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Critical Analysis of Legal Measures to Maintain Safety at Workplace

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ABSTRACT

Ensuring safety at the workplace is paramount for both employers and employees, as it directly impacts productivity, employee well-being, and organizational reputation. This critical analysis examines the multifaceted dimensions of maintaining safety at the workplace, emphasizing the need for a holistic approach. The paper explores key factors influencing workplace safety, evaluates current safety practices, and proposes strategic measures for improvement. By examining existing safety protocols, identifying potential risks, and evaluating the effectiveness of safety measures, the project seeks to provide valuable insights into improving workplace safety.

The analysis begins by acknowledging the dynamic nature of modern workplaces and the evolving nature of occupational hazards. It reviews existing literature on safety protocols, regulations, and their effectiveness. Special attention is given to the role of technology, training programs, and organizational culture in shaping safety outcomes.

Furthermore, the analysis critically assesses the role of leadership in fostering a safety-centric culture. It explores the impact of leadership styles on employee attitudes towards safety, emphasizing the need for visible commitment from top management. The paper also discusses the significance of employee engagement and communication in creating a shared responsibility for safety.

Keywords: Workplace safety POSCH ACT, Factories Act.

I. INTRODUCTION

(A) Nature of Work Pre- Industrialization Era-

Two hundred years ago, during the Industrial Revolution, huge changes took place in the way people lived and worked. Before the Industrial Revolution, people made what they needed on their farms by hand. That changed when people invented machines to make products much faster and easier than they could be made by hand. People working at those machines made money, and bought items like food and clothing instead of making them by hand.

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(B) Invention of Machines & Human Labour-

Factories with machinery depended on manual labour to operate. Many of the labour came from villages where they had lost their livelihood as artisans and producers. They lived in harsh condition, sleeping on pavements on roadsides and even the demand for them was only seasonal.

Cloth was the first things mass-produced during the Industrial Revolution. Cloth made on machines was made faster and easier than cloth made by hand. Huge factories were built and filled with machines producing different kinds of cloth. Machines require people to work them and the mills needed a lot of workers. In a factory a worker did the same job every day. People worked in different rooms in the mills where in people worked with dangerous machines and in hazardous conditions with either no or limited safety precautions for themselves.

a. Change in nature of Work:

Work and its role in society has become the subject of considerable public commentary and debate in recent years. Some people believe that the world of work is changing so thoroughly and quickly that we should consider ourselves pioneers of a new historical era.

The evolving nature of work is commonly attributed to three additional external factors. These are the laws and regulations controlling work and employment relations, the globalization of markets, and the workforce's demographics. The labor market is becoming more diverse in terms of race and ethnicity, with a decreasing proportion of white workers; women, particularly young mothers, are becoming more prevalent; dual-career families are becoming more common; levels of educational attainment are rising; and the workforce is getting older.

Second, although the structure of labor and employment laws has not changed, they have expanded considerably in number, scope, range of issues regulated, and complexity. In addition to those cited above, the workplace is now regulated by laws and regulations governing equal employment opportunity, safety and health, pension security, family and medical leave, and many other aspects of the employment relationship.

b. Safety at Workplace:

In June 2022, the International Labour Conference (ILC) decided to include “a safe and healthy working environment” in the ILO’s framework of fundamental principles and rights at work. The 28th of April has been designated as World Day for Safety and Health at Work each year since 2003. This day's primary objective was to increase public awareness on the value of occupational health and safety and to encourage the prevention of diseases and accidents at

work.

Consumers today favor brands with high ethical standards and thus an awareness of worker rights and protections have grown globally. Therefore, maintaining a strong safety and health record can provide a company with a competitive advantage by fostering consumer confidence and goodwill while also boosting overall business profitability. The "Laws on health and safety of workers" are the main factor that guarantees that employers follow the law and maintain a safe workplace, despite all these obvious advantages.

A safe work environment attracts employees. Employees are more satisfied and productive in such an environment. Well-implemented safety measures keep employees safe and also protect industrial equipment. It is the responsibility and duty of employers to protect their employees and keep them safe. Human casualties can have grave consequences for employees and their families and friends as well. Thus workplace safety and health measures are necessary. They are essential for the well-being of employers and employees alike. The feeling of assurance that one has, knowing that he will return safely from work, is more significant than anything else. Here are some key reasons why workplace safety is essential:

1. Employee Well-being;
2. Legal Compliance;
3. Morale and Productivity;
4. Reduced Absenteeism;
5. Financial Savings;
6. Enhanced Reputation;
7. Talent Attraction and Retention;
8. Compliance with Industry Standards;
9. Risk Management;
10. Crisis Preparedness;

The workplace safety is essential for protecting employees, complying with legal requirements, enhancing productivity, reducing costs, and building a positive organizational culture. Prioritizing safety is not just a legal obligation; it is a strategic investment in the well-being of employees and the long-term success of the organization.

(C) A safe environment:

The workplace should be a safe environment for workers. Employers should assess the safety

of all equipment before allowing workers to use it and should keep equipment up-to-date with current safety standards. They also need to train their workers on how to use equipment safely and effectively without endangering themselves or others. Workers can easily become injured on employers' property if it's not safe enough for them to do as they wish. Working conditions can also negatively affect environmental health by creating noise pollution, carbon emissions, vehicle exhausts, toxic chemicals, etc. Unsafe working environments harm not only workers but also nature as they create environmental hazards such as carcinogens and explosions.

(D) Types of hazards

There are many types of safety hazards at work – from chemicals and machinery to electricity fire, biological, ergonomic, physical, and psychological, all of which need to be carefully managed and controlled so that they cause no harm to people or property, or cause damage to the environment.

a. Workplace hazards:

Here are some of the most common hazards that affect workers on the job:

- Falls, slips, Trips
- Lack of proper maintenance or repair
- Water spills
- Work at height
- Electric shocks
- Exposure to dangerous chemicals

II. SAFETY MEASURES IN INDIA

Under the Constitution of India, labour is a subject in the concurrent list where both the Central and the State Governments are competent to enact legislation subject to certain matters reserved for the Central Government. The Constitution of India provides detailed provisions for the rights of the citizens and lays down the principles in the governance of the country called as “Directive Principles of State Policy.”

These Directive Principles provide for securing the safety and health and strength of employees, men and women, that the tender age of children is not abused, that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength (Article 39), just and humane conditions of work and maternity relief are provided (Article 42). These provide;

(a) for securing the health and strength of employees, men and women;

- b) that the tender age of children are not abused;
- c) that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- d) just and humane conditions of work and maternity relief are provided; and
- e) that the Government shall take steps, by suitable legislation or in any other way, to secure the participation of employee in the management of undertakings, establishments or other organizations engaged in any industry.

Based on these Directive Principles as well as international instruments, Government is committed to regulate all economic activities for management of safety and health risks at workplaces and to provide measures so as to ensure safe and healthy working conditions for every working man and woman in the nation. Government recognizes that safety and health of workers has a positive impact on productivity and economic and social development. Prevention is an integral part of economic activities as high safety and health standard at work is as important as good business performance for new as well as existing industries.²

(A) The Factories Act, 1948

The Factories Act, 1948 was passed with an object to protect human beings from being subject to unduly long hours of bodily strain or manual labour. It also seeks to provide that employees should work in healthy and sanitary conditions so far as the manufacturing process will allow and that precautions should be taken for their safety and for the prevention of accidents. The Chapter IV of the Factories Act, 1948 deals with the provisions for Safety in a factory which is covered in Sections 21–41. This chapter provides for the safety precautions that need to be taken in a factory.

The said Act provides that all machinery must be fenced, no young person should work at any dangerous machine, precaution must be taken against dangerous fumes, gases and the maintenance of floors, stairs, hoists, lifts, and means of access among others. The Bhopal Gas Tragedy in 1984 has made the people aware of the pollution and hazards of factories and therefore necessitated the government to take timely steps facilitating amendments in the act. Factory Act is applied to all factories employing 10 persons or more when it uses power and 20 persons when no power is used.

The main provision of the act are safety, guarding of machines, health and cleanliness, drinking

² Government of India (Ministry of Labour & Employment) Article on National Policy on Safety, Health & Environment at Work Place.

water, washing and latrine facilities, lunch rooms and rest rooms, sitting arrangements, first aid and dispensary facilities in factories employing more than 500 workmen, creches where more than 50 women are employed, welfare officer where more than 500 workmen are employed, spittoons, holidays with wages at the rate of one day for every 20 days worked, weekly hours 48 for adults and 27 for younger persons, regulations regarding young persons, rate of payment for overtime work, rest for half an hour after maximum of 5 hours of work, number of hours of work, and weekly holiday.

a. Case laws:-

1. Ravi Shankar Sharma V/s State of Rajasthan (1993)

The Court held that the Factory Act is social legislation that covers the health, safety, welfare, and other aspects of factory workers. The Factories Act lays out guidelines and safety measures for using machinery, and with its strict compliance, it also provides owners with instructions. When factory workers were taken advantage of and exploited by paying them low wages, the Factories Act was passed.

2. Rabindra Agarwal V/s State of Jharkhand (2010)

In the Jharkhand High Court held that the Factories Act is a special legislation that would prevail over the Indian Penal Code.

3. P.Trivikrama Prasad v. The State of AP by its Assistant Inspector of Factories, (2016)

Facts of the Case:

In this case, the deputy chief inspector of factories filed a private complaint against the petitioner for violations of Section 32(a) and Section 41 of the Factories Act, which are punishable under Section 92 of the Act.

The petitioner failed to provide D-rings to the cane trolley side plate to support the employees as they would safely get down from the trolley once the crane loading was complete. They also failed to provide ladders and helmets, which resulted in some unskilled workers getting hit while working and resulting in death.

Since no helmet, d-rings, or ladders were provided, the occupier/managing director of the entity or the manager (i.e., the petitioner) was made responsible. Then the petitioner filed a criminal petition against the factory inspector.

Judgement of the case

The Hyderabad High Court held that the occupier or managing director (petitioner), who neglects to provide d-rings, ladders, and helmets to the employees for their safety and fails to teach them during hazardous times, is at fault. Therefore, the petitioner is responsible for his ignorance and failure to maintain the factory properly.

(B) Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 POSH

a. What is the sexual harassment of women at workplace act? How did sexual harassment acts emerge in India?

Its history and landmark cases contributed to its introduction and implementation. Sexual harassment laws in India have evolved through various legal and societal developments. The watershed moment was the Vishaka v. State of Rajasthan case in 1997, where the Supreme Court of India recognized sexual harassment at the workplace as a violation of women's fundamental rights under the Indian Constitution. This case led to the creation of guidelines known as the Vishaka Guidelines, which served as the foundation for subsequent legal changes.

In 2013, the Indian government enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, commonly known as the POSH Act, which laid down comprehensive provisions for addressing sexual harassment in workplaces. This law mandated the establishment of Internal Complaints Committees (ICCs) at organizations and provided a clear legal framework for addressing complaints.

Additionally, several other landmark cases, such as Bhanwari Devi and Rupan Deol Bajaj, have contributed to the awareness and enforcement of sexual harassment laws in India. These legal and societal developments together have played a crucial role in the emergence and implementation of sexual harassment acts in the country.

The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013 (POSH Act), is a crucial piece of legislation in India to address and prevent sexual harassment in workplaces. This act mandates the establishment of Internal Complaints Committees (ICCs) in organizations with provisions for addressing complaints of sexual harassment. It defines sexual harassment comprehensively, ensures a safe and confidential complaint mechanism, and prescribes penalties for non-compliance.

The PoSH Act serves to protect the rights and dignity of women in the workplace, fostering a safer and more equitable work environment by offering a legal framework for redressal and prevention of sexual harassment incidents.

b. What is the difference between sexual harassment and sexual assault?

Sexual harassment involves unwelcome and inappropriate behavior of a sexual nature, such as comments, advances, or gestures that create a hostile or intimidating environment. It is a form of misconduct that can be verbal, visual, or physical. In contrast, sexual assault is a criminal act involving non-consensual sexual contact or penetration, often including physical force or coercion. It is a more severe offense and a violation of a person's bodily autonomy, constituting a crime under the law. While both are serious issues, sexual harassment typically pertains to workplace or non-criminal settings, whereas sexual assault involves criminal conduct with legal consequences.

c. How to identify the signs of sexual harassment in the workplace?

- Unwanted sexual advances, comments, or jokes.
- Inappropriate touching or physical contact.
- Display of sexually suggestive materials.
- Offensive emails, texts, or social media messages.
- A hostile or intimidating work environment.
- Retaliation against the victim for reporting.
- Ongoing, severe discomfort or distress.
- Inequality in job assignments, promotions, or pay due to refusing advances.
- Colleagues witnessing or experiencing similar behavior.
- Signs of sexual harassment in the workplace may

d. Procedure For Lodging Complaints Against Workplace Sexual Harassment Through Internal Complaints Committee (ICC) Or Local Complaint Committee (LCC).

Under Section 9 of the PoSH Act, filing a complaint against workplace sexual harassment through the ICC or LCC involves a straightforward process. The complainant submits a written complaint to the committee, detailing the incident and the individuals involved. The committee ensures confidentiality during the inquiry, conducts a fair and unbiased investigation, and provides the accused with an opportunity to respond. Upon completion, the committee delivers its findings and recommendations. This streamlined procedure empowers victims and upholds the Act's commitment to prompt and effective redressal of workplace sexual harassment

complaints.

i. Internal Complaints Committee-

The complaint mechanism should be adequate to provide a complaints committee, a special counselor or other support service, including the maintenance of confidentiality.

The complaints committee should be headed by a woman and not less than half of its member should be women. Further, to prevent the possibility of any undue pressure or influence from senior levels, such complaints committee should involve a third party, either NGO or other body who is familiar with the issue of sexual harassment.

The complaint committee must make an annual report to the government department concerned of the complaints and action taken by them. The employers and person in charge will also report on the compliance with the aforesaid guidelines including on the reports of the complaints committee to the government department.

e. Role Of Police- Power And Role Of Police To Take Action On Complaints Filed Against Sexual Harassment At The Workplace.

While the police do not play a direct role in workplace sexual harassment cases under the PoSH Act, they can intervene if the matter involves criminal offenses. The complainant can file a separate criminal complaint, and the police can investigate and take appropriate legal action. Their powers include registering FIRs, conducting inquiries, and ensuring the application of relevant sections of the Indian Penal Code. This dual approach, involving both the PoSH Act and criminal proceedings, strengthens the overall response to combat sexual harassment in the workplace.

i. The Standard Operating Procedure (Sop) Followed By The Police After The Registration Of The F.I.R.

Following the registration of an FIR for workplace sexual harassment, the police adhere to Standard Operating Procedures (SOPs) to ensure a systematic and fair process. SOPs typically involve immediate action, securing evidence, conducting interviews, and maintaining victim confidentiality. The police gather statements, collect relevant documents, and collaborate with forensic experts when necessary. The SOPs guide a timely and thorough investigation, ensuring adherence to legal protocols. Regular updates to the complainant and the filing of chargesheets are integral steps. These procedures are designed to uphold justice, safeguard the victim, and facilitate a comprehensive case resolution.

In 1997, in the landmark judgment of **Vishaka and others v. State of Rajasthan**, the Supreme

Court of India defined sexual harassment at the workplace, pronounced preventive, prohibitory and redress measures, and gave directives towards a legislative mandate to the guidelines proposed.

f. The Case Of Bhanwari Devi And The Emergence Of The Vishaka Guidelines;

The Bhanwari Devi case, which unfolded in 1992, exposed the harsh reality of gender-based violence and the lack of legal safeguards against sexual harassment in the workplace. Bhanwari Devi's courageous attempt to prevent a child marriage resulted in her brutal gang rape, and the subsequent failure of the legal system to deliver justice underscored the urgent need for comprehensive measures to address such atrocities. The Vishaka Guidelines were a set of procedural guidelines issued by the Supreme Court of India in 1997 to protect women from sexual harassment in the workplace. The guidelines were intended to be implemented until legislation was passed to address the issue. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, superseded the Vishaka Guidelines. These guidelines played a pivotal role in shaping subsequent legislation and laid the foundation for the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act in 2013, marking a significant milestone in the ongoing fight against workplace harassment in India.

i. The Vishaka Guidelines:

- Made it mandatory for institutions across the country to put in place measures to prevent and redress sexual harassment in the workplace.
- Made it mandatory for all organizations to set up a complaint redressal committee.
- Requested the Central/State Governments to consider adopting suitable measures including legislation to ensure that the guidelines are also observed by the employers in the Private Sector
- Stated that appropriate work conditions should be provided concerning work, leisure, health, and hygiene to ensure further that there is no hostile environment towards women in workplaces.

The Vishaka Guidelines defined sexual harassment as:

- Physical contact and advances
- Demand or request for sexual favors

- Sexually colored remarks
- Showing pornography
- Unwelcome physical verbal or non-verbal conduct of a sexual nature

g. Punishment To The Offender And Remedies To The Victim

SECTION 11 of the PoSH Act, the Punishment for sexual harassment includes disciplinary action ranging from a written apology and warning to suspension or termination of employment, depending on the severity of the misconduct.

Section 15 of the PoSH Act, Remedies may include monetary compensation for the mental trauma and emotional distress suffered, as well as measures to restore the victim to the position they were in prior to the harassment. The employer is responsible for implementing these remedies promptly.

i. Indian Constitution On Sexual Harassment-

Sexual harassment clearly violates the fundamental rights of a women to Equality under Article 14[2] and Article 15[3], her right to life under Article 21[4], and her right to practice any profession and carry on any occupation, trade or business, which includes a Right to safe environment free from sexual harassment.

ii. IPC on Sexual Harassment-

In 2013, substantial changes were made in the way sexual harassment was viewed within the criminal justice system in India. The Criminal Law Amendment Act of 2013, which commenced on April 3, 2013, included Section 354A of the Indian Penal Code, 1860 that defined sexual harassment. The India Penal Code, 1860 has also defined the term sexual harassment and related offences and put forth punishments for the same:

- Section 354A- Sexual harassment is: unwelcome physical contact and advances, including unwanted and explicit sexual overtures, a demand or request for sexual favors, showing someone sexual images (pornography) without their consent, and making unwelcome sexual remarks
Punishment: Up to three years in prison, and a fine.
- Section 354B- Forcing a woman to undress. Punishment: From three to seven years in prison, and a fine.
- Section 354C- Watching or capturing images of a woman without her consent (voyeurism).

Punishment: First conviction – one to three years in prison and a fine. More than conviction–three to seven years in prison and a fine.

- Section 354D- Following a woman and contacting her or trying to contact her despite her saying she does not want contact. Monitoring a woman using the internet or any other form of electronic communication (stalking).

Punishment: First conviction – up to three years in prison and a fine. More than one conviction–up to five years in prison and a fine.

The same definition is given in the law enacted specifically for Sexual Harassment of Women at Workplace (Prevention Prohibition and Redressal) Act 2013.

Vishaka And Others V. State of Rajasthan 13 August, 1997 -³

In the case of Vishaka & Ors V/s State of Rajasthan & Ors, the Hon'ble Supreme Court has laid down guidelines and norms to be observed to prevent sexual harassment of working women.

- **Preventive Steps-**

All employers or persons in charge of work place whether in public or private sector should take appropriate steps to prevent sexual harassment. Without chauvinism to the generality of this obligation they should take the following measures:

- a. Express prohibition of sexual harassment at the work place should be notified, published and circulated in appropriate ways.
- b. The rules of government and public sector bodies relating to conduct and discipline should include rules prohibiting sexual harassment and provide for adequate and appropriate penalties against the offender.
- c. As regards private employers, steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (standing orders) Act, 1946.
- d. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment towards women at work places and no employee woman should have reasonable grounds to believe that she is disadvantaged in connection with her employment.

- **Criminal Proceedings-**

Where such conduct amounts to an offence under the IPC or under any other law, the employer shall initiate appropriate action in accordance with law by making complaint with the

³Case Law from Indian Kanoon website- <https://indiankanoon.org/doc/1031794/>

appropriate authority. In particular, it should ensure that victims or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment.

- **Disciplinary Action-**

Where such conduct amounts to misconduct in employment as defined by the relevant service rules, appropriate disciplinary action should be initiated by the employer in accordance with those rules.

- **Complain Mechanism-**

Whether or not such conduct constitutes an offence under law or a breach of the service rules, and appropriate complaint mechanism should be created in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

III. SAFETY MEASURES GLOBALLY

Managing safety and health is an integral part of managing a business. Businesses need to do a risk assessment to find out about the hazards and risks in their workplace(s) and put measures in place to effectively control them to ensure these hazards and risks cannot cause harm to workers.

The International Labour Organization has produced guidelines on the development of occupational safety and health management systems. These guidelines were designed as a practical tool for assisting *organizations (a company, operation, firm, undertaking, establishment, enterprise, institution or association, or part of it, whether incorporated or not, public or private, that has its own functions and administration)* and competent institutions as a means of achieving continual improvement in occupational safety and health (OSH) performance. The guidelines have been developed according to internationally agreed principles defined by the ILO's tripartite constituents. The practical recommendations of these guidelines are intended for use by all those who have responsibility for OSH management.

Health and safety laws are criminal laws in many countries, including India, and violations can result in prosecution, fines, and even imprisonment. These laws put the onus on employers and businesses to maintain good and safe working standards. In the U.S, The Occupational Safety and Health Act (OSHA), passed in 1970, regulates and oversees health and safety in the workplace. In the U.K., the Health and Safety at Work Act 1974 and the Management of Health and Safety at Work The Regulations 1999 are the two main sets of legislation that govern health and safety at work in the U.K.

Employers bear the responsibility and duty for occupational safety and health, including adhering to national laws and regulations' OSH requirements. The employer should take the initiative, be a strong leader in the organization's OSH initiatives, and make the necessary arrangements to set up an OSH management system. The primary components of the system should be organization, planning and execution, assessment, and improvement action.

(A) International Labour Standards on Occupational Safety and Health

The ILO Constitution sets forth the principle that workers must be protected from sickness, disease and injury arising from their employment. Yet for millions of workers the reality is very different. According to the most recent ILO global estimates, 2.78 million work-related deaths are recorded every year, of which 2.4 million are related to occupational diseases. In addition to the immense suffering caused for workers and their families, the associated economic costs are colossal for enterprises, countries and the world. The losses in terms of compensation, lost work days, interrupted production, training and reconversion, as well as health-care expenditure, represent around 3.94 per cent of the world's annual GDP⁴.

Employers face costly early retirements, loss of skilled staff, absenteeism and high insurance premiums. Yet, many of these tragedies are preventable through the implementation of sound prevention, reporting and inspection practices. ILO standards on occupational safety and health provide essential tools for governments, employers and workers to establish such practices and provide for maximum safety at work.

a. Relevant ILO instruments

The ILO has adopted more than 40 standards specifically dealing with occupational safety and health, as well as over 40 Codes of Practice. Nearly half of ILO instruments deal directly or indirectly with occupational safety and health issues.

(B) Promotional Framework for Occupational Safety & Health Convention, 2006 (No. 187)

As an instrument setting out a promotional framework, this Convention is designed to provide for coherent and systematic treatment of occupational safety and health issues and to promote recognition of existing Conventions on occupational safety and health. The Convention is aimed at establishing and implementing coherent national policies on occupational safety and health through dialogue between government, workers' and employers' organizations and to promote

⁴From the *website of the World Day for Safety and Health at Work* 2018

a national preventive safety and health culture.⁵

(C) Occupational Safety & Health Convention, 1981 (No.155)

The convention provides for the adoption of a coherent national occupational safety and health policy, as well as action to be taken by governments and within enterprises to promote occupational safety and health and to improve working conditions. This policy shall be developed by taking into consideration national conditions and practice. The Protocol calls for the establishment and the periodic review of requirements and procedures for the recording and notification of occupational accidents and diseases, and for the publication of related annual statistics.

(D) Occupational Health Services Convention, 1985 (No. 161)-

This convention provides for the establishment of enterprise-level occupational health services which are entrusted with essentially preventive functions and which are responsible for advising the employer, the workers and their representatives in the enterprise on maintaining a safe and healthy working environment.

(E) Hygiene (Commerce & Offices) Convention, 1964 (No.120)-

This instrument has the objective of preserving the health and welfare of workers employed in trading establishments, and establishments, institutions and administrative services in which workers are mainly engaged in office work and other related services through elementary hygiene measures responding to the requirements of welfare at the workplace.

(F) Safety & Health in Construction Convention, 1988 (No.167)

The convention provides for detailed technical preventive and protective measures having due regard for the specific requirements of this sector. These measures relate to safety of workplaces, machines and equipment used, work at heights and work executed in compressed air.

(G) Safety & Health in Mines Convention, 1995 (No. 176)

This instrument regulates the various aspects of safety and health characteristic for work in mines, including inspection, special working devices, and special protective equipment of workers. It also prescribes requirements relating to mine rescue.

(H) Safety & Health in Agriculture Convention, 2001 (No.184)

The convention has the objective of preventing accidents and injury to health arising out of,

⁵ The ILO Website- C187 - Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)

linked with, or occurring in the course of agricultural and forestry work. To this end, the Convention includes measures relating to machinery safety and ergonomics, handling and transport of materials, sound management of chemicals, animal handling, protection against biological risks, and welfare and accommodation facilities.

(I) Protection against specific risks

a. Radiation Protection Convention, 1960 (No.115)

The objective of the Convention is to set out basic requirements with a view to protect workers against the risks associated with exposure to ionising radiations. Protective measures to be taken include the limitation of workers' exposure to ionising radiations to the lowest practicable level following the technical knowledge available at the time, avoiding any unnecessary exposure, as well as the monitoring of the workplace and of the workers' health. The Convention further refers to requirements with regard to emergency situations that may arise.

b. Occupational Cancer Convention, 1974 (No.139)

This instrument aims at the establishment of a mechanism for the creation of a policy to prevent the risks of occupational cancer caused by exposure, generally over a prolonged period, to chemical and physical agents of various types present in the workplace. For this purpose, states are obliged to determine periodically carcinogenic substances and agents to which occupational exposure shall be prohibited or regulated, to make every effort to replace these substances and agents by non- or less carcinogenic ones, to prescribe protective and supervisory measures as well as to prescribe the necessary medical examinations of workers exposed.

(J) Working Environment (Air Pollution, Noise & Vibration) Convention, 1977 (No. 148)

The convention provides that, as far as possible, the working environment shall be kept free from any hazards due to air pollution, noise or vibration. To achieve this, technical measures shall be applied to enterprises or processes, and where this is not possible, supplementary measures regarding the organization of work shall be taken instead.

(K) Asbestos Convention, 1986 (No. 162)

Aims at preventing the harmful effects of exposure to asbestos on the health of workers by indicating reasonable and practicable methods and techniques of reducing occupational exposure to asbestos to a minimum. With a view to achieving this objective, the convention enumerates various detailed measures, which are based essentially on the prevention and control of health hazards due to occupational exposure to asbestos, and the protection of workers against

these hazards.

(L) Chemicals Convention, 1990 (No. 170)

The Convention provides for the adoption and implementation of a coherent policy on safety in the use of chemicals at work, which includes the production, the handling, the storage, and the transport of chemicals as well as the disposal and treatment of waste chemicals, the release of chemicals resulting from work activities, and the maintenance, repair and cleaning of equipment and containers of chemicals. In addition, it allocates specific responsibilities to suppliers and exporting states

IV. ILO CODES OF PRACTICE

ILO Codes of Practice out practical guidelines for public authorities, employers, workers, enterprises, and specialized occupational safety and health protection bodies (such as enterprise safety committees). They are not legally binding instruments and are not intended to replace the provisions of national laws or regulations, or accepted standards.

Codes of Practice provide guidance on safety and health at work in certain economic sectors (e.g. construction, opencast mines, coal mines, iron and steel industries, non-ferrous metals industries, agriculture, shipbuilding and ship repairing, forestry), on protecting workers against certain hazards (e.g. radiation, lasers, visual display units, chemicals, asbestos, airborne substances), and on certain safety and health measures (e.g. occupational safety and health management systems; ethical guidelines for workers' health surveillance; recording and notification of occupational accidents and diseases; protection of workers' personal data; safety, health and working conditions in the transfer of technology to developing countries).

Some tips to reduce/mitigate Hazards are:

- Proper personnel training in their particular industries is one way to minimize or lessen hazards. For instance, training on “Work at Height” will assist learners in comprehending their responsibilities as an employer, suppliers, supervisors, and workers with regard to working safely at heights.
- Identifying potential issues in the workplace and addressing those
- Regular mock drills being conducted at the workplace
- Using first aid kits, fire shelters, and first aid kits, on a ladder or scaffold
- Use of safety nets and other rescue equipment at heights
- Having portable fire extinguishers in the workplace

- Training employees on common injury techniques and safe work habits
- Carrying out regular risk assessment projects at the workplace and applying a risk management strategy
- Implying and communicating safe systems in the workplace
- Developing strategies for safety and health improvement inside workplaces
- Proper disposal of hazardous chemicals in industries
- Scaffolding, electrical, work at height, confined space, construction, fire, chemical safety training etc., must be covered in employee training
- Ensuring employees are aware of the company's policies and workplace processes
- Conducting regular audits in the workplace
- Having a written hazardous spill response plan and training in chemical industries
- Listing out emergency/evacuation plans in the workplace and communicating them to workplace members
- Installing fire/smoke alarms
- Usage of correct PPE

V. CONCLUSIONS

A safe workplace is a happy workplace, as it creates a more comfortable and conducive environment for employees to effectively do their jobs. The above critical analysis helps to stress the importance of a holistic and integrated approach in maintaining safety at the workplace. It advocates for the alignment of technological advancements, robust training programs, and a proactive organizational culture to mitigate risks effectively. This research paper aims to guide organizations in developing strategic safety initiatives that not only comply with regulations but also foster a resilient and safety-conscious work environment.

The workplace safety is essential for fostering a secure and healthy work environment. Through a comprehensive examination of safety protocols, practices and organizational attitudes towards safety, several key conclusions can be drawn.

If the employees are assured that they are working in a safe environment or that their organization in which they work is well equipped with all the safety measures then their productivity is more as compared to a situation other way round.

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