

Occupational Health & Safety Of Contractor's Employee



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➤ Occupational Health & Safety

- What is OH?
- Why it is required?
- What is Occupational Host, Hazards & Environment?
- How to control Hazards?
- OHS in India.

➤ Contractor's Employee/worker/labourer

- Who are Contractor's Employee/worker/labourer?
- How they are different from regular/permanent employee?
- What are the rules/act for their protection?

➤ OHS of Contractor's Employee/worker/labourer

- Risk of the Principal employer.
- Risk of Contractor.
- Risk of Contract Employee/worker/labour.
- How to solve these problem?

What is Occupational Health ?

WORK  **HEALTH**

Industrial Medicine or Factory Medicine

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graph TD; A[Industrial Medicine or Factory Medicine] --> B[Occupational Medicine]; B --> C[OCCUPATIONAL HEALTH];
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Occupational Medicine

OCCUPATIONAL HEALTH

Occupational Health is the promotion and maintenance of the highest degree of physical, mental and social well-being of workers in all occupations by preventing departures from health, controlling risks and the adaptation of work to people, and people to their jobs. *(ILO/WHO, 1950)*

So occupational health is Total Health of All at Work.



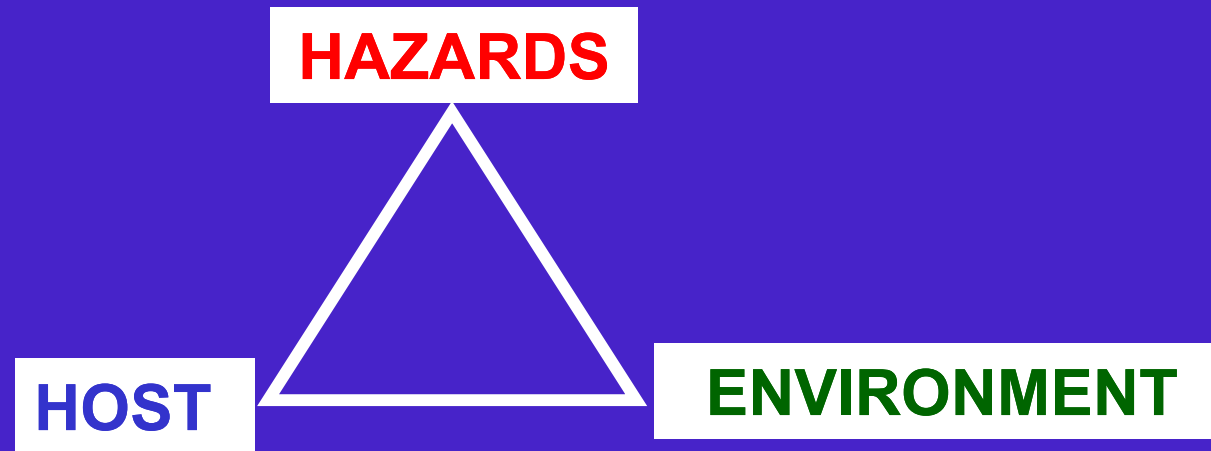
WHY OCCUPATIONAL HEALTH CARE IS REQUIRED ?

- ❑ Large sector of population – 45%
 - ❑ Exposed to special health hazard besides to usual hazards of the society
 - ❑ Occupational Mortality - > 2.3 million
Occupational Accidents - > 337 million
- Occupational Diseases(New) – 68 –157 million
- ❑ Healthy worker better productivity

Annually

WHY OCCUPATIONAL HEALTH CARE IS REQUIRED ? (contd..)

- WHO, estimates occupational health risks as the tenth leading cause of morbidity and mortality.
- Occupational risk factors account globally for
 - 37% back pain,
 - 16% hearing loss,
 - 13% chronic obstructive lung disease,
 - 11% asthma,
 - 10% injuries,
 - 9% cancer,
 - 2% leukemia



Occupational hazards may be defined as the latent or potent risk which is present in the work atmosphere and may cause occupational accident, incident or occupational disease.

Occupational Environment: By occupational environment we mean the sum of external condition and influences which prevail at the place of work and which have a bearing on the health of the working population.

- Man & Agents, Man & Machine, Man & Man,
and Man & Domestic Environment

Occupational hazards

- PHYSICAL
- CHEMICAL
- MECHANICAL
- ERGONOMIC
- BIOLOGICAL
- PSYCHOSOCIAL

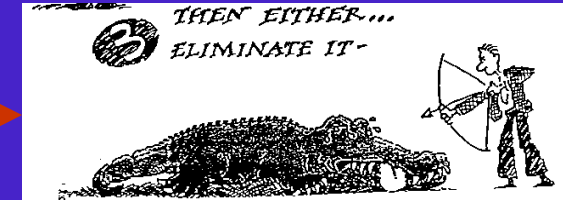
CONTROL OF HAZARDS



Discover or Identify



Evaluate or Assess



Eliminate or Remove



PPE



Isolation or Enclosure



Substitution



Transfer or Change from the job

OHS in India

- Only about 10% of India's total workforce (around 26 million), work in formal units leaving most workers (90%) in the vast informal sector.
- The variable and insecure nature of the work means that more and more workers are pushed into taking up hazardous and precarious employment both in the informal economy as well as informal work in the formal sector.
- For these workers, employment not only fails to bring about a successful escape from poverty, it may contribute to existing vulnerabilities.
- It is estimated that unsafe work condition is one of the leading causes of death and disability among India's working population, which are preventable.

OHS in India (contd.)

- There is very little awareness about workplace hazards amongst workers.
- As having work is more important than the quality of the job, many workers say: *“We might die of work, but if we don’t work our families will die of hunger.”*
- No proper work hours; extended exposure to hazardous chemicals and processes.
- During the past decades, the population of **working females** has rapidly increased. The proportion of male:female working population, which was 78:22 in 1991, changed to 68:32 in 2001.
- This increase in the working female population leads to certain concerns- adverse effects on reproduction,
 - exposure to toxic chemicals in the workplace,
 - musculoskeletal disorders,
 - specific stress-related disorders, resulting from job discrimination (lower salaries and less decision-making),
 - a double burden of work (workplace and home)

Who are Contractor's Employee/worker/labourer?



Contract workmen are indirect employees/persons who are hired, supervised and remunerated by a contractor who, in turn, is compensated by the establishment for which the contract workmen work.

How they are different from regular/permanent employee?

- Inferior labour status.
- Casual nature of employment.
- Lack of job security.
- Poor economic conditions.

Contract Labour differs from Direct Labour in terms of employment relationship with the establishment and method of wage payment. Contract Labour, by and large is not borne on pay roll nor is paid directly.

What are the rules/act for their protection?

- While economic factors like cost effectiveness may justify system of contract labour, considerations of social justice call for its abolition or regulation.
- The Contract Labour (Regulation & Abolition) Act 1970

OHS of Contractor's Employee/worker/labourer

- Risk of the Principal employer.
- Risk of Contractor.
- Risk of Contract Employee/worker/labour.
- How to solve these problem?

Risk of the Principal employer

- ◆ Employer may not have clear knowledge/information about
 - ✓ skills and competency of the Contractor's workers in regard to the specific job to be performed.
 - ✓ health status of the Contractor's workers.
 - ✓ social and cultural background of Contractor's workers.
- ◆ Employer (Principal Employer) may not be able to ensure that contractor pays proper remuneration and other benefits, as per law, to the workers.
- ◆ In case, contractor does not clear all payments to the workers, Principal employer is liable to pay the same.

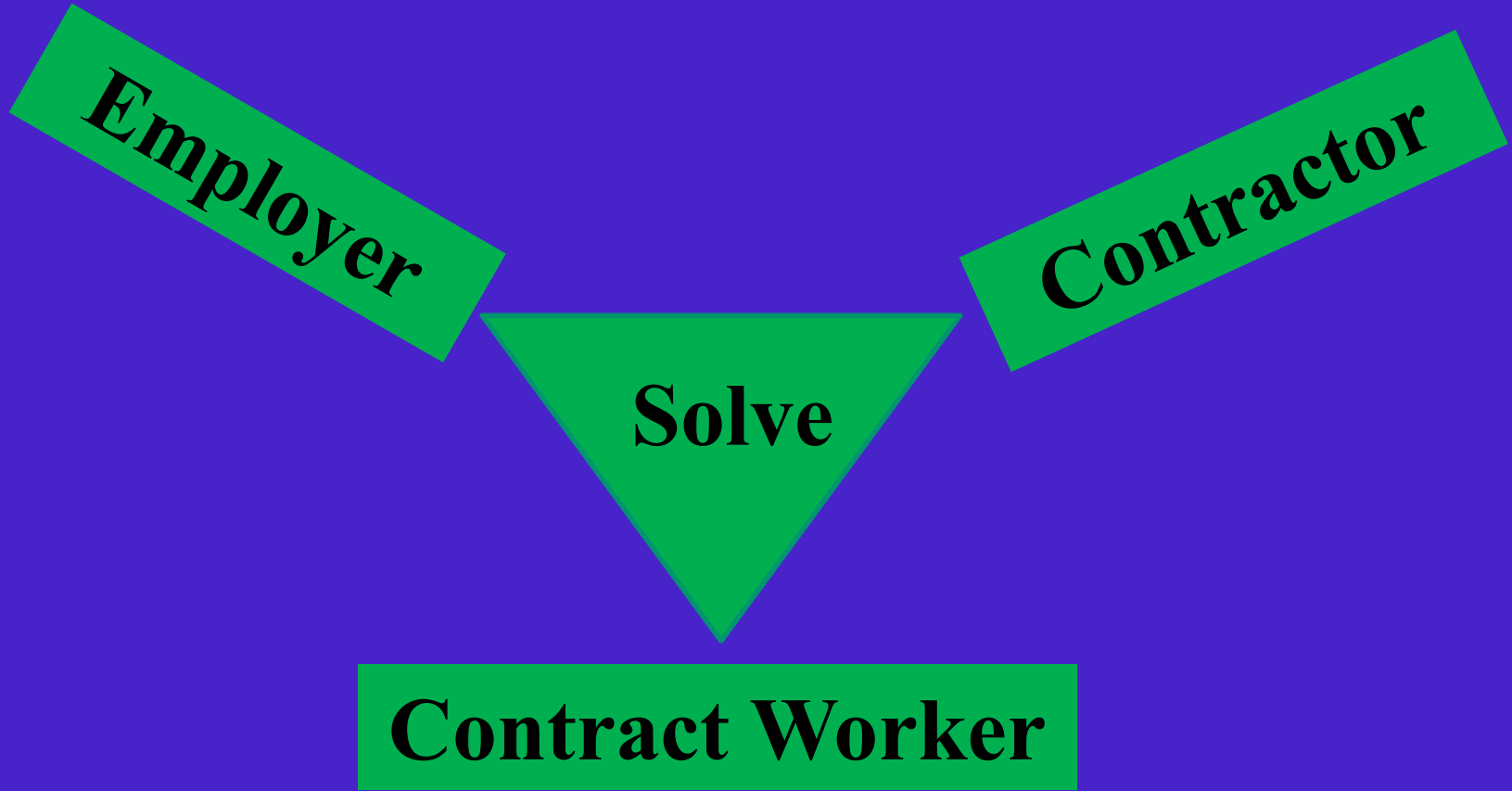
Risk of the Contractor

- ◆ Often contractor does not get workers having good nutrition and health as they usually come from low socioeconomic background, which may result poor performance and accident.
- ◆ Contractor is answerable to the employer if the workers do not perform the job satisfactorily or create some nuisance at workplace.

Risk of the Contract Employee/worker/labour

- ◆ Usually gets payment and other benefits far less than that of regular employees.
- ◆ Away from home, having no proper shelter and food.
- ◆ No training or clear knowledge about the job.
- ◆ Exploited for doing difficult and dangerous jobs, even without proper tools and PPE.
- ◆ Vulnerable to occupational diseases, incident and accident.

How to solve these problems



Pre- Contractual Provisions

- Detail the OHS roles of the parties
- Expressly set out contractor's commitment to comply with OHS laws and standards and, as applicable, the contractor's representations about safety (e.g., provision of competent supervision, trained workers, well-maintained equipment, etc.)
- Post-engagement monitoring
- Right to remove for unsafe work practices and/or to require that contractor improve training or supervisory deficiencies
- Right to approve and control subcontractors

Occupational Health screening & medical examinations

Ideally it should be conducted to determine

- If the workers are medically and physically able to perform the assigned duties without substantial risk of harm to themselves, others, or to the job to be performed.
- To identify pre-existing medical conditions which may be aggravated by workplace hazards or exposures.



The Principal Employer should ensure that the Contractor does the following:

- i. Canteen (if employing 100 or more workmen in one place) and if the work is likely to last for 6 months or more.
 - ii. Rest rooms where the workmen are required to halt at night and the work is likely to last for 3 months or more.
 - iii. Requisite number of latrines and urinals - separate for men and women.
 - iv. Drinking water.
 - v. Washing.
 - vi. First Aid.
 - vii. Crche
- e) Maintains various registers and records, displays notices, abstracts of the Acts, Rules etc.
- f) Issues employment card to his workmen, etc.

Jobs commonly done by contract labourers

- ✧ Construction
- ✧ Manual Handling
- ✧ Cleaning
- ✧ House keeping
- ✧ Catering

Potential hazards for workers in construction



- ❖ Falls (from heights)
- ❖ Trench collapse
- ❖ Scaffold collapse
- ❖ Electric shock and arc flash/arc blast
- ❖ Failure to use proper personal protective equipment
- ❖ Repetitive motion injuries.

Potential hazards for workers in Manual handling

- ✧ Cuts, bruises, fractures etc, due to sudden, unexpected events such as accidents
- ✧ Damage to the musculoskeletal system of the body as a consequence of gradual and cumulative wear and tear through repetitive manual handling. These injuries are called **‘musculoskeletal disorders’** (MSDs) and can be divided into 3 groups:
 - o Neck and upper limb disorders
 - o Lower limb disorders
 - o Back pain and back injuries.



Potential hazards for workers in cleaning

- Chemicals
- Biological hazards
- Manual handling
- Lone Working
- Confined Spaces
- Slips, trips and falls
- Machinery hazards
- Fire and Electricity



Conclusion

India is a vast country with a huge population. The majority of the working population belongs to the unorganized sector. The Object of the Contract Labour (Regulation and Abolition) Act, 1970 is to prevent exploitation of contract labour and also to introduce better conditions of work. Improving levels of education and awareness in the population will bring positive improvements in the situation. However, concrete steps are necessary to hasten this process.

References

1. National Policy on Safety, Health and Environment at Work Place, Government of India, Ministry of Labour and Employment.
2. <https://www.acc.com/chapters/ontario/upload/ACC-OHS-Presentation-Final.pdf>
3. <http://www.hse.gov.uk/pubns/indg275.pdf>
4. http://www.hsa.ie/eng/Publications_and_Forms/Publications/Latest_Publications/Safety_in_Contract_Cleaning.pdf
5. www.hsa.ie
6. <http://www.healthyworkinglives.com/advice/work-equipment/manual-handling#risks>
7. www.ibec.ie/icca
8. www.iahp.ie
9. www.bics.org.uk
10. <http://osha.europa.eu>
11. <http://www.arthurelectric.com/health-safety.aspx>



Thank You

Accident as a type of Incident

(based on OHSAS)

Incident a work-related event(s) in which an injury or ill health or fatality occurred, or could have occurred.

Accident incident in which an injury or illness actually occurs

Near-miss an incident where no injury or illness occurs

Accident and Incident as a different kind of event

(based on HSE)

Accident an event that results in injury or ill health

Incident a near-miss or an undesired circumstance

Near-miss an event that, while not causing harm, has the potential to cause injury or ill health

Undesired circumstance a set of conditions or circumstances that have the potential to cause injury or ill health

Heinrich defines an accident as *an unplanned and uncontrolled event in which the action or reaction of an object, substance, person or radiation results in personal injury or the probability thereof.*

Although the term incident is regarded more and more as a broad term encompassing all events causing injury or material damages and also near-miss events, this is not always the case. Incident is often also referred to, as an event that has the potential to cause harm, but didn't. Incident is then regarded as a synonym for a near-miss event

Information is also available from the following sources:

- The Irish Contract Cleaners Association (ICCA) www.ibec.ie/icca
- Irish Association of Hygiene Professionals (IAHP) www.iahp.ie
- The British Institute of Cleaning Science (BICSc) www.bics.org.uk
- European Agency for Safety and Health at Work

<http://osha.europa.eu> E-FACTS 41 Cleaners and Dangerous Substances

Decide who will help with your duties

Write a health and safety policy for your business

Manage the risks in your business

Consult your employees

Provide training and information

Provide the right workplace facilities

Display the health and safety Law poster

Get insurance for your business

Risks to your breathing

Risks to your skin

Risks to your muscles, bones and
joints

Risks to your hearing and touch

Risks to your wellbeing

OHS in India (contd..)

- India has had legislation on occupational safety and health for more than 50 years. But regulatory authorities are limited to
 - 1,400 safety officers,
 - 1,154 factory inspectors, and
 - 27 medical inspectors.
- These numbers are grossly inadequate even for the inspection of formal units that only employ about 10% of India's total workforce (around 26 million), let alone the millions who work in the informal sector with absolutely no safeguards

OHS in India (contd..)

- No clear distinction between living and working area complicates the problem and exposes relatives and others living in the vicinity to work-related risks.
- Diagnosis of occupational diseases is difficult. Not many doctors are able to correctly diagnose an occupational disease. In fact, certain occupational diseases like byssinosis and silicosis are often wrongly diagnosed as tuberculosis.
- In a community where having a doctor is a privilege, an OSH specialist is simply out of the question.

New challenges

- #Globalization
- #Outsourcing /Contract basis
- #Transfer of technology
- #Newer type of jobs (IT, Call Centre)
- #Change in employment patterns
- #Increasing literacy / education
- #“Right to Information Act”

OHS in India (contd..)

- Safety and health occupy a significant place in India's Constitution, which prohibits employment of children under the age of 14 in factories, mines and hazardous occupations.
- This policy aims to protect the health and strength of all workers by discouraging employment in occupations unsuitable to the worker's age and strength.
- It is the policy of the State to make provisions to secure just and humane conditions at work. The Constitution provides a broad framework under which policies and programmes for occupational health and safety can be established.

OHS in India (contd..)

Key OSH legislations

Factories Act, 1948, amended in 1954, 1970, 1976, 1987

Mines Act, 1952

Dock Workers (Safety, Health and Welfare) Act, 1986

Plantation Labour Act, 1951

Explosives Act, 1884

Petroleum Act, 1934

Insecticide Act, 1968

Indian Boilers Act, 1923

Indian Electricity Act, 1910

Dangerous Machines (Regulations) Act, 1983

Indian Atomic Energy Act, 1962

Radiological Protection Rules, 1971

Manufacture, Storage and Import of Hazardous Chemicals Rules,
1989

Contract labour Act

All reasonable care is composed of stringent court-developed standards:

- Knowledge of legal obligations
- Hazard identification and assessment
- Corrective action based on assessment of hazards
- Appropriate orientation and training
- Competent supervisors and trained workers
- Supervisory monitoring to confirm practices and procedures followed
- Communication of hazard information to workers
- Discouragement of safety infractions with discipline
- Ongoing documented steps

Risk assessment

Every employer shall make a suitable and sufficient assessment of

(a) the risks to the health and safety of his employees to which they are exposed whilst they are at work; and

(b) the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking,