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INTRODUCTION

Harmony is heaven. Hence good working conditions lead to social and economic harmony. So, it may be responsible for heavenly peace and prosperity in an industrial set up, provided it is properly pursued. Working conditions are the main part of an industrial organisation. They help to develop harmonious and healthy relationship between the management and workers.

Modern technology entered India in the middle of the 19th century. Factories were established mainly in urban cities like Bombay, Calcutta and Ahmedabad. The entrepreneurs were either British investors or Indian who had amassed wealth. The working force consisted largely of migrants to industrial towns. These workers were uprooted from their traditional socio-cultural environment and felt alienated in the strange urban industrial setup. In the absence of legal protection workers suffered exploitation by employers. It was not until by late 1870s, that some social worker voiced concern about the miseries of the factory workers. In 1875s, a few social reformers and philanthropists, under the guidance and leadership

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of Mr. J. B. K. Bengalestrated an agitation in Bombay to protest against the appalling conditions of workers in factories and to introduce legislation for the amelioration of their working conditions. The first factory commission was appointed in Bombay in the year 1875 and the first factory Act was passed in 1881. This Act proved highly inadequate and its provisions were highly disappointing. Then, a new Act was passed in 1891 which introduced several amendments. Many provisions were made in this Act in favour of workers.

In view of unsatisfactory working conditions prevailing in various industries, the 1946 programme for labour highlighted the need for "overhaul of the factories Act with a view to the prescription and enforcement of high standards in regard to lighting, ventilation, safety, health, and welfare of workers, "The programme also stressed the need for improving conditions of work, particularly in unorganised industries and work places to which the factories Act did not apply. This statement of policy acquired an added significance when after Independence, the framers of the constitution made special reference to working conditions in the Directive principles of state policy. There

relevant provisions in the constitution are as under.

ARTICLE - 32 (a):

This state shall, in particular, direct its policy towards securing that the health and strength of men and women workers, and the tender age of children are not abused and the tender age of the citizens are not forced by economic necessity to enter vocations unsuited to their age or strength."

ARTICLE - 42 :

"The state shall make provision for securing just and human conditions of work and for maternity relief." According to Factory Act, 1948 and, The Maternity Benefit Act, 1961 a women workers are entitled to maternity benefit shall be twelve week that is to say, six week up to and including the day of her delivery and six weeks immediately following."

Article - 43 :

"The state shall endeavour to secure, by suitable legislation or economic organisation or in any other way to all workers, agricultural, industrial, or otherwise work, a living wage conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities."

IMPORTANCE OF WORKING CONDITIONS :

Working conditions include "cleanliness, light, heat, ventilation, physical energy required, length of the work day, irregularity of the work hours such as night shift or the rotation of shifts, physical hazards, exposure to possible industrial diseases and similar conditions, also those social group, and managerial, conditions that directly or indirectly influence, the workers happiness, satisfactory or dissatisfactory at work."

The conditions under which the workers perform their task have a great bearing on their general health and efficiency. It has been said that, "environment creates man, and if the environment improves, the man's ability to work and also improve." It is not possible to carry on the hard work under unhealthy surroundings. It has, therefore, to be realized that good working conditions have a great effect not only on the efficiency of the workers, but also on their wages and industrial relations. The efficiency of a worker depends directly on his health and willingness to work. Because, "health is the height of every individual and is also an important factor that raises his economic status, not only through increasing his working capacity but also his desire to work. Besides, there humanitarian and

economic aspects, it is also the aim of industrial hygiene to contribute towards industrial peace and progress by creating human situations that enable employees to lead a meaningful life." 4 In the traditional sense, health implies, "the mere absence of an ascertainable disease or infirmity, but in its present connotation, health is the outcome of the interaction between the individual and environment."5

Physical environment and working conditions are contributory causes for accidents. Man is a totality of integrated physiological and psychological functions and the environment has a great effect on his body and mind. "Too high or too low a temperature of the atmosphere, ineffective ventilation, improper lighting, irritating noises and vibrations and unduly long hours of work create conditions of discomfort and disability."6 They cause fatigue of body and lethargy of mind. They bring down morale, reduce quickness in perception of danger, making a worker easily vulnerable to accidents.

Due to negligence accidents are happens. For this, management, supervisors, safety engineers are responsible. Prevention of accidents is a Co-operation effort of management supervisors, safety engineers and workers. So, both employer and his supervisors must sincerely and enthusiastically want to prevent accidents. It said that, "half - hearted attempts will not

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succeed and will doubly injure the work by infusing the same half heartedness into the workers in accidents prevention work." Employers must not only show clearly that they are taken keen on prevention but also infuse the same enthusiasm into the workers and the supervisory staff. In short, the work must start from the top and preventive measures be adopted by all."7

In the absence of sufficient working conditions worker will not work happily and healthy. With good working conditions not only the worker remaining happy, but the employer also gains because of increased in production owing to greater efficiency. Further, the gulf between the nominal wages and real wages can be reduced with the help of better working conditions. More provisions of financial incentives cannot lead to higher efficiency as "the roots of bad factory morale are not always economic although wages and security are obviously dominant motives to any worker with the responsibility of dependents. But even physical factors have an important influence in shaping the mental background of work. A badly lighted is insufficient, but also because in short time the workers are forced to spend more and more effort in maintaining the standard of work and finally grow slack, and cease to care".8

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Besides, one of the important causes of migratory character of the Indian workers is that those who come from the village find the work in the factories entirely different and under bad working conditions, they feel more disturbance and try to go back to their villages as early as possible. So, good working conditions can eliminate this important cause of the instability of labour force.

Under working conditions, however, a number of things may be included. These are as follows below.

1. CLEANLINESS :-

Every factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance and in particular-(a) accumulation of dirt and refuse shall be removed daily by sweeping or by any other effective method from the floors and benches of work rooms and from stair case and passage (b) the floor of every room shall be cleaned at least once in every week by washing, using disinfectant, where necessary, or by some other effective method (c) where a floor is liable to become wet in the course of any manufacturing process to such an extent as is capable of being drained effective means of drainage shall be provided and maintained. It is said that, "It is not possible to carry on the hard work under unhealthy surroundings". 10

2) VENTILATION AND TEMPERATURE :

Effective and suitable provision shall be made in every factory for securing and maintaining in every work room (a) adequate ventilation by circulation of fresh air and (b) such a temperature as will secure to workers therein reasonable conditions of comfort and prevent injury to health.

3) HUMIDITY :

In respect of all factories in which the humidity of the air is artificially increased, the State Govt. may make rules (a) prescribing standards of humidification (b) regulating the methods used for artificially increasing the humidity of the air to be exactly carried out and recorded (c) prescribing methods to be adopted for securing adequate ventilation and cooling of air in the work rooms.

4) OVERCROWDING :

There shall be in every workroom of a factory in existence on the date of commencement of this Act as least 350 cubic feet and of a factory built after the commencement of this Act at least 500 cubic feet of space for every worker employed therein.

5) LIGHTING :

In every part of a factory where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural and artificial. In every factory all glazed windows and skylights used for the lighting of the workrooms shall be kept clean in both the inner and outer surfaces. It is said, "unsatisfactory illumination increases liability to accidents and results in diminution of the output."¹¹

6) SANITATION :

Being another important environment factor promoting worker satisfaction, cleanliness has an important contribution to production. Self-respecting workers like neither dirt nor confusion. They prefer to return home after day's work in clean garments. Further, breathing in dirty atmosphere of the factory does cause some injury to their health. It is, therefore, essential for the management to see that sanitation standards are well followed in all respects of work in the factories.

7) WORKING HOURS :

The factories Act, 1948, removed the distinction between seasonal and perennial factories by fixing hours of work for adult workers employed

in a factory at 48 hours per week and 8 hours per day with rest intervals.

The length of a working day during which a worker is required to work in any occupation has a great bearing upon his health and efficiency. If the working hours are unduly long in any industry the workers become fatigued. "Fatigue is a chemical process and overfired person is literally a person poisoned by his own waste products."¹²

Further, the effects of working hours must be viewed over a number of years. A person may for a time work on a strenuous task for a dozen hours or more per day, but his physique liable to be so damaged that the length of his working life is less than that of a person whose hours are more reasonable. "The long working day multiplied by a short working life are less productive in the aggregate than short working days multiplied by longer working life."¹³

In general, the working day, whose length is adapted to adapted to maximize production over a long period, is not given the existing distribution of wealth between work people and others, the right working day from the stand point of economic welfare. What economic welfare requires is that work people should work for such hours per day that the wages due to the last hour shall just compensate them for the unpleasantness of longer hours."¹⁴

8) DRINKING WATER :

In every factory effective arrangement shall be made to provide and maintain at suitable points. "According to Factory Act, 1948, drinking water should be kept beyond twenty feet of any washing place, urinal or latrine." and conveniently situated for all workers employed therein."15

9) SAFETY MEASURES :

The safety provisions are absolute and obligatory in their character and the occupier of every factory is bound to follow them. Like, in every factory, every dangerous part of machinery shall be securely fenced by safeguards of substantial construction which shall be constantly maintained and kept in position while the parts of machinery, they are fencing are in motion or in use. Every moving part of a prime mover, and every fly-wheel connected to a primemover should be kept with sufficient safeguards.

Safety of industrial workers is as important as their health. An industrial accident is an unfortunate occurrence resulting in cessation of work by a worker or a group of workers. An industrial accident has been defined as "any occurrence that interrupts or interferes with the orderly progress of the activity in question."16

10) SHIFT SYSTEM :

Generally three kinds of shifts are found

to work in Indian industry. i.e., First shift, Second shift, and Third shift. The shift system implies that the workers are divided into groups, which work alternately for a certain number of hours per day. The necessity of such a system arises due to the greater demand for an increased production. Hence, it has always been widely recognised that overlapping shifts should not be permitted except under special circumstances. According to factory Act, 1948, work shall not be carried on in any factory by means of a system of shifts so arranged that more than relay of workers is engaged in work of the same kind at the same time."17

11) INDUSTRIAL HYGIENE :

Industrial hygiene in its present concept is a joint field of endeavour where physicians, engineers, chemists, personnel officers and other specialists have their part to play. It is characterised by effective team-work between the different specialist. While recognising differences in responsibilities of the several basic professions, it depends upon a special welding of skills for the solution of industrial health problem. It is the business of constructive and educative programmes of industrial health to ensure that such cases do not arise and to promote health and economic

production by improving the worker's physical, mental, and moral outlook."18

12) LATRINES AND URINALS :

In every factory, separate enclosed accommodation of latrines and urinals of prescribed types for male and female workers shall be provided. It should be adequately lighted and ventilated and maintained in a clean and sanitary conditions.

13) HOLIDAYS AND LEAVE WITH PAY OR WAGES :

Adequate provision of holidays and leave with pay or wages to the industrial workers can go a long way to reduce the incidence of absenteeism and labour turnover so widely prevalent in Indian industry. The need and value of such holidays, therefore, appear to be every great. "Holidays are days-of-exemption from labour or work and hence a period of rest and recreation".19

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3) WORKING CONDITIONS BEFORE INDEPENDENCE -

The movement to improve the working conditions of Indian labour in an industrial establishment started with the passing of the first Indian factories Act, in 1881. The deplorable conditions in which labour worked in the textile mills in Bombay during those days, as testified by the factory commission of 1875, were the immediate cause for the passing of the Act. Under this Act, the employment of children below the age of 7 years was prohibited, while those between 7 and 12 years were not to work for more than 9 hours a day. An hour's daily rest and 4 holidays in a month were prescribed for children. Adult labour, however, was not protected in any manner. It was found inadequate in many respects. Any how, it recognized the right of the govt to safeguard the interests of the workers by means of suitable legislation. The mulock commission was appointed by the govt of Bombay in 1884 to review the working of the Factories Act of 1881.

The Factories (Amendment) Act, 1891 was passed as a result of the recommendations of the Bombay factory commission of 1884 and the factory Labour Commission of 1890. It applied to all factories employing 50 persons or more. The lower and upper age limits for children were raised to 9 and 14 respectively and their hours work were limited to 7 and between 5.00 am. and 8.00p.m. Employment of women between 7.00 a.m. and 5.00 a.m. was prohibited.

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women were allowed to work for 11 hours in a day with ~~the~~ 1½ hours' rest provisions relating to better ventilation, cleanliness, and for preventing overcrowding in factories were also made.

The govt of India appointed a commission in 1907 to study the working conditions of labour in industry and make recommendations. A more comprehensive Act was introduced in 1911 on the basis of the recommendations of this commission. The hours of work for children were reduced to 6 per day. The hours of work of an adult male worker were specified for the first time to 12 hours a day. Certain provisions were also made for the health and safety of the industrial workers.

Following industrial unrest in 1919 and 1920, the govt of India, passed the Indian Factories (Amendment) Act, 1922 which was made applicable to all the factories using power and employing not less than 20 persons. Children below 12 years of age were not to work in factories and those between the years of 12 to 14 were not to work for more than 6 hours a day. Children and women were not to be employed between 7.00 p.m. and 5.00 a.m. The hours of work for adults were limited to 60 in a week and 11 in a day.

Apart from amending and consolidating all the previous enactments, the factories Act, 1934 introduced a number of important changes. It drew a distinction between perennial and seasonal factories. The hours of work for children between 12 and 15 were reduced from 6 to 5 per day, while those for women from 11 to 10 in all kinds of factories. The Act also made provision for the improvement of working conditions within a factory.

Another milestone in the field of working conditions was reached with the appointment of Labour Investigation committee (Rege Committee) in 1944. The committee was asked to investigate the problems relating to wages and earnings, employment, housing and social conditions of workers. The committee went into details of the working conditions including welfare measures available, of workers employed in a large number of industries.

4) WORKING CONDITIONS AFTER INDEPENDENCE -

After independence, the working conditions acquired new dimensions. It was realized that good working conditions had a positive role to play in increasing productivity and reducing industrial tensions. For this purpose govt started further activities.

Mainly on the basis of the recommendations of the Mehta Committee, the govt of India enacted the factories Act, 1948. To draft this important piece of legislation, the services of sir wilfred Calbraat, the then chief Inspector of factories, U.K., were utilized. The Factories Act, 1948 came into effect from 15th. April, 1948. It is a comprehensive piece of legislation. The Act applies to all establishments employing 10 or more workers. However, section 85 of the Act empowers the state and state Governments to extend all or any provisions of the Act to any premise. It contains many important provisions regarding health, safety, welfare, employment of young persons and children hours of work for adults and children, holidays, leave with wages, etc.

5) PROVISIONS REGARDING WORKING CONDITIONS

UNDER THE FACTORIES ACT, 1948.

Various provisions have been made under the factories act, 1948 which was required to be enforced by the employers for the health and safety of the workers. Under the Act, it is required that every factory shall be kept clean and free from effluvia arising from any drain or other nuisance. Accumulation of dirt or refuse shall be removed daily, by sweeping or any other method, from the floor and benches of workrooms and from staircases and passages, and disposed of in a suitable manner. The floor of every workroom shall be cleaned at least once in every week by washing, using disinfectants or by some other method. If the floor becomes wet during the process of manufacture, provision should be made for proper drainage. All inside walls, ceilings and sides and tops of passages and staircases should be repainted or re-varnished at least once in every five years and should be cleaned once in every 14 months.

Suitable provision shall also be made in every factory for securing and maintaining, in every workroom, adequate ventilation for the circulation of fresh air and have such a temperature as will secure to workers therein reasonable conditions of comfort, and prevent injury to health. Provision has also been made to avoid dust or fume or other impurity in any factory or in the manufacturing process which is likely to be injurious or offensive to the workers.

The Act provides that in respect of all factories, in which the humidity of the air is artificially increased, the state Government will make rules prescribing standards of humidification and regulate the methods artificially increasing the humidity of the air and secure adequate ventilation and cooling of the air in the workrooms. To prevent over crowding the Act provides that there should be, in every workroom of the factory, at least a space of 350 cubic feet for every worker in the factories already existing before the Act, 500 cubic feet of minimum space for every worker in the factories built after the date of commencement of the Act.

The Act lays down that in every part of a factory, where workers are working or passing, there shall be provided and maintained sufficient and suitable lighting, natural or artificial or both. In every factory, all glazed windows and sky-lights, used for lighting for workrooms, shall be kept clean on both the inner and outer of upper surfaces.

The Act also provides that in every factory, arrangements shall be made to provide and maintain at suitable and convenient points a sufficient supply of good drinking water. In case of factories employing more than 250 workers, arrangements are to be made for cooling drinking water during hot weather. Sufficient

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latrine and urinal accommodation of prescribed types has also to be provided at convenient places accessible to workers at any time, while they are in the factory. Such accommodation shall be adequately maintained in a clean and sanitary condition at all times. Separate arrangements are to be made for male and female workers. A sufficient number of spittoons have to be provided at convenient places in every factory and have to be maintained in a clean and hygienic condition.

The Act provides sufficient measures for the safety of workers and prevention of accidents. It has been laid down that adequate fencing of machinery shall be provided in case of types of dangerous machinery and its moving parts or fly-wheels etc, and moving machinery shall be kept in a position which provides sufficient safeguard against any accident. The work on or near a machinery in motion shall be carried on by a specially trained adult male worker wearing tight fitting clothing, and he shall not handle that belt at a moving pulley, unless the belt is less than six inches in width. No woman and child shall be allowed in any factory to clean, lubricate or adjust any part of the machinery, while that part is in motion. No young person shall also work on dangerous machines unless he has received sufficient training and is adequate supervision. Safeguards have also been provided against contact with self-acting machines. Employment of children and women near cotton

openers has been prohibited.

The Act also lays down that no worker shall be required to lift or carry loads, which are likely to cause injury to him. The state Governments are empowered to prescribe maximum weights, which may be lifted by men, women and children. Precautions have also been laid down against dangerous fumes, explosives or inflammable materials, and breakout of fire.

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