



# Employment Laws on workers safety and health

I/C Principal

Victor Dantas Law College Kudal

## Abstract-

The Indian Constitution required that it is the liability of state to protect the citizen's health and welfare. Workers have a key role in the nation's social and economic growth, whether they are self-employed or employed in the public or private sectors. Employee health and safety should be viewed as a crucial component of the company since they have a beneficial effect on economic growth and productivity. There are two types of workers those in the organized sectors and those in the unorganized sectors, which is often outside the legal scope, while the principal labour rules pertaining to occupational health and safety are applicable in the organized or formal sector. But there are no policies in place to protect the occupational health of workers in unorganized sectors.

**Key words-** Labour, health, safety

## Introduction

The safe and healthy workplace is essential to both human dignity and labour rights. In India, worker health and safety protection is not only required by law but also crucial component of social justice and worker welfare. Industrial accidents, chemical exposure, ergonomic injuries and mental stress are just few of the occupational health and safety danger that Indian workers may encounter in both formal and informal labour sector, potentially leading to unfavourable working conditions or health damage. India has established institutional and legal framework to acknowledge and protect the right to safe and healthy employment as awareness of these issues has grown.

Article 39 of the constitution's Directive principles of state policy, which forbids the state from forcing employees "to do any work which is harmful to their health or well-being" incorporates the ideas of workplace safety and health. Over the years, a number of labour laws that regulate different aspects of occupational health and safety have been passed, demonstrating the implications of these concept and methods.

## Safety and health workers

Health is a fundamental human rights that requires additional protection from laws and policies. M.C. Mehta v. State of Tamil Nadu<sup>1</sup>, This landmark case dealt with the issue of child labour. The Hon'ble Supreme Court issued detailed guidelines for eliminating child labour and for the rehabilitation and welfare of working children. The Court directed the establishment of a Child Labour Rehabilitation-cum-Welfare Fund and ordered payment of compensation by employers found using child labour. The highest level of an

employee's physical and mental and social well being is known as occupational health and it pertains to workplace safety and health. It also addresses the risk prevention on fundamental basis. Employees may encounter variety of issues at work. In addition to physical suffering or injuries occupational disease can also result in psychological harm and be brought on the biological or chemical processes. Accident related injuries, pneumoconiosis (lung damage), chronic obstructive lung disease, musculoskeletal issues, stress, skin issues, allergies, cancer and other illness are example of major occupational injuries. People union for democratic rights v. Union of India<sup>2</sup> This case is also known as the Asiad Workers' case, the Supreme Court expanded the scope of Article 23 of the Constitution (which prohibits forced labour) to include payment of less than minimum wages. The Court held that any work done for less than minimum wage would amount to forced labour. This judgment significantly enhanced constitutional protections for workers, especially those in the unorganized sector.

Employer must provide welfare benefits to their workers in accordance with central government regulations. The measures could include separate bathrooms and locker rooms for male, female and transgender employees, sufficient washing facilities that are separate for male, female and transgender employees, seating arrangements for all employees who must stand while working first aid box or the cupboards with content easily accessible during all working hours, medical examination for those employed or to be employed in the event of mine and any other measure deemed appropriate by the government. State of Bombay v. Hospital Mazdoor Sabha<sup>3</sup>, this judgment, which preceded Bangalore Water Supply, was one of the early cases that expanded the definition of 'industry' by including hospitals within its scope. The Court held that charitable activities or service-oriented institutions could be industries if they involved systematic activities with employer-employee relationships. This case laid the foundation for the more expansive interpretation later adopted in Bangalore Water Supply.

Randhir Singh v. Union of India<sup>4</sup> In this ground breaking judgment, the Hon'ble Supreme Court elevated the principle of "equal pay for equal work" to a constitutional principle derived from Articles 14, 16, and 39(d) of the Indian Constitution. The Hon'ble Court held that persons doing similar work cannot be treated differently in matters of pay scales. This judgment set the foundation for numerous subsequent cases on wage parity.

### Indian Laws

The Indian judiciary interprets the "right to life" (Article 21) to include the fundamental right to health, safety, and a safe, humane working environment. Singrauli Super Thermal Power Station v. Ashwani Kumar Dubey & Ors<sup>5</sup>, In this judgment, the Supreme Court addressed issues related to workplace safety and environmental regulations in the context of industrial operations. While primarily an environmental law case, it has significant implications for labour law, particularly in relation to occupational safety and health. Key rulings mandate that employers must provide safe conditions, particularly in hazardous industries, and that compensation for injuries is a fundamental right. The judiciary continues to play a proactive role in ensuring that workers are not subjected to dangerous, unsanitary, or hazardous conditions.

### The factories act 1948

This act enacted to control working conditions, guarantee the health, safety and welfare of factory workers restrict working hours and yearly leave, with special provisions for women and young people with the goal of shielding employees from workplace dangers and fostering a safer, healthier workplace. The act applies to any factory that uses electricity and employs twenty or more people on any day of the previous twelve months and in any part of which a manufacturing process is being carried out with the aids of power or were twenty or more peoples are working.

### **Mine at 1952**

The ministry of labour and employment is enforcing the act. This act measures pertaining to the health, safety and welfare of workers in coal and oil mines are included. The act outline the owner's responsibilities for managing mines, mining operations and mine health and safety. It specifies minimum wage rates, the number of working hours in mines and other relevant issues. The central government of India regulate body for mine and oil field safety is called DGMS.

### **Occupational safety, health and working condition(OSH) code 2020**

The goal of the occupational safety, health and working condition code 2020 is to steam line and simplify the complicated network of labour rules that currently exit. It reduced multiplicity and promote uniformity across industries and state by replacing thirteen central labour regulation with a single comprehensive legislation. The code was passed as part of larger labour law reforms aimed at boosting worker welfare, increasing transparency and facilitating corporate dealing in India. The code compromise between the two goals of protecting workers rights and ensuring safe working condition and fostering a business friendly regulatory framework that promote employment and economic progress, making India's labour market more effective, equitable and prepared for future.

### **Plantation labour act 1951**

This act safeguard and enhance the welfare of plantation workers by controlling their harsh working condition, offering basic living and health amenities like housing, medical care, clean water, and canteens, limiting working hours and forbidding night work for women and children. This will ensure a higher standard of living and employment for this valuable group, which is frequently located in remote area.

### **Contract labour (Regulation and Abolition) at 1970**

The basic aim of this act is to prevent exploitation by guaranteeing better working condition which is welfare amenities and social security for contract workers, making principal employers accountable for their well-being when engaging them. It also seeks to regulate the employment of contract labour in India and provides for its abolition in specific circumstances.

### **The employee state insurance at 1948**

The main goal of India's employees state insurance act 1948, is to give workers comprehensive social security and health insurance, shielding them from financial hardship brought on by illness, pregnancy, temporary or permanent disability, workplace injury or death by providing medical care and monetary benefits to preserve their dignity and ability to earn a living. It is a contributing program that promotes a productive work force by guaranteeing economic security and high quality health care for workers and their families during life's uncertainties.

### **The sexual harassment of women at workplace (prevention, prohibition and redressal) act 2013**

It is an Indian law that aims to create a safe environment for women in all jobs, including organized, unorganized and domestic sectors. It protects women against sexual harassment, prevent such instance and establish a procedure for complaint resolution. It defines sexual harassment broadly as physical contact, demands, sexually suggestive remarks etc. and it applies to all workplace in India guaranteeing equality and dignity. It also requires business to establish internal committees to handle complaints. As per Vishaka Case this act formalized the guidance, which first recognized workplace sexual harassment as a human rights violation.

## Case laws

The Supreme court of India has played a major role in developing labour laws jurisprudence in India. The court has explained the concept that continue to direct industrial relation and safeguards workers right by interpreting a validity of labour laws.

### **Air India versus Nargeesh Mirza**

This case challenging that obligatory retirement at age 35, termination upon marriage within four year, or first pregnancy violate constitutional equity and discriminate against female flight attendants and comparison to male flight pursers. Despite ruling against overt discrimination, the court upheld the marriage rule while striking down pregnancy based termination. This decision was controversial because it was perceived by many as perpetuating gender stereotypes and prompted calls for revolution on of its intersectional implications.

### **Bengaluru water supply and Sewerage Board versus A Rajapa**

It is a landmark judgment of the Supreme court. By establishing the “triple taste” the Indian supreme court’s historic decision greatly broadened the definition of “industry” under the industrial Dispute Act and made a public utility service like water supply subject to industrial law. Triple test determination three test for workman’s, the work must be systematic, organized corporation between employer and employee and satisfaction of human wants, goods and services. In this case the workers of the respondent and the appellants Bangalore water supply and sewerage board, were at odds. The board had fined employee for some sort of wrongdoing and collected the money from them. under section 33C (2) of the Industrial Disputes act 1947, the respondent appealed the fine to the labour court, claiming that it went against the National justice concept.

## Conclusion

All employment laws considered workers safety and health which have evolved from basic employees responsibility to comprehensive framework that require proactive hazard prevention, training and welfare, balance workers rights with business needs and extend protection to diverse workers for more inclusive productive and equitable framework force. In the end, they seek to reduce injuries and promote well-being by eliminating risks, offering health insurance, promoting gender equality, ensuring crèche facilities and holding employers accountable through explicit standards.

## REFERENCE

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2. PUDR v. Union of India, (1982) 3 SCC 235
3. State of Bombay v. Hospital Mazdoor Sabha, AIR 1960 SC 610
4. Randhir Singh v. Union of India, (1982) 1 SCC 618
5. Singrauli Super Thermal Power Station v. Ashwani Kumar Dubey & Ors.,