

**New Labour Codes of India**  
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**Lecture 47**  
**Occupational Health and Safety**

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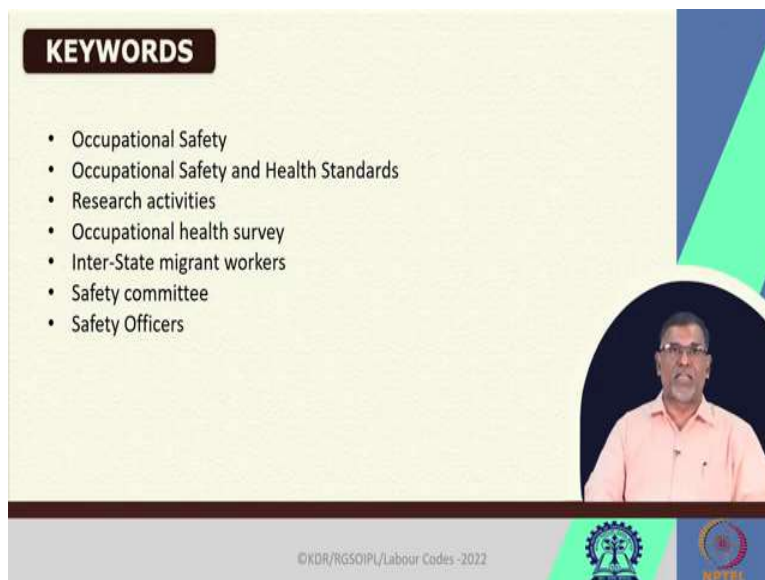
Dear students, In this class we are going to talk about Occupational Health and Safety. And mostly, occupational health and safety is drawn from the repealed Act of Factories Act. So, what are the health provisions, what are the safety provisions? And these are going to be discussed today.

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So, basically, we are going to talk about the occupational health and safety provisions in the old Act as well as the new code itself.

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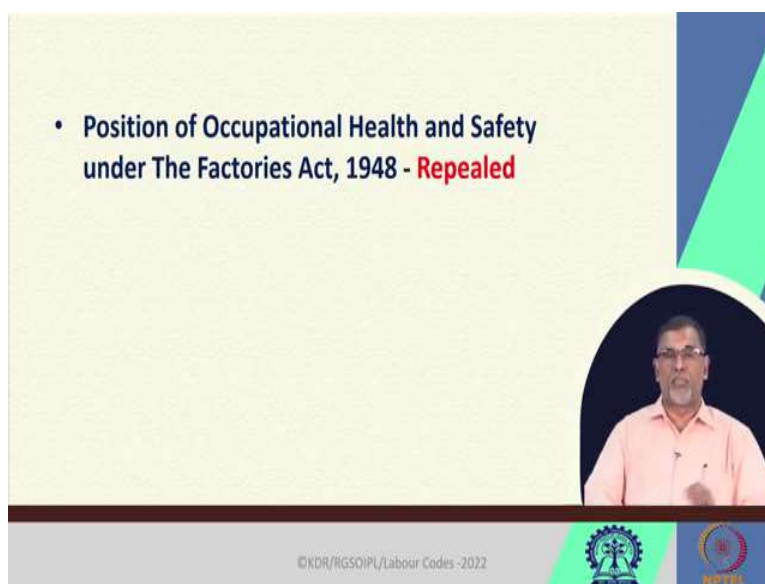
And also, the establishments and administrative mechanisms for the enforcement of occupational safety and health standards in the new code, we are going to discuss today.

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So, work safety or occupational safety is very important in any factory or establishment. So, without safety, no employee can work in any establishment. So, it requires regulations. So, we already saw the special regulations with regard to hazardous processes, because the hazardous processes are going to affect the health and conditions of workers. So, now, most of the employees are covered under group insurance in order to protect the workers, so the employers take group insurance in order to reduce their liability and at the same time to protect the health risk which is related to the occupation, they are undergoing.

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So, here, we can see the position of these particular provisions under the repealed Factories Act of 1948.

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□ Health

- Clean and free from effluence arising from any drain
- Accumulation of dirt and refuse shall be removed daily
- The floor of workroom shall be cleaned at least once in every week by washing.
- Effective means of drainage facility
- all walls and partitions shall be painted at least once in every 5 years.
- Every washable paint shall be repainted once in every period of 3 years.

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So, if you look into the health provisions which prescribe that the entire factory should be clean and free from effluents arising from any drain or accumulation of dirt, or refuse, that should be removed every day from the factory. And also, the floor of the workroom shall be cleaned at least once every week by washing.

So, if you go to any factories whether these are implemented religiously is a big question. And there must be proper effective means of drainage facility in any factory. All the walls and partitions shall be painted at least once in every five years, and also every washable paint shall be repainted once in every period of three years. So, this is mainly to protect the health conditions of workers.

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❑ Health

- Every door or frame shall be kept painted or varnished once in every 5 years.
- 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;



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And every door or the frame shall be kept painted or varnished every five years. And also, all arrangements are to be made in every factory for the treatment of waste and effluents due to the manufacturing process. Now, we know that there is Pollution Control Board also look into this particular aspect of the treatment of waste and effluents. So, they are not going to give permission if the waste and effluents are not treated properly. So, this is part of the code as well as there is special legislation or administrative mechanism, the Pollution Control Boards are also going to look into these particular aspects.


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❑ Sec. 11: Health of Factories Act, 1948

- All the accumulated dirt and refuse on floors, staircases and passages in the factory shall be removed daily by sweeping or by any other effective method. Suitable arrangements should also be made for the disposal of such dirt or refuse.
- Once in every week, the floor should be thoroughly cleaned by washing with disinfectant or by some other effective method [Section 11(1)(b)]
- Effective method of drainage shall be made and maintained for removing water, to the extent possible, which may collect on the floor due to some manufacturing process.



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Then if you look into the health aspects. So we said that the staircases, the floors and staircases and passages of factories should be removed daily basis by sweeping or by any other effective manner. And also disposal of dirt and refuse should be done on daily basis. So, we already said that once in every week, the floor should be cleaned by washing it with disinfectant or any other effective means, and effective drainage methods are also to be provided.

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**Health**

- To ensure that interior walls and roofs, etc. are kept clean, it is laid down that:
  - i. Whitewash or colour wash should be carried at least once in every period of 14 months
  - ii. Where the surface has been painted or varnished, repair or revarnish should be carried out once in every five years, if washable then once in every period of six months
  - iii. Where they are painted or varnished or where they have a smooth impervious surface, it should be cleaned once in every period of 14 months by such method as may be prescribed.



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NPTEL


And we talked about the roofs. We talked, already about the walls and windows, and doors. So, the interior walls and roofs are kept clean. And also, it should be whitewashed, or colour wash should be carried out once in every 14 months. So, the surface, whether it has been painted or varnished, then you should re-varnish, and this should be done every five years. And if it is washable, then once in six years. So, this is to be done mandatorily under the provisions of the earlier Factories Act.

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- ❑ First Aid boxes equipped with prescribed medicines
- ❑ Ambulance room where 500 or more are employed
- ❑ Canteen for use of workers where 250 or more are employed (150 under Plantation Labour Act)


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Then every factory's first aid boxes equipped with the prescribed medicine should be there. Ambulance service should be available in the factories where more than 500 or more employees are working. There must be canteen facilities with more than 250 workers employed, and plantation, it is 150. So, there must be first aid boxes, ambulance services and canteen services available.

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- ❑ Clean
  - All doors, windows and another framework which are of wooden or metallic shall be kept painted or varnished at least once in every period of five years.
  - The dates on which such processes are carried out shall be entered in the prescribed register.
  - If the State Government finds that a particular factory cannot comply with the above requirements due to its nature of manufacturing process, it may exempt the factory from the compliance of these provisions and suggest some alternative method for keeping the factory clean. [Section 11(2)]



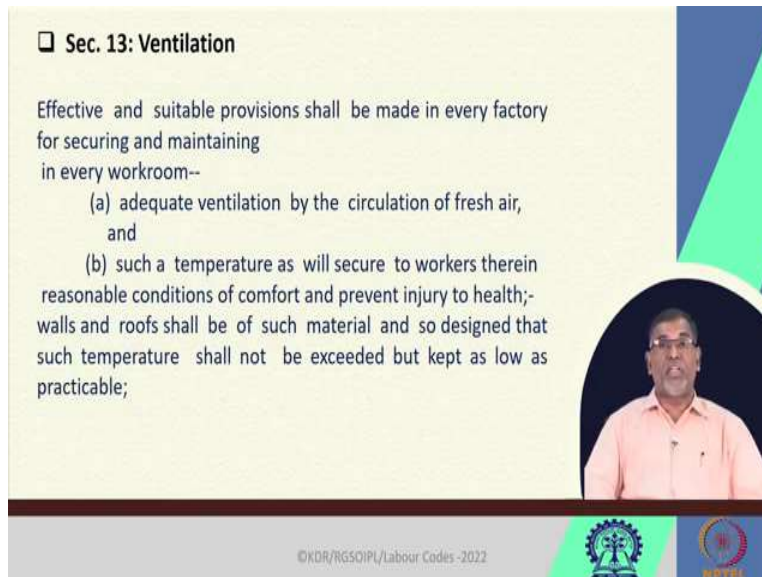
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Then about cleanliness, all doors and windows and the frames whether it is wooden or it is metallic and should be kept painted and or varnished at least every once in a period of 5 years. And if the

state government finds that any factory is not done or complied with the above requirements due to the nature of the manufacturing process and the state governments can accept such provisions from compliance with the particular provisions. But the state government should prescribe some alternate means of keeping the factory very clean. So, the ultimate aim is to keep the factory clean so that the workers' health is going to be not affected and the cleanliness is going to be maintained.

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□ **Sec. 13: Ventilation**

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 a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health;- walls and roofs shall be of such material and so designed that such temperature shall not be exceeded but kept as low as practicable;

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And if you look into the ventilation provisions, it provides that suitable provisions shall be made in every factory for securing and maintaining a work room, and there should be adequate ventilation facilities. And for the circulation of fresh air and also for keeping the temperature in a reasonable condition. Otherwise, it is going to injure the health.


So, the walls and roofs should be again designed in such a way that this temperature should be adjusted. And also, it is, the temperature should be kept as low as possible or as practicable from day 1 of the construction of the factory. So, we can see the new provisions of the duties of engineers. So, when they are submitting the complete plan for the factory, they have to take care of all these arrangements, and then only the factory's permission will be provided.

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**Sec. 13: Ventilation**

- Section 13 provides that every factory should make suitable and effective provisions for
  - i. securing and maintaining adequate ventilation by the circulation of fresh air; and
  - ii. such a temperature as will secure to the workers reasonable conditions of comfort and prevent injury to health. What is reasonable temperature depends upon the circumstances of each case.
- The State Government has been empowered to lay down the standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof
- It may direct that proper measuring instruments at such places and in such position as may be specified shall be provided and prescribed records shall be maintained



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And if you look at the factory's suitable and effective provisions for securing and maintaining ventilation and circulation of fresh air, which we already talked about, then second is temperature. And third, the state governments can make adequate exceptions in the case of factories mainly due to the working conditions of any other factories.


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**Sec. 14: Dust and Fumes**

- In every factory in which, by reason of the manufacturing process carried on, there is given off any dust or fume or other impurity of such a nature and to such an extent as is likely to be injurious or offensive to the workers employed therein,
- effective measures shall be taken to prevent its inhalation and accumulation in any workroom,
- In any factory no stationary internal combustion engine shall be operated unless the exhaust is conducted into the open air, and no other internal combustion engine shall be operated in any room unless effective measures have been taken to prevent such accumulation of fumes



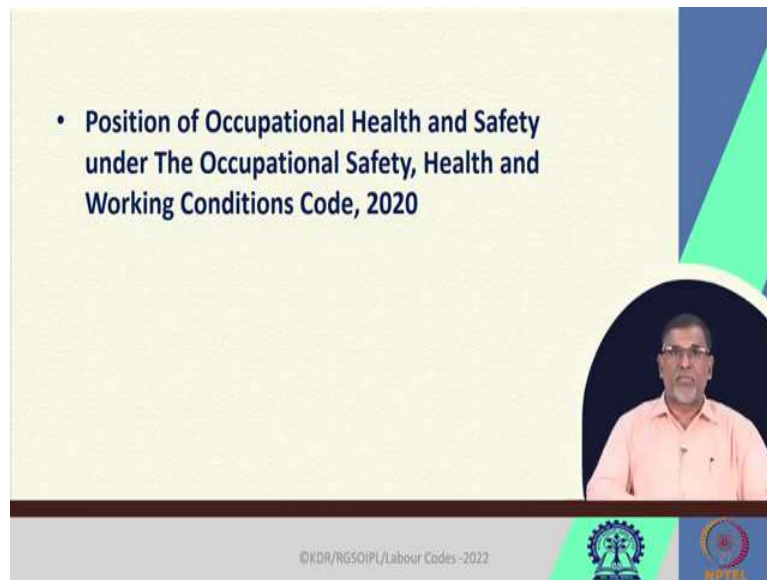
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Every factory must be free from dust and fumes due to the manufacturing process carried out or the nature of the work is such that there will be the generation of dust and fumes. So, effective measures should be taken to prevent inhalation and accumulation of workroom, dust and fumes.

So, there must be such kind of technology can lead, it is available, that there will be exhausted fans can be fitted into for removing such kind of dust and fumes in the working room. So, effective measures are to be taken, not to accumulate such kinds of fumes in the factories.

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So, not only the dust and fumes but also controlling the humidity of the particular room. So, there must be regulations, for artificially increasing the humidity of the air. So, the humidity should not be increased so much that it can affect the health of the workers. And the overcrowding of the factory should be avoided at any point of time which is going to extend injurious to the health of workmen employed in a particular factory.


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❑ **Sec. 17: Lighting**

- Chief Inspector by order in writing, posted in each workroom of a factory a notice specifying the maximum number of workers who may, in compliance with the provisions of this section, be employed in the room.
- In 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
- In every factory all glazed windows and skylights used for the lighting of the workrooms shall be kept clean on both the inner and outer surfaces and, so far as compliance with the provisions of any rules made under sub-section (3) of section 13 will allow, free from obstruction.
- Reflection from smooth surface should be avoided
- Eye strain to be avoided.



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So, another provision clearly says about lighting, there must be sufficient lighting in the workplace or in the factory. That means, sufficient lighting which is mainly to avoid the eye strain of the workers and also the reflection from the smooth surface also should be avoided. So, there must be sufficient lighting.

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So, this is a modern factory where there is sufficient lighting, but it is a practical question whether ordinary factories are going to have lighting like this.

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❑ **Sec. 18: Drinking Water**

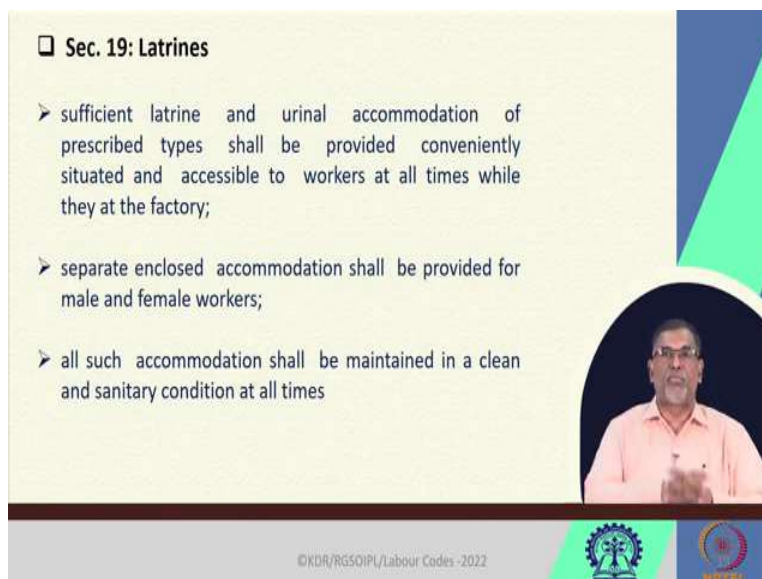
- In every factory effective arrangements shall be made to provide and maintain at suitable points conveniently situated for all workers employed therein a sufficient supply of wholesome drinking water.
- All such points shall be legibly marked "drinking water" in a language understood by majority of the workers.

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And most importantly, every factory must have drinking water facilities. And these drinking water facilities must be properly, legibly marked as drinking water in a local language which is understandable to the majority of the workers. So, this drinking water facility in a conspicuous place must be provided to the workers of the factory. And also, there will be some billboards to be made in a local language so that the workers can understand that this is the drinking water.

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❑ **Sec. 19: Latrines**

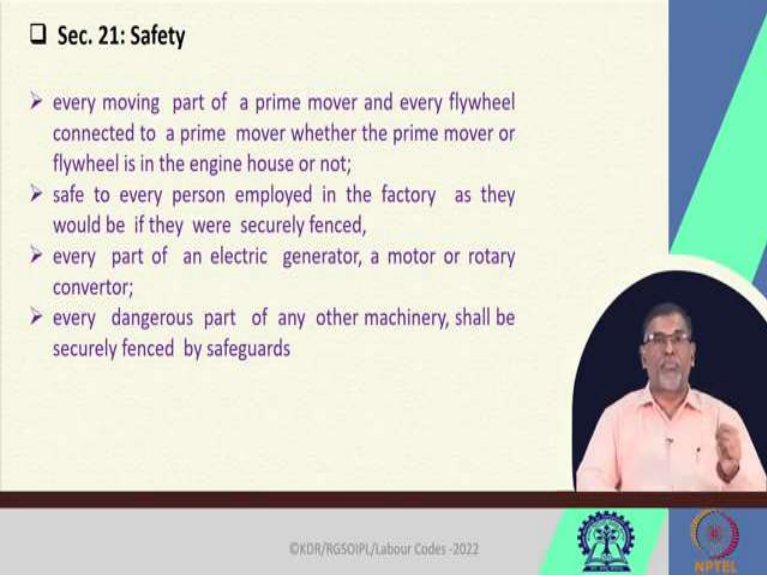
- sufficient latrine and urinal accommodation of prescribed types shall be provided conveniently situated and accessible to workers at all times while they at the factory;
- separate enclosed accommodation shall be provided for male and female workers;
- all such accommodation shall be maintained in a clean and sanitary condition at all times

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Next is the latrine facilities, that is, a sufficient number of latrines and urinals, accommodation and it is separate for men workers and women workers. And also, this accommodation should be maintained cleaned from time to time, in a factory.

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□ **Sec. 21: Safety**

- every moving part of a prime mover and every flywheel connected to a prime mover whether the prime mover or flywheel is in the engine house or not;
- safe to every person employed in the factory as they would be if they were securely fenced,
- every part of an electric generator, a motor or rotary convertor;
- every dangerous part of any other machinery, shall be securely fenced by safeguards

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And safety is very important in a factory. So, especially when there are moving machines and flywheels connected in a particular factory. And these moving equipment and flywheels are properly fenced. If a generator or a motor or a rotary converter, any rotating parts should be properly fenced. And then any other kind of dangerous machinery should be properly fenced by safeguards.


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➤ Safety, 21

➤ Fencing of machinery (Sec. 21): in every factory, the dangerous parts of all machineries should be securely fenced.



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So, the proper safeguards in new factories, we can find, proper fencing. So, every factory, there must be properly fenced or securely fenced so that there would not be any accidents for the factory workers.


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❑ Safety


➤ Sec.27: No woman or child shall be employed in any part of a factory for pressing cotton in which a cotton-opener is at work.

➤ Sec.28: Every lift should be properly maintained and in good condition

➤ Sec. 32: all floors, steps, stairs, passages and gangways shall be of sound construction and properly maintained and shall be kept free from obstructions and substances likely to cause persons to slip.

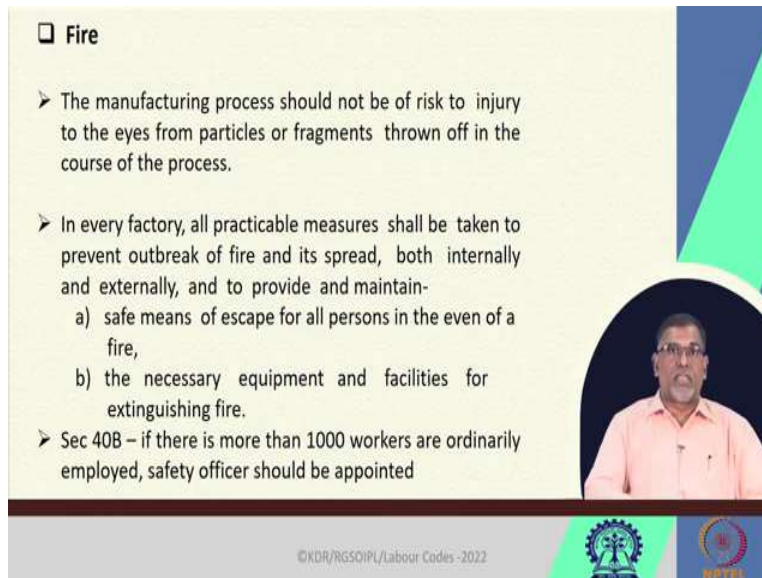


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From the safety point of view, no woman or child shall be employed in any part of the factory for pressing cotton or cotton opener. So, every lift should be properly maintained, the floor, steps and passages and gangway should be constructed and maintained and kept free from obstructions, because in case of any accidents the employees can go out freely.



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**Fire**

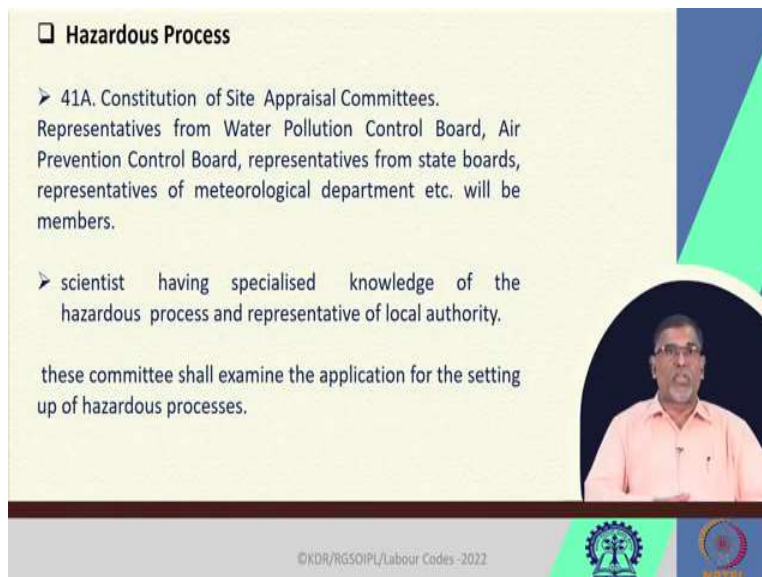
- The manufacturing process should not be of risk to injury to the eyes from particles or fragments thrown off in the course of the process.
- In every factory, all practicable measures shall be taken to prevent outbreak of fire and its spread, both internally and externally, and to provide and maintain-
  - a) safe means of escape for all persons in the even of a fire,
  - b) the necessary equipment and facilities for extinguishing fire.
- Sec 40B – if there is more than 1000 workers are ordinarily employed, safety officer should be appointed

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And in case of fire, there must be sufficient fire extinguishers in accordance with the prescription of the fire department, should be kept. And also the persons, the necessary equipment and facilities should be provided for extinguishing the fire. So, if more than 1,000 workers are ordinarily employed, a Safety Officer must be appointed by the employer. So, in case of fire, there must be equipment and also trained people to douse that particular fire or extinguish such fires.

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**Hazardous Process**

- 41A. Constitution of Site Appraisal Committees. Representatives from Water Pollution Control Board, Air Prevention Control Board, representatives from state boards, representatives of meteorological department etc. will be members.
- scientist having specialised knowledge of the hazardous process and representative of local authority.

these committee shall examine the application for the setting up of hazardous processes.

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And we already talked about the hazardous process. And there must be constitution of site appraisal committees, should be made in case of hazardous processes. And the committee should examine the applications for setting up the hazardous process even at the time of setting up the factory. Then only permission should be provided.

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**Compulsory Disclosure**

- The occupier of every factory involving a hazardous process shall disclose in the manner prescribed all information regarding:
  - i. Dangers (including health hazards and the measures to overcome such hazards) arising from the exposure to or handling of the materials or substances in the
  - ii. Manufacture
  - iii. Transportation
  - iv. storage and other processes,to the workers employed in the factory
- the Chief Inspector, the local authority within whose jurisdiction the factory is situate and the general public in the vicinity

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And the occupier of the factory must compulsorily disclose the information about the proper or probable dangers of the health hazards of the factory. And also the exposure to the or the handling of materials or substances which he is manufacturing and he is transporting and he is storing. This is very necessary and important and we know the incident that happened in Bhopal, The Bhopal Gas Disaster tragedy. So, the neighbouring peoples were not aware of what material which is produced there. If that awareness was there, many lives would have been saved. So, now, it is a compulsory disclosure provision is provided in the old Factories Act as well as added to the new Act.

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**Emergency Plan**

- Every occupier shall, with the approval of the Chief Inspector, draw up an on-site emergency plan and detailed disaster control measures for his factory and make known to the workers employed therein and to the general public living in the vicinity of the factory the safety measures required to be taken in the event of an accident taking place.

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And the emergency plan must be ready. In case of an emergency approved emergency plan must be there with the chief inspector. So, the chief inspector will give an approved emergency plan in a factory. So that, in case of an accident, the workers can escape without harm to them.

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**Position of Occupational Health and Safety under The Occupational Safety, Health and Working Conditions Code, 2020**

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Now, we will see the important provisions in the Occupational Health and Safety Code with regard to health and working conditions.


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❑ **Sec. 16: National Occupational Safety and Health Advisory Board**

- The **Central govt.** constitute the **National Occupational Safety and Health Advisory Board**, otherwise called as **National Board**
- The National Board discharges the functions according to the provisions of this Code and **advise the Central govt. on the following matters:**
  - a) Standards, rules and regulations to be declared or framed under this Code;
  - b) Implementation of the provisions of the Code, the standards, rules and regulations thereof;
  - c) The issues of policy and programme relating to occupational safety and health; and
  - d) Any other matter referred by the Central govt.



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Here, you can see that the institutional mechanism prescribed is the National Occupational Safety and Health Advisory Board. So, this National Board is going to prescribe the standards and rules and regulations framed under this particular code, they are going to advise the central government to make the health standards and safety standards, and also help the central government to implement these particular provisions. And they are going to come out with policies and programs relating to occupational safety and health.

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❑ **Sec. 16: National Occupational Safety and Health Advisory Board**

➤ **Composition of National Board:**

- i. Secretary, Minister of Labour and Employment – Chairman *ex officio*;
- ii. Director General, Factory Advice Service and Labour Institutes, Mumbai – member *ex officio*;
- iii. Director General, Mines Safety, Dhanbad – Member *ex officio*;
- iv. Chief Controller of Explosives, Nagpur – Member *ex officio*;
- v. Chairman, Central Pollution Control Board, New Delhi – Member *ex officio*
- vi. Chief Labour Commissioner, (Central) – Member *ex officio*;
- vii. Principal Secretaries dealing with labour matters of four States New Delhi – *ex officio*;
- viii. Director General, Employees' State Insurance Corporation, new Delhi, *ex officio*
- ix. Director General, Health services, New Delhi-*ex officio*



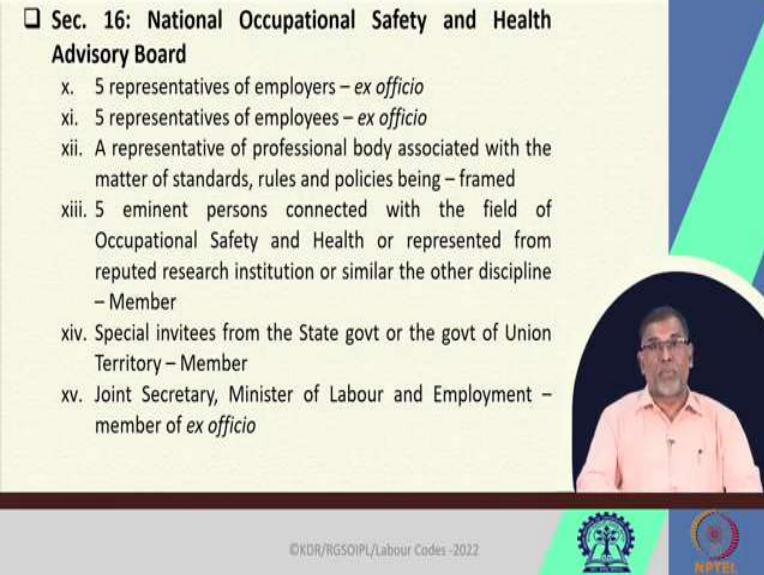
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And also, we can see the composition of the Board includes mostly government officials, the Secretary, Ministry of Labour and Employment is the ex officio Chairman. Then the Director General, Factory Advice Services and Labour Institutes, Mumbai is again an ex-officio member. And then Director General, Mines Safety, Dhanbad is a member, ex officio. Chief Controller of Explosives, Nagpur is an ex-officio member.

The chairman of the Central Pollution Control Board, New Delhi is the ex-officio member. Chief Labour Commissioner, Central, ex-officio member. Principal Secretaries dealing with the labour matters of four states and also four states, New Delhi, this, an ex-officio member. Then, Director General, Employees' State Insurance Corporation is ex officio member. And Director General of Health Services is also ex-officio member. So, mostly the Central Advisory Board is a central government bureaucratic body.

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□ **Sec. 16: National Occupational Safety and Health Advisory Board**

- x. 5 representatives of employers – *ex officio*
- xi. 5 representatives of employees – *ex officio*
- xii. A representative of professional body associated with the matter of standards, rules and policies being – framed
- xiii. 5 eminent persons connected with the field of Occupational Safety and Health or represented from reputed research institution or similar the other discipline – Member
- xiv. Special invitees from the State govt or the govt of Union Territory – Member
- xv. Joint Secretary, Minister of Labour and Employment – member of *ex officio*

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And also, this participation of five representatives of employees, and five representatives of employees and representation for professional associated bodies which is relating to standards and rules and policies, five eminent persons connected with the field of occupational safety and health, and representative from reputed research organizations.

And there can be special invitees by the government, central, the state government for each territory as a member. Then, the Joint Secretary, the Ministry of Labour Employment is going to

be the ex officio member of this particular National Occupational Safety Board. So, Occupational Safety Board we can see is clearly a tripartite body, the representatives of employers, employees and also mostly governmental body.

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❑ **Sec. 16: National Occupational Safety and Health Advisory Board**

- The term of National Board – 3 years
- The Central govt. after having consultation with National Board, shall determine the number, nature and categories of other officers and employees
- The Central govt may constitutes as many technical committees or advisory committees, consisting of such number of members to assist the National Board
- The National Board consult with the State govt whose Principal Secretaries are the members of the National Board to discharge the functions and to assist the National Board in issues relating to Plantation, factories and the like other issues


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And the term of the national body is three years and then the central government constitutes these technical committees and advisory committees in accordance with the need of the National Board, to discharge its functions.


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❑ **Sec. 17: State Occupational Safety and Health Advisory Board**

- The State govt. shall constitute a Board, called as **State Occupational Safety and Advisory Board** to advise the State govt. on such matters arising out of administration of this Code
- The Constitution, procedure and other matters relating to State Advisory Board, shall be such as prescribed by the State govt
- The State govt. constitutes many technical committees or advisory committees (including site appraisal committees)



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Also, the Act prescribes that every state occupational safety and health board is to be constituted by every state government. Now, it is mandatory to constitute the Occupational Safety and Health Advisory Boards at the state level. And the constitution is the same as that of the central government but the technical committees also can be advised and constituted by the state governments including the site appraisal committees.

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❑ **Sec. 19: Research related activities**

- It notifies the research related activities in certain institution in the field of occupational safety and health to conduct research, experiments and demonstration
- It provides the consultations by the State govt with National Board



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And definitely, research-related activities are given to the state and national boards on various aspects of occupational safety and health.


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**Sec. 20: Safety and Occupational Health Survey**


➤ During the normal working hours of an establishment, the survey consist of:

1. The Chief Inspector-cum-Facilitator in the case of factory or mines; or
2. The Director General of factory Advice Service and Labour Institutes in the case of factory; or
3. The Director – General of mines Safety in the case of mines; or
4. The Director – General of Health Services in the case of factory or mines;
5. Such other officers as may be authorized by the appropriate govt.

After giving notice in writing to the employer, conduct survey of the factory or mines or such other establishment



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So, you can say that more mandates are given to these bodies with regard to service, safety and occupational health service should be conducted by this establishment, we can look into the number of bureaucrats like the Chief Inspector cum Facilitator and the Director General of Factory Advice and Services, the Director General of Mines and Safety, Director General of Health Services and any other offices can be given the mandate of surveying the factories or mines or the establishment which is concerned.


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**Sec. 21: Collection of Statistics and portal for inter-state migrant workers**


➤ The Central govt and the State govt shall conduct collect, compile and analyze occupational safety and health statistics

➤ The Central govt and the State govt shall a maintain data base or record for inter – state migrant worker, electronically or otherwise

➤ Further, worker who have been migrated from one State to another State and are self – employed in that other State, may also register themselves on that portal

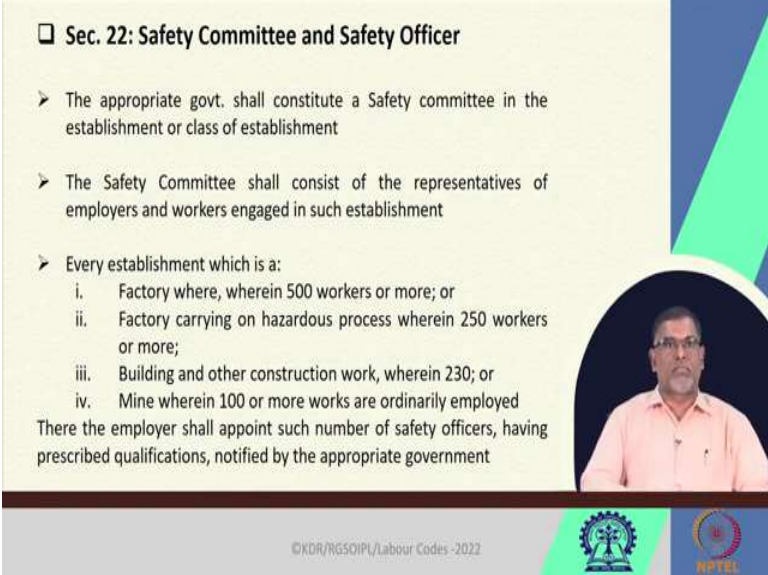


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So, this collection of statistics and probably inter-state migrant workers, the central government has already come out with this database of inter-governmental or inter-state migrant workers, and now the collection of data is going to be online in nature. So, the workers can register online, electronically or otherwise, and this data will be readily available to the state governments and the central government under this Act and other acts.

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**Sec. 22: Safety Committee and Safety Officer**

- The appropriate govt. shall constitute a Safety committee in the establishment or class of establishment
- The Safety Committee shall consist of the representatives of employers and workers engaged in such establishment
- Every establishment which is a:
  - i. Factory where, wherein 500 workers or more; or
  - ii. Factory carrying on hazardous process wherein 250 workers or more;
  - iii. Building and other construction work, wherein 230; or
  - iv. Mine wherein 100 or more works are ordinarily employed

There the employer shall appoint such number of safety officers, having prescribed qualifications, notified by the appropriate government

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Safety committees and safety officers are to be appointed in appropriate cases. So, especially when 500 or more workers are working in a factory, the appointment of a safety officer is mandatory. And also, in a factory carrying on hazardous processes when there are 250 workers or more, the safety, appointment of safety officers is mandatory.

And also any building and other construction work where 230 or more workers are working, then also safety officer is required. So, in mines where more than 100 workers are working, then the safety officer is to be appointed. And the qualifications for this appointment of these safety officers are to be prescribed by the appropriate government, central government and state governments from time to time.

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**CONCLUSIONS**

- The repealed Factories Act, 1948 had categorically explained occupational health and safety of the workers engaged in factories, whereas the new Occupational Safety, Health and Working Conditions Code, 2020 has provided the procedure for the better implementation of occupational health and safety measures

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So, we can see that the health and safety aspects are more included in the old Factories Act which is taken to the new Act. And the provisions are incorporated with regard to the safety and preserving the health of the workers in the code.

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**REFERENCES**

- The Factories Act, 1948
- The Occupational Safety, Health and Working Conditions Code, 2020

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So, this code is going to be taking care of the safety and health of workers, and the stringent provisions are going to be in favour of the workers in factories. Thank you.