

SAFETY, HEALTH & WELFARE OF CONSTRUCTION WORKERS AND FORMULATION OF ACTS.

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INTRODUCTION

"Safety" is a science of accident prevention. "Accidents" do not happen - they are caused. This is equally true in the construction sector as in case of industry or other sectors. Again achieving safety is not an accidental one. It is the result of deliberate well directed efforts on all matters related to safety in relation to its planning, systems, training and supervision and each one of these is to be based on sound concepts. These concepts, however, can be better implemented in the organised sectors. In case of unorganised sector - no doubt it is difficult to implement but the industry can no longer ignore this safety of their workers on those grounds. Safe working conditions to workmen, safe environment to society is the compelling need of the day. All concerned should be actually conscious of the fact that he is a part of the society and dedicated to the cause of upliftment of the society. He owes his existence to the society and therefore he has to be of social significance to the society even beyond what is normally expected.

The gap between percept and practice is however too wide. Additional and conceptual changes for the better are needs to develop a real concern for safety.

This is not an easy task. It calls for new approaches to safety including fundamental issues like management policy on safety, objectives of a safety programme, organisation for safety, functions of safety, system methods and procedure for safety, assurance of safety and finally training for adoptability of all safety rules by all concerned. In other words concern for safety, attention to safety and ensuring safety of operations are key-notes for safety regulations.

In the past we have deliberated and discussed enough about the difficulties in implementing safety practices in the construction sector which is the second largest sector next to Agriculture, So far employment of workers is concerned. It is estimated that for the implementation of 8th Plan, the strength of workers will rise to about 20 millions if all allied industries are also taken into account. We have no time to deliberate we are to act now.

HOW TO APPROACH TO THE PROBLEM OF IMPLEMENTATION OF SAFETY AND HEALTH PRACTICES :

No doubt first way of approaching the problem is through legislation and regulation. In a highly competitive industry a firm framework of law is essential to ensure that the corners are not cut to give a financial advantage.

The second approach is education and training. There are no quick or easy answer here :

People at every level of the industry need continuously to be told and reminded about their responsibility for safety, and what to do about it. However, at the very least, no graduate should emerge from an engineering degree course without learning the rudiments of their responsibility for safety.

Every employer must ensure not only that it has drawn up an adequate safety policy but also see that it operates that policy effectively.

Primary need is the declaration of safety policy followed by safety memorandum index and safety tool meetings. Here the Project Manager or safety officer is required to conduct meetings on various subjects connected with safety and certify that they have given talks to all men under their control.

Simultaneously all individual workers are given pocket handbook highlighting site safety measures, duties and responsibilities.

Project Managers are also trained about reporting procedures and their distributions in case of accidents.

Each person from inception to completion has a specific area. Project Manager to decide who should be those supervisors.

Cost planners check the list of various items of safety measures as per bill of quantities for safety and health schedule which contractors shall allow for and shall be deemed to have allowed in the tender for.

Advance planning on equipment, locations are to be worked out. Orientation course is to be organised. When simultaneously several cranes and people work in the same congested area, this planning is must.

SITUATION IN DEVELOPED COUNTRY

In Britain, the construction regulations are coming up from 1961 but main base act is 'Health and safety at work Act, 1974.

Similarly in USA, the Act prevalent to regulate this safety and health matter is called 'occupational safety and health Act, 1970'. NIOSH (National Institute of Occupational Safety & Health) regulate and educate the States. Every State is supposed to enact its own law and control.

Although regulations are quite old rigid implementation is still a problem both in U.K. and USA. However, consciousness has started developing only in eighties. Therefore, the prosecution for safety offences is under statue - mostly fine - maximum 2000 £ Sterling in U.K. and 10,000 US \$ in USA for each person directly responsible for the violation. The Inspector can order suspension of work. Jailing is not yet enacted.

What is an Act ?

An Act is to assure safe and healthful working conditions for working men and women, by authorising enforcement of the standards developed under the ACT: by assisting and encouraging the states in their efforts to assure safe and healthful working conditions by providing for research, information, education and training in the field of occupational safety and health, and for other purposes.

Let it be known that personal injuries and illness arising out of work situations impose a substantial burden upon, and are a hindrance to commerce in terms of lost production, wage loss, medical expenses and disability compensation payments.

The Government declares it to be its purpose and policy through the exercise of its powers to provide for general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources :-

- (1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;
- (2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;
- (3) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;
- (4) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;
- (5) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;
- (6) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;
- (7) by providing for the development and promulgation of occupational safety and health standards;
- (8) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

- (9) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this Act, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;
- (10) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this Act and accurately describe the nature of the occupational safety and health problem;
- (11) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

However, in the Country we have plenty of Acts and Laws, Implementation is lagging. For the same it is recommended:-

- (1) A single and comprehensive legislation covering all labour laws;
- (2) Compulsory Central registration of construction sites and all connected organisation;
- (3) Making it mandatory to declare safety policy of all organisations;
- (4) Appointment of Safety Officers in the Office & Worksites depending on number of workers;
- (5) Introducing proper reporting system not only internally but to Government authorities who will maintain statistical record. This is must;
- (6) Making all concerned liable for punitive action for the accidents due to negligence or violation of the provisions;
- (7) Penalising the workers for habitual negligence or violation of the provision of the proposed legislation of wilful disregard of the instructions given in this regard;
- (8) In order to implement the Act, a comprehensive National Safety Code for Construction Sector evolved by expert committee to implement;
- (9) Contract documents must take care the following :-
 - A) Prequalification of all concerned organisation based on
 - Past record of Safety,
 - Organisation have qualified safety personnel.
 - B) In the project cost estimates, the budget for Safety should appear as a separate item with detail bill of quantities with instruction to quote for the same. Safety is a legitimate charge on the project and the client pays for it directly or indirectly.

- (10) Safety training and education courses may be instituted at the cost of owners for training in Safety Management;
- (11) Engineering Colleges and Polytechnics may be encouraged to strengthen the teaching of Safety in their curricula;
- (12) Trade Union may extend the workers education classes to construction workers as well;
- (13) Employers, Contractors and their organisation may bring out Manuals and pocket handbooks on construction safety in various regional languages and distribute amongst all.
- (14) Institution of safety awards, celebration of safety work/day, inter and intra project safety competitions, painting safety slogans such as "Zero Accident Site" at the sites and similar other programme create a favourable environment for safety;
- (15) All Corporate Bodies and other authorities may start the practice of including a report on safety in the Director's report to the AGM. Likewise "Safety Monitoring" may be made a regular agenda item of the meetings of Board of Directors.
- (16) Research Centres and Consultants may be encouraged to undertake Researches on Safety at work.

WHAT GOVT DID SO FAR?

In order to take care of safety, Health and Welfare, Government of India, Ministry of Labour was keen to do something and 1st step they took to form a tripartite body in 1985. This body was to recommend a comprehensive policy towards this goal. Simultaneously this Ministry formed another Expert Committee to recommend Safety and Health matters. Both those Committees submitted their recommendations in 1987.

Towards the end of 1987 Ministry of Labour sponsored on National Seminar organised by National Institute of Construction Management and Research. This seminar also gave excellent recommendations but to everybody's surprise when a bill with the caption "The Building and other Construction Workers (Regulation of Employment and Conditions of Service) Bill, 1988 placed before the Parliament in 1990 - this was nothing but another piece of legislation for the Construction Industry adding to the list of thirties but none of the recommendations taken into considerations. Therefore, the Parliament did not approve and send the same to review Committee. So it is yet to see the light of the day.

In conclusion, I must say Safety, Health & Welfare of Construction Worker is a must. For the same, there must be

- (1) Will of the Government to enact a suitable ACT which can be implemented,
- (2) The Clients and Contractors must have policy to do so,
- (3) Workers and Unions must be vigilant to take care of their own selves.