

Course Name: Labour Welfare and Industrial Relations

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Lecture: 39

Lec 39: Health, safety, provisions relating to hazardous processes

Hello students, hope you are all doing well. Welcome back to the course on labor welfare and industrial relations. We had started the module 9 where we looked into factories act. We looked into what were the essential basic elements of factory act. Today in the lecture 2 of module 9, we'll dig deeper into factories act.

We'll look into different provisions given in the act and how we can actually use the factories act for our benefit.

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So, let's start with the main provisions of the Factories Act 1948. In the previous session, you would have already got a glimpse of what exactly were the basis why factories act actually came up and what were the critical elements that looked into it we are trying to build on that so hopefully you have gone through the previous lecture and today we'll try to build on them the first and foremost factor is safety so we are looked into the working conditions we are looked into how critical the environment should be for the worker. He or she should be working in a very safe environment. They should be considering themselves only focusing on the work. They should be happy. They should be glad.

They should be working always in a rewarding environment, not concerned about any hazardous material, not concerned about any hazardous working conditions or any slip or any danger or any accidents that may come. So safety happens to be one of the first and

the foremost concerns or the provisions of this act. Guarding of machines, this is another important aspect. When you look into the provisions of the Factories Act 1948, you would have observed that, let's say, There's a sharp cutting machine or there is a CNC machine or there's a lathe machine.

All these machines or all these aspects of, you know, tools or, you know, easy production would have certain guarding or certain level of protection whereby the employees, whereby the co-workers, whereby the people who are operating it, the operators need not be at a position of threat every single time. So there should be a guarding of these machines that should happen. Another important provisions that you as you would recollect would be health. When you looked into the formation of the factories act, you have seen how health of the worker, health of the person, health of the individual in within the workforce is critical.

Because if the worker itself is not healthy, there could be a possibility that he may or she may cause imminent damages, not only to the factory, not only to the equipment's within the factory, but also to other people, also to other co-workers, also to the entire building. So all these aspects have to be taken in a holistic way to understand the health of the worker is also critical. Cleanliness happens to be one of the very critical aspect which generally I didn't talk about in my previous lecture but it happens to be one of the consequence, one of the byproduct of a healthy work environment. The moment there is a proper stacking schedule available, there is a proper maintenance schedule available, there is a proper cleaning schedule available, you don't see any spillages, you don't get to observe any random piece of or random piece of wood lying here and there so that there could be a potential cause of threat or damage or accident.

So all these aspects pertain to the cleanliness you focus or you have within your factory premises. Then drinking water facilities. Are you providing the clear drinking water, clean drinking water facilities within the environment, within the factory environment so this is yet another provision because every single worker please remember every single worker is having the right to a clean drinking water so this is what gives you an or this is what makes the drinking water a clear provision within the factories act now when you look into factories act there are other subsidiary aspects like lunch rooms and restrooms

Something which I had not given or mentioned in the previous lecture, when you look into the Factories Act and the provisions, there should be proper rest and every single worker should be able to get sufficient rest.

And nothing like that if they want to get or they have to get rest, why not? The environment itself should be conducive in such a way that they are being provided with proper restrooms or lunchrooms etc., rather than sitting next to the equipment or the tool or the machine and having your foot or maybe having your foot in an unclean environment, maybe taking a rest when you don't have a proper place to sit, you are forced to sit there. So all these aspects pertain to an unhygienic, bad working environment. So Factories Act main provisions also include provisions for lunchrooms and restrooms also.

For sitting arrangements also, there are proper provisions for that. Whether you are forced to sit within or as I've already mentioned, besides the equipment, besides the tool, which could be potentially dangerous. Or maybe you don't have the place to sit. You are simply standing all the way. You know, this does not only pertain to, let's say, factories.

You go to a textile shop or you go to a boutique. There are people who actually show the things or the different types of clothes within there. They would be standing there for the entire period. Let's say they come into the job for let's say at 9 o'clock in the morning hypothetically. Till the time they go, there might be a possibility that as the customers are coming again and again, they might be standing all the way throughout.

So this also pertains to unhygienic and moreover, Difficult working conditions or sitting arrangement is also a critical element. And finally, there are issues of danger. Whatever you do, there could be possible potential threats, potential accidents that could emerge. So there should be proper provisions for first aid and dispensary facility also.

There might be minor cuts. There might be critical ailments or critical injury. So all these aspects, at least on a first aid basis, should be given at the factory premises or itself. And there should be also provisions for ambulances and other immediate travel arrangements could be made to the nearby facilities, specialty hospitals or hospitals which are established so that you get the proper care if you're a worker and you happen to

unfortunately you happen to undergo an accident or you are met with an accident so let's look critically into the health and safety provisions under the factory act 1948 these provisions specifically please remember apply to the premises where Specifically, 10 or more workers. If you recollect the previous class, you will understand now more. 10 or more workers worked in the past 12 months when manufacturing is carried out with the aid of the power. This is how we started with the definition. Very quickly, it also is applicable to premises where the manufacturing process is carried out.

Without power, I hope this would act as a revision. I had clearly mentioned with respect to what is the provision. What do you mean by specifically a factory when 20 or more workers have worked in the past 12 months. So, when you look into the provisions, section 11 looks into the cleanliness. I've talked in detail about the cleanliness here.

I just want to introduce you that rather than just hypothetically talking about the different provisions here, Rather than simply on a very peripheral way touching upon the provisions, I am giving you different segments, different sections which deals with the provisions. Like section 11 looks into the cleanliness. Section 12 looks into the disposal of waste and effluents. Section 13 in the Act looks into ventilations and temperature.

So I have already mentioned. that the air circulation the proper ventilation is one of the key aspect that should be under consideration dust and fumes section 14 looks into how well the people working in factories are protected from dust and fumes you might have observed that people who work in let's say thermal power plants or such other power plants especially related to ash and coal and ash they may face lot of occupational hazards. They might have problems with a lot of ash content, deposits, etc. So how the dust and fumes, like do you have ESP, electrostatic precipitators, or you have other equipment to actually curtail reduce the amount of dust and fumes going out of the proper factory that is critical that becomes essential so these are all part of provisions given in the act there are other provisions like artificial humidification let's say you are working in an environment which requires artificial humidification section 15 gives clear provisions for that. There is section 16, which looks into overcrowding. Are you all working in the same environment, Maybe the capacity of the particular place might be maybe five or six,

but there are some 10, 15 people working altogether leading to overcrowding. Section 16 takes care of that.

lighting as I have already mentioned specifically in my previous class lighting is an essential component it is taken care by section 17 drinking water we had extensive discussion on section 18 takes care of the drinking water scenario and latrines and urinals restrooms etc section 19 and finally with respect to the Indian working condition spittoons also looks section 20 looks into the spittoons specifically with respect to the Indian working condition so We have provisions for everything and the factories has provisions for every single aspect within the factory working condition. So be it the cleanliness, be it latrines and urinals, be it spittoons, be it lighting conditions, be it overcrowding, be it drinking water, every single provisions are enlisted here. Now when you look into the provisions regarding safety, If you look into the previous slide, we have looked into the provisions regarding health.

Now we look into provisions regarding safety. Now, very quickly, we'll go section by section. Section 21 looks into the fencing of machinery. Section 22 looks into the exposure to machinery in motion. For example, you're part of or you're working with maybe a CNC machine or a lathe, etc.

The exposure to machinery in motion, it's very critical. Section 22 takes care of that. Employment of young person on dangerous machine again even if the employee is skilled there might be a potential risk when the person is not so experienced. So employment of young person on dangerous machine is taken care by section 23. Section 24 looks into the provision of striking gear and self-acting machine in Section 25.

When you look into Section 26, specifically casing of new machinery, there are specific provisions associated with that, how it is to be there or how it is to exist or how it is to be installed. When you look into Section 27, it prohibits or there are provisions for prohibition of employment of women and children near cotton openers. Section 28 looks into hoists and lifts, lifting machines, chains, ropes and lifting tackles are taken care by section 29. When you look into machineries which are more revolving in nature, more movement is with the circular movement, section 30 looks into the revolving machinery.

Some pressure plants, some pressure plants which create enormous pressure and there is a possibility of, you know, discharge or there is a possibility of sudden breakage, sudden leakage, etc.

Section 31 takes care of that. There are floors, stairs and means of access taken care by Section 32. So there might be issues of access. Many a time, you know, being an engineer from the power plant sector, I have seen and observed that access is one of the critical issues. criteria when it comes to designing a plant let's say you are going for a firing floor how will you reach that particular region let's say you have a maintenance issue happening at the firing gun how you reach at that particular level at that particular height it might be let's say 18 meters 25 meters 50 meters above the ground so how do you reach what is the access so this particular act has certain sections especially Section 32, which looks into floors, stairs and means of access. There are also section 33, which looks into pits, sums, openings in floors, etc. Again, please recall the discussion we had with respect to the manhole in the previous lecture. Where we are working, our workers are working with excessive weights, maybe with respect to the lifting criteria. Section 34 looks into those aspects.

Excessive weights and protection of eyes is also important because there might be working conditions where they might be exposed to certain harm or certain elements which can actually cause damage to the eyes. Section 35 specifically looks into that. So while we are looking into the provisions regarding safety, we'll now look into the precautions that this act involves. Section 36 particularly, please remember, I'm listing down the acts so that it will be more useful for you to understand which particular section talks about what. So section 36 mainly underscores the precaution against dangerous fumes, gases, etc.

Section 36A, precaution regarding the use of portable electric light. Section 37 is more concerned with explosive or inflammable dust, gas, etc. When you look into precautions in case of fire, you have the provisions in Section 38. When you look into power to require specifications of defective parts or tests of stability, you have Section 39. And when you look into safety of buildings and machinery specifically, you have Section 40.

Associated with the maintenance of building, you have provisions in Section 40A. And for the provisions of safety officers, you have Section 40B. So these are some of the precautions that are given with respect to the Act. If you are looking into some specific cases related to health and safety provisions, I would always suggest to have a better read for Bayer India Limited and others versus the state of Maharashtra in 1995, JK Industries Limited versus Chief Inspector of Factories in 1996, which gives a clear idea of health and safety provisions with respect to the act. Now, when you look into the provisions relating to hazardous processes,

We have certain compulsory aspects like compulsory disclosure of information by the occupier, power of central government etc. So we will quickly look into the different aspects or different provisions relating to hazardous processes including but not limited to constitutional site appraisal committee given in section 41A. Section 41B looks into the compulsory disclosure of information by the occupier. So what The occupier has taken up or what is the premises? What all are the critical factors? What are the salient features? Everything with respect to or within the ambit of the compulsory disclosure should be given away as an information by the occupier without asking. So this is on a mandatory basis. The occupier has to completely compulsorily disclose.

Section 41C looks into the specific responsibility of the occupier in relation to hazardous process. Section 41D looks into the power of central government to appoint inquiry committee. Section 41E looks into all the emergency standards associated with the provisions relating to hazardous process. Whereas section 41F looks into the permissible limits of exposure of chemical and toxic substance. You come to section 41G, workers participation in safety and management is critical.

Whereas if you are more concerned with the right of workers to warn about the imminent dangers, because many a time what happens that workers, A simple warning, a simple sign or a simple communication regarding imminent danger could be ridiculed, could be made fun of. So all these aspects are clearly or provisions against them are clearly given in section 41H. So in the previous two classes, if you observe that we have tried to underscore why there was a requirement of factory safety. Essentially, we looked into the basic elements on which the Factories Act is standing.

And in this class specifically, we have looked into the different specific provisions with respect to prevention, with respect to precaution, with respect to the working condition, with respect to the safety environment, with respect to the welfare, etc. So all these provisions address one thing. that the act is exhaustive the act encompasses everything and moreover if you effectively use this act there is a lot of aspects which can help the employee and the employer to build a conducive environment a conducive and easy and healthy and hygienic workplace so that every single person every single stakeholder be it the investor be it the employer be it the employee everybody can work harmoniously together so that's all from today's class we'll see with more details on labor welfare and industry relations till then take care bye .Thank you.