

A SAFE WORKPLACE

Wallace Jacob

Ph.D. scholar, Symbiosis International (Deemed University),
Pune, E-mail: wallace_jacob@rediffmail.com
ORCID: 0000-0002-3641-6257

ABSTRACT

A number of employees of a few industries lost their lives due to accidents at their workplace in the preceding few years. According to India: Workplace Safety Report FY 2023 prepared by Institutional Investor Advisory Services, the figure for total workplace injuries was 9,889 in FY22 and 10,733 in FY23. Companies need to take care of contractual employees and extend benefits to contractual employees just like they extend benefits to their own regular employees.

Keywords: Industrial accidents, Risk analysis

We are little people contending with the big unknown problems and we have to find solutions to the problems.

On 18 July 2023, three contract workers (Mr. Lakesh Kumar Gayakwad aged 21, Mr. Shatruhan Lal Verma aged 27, Mr. Umesh Kumar Verma aged 26) lost their lives and two other workers sustained injuries due to an oxygen cylinder explosion at UltraTech Cement's plant in Himri, Chhattisgarh. The three workers had been hired by a private company which was carrying out pipeline related repair work for UltraTech Cement. The explosion occurred at around 03:00 pm. The blast was so powerful that one of the workers was thrown 20 feet away from the spot. The workers ceased working and went on a strike alleging disregard for proper safety standards pertaining to contractual workers. Are safety procedures compromised when operations are outsourced to another agency? According to INCWF (Indian National Cement Workers' Federation), about 83 per cent of the workforce in the

industry works under hazardous conditions. On 05 Sep 2022, bbc.com carried out an article “Workplace accidents: Inside India’s ‘factories of death’” which paints a grim picture of workplaces.

According to The Hitavada: The People’s Paper (The Hitavada, 2023): The operations at the UltraTech Cement plant came to a halt after the enraged workers and villagers united in protest. The workers and villagers blocked the entrance to the plant insisting on justice for the lives lost and an explanation from the management pertaining to the tragic incidence. There were several rounds of intense talks between the workers and the plant’s management team. A settlement was reached at around 0200 hours. According to the written settlement each successor of the deceased workmen would receive ₹ 3.5 million in compensation and an assurance of regular job opportunity in the company. A cheque of ₹ 3 million was given to each family which had lost a member and ₹ 0.5 million was given in cash.

The trade union blamed the poor safety measures at the plant for the tragedy (News Riveting, 2023) in which a welder and two helpers lost their lives (Indiacsr, 2023).

ULTRATECH CEMENT LIMITED

The Aditya Birla Group (founded in 1857 by Seth S. N. Birla), a Fortune 500 conglomerate, operates in carbon black, cement, chemicals, fashion retail, financial services, metals, pulp and fibre, renewable energy, telecom and textiles. The group boasts of more than 187,000 personnel belonging to 100 nationalities and was on the list of AON Best Employers 2018. UltraTech Cement Limited is one of the flagship companies of the Aditya Birla conglomerate. UltraTech Cement Limited is listed on BSE and NSE.

INDUSTRIAL ACCIDENTS IN 2023

According to an article “163 industrial accidents claim 19 lives in 5 years” (The Times of India, 2023), 20 industrial accidents occurred in the Jan to Jun 2023 time-frame. Table 1 details the major (reported) industrial accidents in the year 2023.

Month	Accident	Casualty/Casualties
Jan 2023	(1.) Blast in Jindal Poly Films Factory (Mint, 2023) located in Mundhegaon, Igatpuri taluka. (2.) Blast in a fireworks factory (The Indian Express, 2023) located in Shirola, Barshi taluka, Solapur. (3.) Massive fire at Berger Becker Coatings Pvt. Ltd. at Pileme Industrial Estate, Goa (The Times of India, 2023b). (4.) Reactor blast in a pharmaceutical division in Atchuthapuram SEZ (The Times of India, 2023c).	(1.) 02 persons lost their lives and 17 were injured. (2.) 03 people died and 04 were injured. (3.) No injuries were reported. (4.) 01 worker died and three were injured.
Feb 2023	Suffocation case in AS Agro Industries (Deccan Herald, 2023) located in G Ragampeta village, Peddapuram mandal.	07 workers died due to suffocation.

Mar 2023	Fire accident in Narendran Fireworks (The Quint, 2023) located at Valathottam, Kancheepuram.	11 persons were killed and several others (nearly 20) were injured.
Apr 2023	(1.) Gas leak accident at a factory in Ludhiana (Hindustan Times, 2023). (2.) Massive fire in Hebbal industrial area, (Deccan Herald, 2023b) Mysuru.	(1.) 11 people lost their lives, 04 were hospitalized.
Jun 2023	(1.) Explosion in Kairali steel factory, Kanjikode (The Hindu, 2023). (2.) Accident at BFPP2 Power Plant, Tata Steel Meramandali (Tata Steel, 2023).	(1.) 01 person killed and 03 injured. (2.) Few people at the site were affected.
Aug 2023	(1.) A fire erupted in a conveyor belt which was carrying lignite at Mine II in NLC India Ltd., Neyveli (The Hindu, 2023b). (2.) A fire broke out due to which Bromine gas was released at P. I. Industries in Bharuch district, Gujarat (Mint, 2023b).	(1.) No injuries were reported. (2.) 28 people were hospitalized.
Oct 2023	(1.) Explosion at a firecracker factory in Rengapalayam village of Tamilnadu (Hindustan Times, 2023b). (2.) Explosion at a firecracker factory in Kitchanaickenpatti village of Tamilnadu (Hindustan Times, 2023c).	(1.) 13 workers lost their lives. (2.) A worker was killed.
Nov 2023	Fire at Solara Active Pharma Sciences, Kalpet (The Hindu, 2023c).	14 workers sustained burn injuries.
Dec 2023	(1.) Blast at Solar Industries India (explosives manufacturing unit at Kondhali) (The Times of India, 2023d). (2.) Massive fire at a gloves manufacturing company in Chhatrapati Sambhajnagar, Maharashtra (The Times of India, 2023e).	(1.) 09 people lost their lives. (2.) 06 people lost their lives.

REASONS FOR INDUSTRIAL ACCIDENTS

Security lapses, lack of safety norms, non-transparency pertaining to the storage of flammable/hazardous substances and their reactive properties, lack of appropriate maintenance of the machinery, non-adherence to guidelines/ standard operating procedure are some of the reasons due to which industrial accidents have occurred. Some accidents are not aberrations or acts of fate but the result of choice of bypassing guidelines.

LEGISLATIVE SETUP

Article 41, Article 42, Article 43 of the Constitution of India are related to work and working conditions at workplaces in India.

The office of the Chief Adviser of Factories (now referred to as DGFASLI - Directorate General, Factory Advice Service and Labour Institutes) was established

in 1945 with the purpose of providing information and consultancy services to Central and State Governments on the administration of the Factories Act. The DGFASLI is an appended bureau of the Ministry of Labour and Employment, GOI (Government of India).

The GOI has instituted NPSHEW (The National Policy on Safety, Health, and Environment at Workplace) and SEBI has instituted BRSR (Business Responsibility & Sustainability Reporting).

28 April is observed as the World Day for Safety and Health at Work.

OBJECTIVES AND LEARNING OUTCOMES

Accidents might be the result of oversight, technical glitches, not following standard operating procedures, and lack of training. An accident at the workplace can have adverse impact on the workers, the families of the workers and the reputation of the organization. Methods need to be devised to avoid industrial accidents. According to India: Workplace Safety Report FY 2023 prepared by Institutional Investor Advisory Services, the figure for total workplace injuries was 9,889 in FY22 and 10,733 in FY23.

This study raises a few pertinent issues:

Which are some of the important legislations related to safety in a company, a factory, and, a shop and establishment?

What is the difference between a company, a factory, and, a shop and establishment?

What would be your course of action if you were the Safety Manager at UltraTech Cement Limited?

Does the case highlight any regulatory failures?

[• For the establishment and regulation of companies the Companies Act of 1882 was passed on 24 Feb 1882. Later the Companies Act of 1913, the Companies Act of 1956, the Companies Act of 2013, the Companies (Amendment) Act of 2015 were passed.

For the legislation of factories, the Indian Factories Act was passed in 1881 and then in 1891. The Factories Act, 1948 details amongst other particulars, the dangers from machinery and the necessity of protection, prohibition of employment of young children, age of non-adult workers, health of workers, education, hours of work, holidays, sanitation and ventilation. The Factories Act, 1948 was amended in 1949, 1950, 1951, 1954, 1970, 1976, 1987 culminating with The Factories (Amendment) Bill, 2016.

The Shops and Establishments Acts are State-specific and Union Territory-specific.

• Which are the Acts in the Legal Framework for governing the Small Scale Industries in India?

Cue: the Industrial Employment (Standing Orders) Act, 1946,

the Minimum Wages Act, 1948,
the Payment of Wages Act, 1936,
The Employees' Provident Funds and Miscellaneous Provisions Act, 1952
The Factories Act, 1948
The Industries (Development and Regulation) Act, 1951]

SUBJECT AREA AND FOCUS

Courses: Covering Factories Act 1948 of Labour Legislations / Industrial Relations, Risk Management

REFERENCES

- Deccan Herald. (2023). 7 workers suffocate to death in oil factory in Andhra Pradesh. Retrieved from <https://www.deccanherald.com/india/7-workers-suffocate-to-death-in-oil-factory-in-andhra-pradesh-1189413.html> on 08 Jan 2024 at 1851 hours.
- Deccan Herald. (2023b). Mysuru Fire accident. Retrieved from <https://www.deccanherald.com/india/karnataka/mysuru-fire-accident-1211163.html> on 17 Jan 2024 at 1145 hours.
- Hindustan Times. (2023). Children among 11 killed after gas leak at Punjab's Ludhiana factory: 10 updates. Retrieved from <https://www.hindustantimes.com/india-news/punjab-ludhiana-factory-gas-leak-sua-road-near-sherpur-chowk-101682827169566.html> on 17 Jan 2024 at 1139 hours.
- Hindustan Times. (2023b). 14 dead in two fire cracker unit accidents in Tamil Nadu. Retrieved from <https://www.hindustantimes.com/india-news/14-dead-in-2-fire-cracker-unit-accidents-in-tn-101697570693618.html> on 30 Jan 2024 at 1222 hours.
- Hindustan Times. (2023c). 14 dead in two fire cracker unit accidents in Tamil Nadu. Retrieved from <https://www.hindustantimes.com/india-news/14-dead-in-2-fire-cracker-unit-accidents-in-tn-101697570693618.html> on 30 Jan 2024 at 1222 hours.
- Indiacsr. (2023). 3 Workers Killed at UltraTech Cement Plant in Chhattisgarh. Retrieved from <https://indiacsr.in/3-workers-killed-at-ultratech-cement-plant-in-chhattisgarh/> on 27 Dec 2023 at 1618 hours.
- Mint. (2023). Maha: 2 dead, 17 injured in explosion in Nashik factory, CM Shinde orders probe. Retrieved from <https://www.livemint.com/news/india/maharashtra-1-dead-14-injured-in-explosion-in-nashik-factory-rescue-operations-underway-detail-here-11672571766793.html> on 08 Jan 2024 at 1848 hours.
- Mint. (2023b). Gujarat: Chemical factory toxic gas leak in Bharuch district; 28 hospitalised. Retrieved from <https://www.livemint.com/news/gujarat-chemical-factory-toxic-gas-leak-in-bharuch-district-28-hospitalised-11692838443790.html> on 30 Jan 2024 at 1210 hours.
- News Riveting. (2023). Blast at UltraTech Cement plant in Chhattisgarh, three killed. Retrieved from <https://newsriveting.com/blast-at-ultratech-cement-plant-in-chhattisgarh-three-killed/> on 27 Dec 2023 at 1615 hours.
- Shukla, A. (2022). Workplace accidents: Inside India's 'factories of death'. Retrieved from <https://www.bbc.com/news/world-asia-india-62631699> on 26 Dec 2023 at 1938 hours.

- Tata Steel. (2023). Tata Steel Statement on Accident at BFPP2 Power Plant, Tata Steel Meramandali. Retrieved from <https://www.tatasteel.com/media/newsroom/press-releases/india/2023/tata-steel-statement-on-accident-at-bfpp2-power-plant-tata-steel-meramandali/> on 17 Jan 2024 at 1149 hours.
- The Hindu. (2023). One killed, three injured at steel factory explosion in Kanjikode. Retrieved from <https://www.thehindu.com/news/national/kerala/one-killed-three-injured-at-steel-factory-explosion-in-kanjikode/article66988618.ece> on 17 Jan 2024 at 1147 hours.
- The Hindu. (2023b). Fire breaks out in machinery at NLCIL's Mine II in Neyveli. Retrieved from <https://www.thehindu.com/news/national/tamil-nadu/fire-breaks-out-in-machinery-in-nlcils-mine-ii-in-neyveli/article67153435.ece> on 24 Jan 2024 at 1732 hours.
- The Hindu. (2023c). 14 workers sustain injuries in a fire at pharma company in Puducherry. Retrieved from <https://www.thehindu.com/news/cities/puducherry/13-workers-sustain-injuries-in-a-fire-at-pharma-company-in-puducherry/article67500318.ece> on 30 Jan 2024 at 1227 hours.
- The Hitavada. (2023). Uproar after blast claims 3 at UltraTech Plant. Retrieved from <https://www.thehitavada.com/Encyc/2023/7/20/Uproar-after-blast-claims-3-at-UltraTech-Plant.html> on 27 Dec 2023 at 1556 hours.
- The Indian Express. (2023). 3 dead, 4 injured in Solapur fireworks factory fire. Retrieved from <https://indianexpress.com/article/cities/pune/3-dead-solapur-fireworks-factory-fire-8355386/> on 08 Jan 2024 at 1849 hours.
- The Quint. (2023). Explosion at Firecracker Unit Kills 11 TN Workers, Violation of Rules Alleged. Retrieved from <https://www.thequint.com/south-india/tamil-nadu-blasts-fire-explosion-kancheepuram-firecracker-manufacturing-factory-unit> on 17 Jan 2024 at 1136 hours.
- The Times of India. (2023). 163 industrial accidents claim 19 lives in 5 years. Retrieved from <https://timesofindia.indiatimes.com/city/goa/163-industrial-accidents-claim-19-lives-in-5-years/articleshow/102480591.cms> on 02 Jan 2024 at 2037 hours.
- The Times of India. (2023b). Massive fire breaks out at paint factory at Pilerne in Goa. Retrieved from <https://timesofindia.indiatimes.com/city/goa/massive-fire-breaks-out-at-paint-factory-at-pilerne-in-go/articleshow/96884562.cms> on 17 Jan 2024 at 1154 hours.
- The Times of India. (2023c). Spate of industrial accidents point to lack of safety norms. Retrieved from <https://timesofindia.indiatimes.com/city/visakhapatnam/spate-of-industrial-accidents-point-to-lack-of-safety-norms/articleshow/97593465.cms> on 17 Jan 2024 at 1208 hours.
- The Times of India. (2023d). Nine killed in blast at explosives company in Nagpur. Retrieved from <https://timesofindia.indiatimes.com/city/nagpur/nine-people-killed-in-blast-at-explosives-manufacturing-factory-in-nagpur/articleshow/106059677.cms> on 30 Jan 2024 at 1228 hours.
- The Times of India. (2023e). Six workers die in factory fire near Sambhajnagar in Maharashtra. Retrieved from <https://timesofindia.indiatimes.com/city/aurangabad/six-dead-in-maharashtra-hand-glove-factory-fire-dousing-operation-underway/articleshow/106413116.cms> on 30 Jan 2024 at 1229 hours.