

Occupational Health and Safety of Workers in the Unorganized Sector of India: A Human Rights Perspective

Melat Assefa, Business Administration (assefame@my.easternct.edu)
Faculty Mentor: Dr. Niti Pandey (Department of Business Administration)



Introduction

According to the International Labor Organization's Convention No.155, safe working conditions and workers health are considered as fundamental human rights. Safe and healthy workplace conditions include a variety of socio-economic factors that promote conditions in which people can lead a wholesome life. Due to this, Occupational Health and Safety (OHS) is considered as to be a human right to health, and has gained far-reaching importance from local to global levels.

This study examines OHS in the unregulated sector (sector that is not registered with the government) of India. Even though India currently has numerous OHS laws and regulations to regulate the labor market, their effectiveness in safeguarding the workers' human rights has been minimal. With this ineffectiveness to successfully implement the laws, workers in different industries continue to be injured in the workplace every day.

After critically analyzing the current realities of the Indian unregulated labor market, this study also provides recommendations for improving working conditions.

India's Economy

- ❖ GDP^{*2017}: US\$2.6trillion/(\$9.4trppp)
- ❖ Population^{*2017}: 1.33 billion
- ❖ Labor force participation^{*2017}: 521,900,000
- ❖ % of population below poverty line^{*2011}: 21.9
- ❖ Unemployment rate^{*2017}: 8.5%
- ❖ Size of the unregulated sector^{*2017}: 90%

Policies and Legislations in India

Constitutional Provisions

- **Article 39: (e)** protects the health the population; **(f)** mandates that children should be given an environment for healthy development without exploitation
- **Article 42:** mandates humane working conditions and maternity relief to be provided
- **Article 43:** ensures a living wage, decent standard of life, and full enjoyment of leisure and social and cultural opportunities to all workers

OHS Legislations

- The Factories Act (1948)
- The Mines Act (1952)
- The Workmen's Compensation Act
- The Employees' State Insurance Act

OHS Institutions

- World Health Organization (WHO)
- International Labor Organization (ILO)
- National Institute of Occupational Health (NIOH)
- National Safety Council of India (NSCI)
- Regional Occupational Health Centers (ROHCs)
- DGFASLI (Directorate General Factory Advisory & Labor Institutes)
- Ministry of Labor, Power, Health and Family Welfare, etc..

Current Trends/ OHS Challenges

Majority of India's workforce (90%) is still in the informal sector where occupational health and safety is non-existent.

Inadequate implementation of existing laws and legislations

Availability of cheap labor because of high population, unemployment, and poverty

Very low public health expenditure and underfunding of OHS programs

Absence of comprehensive data/information on occupational illness, injuries, and fatalities

This study examines the occupation health and safety challenges in the top three industries of India's unregulated sectors that have the highest illnesses, injuries and fatality rates – agriculture, construction, and manufacturing.



Figure 1. Working conditions in the agriculture, construction and manufacturing sectors of India

1. Agriculture

About 53% of the Indian workforce is engaged in a wide variety of agricultural activities. However, these workers experience a lack in training, safety measures at their workplace, and appropriate wages and social security benefits. They are exposed to long working hours, and unsanitary working and living conditions. As a result workers face different types of hazards such as chemical, ergonomic, mechanical, biological and environmental.

- ❖ **On average, 2,080 accidents and 120 fatalities are estimated in the agriculture sector every day.**

2. Construction

The construction industry is the second largest contributor to the Indian economy after agriculture. Despite its contribution to the economy, workers in this sector are unprotected than any other industry in India.

Similar to the Agriculture sector, construction workers are being exposed to hazardous working conditions. Despite the hazards, workers are not provided Personal Protective Equipment (PPE), and other safety measures are not instituted. Due to this, falling from elevations, accidents with heavy equipment, electrical accidents, and infectious diseases and contaminations are some of the major fatal accidents in this sector.

- ❖ **This sector contributes 24.2% of total occupational fatalities in India**

3. Manufacturing

The manufacturing sector is one of the fastest growing and largest contributing sector to the national GDP in India (estimated to be 25% by 2025). It includes a variety of industries such as textile and apparels, paper, and chemicals,. Manufacturing sector is also one of the major contributor to workplace injury, morbidity and mortality in India. It is common for workers to work in unhygienic, and poorly ventilated and illuminated workplaces causing health problems like hearing loss and lung complications.

- ❖ **On average, 3 deaths and 47 injuries are estimated in the manufacturing sector per day.**

MNCs and Government's Actions

* MNCs=Multinational companies

Frequently amending existing labor laws

Establishing various organizations that develop and sustain voluntary movements on safety and health

Organizing different OHS campaigns and conferences to create public awareness

Conducting different workshops that are geared towards safety training

Recommendations

- ❖ Adequately implementing existing laws to the informal sector
- ❖ Increasing public health expenditure and funding to OHS institutions and programs
- ❖ Implementing employee orientation and training programs
- ❖ Raising awareness of OHS issues among all stakeholders
- ❖ Developing mechanisms to regularly monitor occupational accidents and other health and safety issues
- ❖ Training professionals in the field of health and safety
- ❖ Incentivizing employers and employees
- ❖ Further development of OHS institutions ad infrastructures

References

- ❖ Accidents at workplaces in India under reported; 38 per day in construction sector: Study. (2017). Retrieved from <https://indianexpress.com/article/india/accidents-at-workplaces-in-india-under-reported-38-per-day-in-construction-sector-study-4947079/>
- ❖ Gabbatiss, J. (2018). Rice farming up to twice as bad for climate change as previously thought, study reveals. Retrieved from <https://www.independent.co.uk/environment/rice-farming-climate-change-global-warming-india-nitrous-oxide-methane-a8531401.html>
- ❖ Gite, L. (2016). Agricultural sector in India- OHS perspective. Central Institute of Agricultural Engineering (Indian Council of Agricultural Research Bhopal). Retrieved from https://www.ilo.org/newdelhi/whatwedo/eventsandmeetings/WCMS_446074/lang-en/index.htm
- ❖ Hart, I. (2018). Health & safety culture in India - SHP - Health and Safety News, Legislation, PPE, CPD and Resources. Retrieved from <https://www.shponline.co.uk/occupational-health/health-safety-culture-in-india/>
- ❖ International Labor Organization. (1981). Occupation Health and Safety, C155.
- ❖ Jain, S., & Matharu, S. (2017). Fatal Heights: The Untold Deaths Of India's Construction Workers. Retrieved from <https://www.ndtv.com/india-news/fatal-heights-the-untold-deaths-of-indias-construction-workers-1733974>
- ❖ Kazmin, A. (2013). India takes lesson from China to lure workers to garment industry. Retrieved from <https://www.ft.com/content/cb4ca68a-f2b7-11e2-a203-00144feabdc0>
- ❖ Patel, D A and Jha, K N (2016) An Estimate of Fatal Accidents in Indian Construction. In: P W Chan and C J Neilson (Eds.) Proceedings of the 32nd Annual ARCOM Conference, 5-7 September 2016, Manchester, UK, Association of Researchers in Construction Management, Vol 1, 577-586.
- ❖ Safi, M. (2017). Delhi's deadly dust: how construction sites are choking the city. Retrieved from <https://www.theguardian.com/cities/2017/feb/15/delhi-deadly-dust-how-construction-sites-choking-city>
- ❖ Saha, R.K. (2018). Occupational Health in India. *Annals of Global Health*, 84(3), pp.330-333. DOI: <http://doi.org/10.29024/aogh.2302>
- ❖ Singh, K. (2014). Safety in Indian construction. *International Journal of Engineering Research & Technology (IJERT)*. ISSN: 2278-0181
- ❖ The constitution of India
- ❖ The World Factbook: India. (2018). Retrieved from <https://www.cia.gov/library/publications/the-world-factbook/geos/in.html>