function of Labor Law in the European Union," n.d.2000**). The author paper examines the joint effects of Employment Protection Legislation (EPL) and variable enforcement intensity on the growth in the size of temporary contract workers in the organized manufacturing sector (**Dukes 2011**). The author in the paper seeks to establish and study the issues present in the debate on more about labor flexibility and laws. It also discusses the theoretical aspects relating to employment protection. Some suggestions for reformulating employment protection practices are offered (**Luke 2017**). The author discussed the trade unions in India work mainly with workers in formal employment, particularly in the public sector. Most people in India work in the informal economy, and their needs are attended mainly by voluntary agencies or NGOs (**Valeria 2017**). The author in this article examines the nature, experience and implications of such migration primarily to major urban centers for construction work. The author suggests how adivasi labor migrants might be supported and describes a recent initiative in this regard (**Daintith 2004**). The objective of the study is to understand the effect of a structural shift in the economy on the cases of consented and contested decrees related to dismissal of workers under the relevant laws in India (**Freya 2017**). The author suggested Labor market reforms could serve to limit the detrimental effects that the consequentially high labor costs and rigidity have on the dynamism of the labor market, as well as to improve the labor wage share, limit the relative increase in informal employment and also enhance aggregate productivity (**Fruzsina 2016**). The author analyzes this changing definition in the context of the Labor Commission Report 2001. With a redefinition of child labour, the number of working children is set at more than, 10 times the official figures available from Census and NSS reports. Such a development only aggravates the problem (**Schiek 2010**). The author in the paper identifies the channels and processes which have increased the vulnerability of employment in the organized manufacturing sector (**Bellace and ter Haar 2019**). The author in this paper points to the increasing tendency of the Indian state to circumvent the gamut of existing labor laws, which in any case exist more on paper than in practice, by disengaging from the popular discourse on labor reforms (**Torres-Tovar and Torres-Echeverry 2017**). The author discussed the focus on a textual, narrative and contextual level, and looked at a wide range of 20th century authors, including Fowles, Lessing and Woolf. The author is aimed at beginning students of English language and literature (**Mondoloni et al. 2014**). The author of this paper analyzed the text of the Constitution of India has been brought up-to-date by incorporating therein all amendments made by Parliament up to and including the Constitution (**Pollicino 2016**). It is the first collection of its kind to systematically explore both the content and role of individual common law constitutional rights alongside the constitutional significance and broader implications of these developments (**Nicol 2010**). The author examined critically on models of domestic, regional and international judicial protection of economic, cultural and social rights in Africa (**Hanami 2013**). The author has analyzed on the offers a fresh and provocative look into the alternative social movements informal workers in India are launching (**Kahn-Freund 1972**). The author in the study explores whether and how enshrining children's rights in national constitutions improves implementation and enforcement of those rights by comparing Danish, Finnish, Icelandic, Norwegian and Swedish law (**Liukkunen 2019**). The author has discussed how it is designed to assist United Nations staff who provide human rights measures advice to States, which undertake to amend an existing constitution or write a new one (**Nikitchenko et al. 2019**).

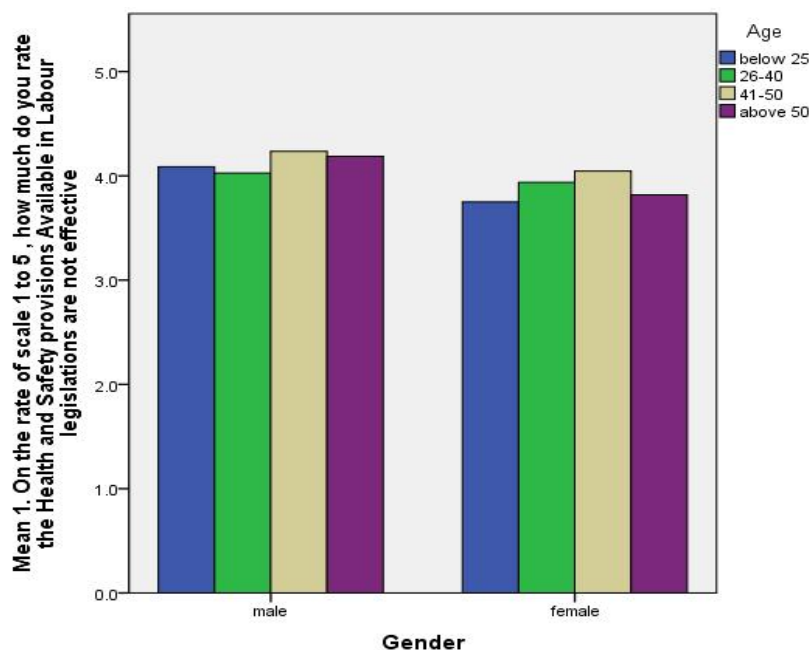


### III. METHODOLOGY :

The researcher obtained primary source of data by conducting an empirical study on seeking responses from general public based on a questionnaire and also relied on secondary source of data such as books, journals, e-sources, articles and news paper. The present research is conclusive, descriptive and based on empirical design. Qualitative data was generated to test the research hypothesis. In order to collect data on dimensions of study, a research instrument was designed. This research paper used the empirical type of research which is done by the survey method. The sampling size of the paper is 201. Graphical representation is used in analysis. The sampling method is Convenience sampling method. The primary main sources are taken from the general public in the form of survey methods. The information was collected from secondary sources from journals, articles, books and reports of the presidency and non-governmental organizations. Type of research Is non-doctrinal research qualitative or quantitative and dogmatic. Independent variables are Gender, age, educational qualification and occupational groups. The independent variables are age, gender, educational qualification and occupational groups and dependent variables are satisfaction towards Health and Safety provisions in labor legislations, opinion on specific training related to health, opinion on absence of precautionary measures and accidents.

### IV. ANALYSIS:

(FIGURE 1)



(FIGURE 1)

#### LEGEND:

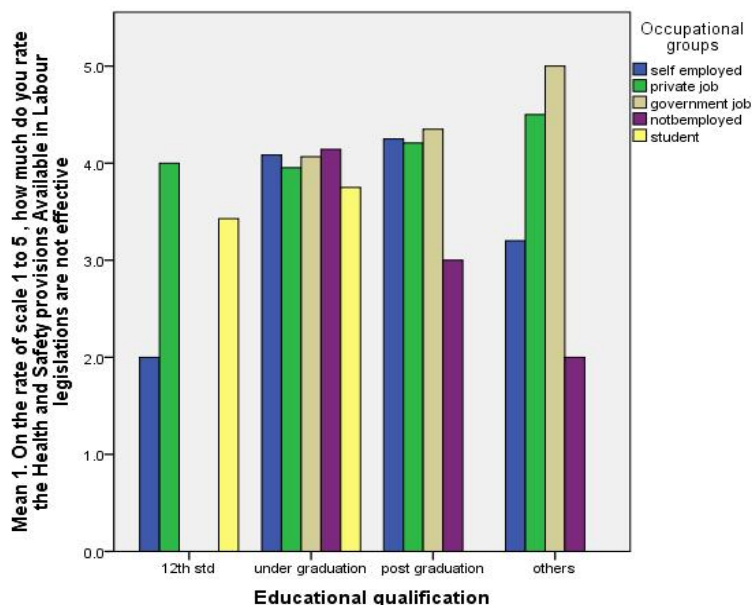
In figure 1 it shows the age groups among the gender distribution with respondent's satisfaction towards the effectiveness of health and safety provisions in labor legislations.



## RESULTS:

In figure 1 it shows that majority of the male respondents among the age distributions has opined by giving 4 scale towards the satisfaction on Labor legislations which is less effective, while among the female respondents, majority of the has opined by giving 4 scale and some among them has opined less than 4, it shows that majority of the respondents says the labor legislations in India are less effective.

(FIGURE 2)



(FIGURE 2)

## LEGEND:

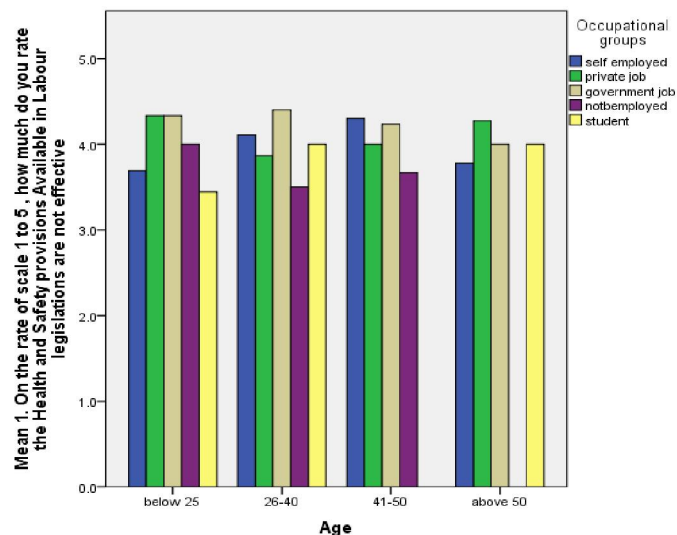
In figure 2 it shows the educational qualification of the respondents is distributed among the occupational groups on their satisfaction towards the effectiveness of labor laws in India.

## RESULTS:

In figure 2 it shows respondents among whose educational qualification is 12 th std as one is self employed and the other is private employed has opined 4 scale rating and 2 scale rating is given by an self employed and among the undergraduates majority of them have given 4 scale rating and few among them opined 3.8 and 3.6 in the scale and among postgraduates majority has opined above 4 and one among the unemployed has given below 3 ratings and among the others those employed in private sector and government sector opined above 4 and 5 and one among the unemployed has given 3 scale rating.



(FIGURE 3)



(FIGURE 3)

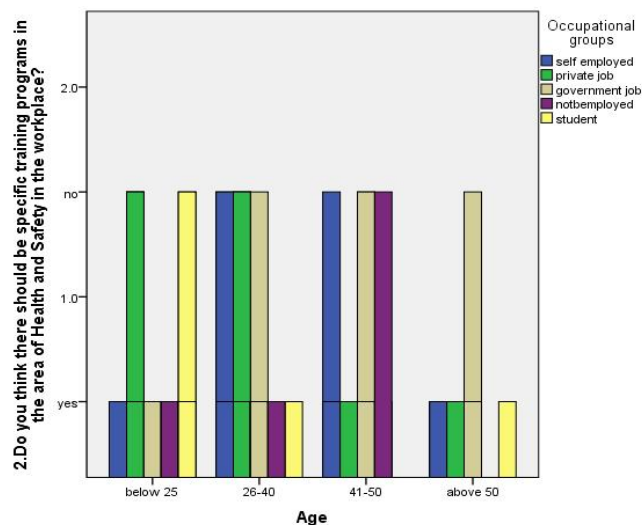
**LEGEND:**

In figure 3 it shows the age groups among the occupational distribution of respondent's satisfaction towards the effectiveness of health and safety provisions in labor legislations.

**RESULTS :**

In the figure 3 it shows among those below age of 25 those in private and government sector has opined above 4 scale and those in student and self employed has given 3.8 and 3.6 as their rating, those between 26-40 age group majority opined above 4 and one among unemployed has given below 4 scale and respondents between 41-50 majority of them have opined 4 and above 4 scale and one among the unemployed has given below 3 scale rating and majority among the other groups has opined 4 and above 4 and one among the self employed has given 3.8 scale rating

(FIGURE 4)





(FIGURE 4)

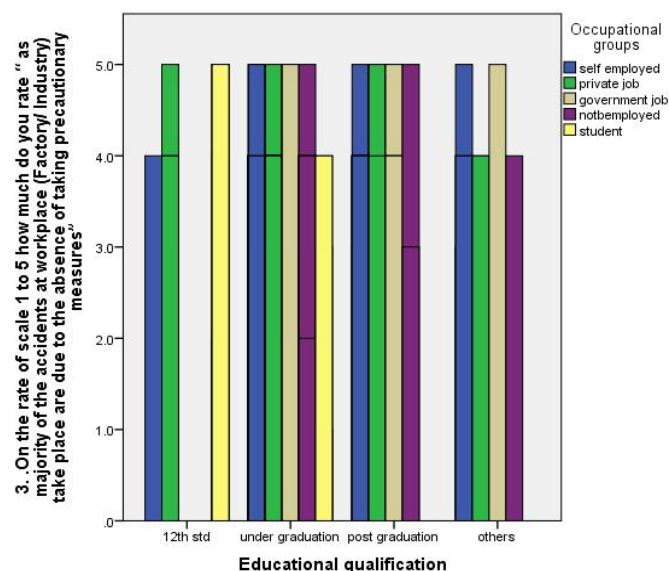
**Legend:**

In figure 4 it shows the age distribution among the occupational groups of respondent's opinion towards the need for specific training in health and safety at workplace

**RESULTS:**

In the figure 4 it shows majority of the respondents has opined yes, those below 25 age groups has opined yes and respondents in private sector and among student has opined no, in the age groups between 26-40 most of them has opined no whereas among the not employed and student groups majority has opined yes Among the age groups between 41-60 majority among the government sector, others has opined yes very few respondents among the private sector has opined no, in above 50 category majority of the respondents other than those in government sector has opined no

(FIGURE. 5)



(FIGURE 5)

**LEGEND :**

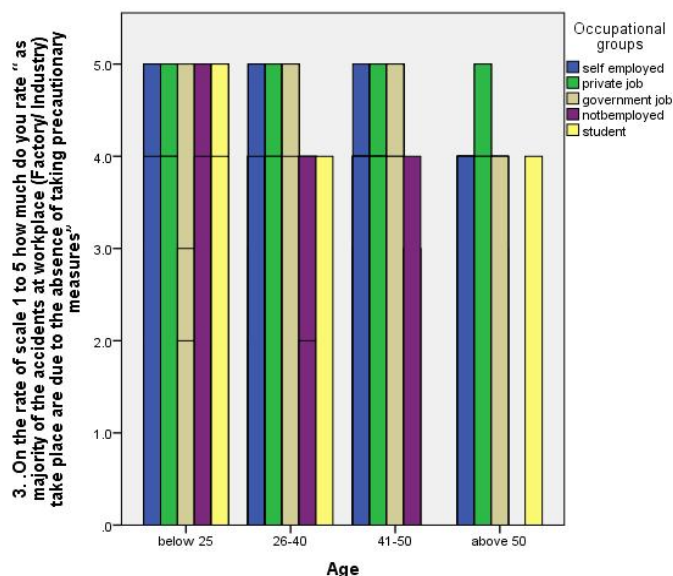
In figure 5 it shows educational qualification distribution among the occupational groups of the respondents on their opinion towards the statement that the accident occurrence In industries due to the absence of taking precautionary measures.

**RESULTS :**

In figure 5 it shows among those with 12 th std as their educational qualification has opined 5 and above 4, those among the undergraduates has given 4 scale rating and 5 scale ratings and among the post graduates majority gave 4 and five as their ratings and among the others majority of the respondents gave 4 scale rating and those in self employed and government sector has given five scale ratings.



(FIGURE 6)



(FIGURE 6)

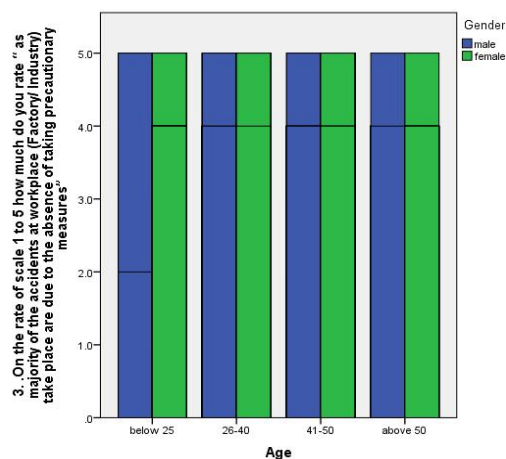
#### LEGEND :

In figure 6 it shows age distribution among the occupational groups of the respondents on their opinion towards the statement that the accident occurrence In industries due to the absence of taking precautionary measures.

#### RESULTS :

In figure 6 it shows those in below 25 age category majority of the respondents have opined by giving 5 scale ratings as well as four scale rating and those in government has different ratings of 3 and 2, respondents between 26-40 majority of them has opined by giving 5 and 4 scale ratings and one among the unemployed has opined by giving two scale ratings, those above 50 majority has opined by giving 4 scale ratings and few among them belonging to private sector has opined by giving 5 scale ratings.

FIGURE 7





**(FIGURE 7)**

**LEGEND :**

In figure 7 it shows age distribution among the gender distribution of the respondents on their opinion towards the statement that the accident occurred in industries due to the absence of taking precautionary measures.

**RESULTS :**

In figure 7 it shows those below 25 majority have opined 5 and female respondents have also given four scale ratings as well, between 26-40 age group majority of the respondents has opined by giving five scale and 4 scale ratings, between 41-50 age group majority of the respondents has opined by giving five scale and 4 scale ratings, above 50 age group majority of the respondents has opined by giving five scale and 4 scale ratings.

## **V. DISCUSSION**

In **(figure 1)** it shows that majority of the male respondents among the age distributions have opined by giving 4 scale towards the satisfaction on labor legislations which is less effective. Because of less workmen protection in the case of those working in hazardous employment, absence of taking precautionary measures and others, because of less workers assurance on account of those working in risky business, nonappearance of going to prudent lengths and others. In firms that as of now don't put resources into ventilation, latrines or creche facilities where consumable drinking water isn't accessible; where sparse respect for worker assistance is the default setting. In **(figure 2)** the majority of the respondents have given above 4 scale ratings. Inadequate provision of safety measures in factories may lead to an increase in the number of accidents. Human disappointment because of inconsiderateness, obliviousness, insufficient expertise, and ill-advised oversight have likewise added to mishaps, and the ensuing requirement for security measures. Produce obvious indicators/guidelines in the nearby language that can be set in conspicuous places all around the manufacturing plant, helping individuals to remember the vital measures to observe. In **(figure 3)** the majority of the respondents have given above 4 scale ratings. It is frequently seen in numerous operators in the working environment, for instance, work-related hearing misfortune, postural deformities, falls, mishaps, and so forth. Hearing misfortune is one of the most widely recognized issues in an assembling unit with weighty commotion making machines like some modern sewing machines or cutters; postural deformities like cervical and bone shape change can happen assuming an individual necessities to sit or remain in a specific wrong situation for a long time. Improper working of fire and smoke alerts in ventures. In **(Figure 4)** the majority of the respondents opined that specific training is required in health and safety at the workplace, so that more awareness can be created among the workers. Because it is necessary to educate them in this perspective. In **(Figure 5)** it shows educational qualification distribution among the occupational groups of the respondents on their opinion towards the statement that the accident occurrence in industries due to the absence of taking precautionary measures and majority has opined above 4 rating scale as the workers in industries work without proper precautionary measures like safety gloves, goggles etc, improved implementation of the safeguard provisions, including trained persons in relevant sectors. In **(Figure 6)** it shows age distribution among the occupational groups of the respondents on their opinion towards the statement that the accident occurrence in industries due to the absence of taking precautionary measures. Absence of fire and smoke caution frameworks in numerous industries. Improper support of fire ways out or crisis flight of stairs. In **(Figure 7)** it shows age distribution among the gender distribution of the respondents on their opinion towards the statement that the accident occurred in industries due to the absence of taking precautionary measures. In the focus on the manufacturing sector it is important to scrutinize the existing occupational health and safety provisions in Indian law and their implementation.

## **VI. LIMITATIONS**

The major limitation of the study is the sample frame. The sample frame collected through online platforms is the limitation of the study, the real field experience is missed out. The restrictive area of sample size is yet another drawback of the research. Collection of data via online platform is limiting the researcher to collect data from the field. Since the data is collected on online platform wherein the respondent is not known, the original opinion of the



respondent it is not found, The researcher could only come to a approximate conclusion of what the respondent is feeling to convey.

## VII. CONCLUSION

There is a close connection between protection measures and the viability of laborers. It is reflected in further developed usefulness. Security measures are concerned now not exclusively with the substantial productivity, and insurance of the laborers, but additionally his overall prosperity. Being connected with government assistance, absence of safety opens individuals to wellbeing dangers. It also incorporates word related wellbeing hazards. Indian individuals are regularly respected to be substantially less proficient as rather than individuals in various nations. Such an announcement no longer shows any innate inadequacy in the period of laborers. It is noted to be because of longer long stretches of work, low wages, and poor working environments. Wellbeing and safety efforts outfitted in processing plants are additionally of helpless norm. This may also be alluded to as the fundamental reason for the shortcoming of individuals in India.

## VIII. SUGGESTIONS

Climatic elements, lack of education, low Wages of Poor condition may likewise moreover affect the adequacy antagonistically, but the negative working requirements happen to be the preeminent reasons. Working environmental elements in the assembling unit is at this point not helpful for expanded productivity of laborers. Under unfortunate environmental factors, one can't accept representatives to place in testing and supported work. Wellbeing measures as recorded above somewhat thwart representatives from being uncovered to the danger of mishaps, and security contrary to soil and vapor and inflammable gasses, and so on These are part of the way government assistance in nature e.g., children on unsafe and heavy machines. Other safety measures limit the strain from working underneath testing conditions. So in this aspect health and Safety precautionary measures should be properly identified and rectified and adherence should be followed by Industries.

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