CHAPTER 7

CONCLUSION

AND

RECOMMENDATIONS
7.1 Conclusion

The Gujarat is one of the highly industrialized states in the country. The nature of industrial activities include; engineering, chemicals and fertilizers, bulk drugs and pharmaceuticals, dyes and intermediates, petroleum products etc. About 37000 such industrial units are registered under the provisions of the Factories Act, 1948 employing about 13.0 lacs workers. These factories may be categorized as small scale, medium scale and large-scale units. Due to highly labour intensive, multifaceted industrial growth, there is always strong possibility of workers acquiring occupational diseases either due to the side effect of chemicals, unhygienic working conditions or poor implementation of the related Labour Legislation. The industrial safety at work place also poses serious risk of accidents. Further the surrounding pollution due to industrial wastes, discharge of untreated effluent and air pollution also creates health hazards for workers and surrounding community. All the above factors were included in the study and at the outset following conclusions researcher is arrived at.

Primarily as many as 6818 (6258 male and 559 female) workers working since more than 2 years were approached in 40 pharmaceutical / bulk drug units, where it is revealed that non of the workers had acquired occupational diseases due to microbial infections. Employer and Employee association have also ascertained that except routine illness none of the workers had acquired occupational diseases due to microbial infections. The secondary data from the Employee State Insurance Corporation also confirms that occupational diseases due to microbial infections are not contracted out in Pharmaceutical / Bulk drug units. The data on implementation of labour laws related to health, welfare and safety provision for workers reveals that implementing machinery is discharging their duties effectively.

In light of the above facts and circumstances, present researcher observes that the working condition in Pharmaceutical / Bulk drug units are reasonably safe for
workers and labour laws related to health, welfare and safety are implemented effectively.

7.2 Recommendations

The statistics of workforce indicates that out of the total workforce in the Country, 7.62 % of the workforce is engaged in organized / formal sector at National level as against 17.2 % of that in Gujarat and 91.8 % of the total workforce is engaged in unorganized / informal sector at National level as against 82.8 % of that in Gujarat as per National Sample Survey Organization 2004-05. In light of the above fact, Gujarat State has nearly 10 % more workforce engaged in organized sector and 9 % less workforce is engaged in unorganized sector in comparison with figures of National average. Keeping the said statistics in view present researcher suggests following recommendations.

(1) The organized workers are covered under the umbrella of sets of labour laws including social security legislation. The organized workers also get the compensation under the provisions of the either the Workmen’s Compensation Act, 1923 or the Employees State Insurance Scheme Act 1948 or any other insurance schemes preferred by employer. However it is a matter of debate that ESIC hospitals / dispensaries are insufficient and there should be coverage of ESIC in all industrial area of the State. The present researcher believes that the Quantum of ESIC dispensaries and hospitals should be in proportion to the strength of workers in all the industrial area of the State.

(2) The provisions of the Employees State Insurance Scheme Act 1948 are not applicable to all industries located in State. The Labour and Employment Department, Ministry of Labour, Government of India notifies the area after due consultation with the State Health Department. The entire procedure of such consultation and subsequently final decision takes enormous time, which is the area of
concern. Under the circumstance, present researcher observes that it is the need of the day to simplify the procedure notifying all the industrial area under the ESIC Act, 1948.

(3) The Second National Commission on Labour has recommended that the management of the Employees State Insurance Scheme Act 1948 should be professionalized. In light of the above recommendation and floor experiences, present researcher observes that it is the need of the day to make it online with the base of information technology base of Total Solution Provider.

(4) The Employees Compensation Act, 1923 takes care of the workers working in industries, which is out of ambit of ESIC notified area. However, being exclusive employer’s liability Act, it is very difficult to settle the compensation claims either mutually through bi-partite (employer-employee) conciliation or through the adjudication before the designated Workmen Compensation Commissioner (Normally the Judge of the Labour Court). Further, the districts where there are no Labour Courts, Civil Judges are designated as Workmen Compensation Commissioner to hear and decide the cases of Workmen Compensation. The entire process is time consuming and makes workers to suffer. In light of the fact, the present study reveals that it is a need of the day to work out comprehensive insurance package including occupational injury / diseases for all workers working in industries.

(5) The Royal Commission on Labour and subsequently the Second National Commission on Labour has recommended that the Employees Compensation Act, 1923 should be converted from an employer’s liability scheme to a social insurance scheme. The present study reveals that it is a need of the day to convert the Employees Compensation Act, 1923 from an employer’s liability scheme
to a social insurance scheme for speedy justice and deliverables of benefits to aggrieved workers.

(6) The large numbers of contract workers are employed in industries and it is need of the day to provide suitable social security cover to these workers. It has remained a matter of stiff debate in 43rd Indian Labour Conference, a tri-partite consultative machinery (Representatives of Employers, Employees and State Governments) to amend the Contract Labour (Regulation and Abolition) Act, 1970 and condition of compulsory insurance of all contract workers either under the ESIC, Act, 1948 or by way of medical insurance may be made compulsory under the provisions of the said Act.

(7) The unorganized workers i.e. workers working in pharmaceutical units / bulk drug units employing less than 10 employees (as defined under the Unorganized Workers Social Security Act, 2008) are deprived of benefits of labour laws including social security legislation like the Workmen’s Compensation Act, 1923 or the Employees State Insurance Scheme Act 1948 or any other insurance schemes preferred by employer. The present researcher strongly feels that suitable scheme may be farmed under the Unorganized Workers Social Security Act, 2008 to cover unorganized workers.

(8) The magnitude of the unorganized worker is very high and accounts 82.8 % (2.07 crores) of the total workforce of the Gujarat State as per 2004-04 NSSO survey. It is the matter of fact that the issues related to health and illness is the way of life and especially to such working class which is under privileged in terms of decent working conditions and their habitat. Thus, the workers working in such Pharmaceutical units, where labour laws are not attracted, required to be covered under the provisions of social security legislation and therefore researcher observes to expand the ambit of labour laws so as to cover such establishment.
(9) The Second National Commission on Labour has recommended having an 'Umbrella Legislation' to provide the social security net to unorganized workers / informal sector. In light of the fact, the Government of India has enacted 'The Unorganized Worker’s Social Security Act, 2008. The present researcher strongly feels that the said Act should be implemented in true spirit.

(10) The Gujarat Pollution Control Board is looking after the quality / standard of treated water as per the GPCB, Act. The said study has revealed that no casualties to human life and cattle have been found due to release of untreated discharge from such units. It is the need of the day to continue the thrust on the area concerned. Simultaneously it is also the need of the day to develop suitable bacterial culture having property to degrade chemical wastes.

(11) The State Government has set up Industrial Hygiene Laboratory under UNDP Project in 1982 with the assistance of Government of India. The Hygiene Laboratory is functional under the Directorate of Industrial Safety and Health with the collaborative efforts with the Health Department. At present this laboratory has outlet at Ahmedabad, Vadodara, Surat and Rajkot. Present researcher recommends that the outlet may be expanded to industrially developed districts for better monitoring of hygiene of workers.

(12) The provisions related to the health, welfare and safety of workers working in registered factories are implemented by the Directorate of Industrial Safety and Health. Present researcher recommends that the efforts for compliance of these provisions should continue by stringent implementation of the Factories Act, 1948.

(13) The contractual pattern of employment has become way of employment in industries and it is the need of the day to safeguard the day to day health related issues of the contract labour. The provisions related to the health, welfare and safety of contract workers are implemented by the
Labour Commissionerate. Present researcher recommends that the efforts for compliance of these provisions should continue by stringent implementation of the Contract Labour (Regulation and Abolition) Act, 1970.

(14) The Gujarat State is one of the highly industrialized States in the Country. Industrial peace and harmony has led entrepreneurs across the world to have their industrial base in Gujarat. The numbers of industries have been increasingly high over a period of last decade. The development has brought new innovative technology and automation to sustain global competition. In light of the fourfold development, it is felt that there should be sufficient trained, suitably well educated personnel to deal with occupational health, safety and related hazards to meet the demand of the industries. Under the circumstances, the present researcher believes that suitable educational infrastructure be created to meet with the future needs of safety related educated trained man power. The present researcher also recommends for setting up of State Level Safety University or Institute so as to provide safety related under Graduate and Post Graduate Courses.

(15) At present National Institute of Occupational Health is undertaking research related to occupational hazards and occupational diseases. Present researcher recommends that there should be at least two to three such institutes in the industrially developed area mainly chemical zones in the State to study the different occupational diseases being contracted out to the workers in different industries.

(16) The lack of occupational safety and occupational diseases certainly adversely affects the socio economic conditions of the workers their families. Present researcher strongly feels that there should be either Central or State sponsored rehabilitation schemes for workers having acquired occupational diseases. Present
researcher also recommends that such scheme should be in convergence and coordination with the different line departments of the State Government. The comprehensive approach and policy may be decided to address such issues.

(17) The Labour subject is on the Concurrent List of the Constitution of India and the labour standards are decided through tri-partite consultations. Present researcher feels that tri-partite dialogues must continue to strengthen the mechanism of implementation, compliance of the legislature and to redress the issues related to labour standards. The assertive role of NGOs, Trade Unions is significant. The periodical awareness generation drives for the workers by employers in collaboration with line department of the Government on the subject occupational safety and diseases will have significant value addition.