

# FACTORING IN SAFETY: ON STRONGER WORKER SAFETY LAW

Relevant for: Indian Economy | Topic: Issues relating to Growth & Development - Industry & Services Sector incl. MSMEs and PSUs

India's record in promoting occupational and industrial safety remains weak even with years of robust economic growth. Making work environments safer is a low priority, although the productivity benefits of such investments have always been clear. The consequences are frequently seen in the form of a large number of fatalities and injuries, but in a market that has a steady supply of labour, policymakers tend to ignore the wider impact of such losses. It will be no surprise, therefore, if the deaths of four people, including a senior officer, in a fire at the Oil and Natural Gas Corporation gas facility in Navi Mumbai, or the tragedy that killed nearly two dozen people at a firecracker factory in Batala, Punjab are quickly forgotten. Such incidents make it imperative that the Central government abandon its reductionist approach to the challenge, and engage in serious reform. There is not much evidence, however, of progressive moves. The Occupational Safety, Health and Working Conditions Code, 2019, introduced in the Lok Sabha in July to combine 13 existing laws relating to mines, factories, dock workers, building and construction, transport workers, inter-State migrant labour and so on, pays little attention to the sector-specific requirements of workers. One of its major shortcomings is that formation of safety committees and appointment of safety officers, the latter in the case of establishments with 500 workers, is left to the discretion of State governments. Evidently, the narrow stipulation on safety officers confines it to a small fraction of industries. On the other hand, the Factories Act currently mandates appointment of a bipartite committee in units that employ hazardous processes or substances, with exemptions being the exception. This provision clearly requires retention in the new Code.

A safe work environment is a basic right, and India's recent decades of high growth should have ushered in a framework of guarantees. Unfortunately, successive governments have not felt it necessary to ratify many fundamental conventions of the International Labour Organization (ILO) covering organised and unorganised sector workers' safety, including the Occupational Safety and Health Convention, 1981. Those ILO instruments cover several areas of activity that the NDA government's occupational safety Code now seeks to amalgamate, but without the systemic reform that is necessary to empower workers. It is essential, therefore, that the new Code go back to the drawing board for careful scrutiny by experienced parliamentarians, aided by fresh inputs from employees, employers and experts. Industries that use hazardous processes and chemicals deserve particular attention, and the Code must have clear definitions, specifying limits of exposure for workers. Compromising on safety can lead to extreme consequences that go beyond factories, and leave something that is etched in the nation's memory as in the case of the Bhopal gas disaster.

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