

## **PLIGHT OF WORKERS: AS IF OCCUPATIONAL HEALTH MATTERS**

‘Make in India, was launched by the Government of India on 25 September 2014 with the primary goal of making India a global manufacturing hub. The aim was to encourage both multinational as well as domestic companies to manufacture their products within the country’. Contrary to all the hype, during the last six years, foreign investors showed interest mostly in the service sector and India became much more dependent on China for its manufacturing sector especially in electronics and pharmaceuticals related commodity and components. Now again we hear about self-dependence or *atmanirbharata*.

### **GLOBAL MANUFACTURING HUB AND LABOUR REFORMS**

When the Covid-19 lockdown arrived, it threw up a number of questions:

- Will multinationals move supply chains out of China after the pandemic?
- If so, will they choose to relocate industries here in India?
- What do we need to do to make India ‘world’s manufacturing hub’?
- Do foreign investors come to ‘develop’ India?
- No? Then don’t we need to work on our infrastructure, ease of doing business or quality of our manufacturing capabilities?

Many opine, that keeping away these tough nuts, ‘long overdue’ reforms in environmental and labour laws are very good places to start taking ‘advantage’ of this crisis posed by the pandemic. A proposed major dilution of the Environmental Impact Assessment (EIA) was ushered in a day before Lockdown was declared, which effectively pushes for ‘investment at any cost’. On the other hand, the unspoken consensus is that we need to shift to a modern ‘sweatshop paradigm’ by undertaking labour reforms too. We believe that the ‘powerful’ intends to start with labour reform because it is the ‘weak link’, since it is perceived that workers have the least ‘power’ of their own or solidarity support for themselves. Even as the migrant workers were trudging away from their workplaces after Lockdown, ordinances were being promulgated freezing labour laws or granting exemption from labour laws in a number of states.

Many countries like Vietnam, Taiwan, South Korea, Thailand, Singapore, Indonesia and Netherlands etc. are already in the lead ahead of India in successfully attracting MNC’s who desire to shift base from China. They have done the hard work to make themselves preferred destination by providing for the desired levels of infrastructure, ease of doing business, quality of skilled labour and manufacturing capabilities. On these accounts India is still lagging behind while they have shown admirable alacrity in pushing through partial reforms in environmental and labour laws which might suffice for the next few years. Whether we feel good about it or not, we will have more legitimised sweatshops on our hands, sooner than later.

### **REFORMS, SWEATSHOP AND OSH**

What is a ‘modern sweatshop’? In brief, a modern ‘sweatshop’ may be said to be a factory workplace which violates more than one law related to minimum wages; hours of daily work; child labour; gender equality; rights to compensation; occupational safety and health issues, etc. In a sweatshop, quality of working conditions is poor, illegal and unacceptably dangerous as compared to legally permissible standards in most developed and even in many developing countries. Truthfully a large proportion of our factories resemble sweatshops, only that now it is being legitimised.

For the last thirty years there has been a gradual effort to make the corporates look seemingly less responsible about the social security and welfare of the ‘workers’ worldwide. It is indeed an intentional business ploy of the multinationals or their local outsourcing agencies to get the ‘work’ done in such places which increases the ‘social distancing’ between ‘employers’ and ‘workers’. The emergence and spread of sweatshops have caused a huge spike of occupational health related hazards and problems and diseases, many of which are irreversible and also fatal. The ILO expressed concern and warned that globalization may not prove sustainable unless accompanied by social justice.

However this did not stop China from producing 50 % of global manufacturing output at present, as compared to 3% thirty years back and one of the key reasons was that cost of labour was cheap in China. During 2018-19 China had 70 billion USD worth of exports to India, as compared to 16.7 billion USD exports from India to China.

All around one can hear a cacophony of how we must “implement much needed reforms that may act as strong foundations for an economic recovery”. Factually, in the long term, *atmanirbharata* or self-sufficiency is desirable. However instead of taking a holistic approach to working on infrastructure, ease of doing business or quality of our manufacturing capabilities, the Indian manufacturing fraternity is hell-bent in bulldozing environmental and labour reforms in order to become the new global hub. Question is, all this, at what further cost to the environment and workers?

Occupational Safety and Health (OSH) is one of the most neglected areas of labour rights. So when through labour reforms the rights of workers will be compromised, OSH will remain worst hit. No wonder, since it is the ‘weakest’ of the ‘weak

links'. Intervention against the so-called 'sweatshops' can partly correct the discrepancies regarding wages, working hours, etc. but the rampant wrongdoings related to occupational safety and health is so much built into the existing industrial procedure that it will go on unabated be it biological, chemical, physical, safety related, ergonomic or psychosocial in nature.

## **LEGITIMISING LABOUR EXPLOITATION**

It was astounding to observe the haste with which many of the State Governments in India were fast tracking ordinances to notify relaxations to labour laws even as the migrant workers were forced to walk hundreds of kilometres. This included governments in Gujarat, Rajasthan, Haryana, Uttarakhand, Himachal Pradesh, Assam, Goa, Uttar Pradesh, and Madhya Pradesh. The timing was mind boggling. Those who were naïve thought that the 'reform' was humanitarian and intended to assist the struggling workers at the time of their distress!

The factory owners were enthusiastic about the opportunity that the Lockdown and workers trudging home threw up. They asked the state governments to give them the blanket right to hire and fire. They said that the principal employers would only pay wages at negotiated rates while all the remaining labour rights needed to be looked after by the government. Unbelievably in a matter of days the ordinances relaxing labour laws were promulgated.

As many as 44 central labour laws are most likely to be subsumed under four labour codes in 2020. The codes would safeguard and 'balance' between workers' as well as employees' rights, according to our Labour Minister. Very soon, the 'principal employers' would be 'set free' from the responsibility and obligations it had towards the contract labourer who is hired by a principal employer through a contractor. Effectively the contract labourers will be left to fend for themselves in the 'market'. The 'principal employers', we know, include the government who will have no obligation towards workers.

## **RIGHT OF ALL WORKERS TO SAFE AND HEALTHY WORKING CONDITIONS**

In Articles 24, 39 (e and f) and 42, the Constitution of India has provided provisions for ensuring occupational safety and health for workers.

OSH Legislation in India are also treated in the following legislations: Factories Act 1948, amended 1954, 1970, 1976, 1987; Mines Act, 1952; Dock Workers (Safety, Health and Welfare) Act, 1986; Plantation Labour Act, 1951; Explosives Act, 1884; Petroleum Act, 1934; Insecticide Act, 1968; Indian Boilers Act, 1923; Indian Electricity Act, 1910; Dangerous Machines (Regulations) Act, 1983; Indian Atomic Energy Act, 1962; Radiological Protection Rules, 1971; Manufacture, Storage and Import of Hazardous Chemicals Rules, 1989.

*"Everyone has the right to life, to work... to just and favourable conditions of work... Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family..."*

– From the Universal Declaration on Human Rights, United Nations, 1948.

The above was accepted 70 years back. Science, technology and medicine have gone through incredible advancement. Waves of social upheavals have changed a lot of our perceptions. In spite of all this the 'right of all workers to safe and healthy working conditions' is still far from being an universal human rights and remains much like a privilege granted by employers as a gift of kindness. Though not implemented in letter and spirit, it has indeed been elaborately codified as a labour right waiting perhaps for a better and fair time somewhere in the future.

## **TRADITION OF INDIFFERENCE**

It is a moot question as to whether it is at all appropriate to talk about occupational safety and health now, when so much more is in the doldrums. The point is that the chain is indeed always as strong as its weakest link. OHS is treated by most as the 'least' important of labour rights, and is treated indifferently by most stake holders for different reasons.

Most employers still refuse to even acknowledge safe and healthy working condition as being a human rights issue. Connected with the right to work guaranteed by Article 41 of our Constitution, are the right to just and favourable conditions of work. States are obliged to ensure working conditions which are safe, healthy, and not demeaning to human dignity.

Despite the existence of national and international laws that protect workers' right to safe and healthy working environments, factory conditions remain unsafe almost across all industries. Some factories lack proper safety equipment for workers or expose them to hazardous chemicals. Signs and attitude of indifference of the employers towards industrial safety is rampant. India has for long had an appalling health and safety record. There is no dearth of relevant legislation to provide safe and healthy work environment for workers. Implementation is lacking as is perhaps political will and social consciousness. Workers in few exceptional industrial units which follow rules get to work in safe and healthy working conditions. Conversely, labour laws pertaining to OSH has no effective reach among maybe 90% of the total workers in our country. Most of those in small and medium factories are denied such 'luxury' and the lesser said about the makeshift workplaces in the unorganised or informal sectors, which employ the majority of our daily wage earners, the better.

One of the most important reasons for the apathy and indifference shown by employers to OSH, is the availability in abundance of workers outside the factory gates. On this account it is unfortunately a 'use and throw' syndrome. Why bother much about the accident victims, the diseased or the deceased? Why spend money on maintaining safety standards or follow

health and hygiene norms? At the workers end it is much more important to get and keep a job than to bother about safe and healthy work environment. Looking at things superficially many among trade unionists, government officials and political activists say that occupational safety and health issues are luxuries in the backdrop of poverty and unemployment. No wonder OSH is pinpointed to be weakest of the weak link and it is probably going to be sacrificed first on the altar of sweatshops.

## **OSH FIGURES WORLD OVER**

Although safe and healthy working conditions is a globally recognized human right, current International Labour Organization (ILO) estimates indicate the following: *Every day, people die as a result of occupational accidents or work-related diseases – more than 2.78 million deaths per year. Additionally, there are some 374 million non-fatal work-related injuries each year... The human cost of this daily adversity is vast and the economic burden of poor occupational safety and health practices is estimated at 3.94 per cent of global Gross Domestic Product each year.*

[Source:<https://www.ilo.org/global/topics/safety-and-health-at-work/lang--en/index.htm> ]

According to another ILO report of 12 April 1999 we get to know the following which is old yet an eye-opener. It is stated that working children suffer 12 million occupational accidents of which an estimated 12,000 are fatal. Every two minutes around 3,000 people are killed by work every day. And that asbestos alone kills more than 100,000 workers every year.

ILO report 26 April 2013 dealing with facts and figures on ‘*health and safety at work*’ states: *321,000 people die each year from occupational accidents; 160 million non-fatal work-related diseases per year; 317 million nonfatal occupational accidents per year. This means that: Every 15 seconds, a worker dies from a work-related accident or disease and every 15 seconds, 151 workers have a work-related accident.*

Source: [https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS\\_211627/lang--en/index.htm](https://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_211627/lang--en/index.htm)]

## **OSH OVERVIEW IN INDIA**

Occupational diseases are caused by chemical, physical and biological agents and infectious or parasitic diseases; diseases of various systems like respiratory, skin, musculoskeletal; mental and behavioural disorder and occupational cancer. It is obvious from the above that occupational diseases are more common than most believe. According to a study by the IIT in 2019, around 48000 workers die every year in India owing to work-related diseases and accidents owing to indifference and disregards about OSH.

Regarding OSH figures in India let us start with an anomaly. In 2005, the ILO published a report on work-related accidents around the world: *“India had reported 222 fatal accidents that year, while the Czech Republic, with a working population of about 1% of India's, had reported 231. The ILO estimated that the “true number of fatal accidents” taking place in India every year was over 40,000.”*

In an article titled ‘*Studies on Labour Safety in Construction Sites*’ by S. Kanchana (2015) some relevant data on construction industry, which is the second largest employer after agriculture, is presented. *“The Indian construction labour force is 7.5% of the total world labour force and it contributes to 16.4% of fatal global occupational accidents. In the construction industry the possibility of a fatality is five times more likely than in a manufacturing industry... ILO has cited a survey by a local aid group showing that 165 out of every 1,000 workers are injured on the job... From the result of OSH Administration examination on the causes of construction fatalities, it was shown that 39.9% of fatalities in construction were caused by falls, 8.4% were struck by objects, 1.4% were caught in between incidents, and 8.5% were electrocution.”*

Computing from ‘*The Labour in West Bengal*’, published by the Labour Department, Govt. of West Bengal, Nagarik Mancha showed that during 1997-2017, the non-fatal accident in the state was 420,000 while fatal accidents were ‘stated’ to be only 687. The vast majority of the workers have come to accept unhealthy workplaces. Whatever the owners offer after an accident or an illness is sheer compassion – it’s like ‘take it or leave the job’. Hence statistics of work related accidents or diseases or deaths officially declared are merely the tip of the iceberg. Most actual incidents are not reported or recorded.

Nagarik Mancha compiling data from government sources has identified that presently there are 36000 Insured Patients (IP) who receive regular financial disablement benefit from ESI in West Bengal. Moreover every year about 2500 workers with temporary or permanent disability seek to get themselves registered with the ESI Scheme. In India, only 3% of the total work force is covered under the ESIS (Employees State Insurance Scheme). Outside ESIS the workplace safety and hygiene is in a precarious condition to say the least. Even under ESI the infrastructure for detection, treatment and compensation for occupational diseases is grossly inadequate when compared to the number of insured workers.

## **COLLECTIVE RIGHTS OF WORKERS, HUMAN RIGHTS AND US**

World over, some of the labour rights are treated as civil and political rights, such as the right to form and join trade unions. Other workers’ rights, including the right to work, strike or have fair and just working conditions, are treated as economic and social rights. Many hold that social rights are mere ‘aspirations’, rather than ‘real’ human rights since they are not ‘justiciable’ in a court of law.

Some fear that treating labour rights as human rights, rather than considering them as collective rights of workers, will undermine worker solidarity. Others believe that for the most vulnerable of groups, such as the unorganised, under-skilled,

and undocumented workers of the informal sector, treating their rights as human rights give the faceless unorganised workers a voice and provide them with a political and moral space. In this space the civil society can stand by their sides in solidarity.

Issues related to workers, need trade union-activists for sure. However they also need support and solidarity from social activists of civil society initiatives, who can act as pressure groups lobbying for them when necessary. For them visualising themselves as human rights activists allow them to take both moral questions and class relations seriously, equipped suitably with appropriate information, skill, insight as well as passion.

## **WE THE PEOPLE IN A POST-COVID SCENARIO**

What we the people can do about the onslaught on the right of the workers to work in a safe and healthy workplace will depend somewhat on how we look at the following points:

- Do we feel that we have any moral obligation towards providing a safe and healthy workplace for all workers?
- Do we believe that providing a healthy workplace and safety in work process brings greater dignity for workers and greater fairness in society?
- Isn't the State legally obliged to provide social safety network for the workers?
- From a viewpoint of basic human rights, doesn't the workers deserve to go home from their work still having the use of their eyes, hands and lungs?
- Isn't 'make in India' an empty slogan without being 'safe in India'?
- Are workers our co-citizens or are they merely 'instruments' of physical labour?

## **ENDNOTE**

Lakhs of workers trudging home over hundreds of miles came as a rude shock to many.

The optics had captured the imaginations of those who seemingly 'knew' but didn't 'really' know about the migrants.

The truth is that a major part of our society knows very little about the real plight of workers.

Another part is so conscious of our nation's image that it prefers to put all this under wraps.

The process of 'forgetting' them has started since public memory, they say, is short.

The workers are fairly and squarely against the wall.

International norms, labour laws and movements are going or 'gone with the wind'.

This tectonic shift has abled corporations to enshrine exploitation of labour like never before.

Political systems have for decades been hostile to organized labour.

That's why non-union sweatshop-systems are proliferating in some countries.

These are becoming the hubs for much of world manufacturing.

Countries are in queue to go the sweatshop-way by doing 'appropriate' labour reforms.

Though occupational safety and health is the weakest link it should be seen in conjunction with other labour rights.

So, in conclusion we submit that the civil society must demand that employers shouldn't be allowed to exploit workers and harm the environment in order to attract investment and make 'ample' profit.

It is time that labour solidarity movements, legal interventions in labour issues and a worldwide networking again starts playing a supportive role to establish collective rights for the working class.

It's also time that the civil society starts talking about and believing about 'human' rights of the 'labour-class' vis-à-vis the volumes that is being said about the property rights of the 'moneyed-class'.

Class, like caste, exists and so does exploitation – irrespective of our political alignment – left, right or centre.

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