



## Ensuring occupational safety

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**(Mains GS 2 : Government Policies and Interventions for Development in various sectors and Issues arising out of their Design and Implementation.)**

### **Context:**

Recently, the **CRUSHED Report 2021** released by Safe in India (SII), portrays a dismal picture concerning occupational safety and health in the auto sector.

### **Existential rights:**

- Occupational safety and health (OSH) has not received due attention from law-makers and even trade unions in India despite it being an existential human and labour right.
- There are two primary requirements to ensure safe workplaces, viz. a strong monitoring (inspections) and comprehensive database to frame corrective actions and policies.
- It becomes important then to understand the statistical profile relating to industrial accidents in India and the quality of inspections.

### **Not representative:**

- Statistics concerning industrial accidents are produced by the Labour Bureau which compiles and publishes data on industrial injuries relating only to a few sectors, viz. factories, mines, railways, docks and ports.
- But the data suffer from several shortcomings as it has not considered expanding the scope of statistics on injuries by adding sectors such as plantations, construction, the service sector, etc.

- Even the data it produces is not representative of the situation in India as several major States default in the provision of data to the Labour Bureau.

### **Data on States:**

- Data reporting is volatile thus the idea of the shares of some of the States is known by looking at their shares in some years.
- Gujarat's share for 2006 was 14.98% of total fatal and 25.70% of total nonfatal injuries; Kerala's shares for 2005, respectively, were 2.94% and 6.73%; Tamil Nadu's for 2005 shares, respectively, were 8.16% and 11.11%; Maharashtra's shares for 2004 were 25.65% and 36.78% and for 2014, respectively, were 12.62% and 57%; Odisha's shares for 2006 were 37.73% and 21.99%.
- Thus, considering the fact of fluctuations in injuries' incidence, it is understood that the reported figures for fatal injuries for all-India would be less by around 40%-50% and that for nonfatal injuries by at least 50%.

### **Under-reporting:**

- Even if States send their data to the Labour Bureau, the States' data are more likely to suffer from underreporting and this under-reporting is more likely to be in case of non-fatal injuries than fatal ones.
- The SSI's report shows massive under-reporting of industrial injuries occurring in Haryana.
- Its report covering a segment of the auto sector in Gurugram and Faridabad showed that since 2017, on average 500 workers have received nonfatal injuries.
- The under-reporting of industrial injuries, unlike for strikes and lockouts, is a far more serious issue and cause for grave concern.

### **Proportional inspections:**

- The proportion of registered factories inspected (inspection rates) for all-India declined from 36.23% during 2008-11 to 34.65% during 2012-2015 and further to 24.76%.
- While Kerala and Tamil Nadu had higher inspection rates at 63%-66%, Gujarat and Kerala had lower rates at 26%-30% and Haryana the lowest at 11.09% during 2008-2019.
- The decline over the three sub-periods noted above for Maharashtra (31% to 12%) and Haryana (14% to 7%) was much higher (50% and over) than for others.
- So, the factory inspectorates were inadequately equipped and worse, the inspection rates fell in almost all the States over the last 12 years.
- Further, inspectors cannot feasibly inspect every factory, so they used their "discretion" to target the "easy" factories to demand compromising payments.

### **Conviction rates:**

- For all India, the conviction rates (percentage of convictions in total cases decided) for 2015-2019 stood at 61.39% and the average fine per conviction was ₹12,231.
- However, the efficiency of the penal system is low as the percentage of decided cases out of total (cases pending at the beginning of the year plus those raised during the year) cases is a poor 15.74% during 2015-19.
- Contrary to popular opinion, during the four of five years of 2015-19, some imprisonments took place primarily in Tamil Nadu (an astonishing figure of 11,215 in 2017 and 45 in other three years; still higher rates), Chhattisgarh (17 in two years), Telangana (3 in 2016) and one each in Kerala and Punjab but in Haryana or in other States, there were no imprisonments.

### **Violate the conventions:**

- The mindless liberalisation of the inspection system as has been affected during the last 20 years will not promote sound labour market governance.
- Simplifying the annual returns and self-certification systems weakens the already poorly placed labour statistical system regarding all variables due to low reporting by firms to State labour departments and the latter to the Labour Bureau.
- India has ratified International Labour Organization (ILO) conventions, the Labour Inspection Convention, 1947 (C081) and Labour Statistics Convention, 1985 (C160); thus these defects violate the conventions.

### **Conclusion:**

As the Government is in the process of framing the **Vision@2047** document for the Labour Ministry, the labour codes, especially the OSH Code, the inspection and the labour statistical systems should be reviewed.