**Labour Law - Health and Safety**

Employer Cares

In accordance with the Factories Act 1948, an occupier of an establishment has to ensure the health, safety and welfare of all the workers while they are at work in the factory.

It is obligatory for an employer/occupier to ensure the provision and maintenance of plant and systems of work that are safe and without health risks. Arrangements should be made to rectify risks involved in use, handling, storage and transport of articles and substances.

The establishment should be monitored to check the quality of the premises; cleanliness; disposal of wastes and effluents; ventilation and temperature; dust and fume; artificial humidification; overcrowding; lighting; clean drinking water; latrines and urinals; and spittoons.

Safety of the worker must be ensured by installing and maintaining the machinery, mechanisms, transmission apparatus, tools, equipment and machines in best possible safety conditions. Tools, equipment, machines, or products used must be organized properly guaranteeing the safety of workers.

The employer is obliged to take care to protect the worker’s health and safety by providing the means of rescue, the first aid, and the cleanup; and arrangements and organization of the workplace

Source: §7(A) of the Factories Act 1948

Free Protection

The Factories Act requires employers to provide protective equipment (means of protection) to workers involved in hazardous work. The type of PPE needed varies depending on the nature of work being performed. It includes screens or suitable goggles for protection of eyes. The right use of PPE reduces risk of accident and illness, minimizes future medical costs, and helps in creation of safer working environment.

Source: §35 & 87 of Factories Act 1948

Training

In accordance with the Factories Act, it is the responsibility of an employer to provide instruction, training and supervision as is necessary to ensure health and safety at work of his employees.

Source: §35 & 87 of Factories Act 1948

Labour Inspection System

The Factories Act provides for a vibrant labour inspection system. However, the labour inspection system is state based.

The Ministry of Labour and Employment along with ministries specialized for certain industrial sectors (for example the Ministry of Power, Ministry of Mines) are responsible for formulating and administering laws and regulations relating to labour and employment.

The national legislation provides inspectors the power to enter in workplace premises; examine; inquire or interview anyone; ask for or take copy of any prescribed register, record or other document; and take measures and photographs. The labour inspector is also authorized to dismantle or subject it to any process or test and take possession of any such article or substance that seems to cause danger to health and safety, and detain it for so long as is necessary for such examination.

Source: §9 of Factories Act 1948