



## Safeguarding Worker's Rights: The Implementation of Occupational Safety Health in India Legislation

*BRINDHA K<sup>1</sup>*

### ABSTRACT

Occupational Safety and Health (OSH) is a multidisciplinary field aimed at ensuring the safety, health and welfare of workers in the workplace. In India, the rapid pace of industrialization and economic growth has made OSH a critical concern. This paper explores the development, implementation, and current status of OSH legislation in India, focusing on key laws such as the Factories Act, 1948, and the Mines Act, 1952, which have been subsumed under the Occupational Safety, Health and Working Conditions, Code 2020. It also highlights the role of institutions like the National Institute of Occupational Health (NIOH) and international frameworks like the ILO Conventions. The Study emphasizes the importance of a robust legal framework, effective enforcement, and collaboration among stakeholders to promote a safe and healthy working environment. Despite progressive reforms, challenges remain in implementation, awareness, and compliance, underscoring the need for continued efforts in policy development and occupational health promotion.

**Key words:** Occupational Safety Health, Workplace Safety, Indian Labour Laws, Workers Welfare, Health and Safety Legislation, Labour Reforms in India, OSH implementation.

### Introduction

Occupational safety and health (OSH) are a multidisciplinary field concerned with the safety, health, and welfare of people at work. It is commonly referred to as occupational health and safety (OSH), occupational health or workplace health and safety (WHS). It is a branch of healthcare that deals with safety and health in the working environment. As defined by the World Health Organization (WHO) "occupational health deals with all aspects of health and safety in the workplace and has a strong focus on primary prevention of hazards". Health has been defined as "a state of complete physical, mental and social well-being and not merely the absence of disease or infirmity." Occupational health is a multidisciplinary field of healthcare concerned with enabling an individual to take care of their occupation, in the way that causes least harm to their health. The aim of occupational safety and health (OSH) programs is to encourage a safe and healthy workplace environment. And its goal is to prevent the occurrence of occupational accidents and diseases. A safe and healthy working environment is one where risks are eliminated or when all reasonably practicable actions have been taken to reduce risks to an acceptable level and where prevention has been integrated as part of the organization's culture. It may protect co-workers, family, customers, employers and others who may be affected by the workplace environment. Occupational hazards negatively impact worker's health: they are classified as physical, biological, chemical, ergonomic, mechanical, and psychosocial hazards. Other factors that affect worker's health such as physical work environment, organizational, socioeconomic, occupational disparities, occupational health promotion and occupational health protection can have both favourable and unfavourable impact on workers' health issues.

Occupational Safety and Health (OSH) in India is an area of growing importance due to the rapid development of industrialization, expanding workforce, and creating awareness in the workplace for health and safety. Protection of safety and healthy work environments has been a key concern for both government and industries, the country given various high-risk sectors like construction, manufacturing, mining and chemicals. Promotion of worker health and safety is the goal of occupational health and safety programs. These programs are offered primarily by the workplace, but the range of services and the models for delivering them have been changing dramatically over the past few years. The growth of India as a manufacturing hub with a significant rise in industrial employment will have implications for occupational health that have not been considered with any degree of seriousness. Under the new administration of the Occupational Safety and Health Act, increased public care on workers' health and safety, companies that do not meet minimal occupational safety and health standards will face criminal cases against owners when preventable work-related injuries or deaths occur. To ensure effective Occupational Safety and Health (OSH) management, organizations prioritize cultivating a robust safety culture, implementing risk management and control strategies, integrating OSH systems with broader business operations, and fostering worker participation in OSH decision-making processes. The employers are not the only ones involved in securing safety and health in the workplace. Workers and their representatives should cooperate with employers by taking reasonable care of their own safety, complying with the instructions given regarding safety and health, using protective equipment correctly and reporting any hazardous conditions or events and accidents. To promote compliance and good OSH performance, it is also key that employers are provided with support and guidance from relevant authorities. This is emphasized in the International Labour Organization (ILO) Conventions 155 and 187.

<sup>1</sup> 4<sup>th</sup> year B.com LL.B (hons), School of Excellence in Law, TNDALU.

## Occupational Safety Health in ILO

The International Labour Organization (ILO) has two crucial conventions that focus on ensuring safe healthy working environments: Convention No. 155 (1981) and Convention No.187 (2006).

### *ILO Conventions:*

- a) Convention No. 155 (Occupational Safety and Health Convention, 1981): This Convention outlines employer's obligation to ensure workplaces, machinery, equipment, and processes are safe and without health risks.
- b) Conventions No. 187 (Promotional Safety Framework for Occupational Safety and Health Conventions, 2006): Building on Convention No. 155, this convention emphasizes worker's rights to a safe and healthy work environment.

### *Key Principles:*

- a. **National OSH Policy:** Convention No. 187 requires countries to formulate a national OSH policy, including assessing occupational risks, combating them, and developing a preventative safety culture.
- b. **Prevention:** Prevention is the top priority in a national preventative safety and health culture.

**India and ILO:** India has ratified six OSH-related conventions. The country's Osh laws and regulations are based on the Directive Principles of State Policy and International Instruments.

### *OSH Events:*

1. **OSH India Expo:** A large occupational safety and health B2B trade show in Mumbai, India
2. **OSH South India Expo:** A safety and health expo and conference in Bengaluru, India.
3. **World Day for Safety and Health at Work:** A global event organised by the United Nations to discuss worker protection.

## Occupational Safety Health Code 2020

A revised Occupational safety, Health, and Working conditions (OSH) code, enacted in September 2020, builds upon its 2019 version, expanding protections for various workers. This code applies to workers in factories, mines, and plantations, as well as those in the motor transport sector, bidi and cigar workers, contract workers, and migrant workers.

While the four new labour law- Occupational Safety, Health and Working Conditions Code; Code on Wages; Industrial Relation Code; and Social Security Code-have been passed by parliament and notified by the government, they have not yet come into force.

The OSH Code subsumes 633 provisions of 13 major labour laws into one single Code with 143 provisions. The laws that have been subsumed are:

- The factories Act, 1948
- The Contract Labour (regulation and Abolition) Act, 1970
- The Mines Act, 1952
- The Building & Other Construction Workers 9regulation of Employment and conditions of Service) Act, 1996
- The Dock Workers (Safety, Health and Welfare) Act, 1986
- The Plantations labour Act, 1951
- The Inter-Sate Migrant Workmen (Regulation of employment and conditions of service) Act, 1979
- The Working journalist and other News paper Employees (Conditions of Service and Miscellaneous provision) Act, 1955
- The Working Journalist (Fixation of rates of Wages) Act, 1961
- The Cine Workers and Cinema theatre Workers act, 1981
- The Motor Transport Workers act, 1961
- The Sales Promotion Employees (conditions of service Act, 1976
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1996

The Occupational Safety, Health, and Working Conditions Code, 2020 prioritizes the well-being of workers across diverse sectors, including industry, trade, manufacturing, construction, transportation, media, plantations, mining, and services, ensuring their health, safety and welfare.

### **The Occupational Safety and Healthy (OSH): Its Nee**

The Occupational Safety and health aims to guarantee safe and healthy work environments. As a multidisciplinary field, occupational safety and health encompasses a board range of scientific disciplines, including medicines, ergonomics, physics, and chemistry, as well as technological, economic, and legal aspects, all of which are tailored to specific industries and activities.

Underlying the diverse range of concerns and interests are several core principles, including:

- All workers are entitled to fundamental rights, which must be safeguarded by workers, employers, and governments alike. Ensuring decent working conditions and environment is a shared responsibility.

- Occupational Safety and Health policies must be developed, implemented, and communicated effectively at both national (governmental) and enterprises levels.
- A comprehensive national occupational safety and health (OSH) system must be established, incorporating essential mechanisms to foster a preventive safety culture. This system should be regularly maintained, updated, and reviewed.
- A national OSH program should be developed and implemented, with ongoing monitoring, evaluation, and periodic review.
- Employers, workers, and other stakeholders must be consulted and involved throughout the development, implementation, and review of OSH policies, systems, and programs.
- Occupational safety and health (OSH) programs and policies should prioritize both prevention and protection, with a primary focus on preventing workplace hazards.
- Workplace should be designed and maintained to ensure a safe and healthy environment.
- National laws, regulations, and standards must be regularly updated to reflect advances in science, technology, and changing work environments, to prevent occupational injuries, diseases, and fatalities.
- Effective of OSH policies rely on:
  - Accurate information on hazards and hazardous materials
  - Workplace surveillance and monitoring
  - Compliance monitoring and enforcement
  - Dissemination of good practices.

These activities are crucial for establishing and enforcing robust OSH policies.

### **OSH Implementation in Indian Legislation**

Occupational safety in India's growing economy requires a multi-stakeholder response. By combining awareness campaigns, strict regulations, technological solutions, and a culture of safety, India can simultaneously drive economic growth and safeguard the health and well-being of its workforce, ultimately building a more resilient, productive, and prosperous society.

In Indian legislation 13 laws deal with the working condition of workers employment and safety and healthy of workers in the employment environment. The 13 legislation are related with the OSH code 2020. There are two main Acts contains the provision related to protection of safety and healthy conditions for workers; they are **Factories Act 1948, and the Mines Act 1952**. In India, occupational health is under the two ministers: 1) Labour and 2) Health and Family Welfare. The Ministry of Labour and the labour departments of the states and union territories are mainly responsible for health and safety of workers. The Ministry of Health and Family Welfare is responsible for providing health and medical care to workers through its facilities. The Directorate General of Mines Safety (DGMS) and the Directorate General-Factory Advisory Services and Labour Institutes (DGFASLI) assist the Ministry in technical aspects of occupational health and safety in mines, ports, factories, industries respectively.

#### **Under Indian Constitution:**

The Constitution of India contains provisions related to the rights of the citizens and also laid down the Directive Principle of State policy which set an aim to which the activities of the state are to be guided.

On this basis the Government is dedicated to ensuring safe and healthy working conditions for all workers by regulating economic activities and managing workplace safety and health risks, in line with Directive Principles of State Policy, Fundamental rights and International Standards. The government acknowledges that ensuring the safety and health of impact on productivity, economic growth, and social development. As such, prevention of workplace accidents and illnesses is considered an essential components of business operations, with high safety and health standards being equally important as strong business performance for both new and existing enterprises.

The three main articles of Indian Constitution ensuring the worker's safety and health.

**Article 24 Prohibition of employment of children in factories, etc.** – No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

#### **Article 39 Certain principles of policy to be followed by the state**

In this article clause (e and f) states that the health of men, women and children should be protected, and children should be given opportunity and facility for healthy development and should be protected against exploitation.

**Article 42 Provision for just and humane conditions of work and maternity relief** – The State shall make provision for securing just and humane conditions of work and for maternity relief.

### Under Factories Act

The Factories Act, 1948, is a comprehensive labour law designed to safeguard the well-being and working conditions of factory workers. The Act establishes standards for safety, health, and workplace environment, while regulating working hours, holidays, and leave. Its primary objective is to enhance the quality of life for industrial workers, promote safe working practices, and boost productivity.

The **Factories Act, 1948**, has its origins in British India's first labour law of 1881. As industrialization grew and labour rights awareness increased, comprehensive reforms became necessary. The 1948 Act unifies and strengthened existing laws, introducing enhanced provisions to address the changing needs of India's industrial landscape. After the incident of Bhopal Gas Tragedy in 1984 the Government of India Amendment the Factories Act 1948 in the Year of 1987 to ensure the safety and health of workers in the working environment. Through the Amendment Act 1987 they enacted some provision related to the Healthy and Safety to the Workers in the Workplace.

**Provision Related to Health:** The Chapter III of the Act mandates factories to maintain proper standards of hygiene and sanitation:

- ❖ **Cleanliness:** Under Section 11 of the Act ensure that Regular cleaning of premises and disposal of a waste.
- ❖ **Disposal of Waste:** Under Section 12 of the Act regulate the Safe disposal of industrial waste and effluents.
- ❖ **Ventilation:** Section 13 of the Act ensuring adequate airflow to maintain a comfortable work environment. And the State Government may prescribe a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct proper measuring instruments.
- ❖ **Dust and fume:** Section 14 of the Act deals with that Factories emitting harmful dust, fumes, or impurities must implement measures to:
  - ◆ Prevent inhalation and accumulation in workrooms.
  - ◆ Use exhaust appliance near the source
  - ◆ Enclose the source where possible
- ❖ **Artificial humidification:** Under Section 15 of the Act says that Factories with artificially increased air humidity, state governments may establish rules governing humidification standards, methods, and ventilation. Water used for humidification must come from a public supply, drinking water source, or be purified. If an inspector finds non-compliant water purification, they may issue a written order to the factory manager, specifying corrective measures and a deadline for implementation.

**Safety Provision:** Chapter IV of the Factories Act 1948 deals that Safety measures of the workers. Safety measures are emphasized to protect from workplace hazards:

- ❖ **Machinery Safety:** Section 21 to 24 deals with that Ensuring machines are properly maintained and guarded.
- ❖ **Fire Safety:** Section 38 says that precaution in case of fire. Provide fire extinguishers and emergency exits.
- ❖ **PPE:** Section 35 to 37 deals that Compulsory personal protective equipment like helmets, gloves and googles.

### Under Mines Act, 1952

The Mines act, 1952, prioritizes Occupational Safety and Health (OSH) in mines, ensuring workers, well-being and safety through regulations, inspections, and reporting. The Directorate General of Mines Safety (DGMS) oversees implementation.

**Key Objectives and provision:**

- Ensure safety, health and welfare of mine workers
- DGMS responsible for administering the Act ensuring compliance.
- Central Government can make regulations and rules to achieve Act's objectives
- Act applies to whole of India, within territorial waters

**Recent Developments:**

- Mines Act now subsumed under Occupational Safety Health and Working Conditions Code, 2020
- Draft OSH & WC Regulation framed for coal, metalliferous, and oil mines.

**Specific OSH Measures:**

- Limited working hours: 6days/week, 48 hours/week, 9 hours/day (above ground), 8 hours/day (underground).
- Extra wages for overtime.
- Regular safety surveys and inspections.
- Mandatory reporting of accidents and incidents
- Responsibilities of mine owners and managers: appoint qualified managers, ensure compliance, prioritize worker safety and health
- Continuous education, training, and retraining for employees, focusing on safety-oriented skills

**Women's Empowerment in Mining:**

The Mining sector has taken a significant step towards gender equality, lifting restrictions on women's employment in mines in 2019. Women can now work around the clock in open-cast mines (OCMs) and surface operations.

**Key Provision of the Mines Act 1952 Related to OSH:**

- **Section 17 Health and Safety Regulations:**  
This section empowers the Central Government to make detailed regulations to ensure safety in mines. This includes:
  - Preventing accidents
  - Regulating use of machinery
  - Ensuring medical and safety facilities
  - Setting limits on work on work hours and conditions.
- **Section 23: Employment of Persons Below 18 years**
  - No person under 18 years of age shall be allowed to work in any mine.
  - This is to protect children and adolescents from hazardous working conditions.
- **Section 36: Drunkenness**
  - No person under the influence of alcohol or drugs shall be allowed to enter or remain in a mine.
  - Ensures that only alert and capable individuals operate in the risky mine environment.
- **Section 38: Power to Prohibit Employment**
  - If the chief Inspector finds any condition in a mine dangerous to workers safety or health, they can prohibit employment in part or all of the mine until the condition is rectified.
- **Section 76: Notice of Accidents**
  - In case of serious accidents (like death, explosion, fire, or gas leakage), Immediate notice must be sent to the appropriate authority.
  - This ensure investigation, corrective measures, and record-keeping
- **Section 8-9:** Deals with the appointment and powers of mine inspectors. The central Government appoints a chief inspectors and other inspectors to ensure the enforcement of the Act, granting them authority to inspect mines, examine machinery, and enforce safety regulations.

**Occupational Health Institution**

The national Institute of Occupational Health (NIOH) is a premier institute in India, established in 1966 as the Occupational Health Research Institute (OHRDI) and later renamed in 1970. Located in Ahmedabad, Gujarat, NIOH serves as a WHO collaborative and reference centre for Occupational health, working closely with various ministries to promote occupational health and prevent work-related illnesses.

NIOH's key focuses areas included occupational and environmental epidemiology, toxicology, environmental pollution, women's health, agricultural health, and human resources development. The institute aims to promote intensive research, advance occupational health, develop control technologies, and generate human resources in the field. NIOH has established two Regional occupational health Centres (ROCHs) in Bangalore and Calcutta, and collaborates with other public institutes, such as the Central Labour Institute and the All India Institute of Hygiene and Public Health. Additionally, the Indian Association of Occupational Health (IAOH) is a professional association with over 300 members, aiming to promote occupational health through training, research, and collaboration.

**Occupational Health National Policy**

The Indian Government approved the national Policy on safety, health, and environment at workplaces in February 2009. This policy provides guidelines for creating and maintaining a safe work environment, outlining a framework for statutory compliance, administrative and technical support, incentives, research, and development. The policy aims to promote a culture of safety and health at workplaces, establish a legal framework, provide support services, offer incentives, and encourages research and development. An action program with eight key areas of focus, including enforcement, national standards, compliance, awareness, research and development, occupational safety, health skills development, and data collection, is outlines to ensure effective implementation. The government plans to implement this policy through tripartite consultations and regular reviews every five years to ensure its effectiveness.

**Suggestion:**

1. **Strengthen Enforcement Mechanisms:** Implement strict and regular inspections across sectors to ensure compliance with OSH standards, especially in high-risk industries like construction and mining.
2. **Increase Awareness and Training:** Launch nationwide awareness campaigns and integrate OSH training into vocational and industrial education programs to build a safety culture at all levels.
3. **Ensure Effective Implementation of OSH Code 2020:** Fast-track the enforcement of the OSH Code 2020 across all states and sectors with clear rules, timelines, and support systems.
4. **Enhance Inter Ministerial Coordination:** Strengthen collaboration between the Ministry of Labour and Ministry of Health & Family Welfare for comprehensive occupational health coverage.
5. **Digitalization and Transparency:** Develop a centralised digital platform for reporting, monitoring, and evaluating OSH compliance data and Workplace incidents.

6. **Inclusion of Informal Sector Workers:** Extend OSH protections to informal workers, including gig workers, domestic workers, and agricultural laborers, who remain largely unprotected under current laws.
7. **Promote Public Private Partnerships:** Encourage industries to collaborate with government and academic institutions to develop innovative safety technologies and practices.
8. **Worker Participation in Safety:** Ensure active involvement of workers and union in OSH decision-making and workplace safety committees.

---

## Conclusion

The implementation of Occupational Safety and Health (OSH) in Indian legislation marks safeguarding the well-being of workers across various sectors. With the introduction of the Occupational Safety, Health and Working Conditions Code, 2020, India has taken significant strides in consolidating and modernizing existing labour laws, however, effective implementation remains a key challenge, requiring stronger enforcement mechanisms, better awareness among stakeholders, and improved infrastructure for compliance monitoring. Moving forward, a collaborative effort between government bodies, employers, workers, and civil society is essential to ensure that the legal framework translates into real improvements in workplace safety and health standards across the country.

---

## Reference

- R. Lakshmi, "Occupational and Safety Health in India"
- Saiyed H N and R. R. Tiwari (2004), "Occupational Health Research in India", Industrial Health,
- Rajat Kumar Saha, "Occupational Health in India" 2018 August 31;84(3):330-333
- <https://cleanindiajournal.com/occupational-safety-in-healthcare-guidelines-vs-implementation>
- <https://www.peoplehum.com/glossary/occupational-safety>
- <https://www.ilo.org/bureau-employers-activities/areas-work/occupational-safety-and-health>
- <https://www.authorea.com/users/588571/articles/717796-occupational-determinants-os-health>