CHAPTER – VI

MAJOR FINDINGS AND SUGGESTIONS

Labour legislation is the institution through which the State protects the interests of working class and ameliorates their moral and material conditions. It is essentially a socio-economic measure pertaining to various human problems in relation to industry. In India, it gathered momentum in post independence period though it came into existence through the process of industrialisation in early Nineties. The first Factories Act was passed in 1881 to provide a legal cover to the worker’s welfare. Subsequently, amendments to this Act were carried out in 1891, 1911, 1922, 1929, 1934, and 1946 to incorporate the recommendations of various committees and commissions on Labour. However, after independence, the Government of India gave it a final form in 1948 and it was implemented w.e.f. April 1, 1949. The Act deals with matters connected with health, safety, welfare, working hours of workers, employment of young persons and leaves to be granted to workers. Besides this, amendments to this Act have been made in 1954, 1970, 1976, 1987 and 2003 to update it with the changing times and needs. The Act was amended in 1954 to add Chapter – VIII ‘Annual Leave With Wages’ and to prohibit the employment of women and children during night time. In 1970, it was amended to make it applicable all over India including Jammu-Kashmir, Goa, and Daman-Diu. Hotels, restaurants, and railway sheds were excluded from the definition of factory in 1976. The amendment in 1987 was made after the glaring instance of the Bhopal Gas
Tragedy in order to provide safeguards to be adopted against use and handling of hazardous substances by occupiers of factories. The latest amendment has been made recently on March 5, 2003 allowing the women workers to work at night if it is feasible for them to come at night49.

The State of Haryana which was carved out of the combined State of Punjab on November 1, 1966, opted to adopt the Punjab Factory Rules, 1952, by a Government notification to this effect. A number of amendments have been made by Haryana Government to keep abreast with the amendments in the Factories Act, 1948.

Today, Haryana has emerged as a highly industrialised State with 8804 registered factories and 5,19,613 industrial workers. It is the New Industrial Policy, 1999, which lays special emphasis on providing basic infrastructure facilities and to simplify the procedures and rules and regulations governing industry to further boost the industrial development in Haryana.

The major findings of the study are:-

AWARENESS OF WORKERS ABOUT HEALTH PROVISIONS IN FACTORIES ACT, 1948.

- On an average, 73% workers are aware of provisions related to cleanliness. The level of awareness is the highest in NFL and the lowest in SPL.
- 88.6% workers are aware of provisions of waste and effluents, lighting and drinking water. However, their number is the highest in NFL and the lowest in SPL.

49 The Hindustan Times, New Delhi, March 5, 2003, p.20.
• 61.3% workers are aware of ventilation and certain degree of temperature to be maintained. Again, the highest awareness is in case of NFL and the lowest in SPL.

• 70% are aware of restriction on overcrowding and cleanliness of latrines and urinals. The highest number of aware workers is in NFL and the lowest in SPL.

AWARENESS OF SAFETY PROVISIONS

• 70% workers, on an average, in the three units are aware of the provisions related to fencing with SPL at the lowest level of implementation. 66.07% workers are aware of the precautions to be taken while working on machinery-in-motion, self-acting machines, lifts, hoists etc. with NFL showing the best implementation.

• Only 18% workers in the three units are aware of the need of notices displaying speed. 40% workers are aware of the maintenance to be kept of floors, stairs and means of access. However, NFL has the largest number of satisfied workers.

• 86.7% workers are aware of the protection provided in case of eyes whereas 76.07% are satisfied with the protection from explosives/inflammable gas etc.

• Regarding fire control, 78.7% are aware of the precautionary measures.

• 80% workers in NFL and SM are aware of the provision of safety officer but there is no such officer in SPL.
• The level of awareness regarding health provision is the highest in NFL (77%) followed by SM (57%) and the lowest in SPL (46%).

• The workers in all the three units are more aware of the provisions related to protection to eyes, fire control, explosives/inflammable dust, safety officer etc. but are least aware of the provisions related to notice displaying speed.

**AWARENESS OF WELFARE PROVISIONS**

• Regarding washing facilities only 33.4% workers in the three units on an average are aware, their percentage being the highest in NFL and the lowest in SPL.

• Half of the workers are aware of the facilities for drying and storing clothes, but it is the highest in NFL and lowest in SPL.

• As regards sitting facilities, 66.7% workers are aware, their number being the highest again in NFL and the lowest in SPL.

• 48.7% workers are aware of first aid appliances. The workers in NFL display the highest level of awareness whereas it is the lowest in case of SM.

• Regarding canteen facilities, 68.7% workers are aware. However, it is the highest in NFL and the lowest in SM.

• 43.3% workers are aware of the facilities to be provided for shelter / rest rooms, with SM having the largest numbers of enlightened workers.

• Only 20% workers on an average are aware of provision of labour welfare officer.
• On the whole, the level of awareness of welfare provisions is the highest in NFL (53.3%), followed by SM (39.5) and SPL (31.25%). The workers are more aware of the facilities of canteen and sitting but they seem to be least bothered about provisions of labour welfare officer and washing.

• Socio-economic features affect the level of awareness. In NFL, which has the highest number of matriculates, the level of awareness is the highest.

IMPLEMENTATION OF HEALTH PROVISIONS

• 66.7% workers, on an average, in the three units are satisfied with the provisions of cleanliness, their number being the highest in NFL and the lowest in SPL. 73.3% union leaders, on an average, in the three units are happy with the implementation of these provisions whereas 93.3% management personnel appreciate the efforts made in this direction. In NFL, cleaning according to the requirement of the workplace takes place e.g. chemical washing, air, cleaning, water washing etc. But, in SM, SPL the premises do not give a healthy look. Here, disinfectants are not used. The quality of white-wash and paint etc. is also not good.

• Regarding wastes and effluents, 80% workers, 93.3% union leaders as well as managers commend the steps taken for its disposal and treatment.

• 63.3 % workers find the arrangements made for proper ventilation and keeping suitable temperature adequate. The workers in SPL complained of high temperature in summer season. But, 66.7% Union leaders and
93.3% managers also expressed their satisfaction. They told that it is practically not feasible to keep the temperature under control due to nature of work.

- 88% workers praise the restrictions imposed on overcrowding of the work-room whereas 93.3% of both union leaders and managers also feel good.

- 86% workers and union leaders in all the three units are happy with the lighting arrangements whereas 93.3% managers are also highly appreciative this provisions.

- Regarding water, 72% workers, 80% union leaders and 93.3% managers find the provisions adequate, although the workers in SPL are not happy with the quality and cooling of the drinking water. The place around the water cooler is covered with algae and gives an unhygienic look to the surroundings.

- As far as latrines and urinals are concerned, 53.3% workers, 73.3% union leaders and 93.3% managers find them according to the specified norms. The workers in SM and SPL report that these are not cleaned properly and stink all the time.

- Only 16.7% workers are contented with the provision of spittoons. The workers in SM and SPL are highly critical of the non-availability of spittoons whereas, in NFL, sufficient number of wash-basins have been provided at suitable places 93.3% union leaders and 60% managers find the arrangements adequate.
• In general, 72.8% workers in NFL, the highest of all the three units, are happy with the provisions made for promoting good health among the workers followed by SM-58.3% and SPL-56.1%. The most appreciated provisions include lighting, disposal of wastes and effluents, overcrowding etc. whereas non-availability of spittoons, maintenance of urinals and toilets is highly criticized.

IMPLEMENTATION OF SAFETY PROVISIONS

• As far as fencing of the revolving machinery and working on it is concerned, 80% workers, on an average, express satisfaction, 86.07% union leaders are also contented. However, in SM and SPL some cases of negligence regarding fencing of revolving machine parts have been pointed out. 82% workers and 93% union leaders accept the availability of self-acting machines.

• 63.3% workers and 80% union leaders, on an average, confirm availability of hoists/lifts/chains etc. But workers in SM complained of the problem of carrying excessive weight on back up to five floors, as there is no satisfactory provision of lifts.

• Regarding protection to eyes, 66.7% workers and 80% union leaders are full of praise. The welders in NFL have been provided with effective screens, gloves, apron, face sheet, PVC suit, safety suit etc. Nevertheless, the workers in SM complain of the inadequacy of such facilities.

• 60% workers and 86.7 union leaders admire the precautions taken in case of explosives / inflammable dust and gas etc.
• 65.3% workers and 93.3% union leaders are happy with the measures for fire control. Half of the workers and 60% union leaders on an average appreciate the working of the Safety Officer. Unfortunately, there is no Safety Officer in SM whereas there are six such officers in NFL.

• Thus, highly satisfied workers are those of NFL-82.8% followed by SPL-68.6% and SM-45.6%. They have positive views about provisions related to fencing of machinery, work on machinery in motion and self-acting machines. But, they express grave concern over the absence of notices showing speed of revolving machines in SPL and SM. NFL has the distinction of possessing fully automatic plant where everything is regulated and monitored from the control room. Hence, there is no need of notices near machinery as any error in the speed is reflected on the monitors in the control room.

• Moreover, in NFL, safety of the workers is a prime concern as reflected by the existence of a full-fledged Safety Department equipped with latest and modern instruments with six safety officers. Workers are provided compulsory safety training when promoted to the next higher grade and also given safety helmets, ear plugs for noise, fresh air cylinders, gas masks etc. But SM and SPL are deficient in these provisions. Even, there are no safety officers.

IMPLEMENTATION OF WELFARE PROVISIONS

• Only 33.3% workers, in the three units, on an average are satisfied with the washing facilities but 80% union leaders and cent percent managers
claim suitable arrangements made in this regard. However, the workers in NFL get kit maintenance allowance in lieu of this facility at a rate of 8% of the basic salary.

- As regards the facilities for drying and storing clothes, 50% workers, 90% union leaders and 86.7% managers are contented. Again, the workers in SM complain of the lack of required number of cupboards or closets whereas those in SPL do have any access to this provision.

- Regarding first aid appliances, 50.7% workers, 66.7% union leaders and 93.3 managers are appreciative. There is one first aid box in each section in NFL with prescribed contents and a ready ambulance round the clock. Whereas the condition of such boxes in SM and SPL is not so good. Moreover, the hospital in the NFL township is also providing good service whereas in case of the other two concerns, the dispensaries are not properly maintained and open just for two to three hours a day. Even the medicines for common diseases are not available most of the times.

- 68.7% workers praise the facility and operation of canteen whereas all union leaders and managers are happy with the functioning of the canteen. The workers in SM and SPL get the food items/eatables at subsidized rates whereas in NFL, the items are provided at market rates and workers are given canteen allowance at the rate of 10% of the basic pay. Condition of the canteen and furniture is also good here whereas in
SM and SPL foodstuffs are prepared under unhygienic conditions. The floor, furniture and utensils are dirty here.

- As far as shelter/rest rooms are concerned, 43.3% workers find the arrangements suitable. The retiring room in NFL has sufficient number of chairs and tables but there is no separate shelter/rest room for workers in SM and SPL. There is a shelter room for farmers in SM but it is not well maintained and suitably furnished.

- As the number of female workers is less than thirty in all the three units, there is no provision of crèche.

- Only 20% workers, on an average, are happy with the working of the Labour Welfare Officer whereas 53.3% union leaders and all the managers are satisfied.

- The appreciation of welfare provisions is the highest among the workers of NFL-53.3% followed by SM-40% and SPL-32.3%. They praise the facilities for sitting and canteen the most and criticize the working of Labour Welfare Officer and maintenance of shelter/rest room.

- The workers are not satisfied with the working of the trade unionists 76.7% criticize their attitude towards the implementation of various provisions.

In a nutshell, it can be said that the level of awareness of workers is the highest-60% in case of safety provisions followed by provisions for good health- 58% and the lowest in case of welfare provisions 41.35%. It is seen that the highest number of aware workers are in NFL. It is because the
workers here are better educated, better paid and betted placed than others. As far as the implementation of these provisions is concerned, safety provisions are implemented with 65.6% success rate followed by health provisions - 62.4% and welfare provisions — 41.9%. It means that implementation of various provisions is related to awareness of those provisions.

An observation of the availability of non-statutory welfare provisions, which do not form a part of the Factories Act, 1948 conclude to the following:

- Nearly all the workers in the three units deny the existence of housing, transport and the welfare of worker's children. In SM, there is only one bus, which transports the worker's wards on payment of Rs. 50 to 60, but the workers do not have access to this facility and are supposed to make their own arrangements. They find it difficult to travel back home at two at night when the shift is over as there is no provision of shelter room also. In SPL, there is no such facility for either workers or their wards. On the other hand, all the workers in NFL maintain their personal vehicles for which they get monthly allowance at the rate of 12% of basic pay.

- Regarding housing facilities also, the condition is very poor in SM and SPL. SM possesses just 98 houses which are allotted only to staff related to maintenance work whereas no housing facility in SPL. However, there is no problem of housing in NFL.
NFL provides good education to worker's wards through 'Kendriya Vidyalaya' situated in the NFL town-ship. Workers also get 2% of Basic Pay education allowance. The management of SPL also runs a school in Bahadurgarh but the fee structure is so high that the workers do not find it within their reach whereas SM has no school of its own.

Besides having a well-stocked library, NFL gives 4% of basic pay as allowance for magazines, journals etc. whereas in the other two units neither library nor allowance is available.

Although all the workers in the three units confirm the facility of uniform but it is not given well in time.

There is no provision of official rest between the shifts in any of the units but the workers may go after taking permission from the concerned supervisor for 15-20 minutes.

As regards the inspecting staff, the factory-inspector ratio is highly disproportionate with 863 factories to be inspected by one inspector in a year which is a daunting task.

Also, there is widespread anguish against the inspecting staff on account of corrupt practices.

The role of trade unions is also under dark clouds as workers blame them of siding with the management.

SM, being a seasonal factory, gives retaining allowance for the off-season which is 20% of the total salary for unskilled workers, 30% for
skilled ones and 50% for the clerical staff. Also, it is given after 44
days of joining back. Thus, it becomes very difficult for them to
make both ends meet, as already their wages are less than the central
Government undertakings.

- In case of public sector undertakings, the recommendations of the
Fifth Pay Commission have been implemented but in the case of SM,
these recommendations have been overlooked till date. Also, being
seasonal factory, the workers here cannot fulfill the condition of 240
days of continuous service to avail leave facilities.

- There is a big problem of daily wagers in the SM. Some have been
working since the very beginning but have not yet been regularised.
This deprives them of the benefits provided under the Factories Act,
1948. In NFL also, hazardous work is given to contractual labour.
About 200-250 such workers are present here round the year. The
condition of such kind of labour is the worst. Most of them are
forced to work for all seven days due to utter poverty. They get Rs.
1800 per month.

- Workers also allege that a lot of money is wasted for political
purposes.

In short, it can be said that there is a lot of difference in wages,
working conditions and facilities provided to workers in the concerns under
study.
On the whole, the hypothesis "Labour is less aware of various provisions of the Act because of lack of education, their migratory character, poverty, rural background, nature of industry etc." is accepted.

The hypothesis "Socio-economic features and awareness of the workers differ from industry to industry" is accepted.

Another hypothesis "Implementation of the Act is not much effective." is accepted.

Next hypothesis "Administrative machinery and the staff for implementing the Act are inadequate" is accepted.

Similarly, the hypothesis "Trade Unions have little role in the effective implementation of the Act" is also accepted.

The last hypothesis "The degree of its implementation varies in central, state and private establishments" is accepted.
SUGGESTIONS

- Local level workshops and seminars should be organised to supplement and update worker's knowledge of their rights in terms of various provisions of the Act.

- Extensive publicity in the worker's own language should be made to aware them of various provisions of the Act.

- Manuals, handouts, pamphlets etc. in comprehensible languages should be distributed to the workers at the time of their appointment and also from time to time after that.

- The workers should be invited to explain their problems, grievances and reservations of any kind without fear. A particular time should be fixed everyday for this purpose and the redressal should be prompt and satisfactory.

- Trade Unions should organise various programmes to aware the workers of their rights instead of just indulging themselves in petty politics for their vested interests.

- Premises in SM and SPL should be cleaned properly daily and disinfectants should be used weekly. Proper care needs to be taken of the white-washing of walls and paint of doors, windows etc.

- Sufficient number of exhaust fans should be installed in SPL to relieve the workers of high temperature during summer reason. Urgent steps should be taken to improve the quality and cooling of drinking water.
The area around taps and water-cooler should be cleaned properly to prevent diseases from spreading out.

- In SM and SPL, maintenance and the cleaning of latrines and urinals and spittoons needs immediate attention to prevent dangerous diseases to break out.

- The unfenced revolving parts of the machinery must be fenced on a priority basis to avoid accidents.

- The workers in SM need respite from the problem of carrying excessive weight. Either proper arrangement of lifts should be made or the size of the carrying bags be reduced to 50 kg in compliance with the directions of World Human Rights Commission.

- The welders in SM should also be provided with various safety equipments like gloves, apron, face sheets, safety suits etc. on the pattern of NFL.

- Required number of safety officers should be appointed in SPL and SM as safety of the workers is the prime concern of the employers.

- Washing, drying and storing facilities for clothes in line with the provisions of Factories Act, 1948 should be provided on the premises in SM and SPL.

- Prompt attention should be given for arranging first-aid boxes, ambulance and maintaining the dispensaries according to the specifications in SM and SPL. The mismanagement of funds and exploitation of workers by ESI should also be curbed.
- Shelter/rest rooms adequately furnished should be provided for the workers in SPL and SM.

- The role of labour welfare officers needs a total transformation in all the three units as labour welfare has been given a back seat in all the units under study.

- The managements are not serious about providing non-statutory welfare provisions although some of them are directly related with the quality of worker's life. Therefore, some of the provisions like that of transport, housing, uniform, schooling etc. be included in the Factories Act, 1948.

- The structure of retaining allowance in SM should be rationalised according to market conditions and rising cost of living. Some arrangements to give it on a monthly basis need to be worked out.

- Some amendments as to the leave provisions in case of seasonal factories should be made in the Factories Act, 1948.

- The wages of the workers in SM and SPL should be revised in consonance with the other public sector undertakings. The Wage Boards should be constituted on a priority basis to review the wages at fixed intervals.

- Timings of the working shift in SM should be revised on the pattern of NFL and SPL to avoid the inconvenience to workers due to change over of shift at 2' O clock at night.

- Some sorts of provisions be inserted in the Factories Act to regulate the daily wagers.
- District vigilance committees should be formed to keep an eye over corrupt officials and defaulters should be sternly punished.

- The vacant posts of Factory Inspectors should be filled regularly and some more posts be created to make the inspection effective.

- Internal leadership in the trade unions should be strengthened to increase their bargaining power and to encourage the concept of participatory management.

To conclude, it can be suggested that the Government must consider the disparity in wages and working conditions in the concerns under study and must take steps needed to bridge this gap.