CHAPTER III

LEGISLATIVE PROVISIONS OF HEALTH, SAFETY, WELFARE AND WORKING CONDITIONS – A THEORETICAL FRAMEWORK

3.1 INTRODUCTION

An organization should feel more concerned about employees’ mental health than their physical health.\(^1\) Industrialization and growing population have brought certain features in the society which have created certain problems to human lives in the form of increased accidents and growing concern for ill-health. While these features are of general nature affecting all human beings, industrial workers have been exposed to additional accidents and poor health because of environmental pollution, occupational diseases, and accidents created by rapid industrialization. These aspects of industrial life have started getting additional attention from all concerned like employers, employees and their unions, and Government besides general public and a host of other agencies. The Factories Act, 1948 makes detailed provisions in regard to various matters relating to health, safety, welfare and working conditions of the workers. This chapter analyses the various legislative aspects of employee health, safety, welfare and working conditions and how these can be addressed to effectively.

3.2 STATUTORY PROVISIONS CONCERNING HEALTH

Good Health of labours are essential for the successful functioning of any industry. The organization provides satisfied health measures help to counteract the negative effect of the factory system. Health measures like white wash on factory premises periodically, disposes production waste, drinking water, sufficient latrines and urinals, sufficient spittoons and free health check up periodically.
Various statutory provisions concerning industrial health have been made in Chapter III, Sections 11 to 20 of the Factories Act, 1948. These provisions are as follows:

3.2.1. Cleanliness (Sec. 11).

Every factory shall be kept clean and free from effluvia arising from any drain, privy, or other nuisance. Accumulation of dirt refuse shall be removed daily by some effective method. The floor of every workroom shall be cleaned at least once in every week by washing, using disinfectants, where necessary, or by some effective method.

3.2.2. Disposal of Wastes and Effluents (Sec.12).

Effective arrangements shall be made in every factory for the treatment of wastes and effluents due to the manufacturing process carried on therein, so as to render them innocuous, and for their disposal.

3.2.3. Ventilation and Temperature (Sec. 13).

Effective and suitable provisions shall be made in every factory for securing and maintaining in every workroom---

(a) Adequate ventilation by the circulation of fresh air, and

(b) Such temperature which well secures the workers therein with reasonable conditions of comfort and prevents injury to health

3.2.4. Dust and Fume (Sec. 14).

Where dust or fume or impurity of such a nature as is likely to be injurious or offensive to the workers is given off as a result of the manufacturing process being carried on in a factory, effective measures shall be taken in the factory for the prevention of
inhalation or accumulation of dust and fumes in workrooms. If for such purpose any exhaust appliance is necessary, it shall be applied as near as possible to the point of origin of the dust, fume or other impurity and such point shall be enclosed so far as possible.

3.2.5. Artificial Humidification of Air (Sec. 15).

In respect of all factories in which the humidity of the air is artificially increased, the State Government may make rules prescribing standards of humidification. It may also make rules regulating the methods used for artificially increasing the humidity of the air. It may further make rules prescribing methods to be adopted for securing adequate ventilation and cooling of the air in the workrooms.

3.2.6. Overcrowding (Sec. 16).

There shall not be overcrowding in any room of the factory so as to be injurious to the health of the workers employed therein. There shall be at least 9.9 cubic meters (for the factories in existence at the time of the commencement of the Act) and 14.2 cubic meters (for the factories built after the commencement of the Act) of space for every worker. In calculating the space of 9.9 or 14.2 cubic meters, no account shall be taken of any space which is more than 4.2 meters above the level of the floor of the room.

3.2.7. Lighting (Sec.17).

An every part of a factory where workers are working or passing there shall be provided and maintained sufficient and suitable lighting, natural or artificial, or both.
3.2.8. Drinking Water (Sec. 18).

In every factory, effective arrangements shall be made to provide and maintain at suitable points conveniently situated for the all workers employed therein a sufficient supply of wholesome drinking water.

3.2.9. Latrines and Urinals (Sec.19).

In every factory, separate enclosed accommodation of latrines and urinals of prescribed types of male and female workers shall be provided for. Such accommodation shall be conveniently situated and accessible for workers at all times. It shall be adequately lighted and ventilated and maintained in a clear and sanitary condition. Sweepers shall also be employed for keeping clean latrines, urinals and washing places.

3.2.10. Spittoons (Sec. 20).

In every factory, there shall be provided a sufficient number of spittoons in convenient places and they shall be maintained in a clean and hygienic condition.

3.3 STATUTORY PROVISIONS CONCERNING SAFETY

Safety measures prevent accidents and ensure regular flow of work. Safety helps to improve the morale and productivity of labour. Safety measures like tight fitting clothes, safety glasses and safety provisions to the labours, securely coverage of dangerous part of machines, securely coverage of pits, sump within a factory promises, safety drainage facilities.

Various statutory provisions concerning industrial safety have been made under chapter IV, section 21 to 40 of the Factories Act, 1948. These safety provisions are absolute
and obligatory in their character and the occupier of every factory is bound to follow them. These provisions are as follows:

3.3.1. Fencing of Machinery (Sec. 21).

In every factory, every dangerous part of each machinery shall be securely fenced by safeguards of substantial construction which shall be constantly maintained and kept in position while the parts of machinery they are fencing are in motion or in use.

3.3.2. Work On or Near Machinery in Motion (Sec. 22).

Where in any machinery, it becomes necessary to examine any part while the machinery in motion. Such examination shall be made only by a specially trained adult workers wearing tight fitting clothing. The clothing shall be supplied by the occupier of the factory. No woman or young person shall be allowed to clean, lubricate or adjust any part of machinery in motion if it would expose the women or young person to risk of any injury from any moving part.

3.3.3. Employment of Young Persons on Dangerous Machines (Sec. 23).

No young person shall be required or allowed to work on any machine to which this section applies unless he has been fully instructed as to the dangers arising in connection with the machine and the precautions to be observed; and he is received sufficient training to work on the machine, or is under adequate supervision by a person who has a thorough knowledge and experience of the machine.

3.3.4. Striking Gear and Devices for Cutting of Power (Sec. 24).

In every factory, suitable striking gear or other efficient mechanical appliance shall be provided and maintained and used to move driving belt to and from fast and loose pulleys.
which form part of transmission machinery. Driving belts when not in use shall not be allowed to rest or ride upon the shafting in motion [Sec.24 (1)]. When a device, which can inadvertently shift from ‘off’ to ‘on’ position, is provided in a factory to cut off power, arrangement shall be provided for locking the device in safe position. This is to prevent accidental starting of the transmission machinery or other machines to which the device is lifted [Sec. 24 (3)].

3.3.5. Self-acting Machines (Sec. 25).

No traversing part of a self-acting machine in any factory and no material carried thereon shall be allowed to run on its outward or inward traverse with in a distance of 45 centimeters from any fixed structure which is not part of the machine. This provision shall apply only if the space over which the traversing part of the self-acting machine runs is a space over which any person liable to pass, whether in the course of his employment or otherwise.

3.3.6. Casing of New Machinery (Sec. 26).

All machinery driven by power and installed in any factory after 1\textsuperscript{st} April, 1949, every set screw, bolt or any revolving shaft, spindle, wheel or pinion shall be so sunk, worm and other toothed or friction gearing not requiring frequent adjustments while in motion shall be completely encased unless it is safety situated.

3.3.7. Prohibition of Employment of Women and Children Near Cotton-openers (Sec. 27).

No women or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work. If the feed-end of a cotton-opener is in a room separated
from the delivery end by a partition extending to the roof or to a specified height, woman and child may be employed on the side on the side of the partition where the feed-end is suitable.

3.3.8. Hoists and Lifts (Sec. 28).

In every factory, every hoist and lift shall be of good mechanical construction, sound material, and adequate strength. Further, it shall be sufficiently protected by enclosures fitted with gates. It shall also be properly maintained and shall be thoroughly examined by a competent person at least once in every 6 months.

3.3.9. Lighting Machines, Chains, Ropes and Lifting Tackles (Sec. 29).

In every factory, cranes and other lifting machines (and every chain, rope and lifting tackle for the purpose of raising or lowering persons, goods or materials) shall be of good construction, sound material, and adequate strength, free from defects and properly maintained. They shall be thoroughly examined by a competent person at least once in every 12 months.

3.3.10. Revolving Machinery (Sec. 30).

In every factory in which the process of grinding is carried on, there shall be permanently kept near each machine a notice indicating (a) the maximum safe working peripheral speed of every grindstone or abrasive wheel, (b) the speed of the shaft or spindle upon which the wheel is mounted, and (c) the diameter of the pulley upon such shaft or spindle necessary to secure such safe working peripheral speed.
3.3.11. **Pressure Plant (Sec. 31).**

If in any factory any plant or any machinery or part thereof is operated at a pressure above atmospheric pressure, effective measure shall be taken to ensure that the safe working pressure is not exceeded.

3.3.12. **Floors, Stairs and Means of Access (Sec. 32).** In every factory----

(a) On floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained. Further they shall be kept free from obstructions and substances likely to cause persons to slip and handrails shall be provided where necessary;

(b) There shall, so far as is reasonable practicable, be provided and maintained safe means of access to every place at which any person is at any time required to work.

(c) When any person has to work at a height from where he is likely to fall, provision shall be made, so far as is reasonably practicable, by fencing or otherwise, to ensure the safety of the person so working. This restriction is not applicable, if the place provides secure foothold and, where necessary, secure handhold.

3.3.13. **Pits, Sumps, Opening in Floors, etc. (Sec. 33).**

In every factory, pits, sumps, fixed vessels, tanks opening in the ground or in the floor shall be securely covered or securely fenced.

3.3.14. **Excessive Weights (Sec. 34).**

No person shall be employed in any factory to lift, carry or move any load so heavy as to be likely to cause him injury. The Government may make rules prescribing the maximum weights which may be lifted, carried or moved by adult men, adult women, adolescents and
children employed in factories or in any class or description of factories or in carrying on any specified process.

3.3.15. Protection of Eyes (Sec.35).

In every factory, screen or suitable goggles shall be provided for the protection of persons employed on, or in immediate vicinity of, mechanical or other processes which involves any danger or injury to the workers’ eyesight. The risk of injury to the eye may be from particles or fragments thrown off in the course of the process or by reason of exposure to excessive light.

3.3.16. Precautions Against Dangerous Fumes (Sec.36).

No person shall be required or allowed to any chamber, tank, vat, pit, pipe, flue or other confined space in any factory in which any gas, fume, or dust in likely to be present to such an extent as to involve risk to persons being overcome thereby, unless it is provided with a manhole of adequate size or other effective means of egress.

3.3.17. Precaution Regarding the Use of Portable Electric Light or other Electric Appliance (Sec.36A).

No portable electric light or any other electric appliance of voltage exceeding 24 volts shall be permitted for use inside any chamber, tank, vat, pit; flue or other confined space in a factory, unless adequate safety devices are provided. If any inflammable gas, fume or dust is likely to be present in such chamber, tank, vat, pit, flue or other confined space, no lamp or light other than that of flame-proof construction shall be permitted to be used in the factory.
3.3.18. Precautions Against Explosive or Inflammable Dust, Gas, and Fume etc. (Sec.37).

When in any factory any manufacturing process produces dust, gas, and fume which is likely to explode on ignition, all practicable measures shall be taken to present any such explosion by---

(a) Effective enclosure of the plant or machinery used in the process,
(b) Removal or prevention of the accumulation of such dust, gas, and fume and
(c) Exclusive or effective enclosures of all possible sources of ignition.

3.3.19. Precautions in Case of Fire (Sec.38).

In every factory, all practicable measures shall be taken to present outbreak of fire and its spread, both internally and externally, and to provide and maintain---

(a) Safe means of escape for all persons in the event of a fire, and
(b) The necessary equipment and facilities for extinguishing fire.

3.3.20. Power to Require Specifications of Defective Parts or Tests of Stability (Sec.39).

If it appears to the inspector that any building or part of a building machinery or plant in a factory may be dangerous to human life of safety, he may ask the occupier or the manager or both of the factory---

(a) to furnish drawings, specifications and other particulars as may be necessary to determine whether such building ways, machinery or plant can be used with safety; or
(b) to carry out the tests in the specified manner and inform the inspector of the results thereof.
3.3.21. Safety of Building and machinery (Sec. 40).

If any building or part of a building or machinery or plant in a factory is in a such condition that it is dangerous to human life or safety, the inspector may serve on the occupier or the manager or both of the factory on order in writing specifying the measures which in his opinion shall be adopted and requiring them to be carried out before a specified date.

3.3.22. Maintenance of Building (Sec. 40A).

Where it appears to the inspector that any building or any part of a building in a factory is in such a state of disrepair as is likely to be lead to condition detrimental to the health and welfare of the workers, he may serve on the occupier or manager or both of the factory an order in writing specifying the measures which should be taken. He may further require such measures to be carried out before such date as is specified in the order.

3.3.23. Safety Officers (Sec. 40B).

In every factory (i) wherein 1,000 or more workers are ordinarily employed, or (ii) wherein, in the opinion of the State Government, any manufacturing process or operation is carried on, which process or operation involves any risk of bodily injury, poisoning or disease, or any other hazard to health, to the process employed in the factory, the occupier shall, if so required by the State Government by notification in the Official Gazette, employ such number of Safety Officers as may be specified in that notification. The duties, qualifications and conditions of service of Safety Officers shall be such as may be prescribed by the State Government.
3.4. STATUTORY PROVISIONS CONCERNING WELFARE

For the employee, welfare measures help to counteract the negative effect of the factory system. These measures enable the employee and his family to lead a good life. Welfare facilities like free accommodation, free children education, free transport, crèche, rest room, first aid box, ambulance, free medical, and canteen etc. For the employer, welfare measures lead to higher morale and productivity of labour.

Various statutory provisions concerning industrial welfare have been made in chapter V, sections 42 to 50 of the Factories Act, 1948. These provisions are as follows:

3.4.1. Separate Facilities for washing for male and female workers. (Sec. 42).

Separate and adequate washing facilities for male and female workers must be provided at convenient places and must be kept clean.

3.4.2. Facilities for keeping and drying clothes. (Sec. 43).

Suitable places must also be provided for keeping and drying clothes not worn by the workers during working hours.

3.4.3. Facilities for sitting. (Sec. 44).

Sitting arrangements must be made for taking rest by workers who have to stand at the time of work.

3.4.4. Facilities for first-aid. [(Sec. 45)(1)].

There must be at least one first aid box for every 150 workers with the prescribed contents. Such box must be kept readily accessible during all working hours.
3.4.5. Ambulance Facilities. [(Sec. 45)(4)].

Ambulance facility with medical and nursing staff must also be provided in factories where the worker employed exceeds 500.

3.4.6. Canteen. (Sec. 46).

A canteen must be maintained for the benefits of workers in factories where the number of workers employed exceeds 250.

3.4.7. Shelters, rest rooms and lunch rooms etc. (Sec. 47).

Suitable shelters, rest rooms and lunch rooms with provisions for drinking water must be maintained in factories where the number of workers employed exceeds 150. The rooms so provided must be sufficiently lighted, ventilated and be kept cool and clean conditions.

3.4.8. Crèches. (Sec. 48).

Suitable rooms for the use of children under the age of six years known as “Crèches” must be provided in factories where more than 30 workers are employed.

3.4.9. Welfare officers. (Sec. 49).

Welfare officers must be employed in factories where the number of workers employed exceeds 500.
3.4.10. Power to make rules. (Sec. 50).

The State Government may make rules —

(a) exempting, subject to compliance with such alternative arrangements for the welfare of workers as may be prescribed, any factory or class or description of factories from compliance with any of the provisions of Secs. 42 to 49;

(b) requiring in any factory or class or description of factories that representatives of the workers employed in the factory shall be associated with the management of the welfare arrangements of the workers.

3.5. STATUTORY PROVISIONS CONCERNING WORKING CONDITIONS

The efficiency of an employee depends, to a great extent, on the environment in which he works. Work condition consists of all the factors which act and react on body and mind of an employee. According to psychology the physical, mental and social conditions to which people work are analyzed to suggest improvements in them. If the working condition is congenial, fatigue, monotony and boredom are minimized, and work performance and morale can be maximized.

Working conditions are the actual conditions under which workers perform their work. In this study working conditions are determined by working hours, number of weekly working days and weekly holiday, leave with wages facilities, compensatory holidays, overtime wages, bonus, provident fund and employees state insurance benefits.

3.5.1. Working hours: (Sec. 51)

According to the Factories Act, 1948, under section 51, the workers should not be allowed to work in a factory for more than 48 hours in a week.
3.5.2 Number of weekly working days and weekly holiday: (Sec. 52)

As per the provision of the factories act, 1948, under section 52, every worker in a factory should be allowed to work only 6 days in a week. Every worker in a factory must be allowed a holiday on the first day of the week i.e., Sunday. However it may be substituted by any of the 3 days preceding or following it.

3.5.3. Leave with wages facilities: (Sec. 78)

As per the general rule of the factories act, 1948, under section 78, every worker who has worked in a factory for 240 days or more in a year should be allowed during the subsequent year leave with wages. Such leave will be one day for every 20 days worked during the previous year. A worker employed after 1\textsuperscript{st} January should be entitled to the leave with wages if he has worked for 2/3 of the remaining period of the year.

3.5.4. Compensatory holidays: (Sec. 53)

With regards to the statutory provision of the factories act, 1948, under section 53, where the worker has worked in any holidays, he must be allowed compensatory holidays of equal numbers. Such compensatory holidays must be allowed within the month in which the worker has worked on these holidays or within two months following that month.

3.5.5. Overtime wages: (Sec. 59)

Accounting to the factories act, 1948, under section 59, where a worker works in a factory for more than 48 hours in any week, he shall, in respect of overtime work, be entitled to wages at the rate of twice his ordinary rate of wages.
3.5.6. Bonus:

The payment of Bonus Act, 1965, applies to every factory [Sec.1(3) (a)] or every other establishment in which 20 or more present are employed on any day during an accounting year [Sec.1(3) (b)]. Every employee should be entitled to get bonus in accordance with the provision of Section 8 of this act, for this purpose, every employee must have worked in the establishment for not less than 30 working days in that year. The employer should pay Maximum Bonus to every employee subject to 20 percent of their annual salary or wages under section 11 of this act. The employer is liable to pay the Minimum Bonus of 8.33 percent of annual salary of the workers even if the company suffers loss during the accounting year under section 10 of this act.

3.5.7. E.P.F and E.S.I benefits:

The employees’ provident fund act, 1952, applies to all industrial units employing 20 or more workers under schedule I of this act. Under this act, both the employee and the employer are required to pay equal contribution to the provident fund scheme every month respectively on this basis of basic wages and dearness allowances of the employee.

The employees’ state insurance act, 1948, covers all workers (whether manual, supervisory, or clerical) whose salary (excluding overtime work) do not exceed Rs.15000 per month and who are employed in factories, run with power and employing 10 or more workers or in factories run without power and employing 20 or more workers. This act imposes a duty on the employer to insure every employee by payment of employers and employees conditions to the employees’ state insurance corporation.
3.6. CONCLUSION

The industrial units are responsible for providing Health, Safety, Welfare measures and Working conditions in true spirit at the workplace. For this purpose, the industry collects periodical reports from all those departments which are responsible for enforcing Health, Safety, Welfare measures and Working conditions and analyses these reports to identify whether health, safety, welfare measures and working conditions are in proper order. The organization must follow the practice of sending HR personnel to visit workplaces on regular interval to collect first hand information about the administration of health, safety, welfare measures and working conditions as per the provision of the Factories Act, 1948.
REFERENCE


