

INTERNATIONAL JOURNAL OF LAW  
MANAGEMENT & HUMANITIES  
[ISSN 2581-5369]

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Volume 9 | Issue 5

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2026

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# Safety and Welfare Provisions for Construction Workers in India

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## ABSTRACT

*This article concerns the provisions for the safety and welfare of construction workers under the Occupational Safety, Health and Working Conditions Code, 2020 (the “OSH Code”) and the Code on Social Security, 2020. It analyses how the law is weighted against workers despite the reforms in the labour laws. It examines the practical aspects of safety and welfare in the construction industry without delving into the often lengthy processes involved in the Industrial Relations Code, 2020. The reforms concern themselves only with the procedural aspects of the labour laws and bring nothing substantial to the fore. The article is an impartial attempt at improving labour conditions in general despite the overwhelming power of the State.*

**Keywords:** *Safety, Welfare, Construction, Safeguards*

## I. INTRODUCTION

A typical large construction project in India, whether residential or non-residential, takes about four to five years to complete.<sup>1</sup> During this period, the workers are exposed to several risks and, conversely, the employers to several liabilities. Construction workers are exposed to what the United States Occupational Safety and Health Administration (OSHA) calls the “fatal four” hazards. These are:<sup>2</sup>

1. Falls
2. Struck by object
3. Electrocution
4. Caught in or between

Moreover, the construction industry is a dynamic one in which projects must be completed within the timeframe. During this time, ensuring workers’ rights while simultaneously executing

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<sup>1</sup> CW Team, *Average Large Project Completion Time Has Reduced to 4.9 Years from 6.1 Years*, CONSTRUCTION WORLD (Aug. 6, 2024), <https://www.constructionworld.in/latest-construction-news/real-estate-news/average-large-project-completion-time-has-reduced-to-4.9-years-from-6.1-years/60239> (last visited Aug. 26, 2026).

<sup>2</sup> OSHA Fatal Four Hazards: *What to Know in 2026*, OSHA OUTREACH COURSES (Dec. 24, 2025), <https://www.oshaoutreachcourses.com/blog/fatal-four-osha/> (last visited Aug. 23, 2026).

the project becomes a challenge. Practical necessities of the project often involve compromises in the safety and welfare of the workers.

## **II. FATAL INCIDENTS IN MONSOON**

In the opinion of this author, the majority of “fatal four” incidents in India arise during the monsoon, when work conditions become extremely difficult. The main causes of these accidents can arise from the following instances of neglect and carelessness:

1. Not providing, or not enforcing the use of, personal protective equipment (PPE), safety belts, personal fall arrest systems or safety nets for work at height.
2. Allowing the use of defective scaffolding, ladders or formwork. Wet and waterlogged surfaces reduce traction on walkways.
3. Standing water conceals uneven ground, debris or cables.
4. Falls from height become far more likely because gloves, footwear and surfaces lose grip.
5. Soil loses strength, raising the risk of foundation pit collapses. Pressure from rising groundwater or accumulated rainwater can push walls inward. Recent incidents highlight how wet soil can cause sudden failures even in previously stable excavations.
6. Softened ground causes footboards to sink or shift. Winds along with rainstorms destabilise scaffolds, temporary roofs or incomplete walls. Water accumulation adds weight and weakens connections.
7. Water conducts electricity. Flooded distribution boards and generators create severe shock risks. Short circuits and equipment failure become more common when electrical systems are not elevated and protected.
8. Excavations, basements and low-lying areas can fill rapidly with water. Workers can become trapped or drown in flooded trenches or pits. Flash floods or overflowing nearby water bodies can inundate entire sites with little warning.
9. High winds can throw materials, tools or debris from height. Waterlogged materials or weakened temporary structures may collapse and strike workers below.
10. Mud and standing water can immobilise machinery or cause it to lose traction and overturn. Reduced visibility in heavy rain increases the chance of collisions with plant, vehicles or workers. Cranes and elevated work platforms become unstable in wet or windy conditions.

11. Weak foundations can be washed out by floods. Erosion undermines temporary works or access roads. Contaminated floodwater may displace hazardous materials, creating additional health risks.
12. Open sites and tall structures such as cranes and steel frameworks can attract lightning strikes, resulting in fire and damage to structures.

Very recently, a crane deployed at a demolition site in Kurla, Mumbai toppled, injuring ten people and damaging nearby huts. According to the Mumbai Metropolitan Region Development Authority, the soft ground may have compromised the crane's stability.<sup>3</sup>

### III. AIR POLLUTION RISKS

Air pollution related risk remains one of the most prominent dangers to worker safety, and one of the more neglected aspects of occupational safety. Construction sites usually lack the PPE that protects against air pollution and against dust, smoke, concrete and other hazardous vapours. Workers at a construction site are routinely exposed to dust, concrete and other allergens and irritants. Silicosis and cancer are among the diseases caused by repeated inflammation of the body's cells. Evidence from a systematic review<sup>4</sup> indicates that construction workers who have spent a longer time in the sector face greater vulnerability to, and severity of, work-related respiratory health problems. Since work-related health hazards bear heavily on the health, socioeconomic well-being and functioning of construction workers, the review concludes that a comprehensive occupational health programme is needed, going beyond the tokenistic use of personal protective equipment.<sup>5</sup>

### IV. CRITICAL ANALYSIS OF SAFEGUARDS FOR CONSTRUCTION WORKERS

Considering that the contracts executed by the employers stipulate that "time is of the essence", the problem of rains is compounded and worsened. Heavy rains are not stipulated as *force majeure*; often, only floods are expressly stipulated in the contract as *force majeure*. In such cases, it is difficult to imagine how workers will be able to complete a project while the site is inundated with flood water or heavy rains are reported in the area. These contracts are often standard form contracts, and the tenderer is in a dominant position to stipulate terms that are

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<sup>3</sup> Manthan K. Mehta, *10 Injured After Crane Collapses at Kurla Building Demolition Site in Mumbai*, TIMES OF INDIA (Aug. 21, 2026), <https://timesofindia.indiatimes.com/city/mumbai/10-injured-after-crane-collapses-at-kurla-building-demolition-site-in-mumbai/articleshow/133408090.cms> (last visited Sept. 18, 2026).

<sup>4</sup> Elijah Frimpong Boadu, Sylvester Reuben Okeke, Caleb Boadi, Emmanuel Osei Bonsu & Isaac Yeboah Addo, *Work-Related Respiratory Health Conditions Among Construction Workers: A Systematic Narrative Review*, 10 BMJ OPEN RESPIRATORY RESEARCH e001736 (2023), <https://doi.org/10.1136/bmjresp-2023-001736>, <https://bmjopenrespres.bmj.com/content/10/1/e001736> (last visited Aug. 23, 2026).

<sup>5</sup> Boadu et al., *supra* note 4.

often unrealistic and impractical. Many a time, the tenderer unilaterally terminates the contract, resulting in a sudden loss of employment and income for the workers.

Sometimes the project is tendered to several private parties. The completion of one stage of the project is necessary for the start of another stage by a different private contractor, so any delay caused by the first contractor delays the entire project. The tenderer, which in most cases is the Government, then terminates the contract and signs a new contract with another contractor.

All of the above conditions leave the bargaining position of workers very weak, given the sensitivity of the project and the sheer competition involved in completing it.

The opacity of the rules made under the Occupational Safety, Health and Working Conditions Code, 2020 (the “OSH Code”) is glaring. Many States have only published draft rules and are yet to notify final ones.<sup>6</sup> The rules are framed and administered by the State, and they do not in any manner proactively address the problem of worker safety. The Code does not mandate surveys of builders: section 20 merely empowers the designated authorities to conduct safety and occupational health surveys of an establishment.<sup>7</sup> Nor does it say how data are to be collected: section 21 requires the Central and State Governments to collect, compile and analyse occupational safety and health statistics, but leaves the form and manner of doing so to the rules.<sup>8</sup>

This leaves the door open to exploitation of the workers by the employers. Often the interests of the government and the private developer align in a particular project: the government is the tender issuer and the developer is the L1 (lowest) bidder who accepts the works contract. The government has “skin in the game” in ensuring quick and timely completion of the project. How impartial the government process can be in protecting workers’ health in such cases remains a dilemma.

A notable omission under the OSH Code, in this author’s view, is a public function of creating awareness among construction workers of the need for safety equipment and procedures. Section 6(2)(c) places on the employer a duty to provide the information, instruction, training and supervision necessary to ensure the health and safety of employees at work,<sup>9</sup> but the government must place power with the workers themselves so that they are able to secure their rights, and the present legislation does not do so. The nearest such function rests with the

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<sup>6</sup> Surya S. Pillai, *Barring Kerala, West Bengal, All States/UTs Begin Process to Implement Labour Codes*, THE TRIBUNE (July 10, 2026), <https://www.tribuneindia.com/news/india/barring-kerala-west-bengal-all-states-uts-begin-process-to-implement-labour-codes/> (last visited Sept. 19, 2026).

<sup>7</sup> The Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, INDIA CODE (2020), § 20(1).

<sup>8</sup> *Id.* § 21(1).

<sup>9</sup> *Id.* § 6(2)(c).

National Occupational Safety and Health Advisory Board and the State Advisory Boards, which have been endowed with the meagre power of merely advising the respective governments.<sup>10</sup>

To illustrate the point further, consider asbestos. Asbestos is a known carcinogen.<sup>11</sup> Inhaling it causes asbestosis, which involves progressive scarring (fibrosis) of lung tissue, shortness of breath, reduced exercise capacity, dry cough and fatigue.<sup>12</sup> However, the ordinary worker, who often comes from a background without education on these matters, is blind to such dangers in construction.

The new labour laws, including the OSH Code and the Code on Social Security, 2020, take bargaining power away from workers and trade unions and place it in the hands of the government. Moreover, wide discretionary powers have been conferred on the State and Union governments to dilute the existing labour laws.<sup>13</sup> These powers take the form of rule-making by the governments, which allows them to override the standards of the earlier labour laws and, in the process, to undo the progress achieved in labour upliftment.

The most problematic aspect of the new labour laws is the lack of participation of workers in the planning of the project. The safety of the workers must be taken into consideration while the design and plan of the project are being finalised. Section 22(1) of the OSH Code does provide for worker participation through a Safety Committee, but the committee is not appointed by the employer alone: it must consist of representatives of both employers and workers, the workers' representatives may not be fewer than the employer's, and they are to be chosen in the manner the appropriate Government prescribes.<sup>14</sup> Under the Central Rules, the employer nominates only its own representatives; the workers' representatives are nominated by the negotiating union or negotiating council or, where there is none, chosen by the workers from among themselves. A committee is, moreover, required only where the appropriate Government so orders, which under the Central Rules means establishments employing five hundred or more workers.<sup>15</sup>

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<sup>10</sup> *Id.* §§ 16(1), 17(1).

<sup>11</sup> *Asbestos Exposure and Cancer Risk Fact Sheet*, NATIONAL CANCER INSTITUTE (May 20, 2021), <https://www.cancer.gov/about-cancer/causes-prevention/risk/substances/asbestos/asbestos-fact-sheet> (last visited Sept. 23, 2026).

<sup>12</sup> *Asbestosis: Causes, Symptoms, Diagnosis & Treatment*, CLEVELAND CLINIC (Mar. 12, 2024), <https://my.clevelandclinic.org/health/diseases/22245-asbestosis> (last visited Aug. 24, 2026).

<sup>13</sup> Nileena M.S., *India's Labour Law Reforms Without Social Dialogue Are of Concern: ILO's Corinne Vargha*, THE CARAVAN (Dec. 9, 2020), <https://caravanmagazine.in/labour/india-labour-reforms-is-of-concern> (last visited Aug. 16, 2026).

<sup>14</sup> The Occupational Safety, Health and Working Conditions Code, *supra* note 7, § 22(1).

<sup>15</sup> The Occupational Safety, Health and Working Conditions (Central) Rules, 2026, G.S.R. 345(E), rr. 14(1), 15(2)–(4) (May 8, 2026), GAZETTE OF INDIA, Extraordinary, pt. II, sec. 3(i), <https://egazette.gov.in/writeReadData/2026/272379.pdf>.

The only means of inspection that remains is also through the government, by way of the Inspector-cum-Facilitator.<sup>16</sup>

Time is a significant factor in the proceedings of the Safety Committee or of any inspector under the new labour codes. For example, a worker may report a particular safety lapse; but by the time the Inspector-cum-Facilitator takes action, the work may have been completed and the employee discharged from service. The same applies to proceedings under the Code on Social Security. Most often the workers are migrant labourers who frequently change employers.

## V. WELFARE PROVISIONS FOR CONSTRUCTION WORKERS

The OSH Code contains welfare provisions for workers to be provided at the project site. Although some of the following may be considered unrealistic, they are nevertheless important from a worker's point of view.

Employers must provide and maintain prescribed welfare facilities, which typically cover:<sup>17</sup>

1. Wholesome drinking water.
2. An ambulance room, in large establishments.
3. Free temporary living accommodation for building workers at or near the worksite. Where the work is done through a contractor, the principal employer is responsible for the cost of such accommodation.

Besides the above facilities at the project site, free annual health check-ups are mandatory for employees of construction establishments of the age prescribed by the rules.<sup>18</sup>

The Code on Social Security, on the other hand, contains general provisions for the welfare of workers.

1. Chapter VIII deals specifically with social security and cess for building and other construction workers. State Building and Other Construction Workers' Welfare Boards continue under this Code. Under section 100, a cess of not less than one per cent and not more than two per cent of the cost of construction incurred by the employer is levied and collected.<sup>19</sup>

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<sup>16</sup> The Occupational Safety, Health and Working Conditions Code, *supra* note 7, § 34(1).

<sup>17</sup> *Id.* §§ 23(2)(v), 24(2)(i), (v)–(vi).

<sup>18</sup> *Id.* § 6(1)(c); The Occupational Safety, Health and Working Conditions (Central) Rules, 2026, *supra* note 15, r. 5(1) (annual medical examination, free of cost, for employees in building or other construction work who have completed forty years of age).

<sup>19</sup> The Code on Social Security, No. 36 of 2020, INDIA CODE (2020), § 100(1).

2. Section 7 provides that every State Government shall constitute such a Building Workers' Welfare Board. Its functions include providing welfare benefits to workers.<sup>20</sup>
3. Section 106 provides that every building worker who has completed eighteen but not sixty years of age, and who has been engaged in building or other construction work for not less than ninety days during the preceding twelve months, shall be registered as a beneficiary by the officer authorised by the Board. Registration enables access to the above benefits.<sup>21</sup>
4. Section 108 provides that cess collections are credited to the Building and Other Construction Workers' Welfare Fund and applied to the welfare measures listed above.<sup>22</sup>

The above provisions are not exhaustive.

## **VI. CRITICAL ANALYSIS OF SAFEGUARDS FOR CONSTRUCTION WORKERS**

However, the provisions outlined above do not in any manner foresee situations in which workers' rights are trampled and denied by private employers. Micromanaging every step of procedure in practice would entail ensuring accountability at every level, and accountability rests on a flimsy footing in the new labour codes.

Perhaps one beneficial measure in favour of labour would be to encourage the employment of local workers on every project. This could be done by incorporating a provision either in the Code itself or in the rules made by the respective States. Local workers are much better equipped to complain to the authorities about a safety or welfare grievance and have a much better chance of taking collective action, because their village or native place is near the project site. Any lapse by the employer in securing workers' rights would invite swift and forceful pressure from the village population.

In practice, the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023 ("BNSS")<sup>23</sup> and the Bharatiya Nyaya Sanhita, 2023 ("BNS")<sup>24</sup> come into play in a manner that leaves workers at a considerable disadvantage. The concern is how the new criminal codes bear heavily on anything done collectively. Since employers have a considerable upper hand in money, influence and the capacity to threaten, it may be impossible for workers to seek their rights through the established

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<sup>20</sup> *Id.* § 7(1), (6).

<sup>21</sup> *Id.* § 106.

<sup>22</sup> *Id.* § 108.

<sup>23</sup> The Bharatiya Nagarik Suraksha Sanhita, No. 46 of 2023, INDIA CODE (2023).

<sup>24</sup> The Bharatiya Nyaya Sanhita, No. 45 of 2023, INDIA CODE (2023).

procedure. The Caravan has reported severe police action against workers during the recent Noida protests.<sup>25</sup>

With the introduction of the new labour codes,<sup>26</sup> it has become easy to blur the line between lawful picketing, strikes and protests on the one hand and organised crime under section 111 of the BNS on the other.<sup>27</sup> Law and justice are administered through an institutional machinery, and that machinery is open to misuse by those with power. The provisions the police may invoke include section 61 (criminal conspiracy), section 189 (unlawful assembly) and section 191 (rioting) of the BNS.<sup>28</sup> Even a notice of appearance under section 35(3) of the BNSS can serve as a threat of incarceration.<sup>29</sup> The list of provisions that may be invoked against workers is not exhaustive. According to an Indian Express investigation into the recent Noida workers' protest, the police invoked laws against the protesters including the National Security Act, 1980 (NSA), which allows detention without trial for up to a year.<sup>30</sup> The average period a protester spent in custody was 53 days.<sup>31</sup> These figures raise serious questions about how the criminal process was used against protesting workers. The investigation further found that FIRs had been registered against protesters for offences such as vandalism, arson, threatening to kill and hurling abuse; yet in granting bail in 188 of the 222 bail orders examined, the courts repeatedly found that the police case treated the crowd of protesters as the accused rather than establishing what any individual worker had done.<sup>32</sup> In such cases, in this author's view, the coercive power of the State in effect steps into the shoes of the employer.

The new labour codes go only as far as providing safety standards and welfare provisions, more or less as they existed under the previous laws. Despite the efforts of the legislature to consolidate the laws on labour, the new laws ostensibly streamline the law but do not in any manner enhance labour conditions in India.

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<sup>25</sup> Akhilesh Pandey, *Between Hammer and Anvil: Noida Workers Battle Corporate Exploitation and Police Repression*, THE CARAVAN (Apr. 30, 2026), <https://caravanmagazine.in/labour/noida-greater-worker-strikes-wage-hike-overtime-uttar-pradesh-police-kasna-jail-missing-arrests> (last visited Aug. 24, 2026).

<sup>26</sup> The Industrial Relations Code, No. 35 of 2020, INDIA CODE (2020); The Code on Wages, No. 29 of 2019, INDIA CODE (2019); The Code on Social Security, *supra* note 19; The Occupational Safety, Health and Working Conditions Code, *supra* note 7.

<sup>27</sup> The Bharatiya Nyaya Sanhita, *supra* note 24, § 111.

<sup>28</sup> *Id.* §§ 61, 189, 191.

<sup>29</sup> The Bharatiya Nagarik Suraksha Sanhita, *supra* note 23, § 35(3).

<sup>30</sup> Drishti Jain & Kaunain Sheriff M, *Noida Workers Who Protested for Better Pay Jailed for Weeks, Rescued by Courts*, THE INDIAN EXPRESS (Aug. 20, 2026), <https://indianexpress.com/article/express-exclusive/noida-workers-jailed-for-53-days-on-average-then-courts-stepped-in-10840972/>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

## **VII. CONCLUSION**

The safety of workers is foremost among all labour conditions to be taken into consideration. This should relate not only to major accidents but also to general conditions of health and well-being. Any attempt at improving the general condition of labour will involve a massive awareness campaign and subsequent support from the workers themselves. The focus must shift from empowering contractors and business to empowering the workers. At present, workers are treated as a mere cog in the wheel of the national economy. Education about the rights and privileges attached to one's work will bring about a real improvement in workers' conditions. Merely enacting multiple laws or changing the existing ones has effect only on paper and does not change the ground realities.

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