CHAPTER IV

LABOUR WELFARE MEASURES ADOPTED BY THE EMPLOYERS: AN EVALUATION

- ROLE OF EMPLOYERS’ ORGANISATION IN LABOUR WELFARE IN INDIA
- STATUTORY WELFARE MEASURES
- WELFARE OF WORKERS
- RESPONSIBILITY OF GOVERNMENT AS AN EMPLOYER
- CONCLUSION
Labour Welfare Measures adopted by the Employers: An Evaluation

Welfare in Indian industry implies the provision of medical and educational services, a congenial work atmosphere etc. The need for providing such services and facilities arises from the social responsibility of industry, a desire for upholding democratic values and a concern for employees. In India, welfare is of the statutory and the non-statutory kinds. Though statutory welfare ensures a bare minimum of facilities and reasonably good working conditions, employers are free to provide, or not to provide, non-statutory welfare. However practically all organizations in India provide non-statutory measures in varying degrees.

Employers provide amenities to discharge their social responsibility, raise the employees’ morale, use the work force more effectively and reduce turnover and absenteeism. Benefits such as bonus, etc; are bound by length of service, thus ensuring that an employee will remain for a certain minimum period at least. Though paternalism may be out-moded, many managers feel, while others are convinced, that welfare benefits not only raise employee morale but make it easier for employers to attract and hire competent personnel. Welfare helps build a positive image of the organization and facilitates dealings with the union.

Role of Employers’ Organisations in Labour Welfare in India

The responsibility for organizing labour welfare work was accepted by the employers’ organizations like the Indian Jute Mills Association and the Bombay and Ahmedabad Mill Owners’ Association. They organized activities in working class localities with the object of providing recreation to workers and their families. The emphasis was on outdoor games such as volley ball, badminton and wrestling. The Indian Jute Mills Association provided indoor attractions too through various welfare centres run by them. While a good number of schools for workers’ children
were attached to these centres, women’s concerns where baby shows were held and milk distributed free to mothers and children were also a part of such activity.

The Indian mill owners have not yet understood the importance of labour welfare measures in proper way. By performing prescribed work as per Factories Act, 1948 they fulfil only legal formalities which are their statutory responsibility. They undertake these activities only to avoid action as per legal proceedings, not to satisfy the labourers and improve their condition which must be done in true sense. Many of the industrialists accept the importance of labour welfare activities to be done outside the factory, but they shirk of expending money on such activities. Inspite of this there are such industrialists too in India who accept the importance of labour welfare activities and also expend money on them. Such examples may be seen in the industrial enterprises managed by the Tata &Sons and Birla Bros. In those enterprises move attention has been paid on the construction of neat and clean colonies for the residential purposes of the labourers, schools for the education of their children, establishment of college, their medical arrangement through hospitals, construction of parks for their games & sports and recreation and construction of libraries and reading rooms for their literary interest. The Mill Owners Association of Mumbai and Indian Jute Mills Association of Kolkata have also paid attention to it. Names like Delhi Cloth Mills J.K. Institutions, Modi Mills, Bankingham Karnataka Mills are worth mention in this regard.
Statutory Welfare Measures

After Independence, the Government of India passed several Acts comprising labour welfare measured to be undertaken by the employers. Wherever Government is the employer, it too will have to undertake labour welfare activities. Such Acts are - the Factories Act, 1948, The Employees’ State Insurance Act, 1948, the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, and the Industrial Disputes Act, 1947 to ensure a fair deal to employees in various aspects of their jobs. Main labour welfare measures to be adopted by the employers are summarized as under:-

The Factories Act, 1948

Short History

The International Labour Conference has adopted several conventions and recommendations relating to factory legislation in general. Some of the conventions are specific with regard to hours of work, overtime and weekly rest for factory workmen, some lay the conditions for employment of children and young persons, others relate to employment of workmen, industrial safety, hygiene and welfare of factory workers.

The most effective labour legislation in India is the Indian Factories Act, 1881. This Act provided interalia the prohibition of employment of children under seven years of age and prescription for nine hours working a day. A Commission was appointed by the Government of India in 1890 in pursuance of recommendations made in the First Labour Conference held in Berlin that year to investigate into the labour problems in the country. The Indian Factories Act, 1911 for the first time prescribed the working hours of the adult male workers at 12 hours a day. The Indian Factories (Amendment) Act, 1922 was passed on the pressure from the dissatisfied workers and political leaders to improve further the working conditions of factory workers in India. The Indian Factories Act, 1911 was again amended in
1923, 1926 and 1931 to incorporate changes relating to adjective laws. On the recommendations of the Royal Commission, the Factories Act, 1934 was passed. This Act was amended in 1935, 1937, 1940, 1941, 1944, 1945, 1946 and 1947. But all these measures were not up to the mark of international standard and many loopholes were still left unplugged. On the recommendations of the Standing Labour Committee, the Factories Act, 1948 was passed and the said Act came into force on and from April 1, 1949.

The 1948 amendment lays down basic minimum requirements for the safety, health and welfare of factory workers. It is applicable to industries and factories in India employing 10 or more persons with using power. Industries and factories not using power but employing 20 or more persons on any day of the preceding 12 months are covered by the Act. Although the Act is a central legislation State Governments administer and enforce it through their inspectorates. However, the Central Government can issue directions to the State Governments of executing the provisions.

**Health**

The provisions relating to the health of workers are covered from Section 11 to Section 20 of the Act. Following are the provisions for health of workers in a factory:

The Act provides detailed instructions on cleanliness, disposal of wastage, ventilation, control of temperature, dust and fumes, over-crowding, lighting, latrine-urinal space, etc. (Sections 11-20). It obligates factories not to spill effluents into open drains, remove dirt, dispose of wastage and effluence, maintain proper drainage and washing water revarnish or repaint where necessary once in five years (Sections 11-12); to provide adequate ventilation and fresh air, a minimum working space 4.2 cu. metre per worker in a factory and 1.9 cu. metre of space in an existing one, sufficient and suitable natural and ordinary light, clean and cool drinking water
during summer in factories with 250 or more workers (Sections 13 and 16-18), adequately lighted and ventilated latrines and urinals, separate for males and females and spitoons (Sections 19-20); and in manufacturing firms, to prevent the accumulation and inhalation of dust and fumes, provide exhaust fans and control ordinary humidification (Section 14-15).

**Safety**

The Act provides 20 different sections on obligatory safety measures, e.g., the fencing and covering of dangerous parts of machinery in operation, prohibition of young persons and females from handling cleaning and lubricating machines, provision of suitable striking gear, casting of new machinery casting and guarding of every set and screw, bolt, spindle, wheel and pinion, periodical examination of appliances such as hoists, lifts, cranes and chains provisions of safety appliances such as goggles, safety hats and gloves, and cautioning against fire, fumes and risk to eyes (Sections 21-31, 34-36 and 38).

**Working Hours for Adults**

The Act stipulates that no adult worker should be allowed to work for more than 48 hours per week. Daily working hours should not exceed nine and the total number of hours spent in factory not more than 10.5 hours inclusive of rest pauses (Sections 51, 54 and 56). Rest intervals of half an hour should be provided between five hours of work (Section 55). Sundays or any other day should be declared a holiday. If the factory is exempted from granting regular holidays, compensatory holidays should be provided (Section 52 and 53). Workers who put in more than nine hours a day or more than 48 hours a week should be given overtime at double the ordinary wages; “ordinary” refers to the wage plus allowance other than bonus (Section 59). Shifts should be arranged in such a way that they do not overlap. No worker is to be employed twice on any day (Sections 58 and 60).

**WELFARE OF WORKERS**
Following are the provisions relating to welfare of workers:

1. **Washing Facilities**: (section 42) : (1) In every factory –
   (a) Adequate and suitable facilities for washing shall be provided and maintained for the use of the workers therein;
   (b) Separate and adequately screened facilities shall be provided for the use of male and female workers therein;
   (c) Such facilities shall be conveniently accessible and shall be kept clean.

(2) The State Government may, in respect of any factory or class or description of factories or of any manufacturing process, prescribe standards of adequate and suitable facilities for washing.

2. **Facilities for Storing and Drying Clothing**: (section 43): The State Government may, in respect of any factory or class or description of factories, make rules requiring the provision therein of suitable place for keeping clothing not worn during working hours and for the drying of wet clothing.

3. **Facilities for Sitting**: (section 44) : (1) In every factory suitable arrangements for sitting shall be provided and maintained for all workers obliged to work in a standing position, in order that they may take advantage of any opportunities for rest which may occur in the course of their work.

(2) If, in the opinion of the Chief Inspector, the workers in any factory engaged in a particular manufacturing process or working in a particular room are able to do their work efficiently in a sitting position, he may, by order in writing, require the occupier of the factory to provide before a specified date such sitting arrangements as may be practicable for all workers engaged or working.

(3) The State Government may by notification in the official Gazette, declare that the provision of sub-section (1) shall not apply to any specified factory or class or description of factories or to any specified manufacturing process.

4. **First-aid Appliances**: (section 45) : (1) There shall in every factory be provided and maintained so as to be readily accessible during all working hours first-aid boxes
or cupboards, equipped with the prescribed contents and the number of such boxes or
cupboards to be provided and maintained shall not be less than one for every one
hundred and fifty workers ordinarily employed at any one time in the factory.
(2) Nothing except the prescribed contents shall be kept in a first-aid box or
cupboard.
(3) Each first-aid box or cupboard shall be kept in the charge of a separate
responsible person who holds a certificate in first-aid treatment recognized by the
State Government and who shall always be readily available during the working
hours of the factory.
(4) In every factory wherein more than five hundred workers are ordinarily employed
there shall be provided and maintained an ambulance room of the prescribed size,
containing the prescribed equipment and in the charge of such medical and nursing
staff as may be prescribed and these facilities shall always be made readily available
during the working hours of the factory.
5. **Canteens:** (section 46) : (1) The State Government may make rules requiring that
in any specified factory wherein more than two hundred and fifty workers are
ordinarily employed, a canteen for the use of the workers.
(2) Without prejudice to the generality of the foregoing power, such rules may
provide for –
   (a) the date by which such canteens shall be provided;
   (b) the standards in respect of construction, accommodation, furniture and
       other equipment of the canteen;
   (c) the foodstuffs to be served therein and the charges which may be made
       therefore;
   (d) the constitution of a managing committee for the canteen and
       representation of the workers in the management of the canteen;
   (e) the items of expenditure in the running of the canteen which are not to be
       taken into account in fixing the cost of foodstuffs and which shall be borne
       by the employer;
(f) the delegation to the Chief Inspector, subject to such conditions as may be
prescribed, of the power to make rules under clause (c).

6. Shelters, Rest-rooms and Lunch-rooms: (section 47) : (1) In every factory
wherein more than one hundred and fifty workers are ordinarily employed, adequate
and suitable shelters or rest-rooms and a suitable lunch-room, with provision for
drinking-water, where workers can eat meals brought by them, shall be provided and
maintained for the use of the workers:

Provided that any canteen maintained in accordance with the provisions of
section 46 shall be regarded as part of the requirements of this sub-section:

Provided, further that where a lunch-room exists no worker shall eat any food
in the workroom.

(2) The shelters or rest-rooms or lunch-room to be provided under sub-section (i)
shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean
condition.

(3) The State Government may –

(a) prescribe the standards in respect of construction, accommodation furniture
and other equipment of shelters, rest-rooms and lunch-rooms to be provided
under this Section.

(b) by notification in the Official Gazette, exempt any factory or class or
description of factories from the requirements of this section.

7. Creches: (section 48) : (1) In every factory wherein more than thirty (w.e.f.
26.10.1976) women workers are ordinarily employed, there shall be provided and
maintained a suitable room or rooms for the use of children under the age of six years
of such women.

(2) Such rooms shall provide adequate accommodation, shall be adequately lighted
and ventilated, shall be maintained in a clean and sanitary condition and shall be
under the charge of women trained in the care of children and infants.

(3) The State Governments may make rules –
(a) prescribing the location, and the standards in respect of construction, accommodation, furniture and other equipment of rooms to be provided under this section:

(b) requiring the provision in factories to which this section applies of additional facilities for the care of children belonging to women workers, including suitable provision of facilities for washing and changing their clothing;

(c) requiring the provision in any factory of free milk or refreshment or both for such children;

(d) requiring that facilities shall be given in any factory for the mothers of such children to feed them at the necessary intervals.

8. Welfare Officers: (section 49) : (1) In every factory wherein five hundred or more workers are ordinarily employed the occupier shall employ in the factory such number of welfare officers as may be prescribed.

(2) The State Government may prescribe the duties, qualifications and conditions of service of officers employed under sub-section (1).

9. Power to make Rules to Supplement this Chapter: (section 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, factory or class or description of factories from compliance with any of the provisions of this chapter;

(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.

Responsibility of Government as an Employer

The Central Government as well as State Governments do play varying role and contribution in the sphere of labour welfare. In some cases the welfare facilities available to the workers are much above the minimum fixed in various Acts while in
some other cases they have been reported to be sub-standard and like employers in private sector, the State Government proved big defaulters. To quote the Report of the Labour Officer of the Government of Orissa to the State Implementation and Evaluation Committee:

“Broadly speaking, labour legislation in this new factory (the Rourkela plant of the Hindustan Steel Limited) has so far been treated with scant respect. Through there is a provision in the Factories Act prohibiting employment of women beyond 7 P.M., the Tarkera pump house of the project continues to work three shifts with women workers engaged in each shift.” The Committee also reported inadequate arrangement of supply of wholesome drinking water, and provision of suitable goggles, safety dresses and boots. During their visit to Calcutta, the Second, the Second Pay Commission saw a number of canteens which were “unsatisfactory; one or two of them in fact, were just small cellars with hardly any natural light or ventilation and altogether unfit for human use;” The Commission considered, “the present expenditure on welfare activities of the Government employees inadequate” and recommended that “it should be substantially increased.”

The various types of labour welfare activities undertaken by the enlightened Indian organization can be broadly categorized under the following heads:

(a) **Educational facilities** for the workers and their children in the form of provision of schools, reading rooms, libraries, financial assistance.

(b) **Medical facilities** for workers and their families in the form of suitably equipped first aid centres, ambulance rooms, dispensaries, for the treatment of diseases like TB, cancer, leprosy, mental disease, etc.

(c) **Transport facilities** for workers residing at a long distance, and the grant of conveyance allowance.

(d) **Recreational facilities** to provide the worker an opportunity to develop a sense of physical and mental discipline, in the form of music, dance, drama, games and sports, paintings hobbies and other cultural activities.
(e) **Housing facilities** are made available in the form of self-contained tenements with all basic facilities like electricity, sanitation and running water supply.

(f) **Consumer co-operative societies**, which provide members with good quality foodgrains and other essential goods at fair and reasonable prices.

Some of the new trends visible in the field of labour welfare work taken up by employers may be summarized in the following paragraphs.

(i) The programme of family welfare has been accorded high priority by many employers. For this programme, they employ extension educators and field workers to motivate workers to opt for family planning with a view to popularize family welfare among workers they are supplied contraceptives free of cost also cash awards are given to those workers undergoing vasectomy and tubectomy operations.

(ii) Greater stress is now laid on the supply of nutritive meals to employees at subsidized rates, so that the deficiency of the necessary nutrients in their diet may be made partially fulfilled with a view to increasing their vitality and efficiency.

(iii) As the money wages alone are not enough for the purchase of the much-needed essential commodities because of their high prices. Therefore, increasing emphasis in now laid on such measures as the supply of goods and services at subsidized rates; or the opening of co-operative stores and fair price gain shops, free of subsidized housing, medical and transport facilities, and free education for the children of the workers.

(iv) Since business is the creation of society, it now co-operates with local authorities and has assumed increasing responsibility for the community by starting and running many civic services, such as transportation, preventive health measures, housing recreational services like clubs, parks, gymnasium, libraries and reading rooms, community halls, donations for
the construction of school buildings, dispensaries, dharamashalas, temples and other charitable institutions

(v) The industry has now increasingly realized that it should meet a part of the cost of welfare measures on humanitarian grounds.

(vi) The counseling programmes are organized on a continuous basis in enlightened organizations for the management of workers personal and emotional problems.

(vii) For maintaining the Q.W.L. of workers, they are now imparted special training in the field of physical fitness through programmes like yoga, physical exercise etc.

(viii) To check the growing menace of AIDS, among workers, most of the organizations are now imparting education to the workers through film shows, distribution of literature etc. for the prevention of AIDS.

The analysis of labour welfare measures adopted by the employers shows that –

(i) The range of labour welfare activities is very limited which may not be deemed sufficient to boost the morale of the workers and enhance their productivity.

(ii) There is dissatisfaction about the range and content of labour welfare among the workers.

(iii) Some measures have brought benefits to workers.

(iv) Some components of welfare which have been written into the law of land have not been implemented which does not conform to the spirit of the legislation.

(v) The statutory limit of 30 women workers for the provisions of crèches is much high.

(vi) There is no provision of crèches even the number of working mothers exceeds 30 in case of women workers engaged by contractors.
(vii) In regard to canteen also the employment limit of 250 workers is also high as workers come from far off places and they need tea, coffee break-fast, lunch etc. as need when the need arises.

(viii) the workers are not satisfied of the management of the canteen being in the hands of the organizations itself. The workers prefer canteen to be run by themselves on cooperative basis.

(ix) the statutory provisions in regard to sanitation, first-aid boxes, washing and bathing, storing and drying of cloths, rest shelters, drinking water, etc are adequate in almost all the large scale industrial units of Kumaun region.

(x) Some units lack in periodical examination of workers to facilitate timely diagnosis and treatment of occupational diseases.

(xi) The Kumaun region lacks in welfare centres as well as welfare officers. In this way it seems that the subject of welfare is not generally accorded adequate importance.

(xii) Recreational facilities for the workers are not adequate in these large scale units of the region.

(xiii) The casual and contract workers are not eligible for welfare schemes.

**Conclusion**

Although there has been growing awareness among the employers of the fact that the welfare activities have got beneficial impact, reflecting improved health, increased happiness of the workers, better industrial relations, increased efficiency & productivity resulting in higher level of output, there has yet been wide variation in the nature and quality of welfare amenities provided in different industrial undertakings. Another notable feature of labour welfare work is that with rare exceptions the provision of welfare measures seems to owe its existence more to possession of adequate funds rather than to deliberate planning.

The whole picture of welfare work reveals that it is necessary to lay down social minima of welfare amenities in the context of types of industrial workers and their problems. Apart from the legislative responsibility, the State as an employer
has the basic social responsibility of acting as a model employer by providing standard quality of welfare measures. So far as employers are concerned, it is generally agreed that they are responsible for providing such facilities that can best be provided at the place of work. However, they cannot absolve themselves of social responsibility of providing even such services which may strictly be contended to fall in the sphere of the State. In view of the fact that welfare work, if provided in a spirit of sympathy, fairness, mutual compromise and respect welds the employer-employee relations into a potential and peaceful entity, every attempt has to be made to enlist workers’ cooperation and active participation. On the whole, the success of welfare schemes depends as much on the manner in which they are administered and introduced as on the nature and quality of facilities offered. Further, a Welfare Officer who has to act as a go-between for management and labour should have adequate understanding of psychology and an ability to win the confidence of the workers.