



GOVERNMENT OF INDIA

MINISTRY OF LABOUR & EMPLOYMENT

PROFILE

- Indian population is 1.21billion; 60.2 percent constitute the working population.
- 75.2 % are main workers (82.3% Male and 59.6% are Female).Different age structures having varying ratios.
- Female Labour force participation is lowest in the world, at 27 % . ,
- various estimates of potential upside of income growth if FLFPR rises to normal level
- The organised sector job in the country no more than 16 % of the work force,
- formal sector worker is more than 7% .

Illustrative data

- Average employment in a factory is 48.15%;
- Two- third factories employ less than 40 workers;
- No of operating factories are 309626;
- Factory workers are predominantly male(85%);
- Less than 1% factories have safety officers and less than 0.02% workers are covered;
- Percentage of factories with Welfare officers are in similar percentage to safety officers;
- Factory medical officers are in 3 % factories and service 0.062 % per cent of workers;

Illustrative data –contd.

- 0.09% workers are covered by safety policy;
- 0.079% workers are covered by safety Committee;
- 0.011% workers are covered by On-site emergency plan;
- 0.026% female workers have access to a crèche;
- 9.63 % factories reported injury comprising 0.2 % of total workers;
- 4.63 % of total reported injuries were fatal;

Legal Framework

The Constitution of India - Directive Principles:

- Securing the *health and strength* of employees, men and women, that the tender age of children are not abused, that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Article 39)
- just and humane conditions of work and maternity relief are provided (Article 42)
- that the Government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organizations engaged in any industry (Article 43A)
- for ensuring that no child below the age of 14 is employed to work in any factory or mine or engaged in any other hazardous employment (Article 24).

Legal frame work - contd.

OSH Legislations in India:

- The Factories Act, 1948 and State Factories Rules.
- The Mines Act,1952 and The Mines Rules, 1955
- The Dock Workers (Safety, Health And Welfare) Act, 1986 and Regulations, 1990
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act, 1996 and Central Rules, 1998.
- Atomic Energy Regulation Act
- Employees State Insurance corporation Act

National institutions involved in OSH

- Ministry of Labour and Employment
- Directorate General Factory Advice Service and Labour Institutes(DGFASLI)-Federal Government
- Directorate General Mines Safety(DGMS)- Federal Government
- State Factory Inspectorate-
- Employee State Insurance corporation

Development and progresses in last 5 years

- Declaration of the National Policy on Safety, Health and Environment at Work Place on 20/02/2009
- The small Factories (Regulation of Employment and Condition of Services) Bill, 2014- work in progress
- The Amendments to the Factories Act, 1948- work in progress
- Building and construction workers - work in progress
- Consolidation of 44 labour regulations in 5 labour codes; namely.....

ILO Conventions- ratified

There are 41 ILO conventions and 1 protocol ratified by India.

Conventions ratified by India related to the Factories Act, 1948 and Dock Workers Act, 1986:

Sl. No.	No. and Title of Convention	Date of ratification
01	No.1 Hours of Work (Industry) Convention, 1919	14.07.1921
02	No.4 Night Work (Women) Convention, 1919	14.07.1921
03	No.5 Minimum Age (Industry) Convention, 1919	09.09.1955
04	No.6 Night Work of Young Persons (Industry) Convention, 1919	14.07.1921
05	No.18 Workmen's Compensation (Occupational Diseases) Convention, 1925	30.09.1927
06	No.19 Equality of Treatment (Accident Compensation) Convention, 1925	30.09.1927
07	No.32 Protection Against Accidents (Dockers) Convention (Revised), 1932	10.02.1947
08	No.42 Workmen's Compensation (Occupational Diseases) Convention (Revised), 1934	13.01.1964
09	No.81 Labour Inspection Convention, 1947	07.04.1949
10	No.89 Night Work (Women) Convention (Revised), 1948	27.02.1950
11	No.90 Night Work of Young Persons (Industry) (Revised), 1948	27.02.1950
12	No.111 Discrimination (Employment & Occupation) Convention, 1958	03.06.1960
13	No.115 Radiation Protection Convention, 1960	17.11.1975
14	No.136 Benzene Convention, 1971	11.06.1991
15	No.174 Prevention of Major Industrial Accidents	06.06.2008

National OSH Policy

Preamble

- National Policy on Safety, Health and Environment at workplace to eliminate the incidence of work related injuries, diseases, fatalities, disaster and loss of national assets;
- to **enhance the well-being of the employee and society, at large.**
- safe and healthy working environment is recognized as a fundamental human right.**

Goals:

- providing a statutory framework in respect of all sectors of industrial activities including the construction sector;
- designing suitable control systems of compliance, enforcement and incentives for better compliance.
- providing administrative and technical support services.
- establishing and developing the research and development capability in emerging areas of risk and providing for effective control measures;
- Prevention strategies, and monitoring ,improved data collection system on work related injuries and diseases.
- Technical support and knowledge dissemination in work places;
- Integration of safety culture with other national policy goals;
- Integration of safe work place goal in all aspects of other national actions

OBJECTIVES:

- Continuous reduction in the incidence of work related injuries, fatalities, diseases, disasters and loss of national assets.
- Improved coverage of work related injuries, fatalities and diseases and provide for a more comprehensive data base for facilitating better performance and monitoring.
- Continuous **enhancement of community awareness regarding safety, health and environment at workplace related areas.**
- Continually **increasing community expectation of workplace health and safety standards.**
- **Improving safety, health and environment at workplace by creation of “green jobs” contributing to sustainable enterprise development.**

ACTION PROGRAMMES

- Enforcement
- National Standards
- Compliance
- Awareness
- Research and Development
- Safety and Health Skills development(capacity)
- Data Collection

Challenges and perspectives of OSH in India

- Uneven enforcement and compliance in the federal system
- Poor data capture on injury, occupational diseases, ergonomic issues, health, hygiene and work place burn out
- Difficult to balance technology adoption, cost effective and meet the law;
- Poor knowledge system, harassment from inspectors (rent seeking)
- Poor accountability, fragmented system with a large excluded sector;
- Fault finding, punishment focussed and little learning from experience;
- Different jurisdictions and different practices on a uniform target group;
- OSH Training – Multiple languages and illiterate employees
- Contractor Safety Management System
- Emerging and new risks such as Nano, Bio - Technology etc.,
- OSH in unorganized, service and Agriculture sectors
- OSH skill development; Research and Development in OSH
- Development of Total Safety Culture

Preamble to the Law

- “unobtrusive, transparent ,inspection to promote occupational safety, and prevent occupational diseases,/ sickness / health hazard and put in place instrumentality(s) to create an ecosystem where labour intensive enterprise is encouraged, regulatory compliance is convenient, simple and encouraging, and cost effective to enable Indian produce globally competitive.

A new framework

Features:

1. Creation of Occupational Safety and Health Board of India(OSHBI) to set national standards on safety and health.
2. Coverage of hazardous and dangerous industries irrespective of the number of workers employed in them.
3. Introduction of safety auditors and self certification system
4. Web - enabled and risk - based inspection system
5. Mandatory requirements for inspectors to have safety qualification
6. Introduction of safety and health requirements for hazardous substances, Bio and Nano Materials, Research and developments activities, etc
7. Adoption of ILO list of occupational diseases under the Law and making them as notifiable diseases to the regulatory authorities.

Assumptions

- Ignoring safety is costly: penalty and delivery schedule
- Everyone agree on safety in the workplace. People by and large in their nature law abiding if compliance is convenient, transparent, predictable and fair (rule of law).
- Worker is an asset, absenteeism / sickness is costly
- Happy and healthy worker is productive
- Non compliance is involuntary and ignorance
- Transaction with the government is costly
- M2M interaction is superior to P2P

Pillars of the new law/ process reengineering

- Proactive state and more public good
- Better coverage but focus on more risky projects
- Limited state capacity but more compliance through partnership and priority determined inspection
- Partnership, interactive, trust, simple, disclosure, transparent, discouraging punitive action
- Indexed Penalty outweigh benefit of overlooking safety
- Firmness in public action against violation is credible deterrent and discourage violation.
- Randomness is more effective(M2M)

Infrastructure

- Web enabled software for service high way across all jurisdiction
- National helpline
- Institutions of learning on safe work place systems
- Data analytics and big data handling for policy

Features(Detailed)

- Setting- up of a regulator viz Occupational Safety and Health Board of India (OSHBI) which will work on standards and notify SOPs ;
- Evidence based consultative regulation;
- Time variant issues pertaining to safety and working environment to be conducted through regulation to prevent lock-in , and time invariant aspects in the Act;
- Minimal exceptions, reasoned exceptions, time imposed on public authorities, one stop processing, Inspectorate of factories to work within the regulatory guidelines;
- Central government and State Government may make rules in defined areas;
- State is the single jurisdiction for the purpose of inspection;
- Web enabled service solution for electronic receipt of applications, processing, registration, approval, monitoring, data capture and an inspection scheme based on appropriately risk weighted random pick;
- Self certified declaration for fuller responsibility. Misrepresentation in self certified declaration and misleading public authority is criminal wrong;
- Safety Auditor to help provide professional support;
- Insurance product to mitigate risk to worker and alleviate the occupier to uncertain events;
- Compounding linked to price index ; transgender as a category of workers ; Incentive for voluntary adoption of safety protocol.