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switchasia



Occupational Health & Safety in the Informal Sector

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Sustainable Textiles for Sustainable Development

Occupational Health & Safety in the Informal Sector

Panel Discussion on Occupational Health & Safety of Non-Agricultural Workers: Need for a Comprehensive Legislation

8 June 2010

India International Centre, New Delhi

Background of the workshop

The All India Artisans & Craftworkers Welfare Association (AIACA), in partnership with Traidcraft, UK's leading fair trade organization & Consortium of Textile Exporters (COTEX) is working on a four year Switch Asia project to explore environmental and health and safety issues relating to the crafts and textile sector in India. The project is supported by a grant from the European Union. The project seeks to promote sustainable production (i.e. development of less polluting and more resource efficient products, processes and services) and sustainable consumption patterns in the crafts and textile industry in India and ensure occupational health and safety of workers in India.

A baseline study (<http://aiacaonline.org/researchr.html>) was commissioned under the project, looking at environmental and health impacts of various production processes in six craft clusters across India. Taking this initiative forward, a policy brief was prepared looking at occupational health and safety issues for non-agricultural workers in the informal sector. A consultative workshop was held on Occupational Health and Safety in the Informal Sector on 8th June, 2010 at the India International Centre. Two panel discussions were put together to respond to this and discuss strategies to develop a comprehensive legislation for occupational health and safety for informal workers.

Participants at the workshop included policymakers, leading businesses in the sector and representatives from various government departments and civil society organizations. The base line study on occupational health, safety and environmental impacts in the six craft clusters across India, and another, a user-friendly manual on occupational health and safety were launched on the occasion.

Objectives of the workshop

- To bring together relevant stakeholders on a common platform to discuss the issues related to occupational health & safety in the informal sector
- To review the existing legislations, policies and their enforcement status regarding occupational health & safety in the informal sector
- To invite opinions and recommendations on the need for a comprehensive legislation regarding occupational health and safety in the informal sector

Highlights of the workshop

Dr. Syeda Saiyidain Hameed, Member, Planning Commission of India, inaugurated the meet and emphasised on the need for workers'- centric laws and policies on occupational health and safety for its effective and positive impact. Referring to the National Policy on Safety, Health, & Environment at Workplace declared by the Government of India in February last year, Dr. Hameed said that the policy is at best a document of intent and is unlikely to yield any positive change on the ground in the absence of detailed guidelines and action plan.



She further added, "It is indeed remorseful that even after 26 years of Bhopal Gas tragedy, we as a country, have not acted adequately on occupational health and safety front. The existing legislation and policies protecting workers in the informal sector are grossly inadequate." She noted that she was successful in persuading the Ministry of Textiles to bring in insurance policy for handicraft workers. She

asked the participants to take a critical look at the midterm appraisal of the 11th five year plan (2007-2012), and said that the shortcomings and the inabilities of the 11th plan to meet the monitoring targets for the handicrafts sector will be the benchmarks to be set up for the 12th plan. She reiterated her support to the work done by AIACA and said that the recommendations from this exercise would be integrated in the approach paper to the 12th five year plan.

Session I: Occupational health and safety for non-agricultural workers in the informal sector: What are the laws and policies and how effective are they at the implementation level?

The session dealt with issues related to the informalisation of labour and the subsequent occupational health hazards they faced. It was also brought out that safety and health issues worsened and were aggravated due to the low level of education, the poor general health status and limited access to healthcare in developing countries like India. The concern for documentation and the prevention of occupational health and safety of the workers was emphasized and the role and change in the mindset of the employers towards these efforts was underlined. It was also felt that the preventive measures provided to the workers should be both workers-friendly and work-friendly. A strong case was made for the enactment of the Urban Right to Work Act.



The presentations in the session argued in favour of regularization of work and called for a programmatic approach to policy implementation, framework legislations, and effective and efficient inspection systems towards the prevention and the betterment of the occupational health of the workers.

Session II: Towards a comprehensive legislation for the informal workers: What must be included in a comprehensive legislation for informal workers? Way ahead- collaboration, strategies and action points

The discussions in Session II centred around the legislations that would be required for an integrated approach to achieve employment security, social security and occupational security for the workers in the informal sector. There were suggestions for the setting up of tripartite Boards-consisting of the employer-worker-government, for various sectors within the unorganized sector to provide employment guarantee, comprehensive occupational health care and the implementation of the social security provisions. The limitations inherent in compensation laws were critiqued and the removal of unnecessary statist and bureaucratic controls for achieving poverty reduction in the country was stressed upon. It was felt that safety standards should be a part of the document on occupational and safety issues.



It was suggested that the National Policy on Safety, Health and Environment at Workplace (2009) needed to be strengthened further when a comprehensive policy on Occupational and Health issues for Informal Sector workers is prepared. Focus was also put on the ILO Conventions that need to be ratified by India. The need for a comprehensive study for

analyzing the laws pertaining to informal sector workers in other countries was also expressed. With regards to the issue of toxic waste and the subsequent health hazards, numerous examples from US, Australia and Japan were cited wherein companies had gone bankrupt due to compensation claims. In the light of the of the Bhopal gas tragedy verdict there were suggestions for the need for including the provisions for criminal liability and the possible convergence of the National Environment Protection Act and the National Health Policy.

The workshop concluded with a set of suggestions that included wide dissemination of the policy brief, baseline study and the safety manual among policy makers, law makers, employers and workers in the informal sector especially the crafts sector. The fact that not much information on occupational health and safety is available, it was decided the safety manual be translated into regional languages for better impact. Smaller consultations at cluster levels should also be organized to sensitize the employers and workers engaged in various crafts. A comprehensive set of standards will be developed for eco-friendly products for sustainable development which will include- social, economic and environmental principles.

Annexe

Brief Profile of the Speakers

Key Note Address

Dr Syeda Saiyidain Hameed is Member of Planning Commission, Government of India. Her sectoral responsibilities include Women and Children, Health, Voluntary Action Cell (nodal agency for govt-NGO interface) and Micro, Small and Medium Enterprises. She is an eminent academic with books and publications to her name and is Chancellor of Maulana Azad National Urdu University, Hyderabad. She has been founder member of organizations like Muslim Women's Forum, Women's Initiative for Peace in South Asia, South Asians for Human Rights (SAHR), and Centre for Dialogue & Reconstruction. She has been member of the National Commission for Women, Govt. of India and was awarded the Padma Shri in 2007.

Session I

Ratna Sudarshan is Director of Institute of Social Studies Trust, New Delhi, a non-profit organization engaged in research and action programmes focused on issues related to poverty and gender, with NGO Consultative Status (Special) with the United Nations. Prior to joining ISST, she was Principal Economist at the National Council of Applied Economic Research, New Delhi, and has researched and published mainly in the areas of informal economy and education, with focus on women.

Dunnu Roy Anubrotto Kumar Roy popularly known as Dunnu Roy is Director of Hazard Centre. He has worked for over four decades in the field of rural development and has provided technical expertise to rural communities and carried out prolonged experiments in environmental planning. He now provides help to victims of Delhi's hazardous life. He holds a B.Tech and M.Tech in Chemical Engineering from IIT Bombay. He is the recipient of the Distinguished Alumnus Award from IIT Bombay in the year 2000.

Ravi Srivastava is Professor of Economics in the Centre for the Study of Regional Development, Jawaharlal Nehru University, New Delhi since 1999, after having served in the University of Allahabad and G. B. Pant Social Science Institute, Allahabad for over two decades. He is a member of the Core Group on the Right to Food (National Human Rights Commission) and has been a member of the Task Force on Social Security of Informal Sector Workers of the National Commission on Enterprises in the Unorganised Sectors. He has written over fifty papers in Indian and Foreign journals. He has performed advisory roles and has worked in consultative positions with the Indian Planning Commission, the UP State Planning Commission, SIEMAT, UNDP, UNICEF, the World Bank, DFID, SIDA and the ADB.

Ingrid Christensen is Senior Specialist on Occupational Safety and Health at the International Labour Office (ILO). She has been working on Occupational Safety and Health issues since 1988 in various capacities at the ILO in South Asia. She has been Technical Adviser to the Danish Ministry of Foreign Affairs, Danish Working Environment Authority, ILO and PHARE. She holds a M.Sc. in Pharmacy from the Royal Danish School of Pharmacy, Denmark.

Session II

I Mallikarjuna is Executive Director of Fair Trade Forum-India (FTF-I). He is a Micro Enterprise Development Expert in India with more than a decade's experience in the development sector and five years of research experience at Jawaharlal Nehru University (J.N.U). He is associated with many Not for Profit Organizations like SEARCH as General Secretary and Co-President of Confederation of NGOs of Rural India (CNRI), Delhi State Chapter.

H. Mahadevan is Deputy General Secretary of the All India Trade Union Congress (AITUC), which is India's second largest trade union with a membership of 40 lakhs. He is also the Deputy General Secretary of the World Federation of Trade Unions (WFTU) and is in charge of the Asia Pacific region. He has been Vice Chairman of the National Safety Council of India (NSCI) and currently is a member of its Board of Governors.

Subhas Bhatnagar is Coordinator of the National Campaign Committee for Unorganized Sector Workers (NCC-USW). He has been working since 1986 on the issues affecting informal sector workers which finally resulted in the enactment of the legislation for construction workers in 1996. His organization has been overseeing implementation of the

Construction Workers Bill. He is also the Secretary of Nirman Mazdoor Panchayat Sangam (NMPS) which is a trade union.

Madhu Kishwar is Senior Fellow at Centre for the Study of Developing Societies and member of the National Commission on Enterprises in the Unorganised and Informal Sector set up by the Government of India in 2005. She is the founder of Manushi Sangathan an organisation committed to strengthening democratic rights and women's rights in India and the founder editor of Manushi-A Journal About Women and Society founded in 1978. Her research at CSDS on the theme "Laws, Liberty and Livelihoods" is aimed at giving a pro-poor direction to economic reforms in India.

Gopal Krishna is an environmental and occupational health policy analyst with avid interest in corporate crimes, occupational health rights and pollution issues and works as a Founder-Convenor of Ban Asbestos Network of India (BANI) and as Co-Coordinator of Occupational Health India. He has been an invitee to various committees of the Supreme Court like Monitoring Committee on Hazardous Wastes, Committee on Waste to Energy and Technical Experts Committee on Management of Hazardous Wastes relating to Ship breaking, concerned Parliamentary Committees, Central Pollution Control Board and environmental agencies of various relevant central ministries and state governments.