

Chapter 5: Welfare, Health and Safety of Workers and Inspection of Establishments

The Health and Safety policy outlined in the Rules specifies the establishment's responsibility towards the health, safety and environmental protection of building workers. It assigns responsibilities to all parties involved in construction works including the principal employer, contractors and sub-contractors. The State Government appoints a gazetted officer to serve as the Chief Inspector of building and construction, for ensuring the effective implementation of the provisions of this Act within the State.

5.1 Non-formulation of health and safety policy by the employers

As per GBOCW Rule 44 every establishment employing 50 or more building workers shall prepare a written statement of policy in respect of safety and health of building workers and submit the same for the approval of the Chief Inspector of Inspection of Building and other Construction work.

It was observed that though the Department registered 51 establishments during 2018-22¹, where 50 or more workers were employed in any day of a year, none of these registered establishments had submitted any written statement of policy in respect of building workers.

The submission of such a policy by the employers was not monitored by the Department and no notices were issued for non-compliance.

The Government accepted (April 2024) the audit observation and assured that necessary instructions will be issued to all Labour Inspectors, Assistant Labour Commissioners to sensitize the employers about formation of the policy.

5.2 Inspections relating to welfare, health and safety of construction workers

According to Rule 303 of the Rules, an Inspector may, *inter alia*, examine a construction site or place or premises used for a building or other construction work. He may issue show-cause notice or warning to employers regarding safety, health or welfare of building workers provided under the Act or the Rules. Further, he may hold an enquiry into the cause of any accident or dangerous occurrence due to any operation connected with or incidental to such building or other construction work, or of non-compliance with any of provisions of the Act and Rules and give directions in this regard.

¹ Data for the year 2017-18 was not produced

The Labour Commissioner was appointed (January 2007) as the Chief Inspector of Inspection of Building and Construction under the Act and seven LIs specified with local limits appointed (February 2007) as inspectors for all provisions of the Act and Rules.

Taluka-wise details of inspections of unregistered construction sites carried out during 2017-22 are given in **Table 5.1**.

Table 5.1: Taluka-wise inspection of unregistered construction sites

Name of the Taluka	2017-18	2018-19	2019-20	2020-21	2021-22	Total
Pernem	Nil	Nil	Nil	Nil	34	34
Bardez	Nil	Nil	Nil	Nil	23	23
Bicholim	Nil	Nil	Nil	Nil	02	02
Sattari	Nil	Nil	Nil	Nil	01	01
Sanquelim	Nil	Nil	Nil	Nil	01	01
Tiswadi	Nil	Nil	Nil	Nil	15	15
Mormugao	Nil	Nil	Nil	Nil	04	04
Ponda	Nil	Nil	Nil	Nil	01	01
Sanguem	Nil	Nil	Nil	Nil	Nil	Nil
Quepem	06	Nil	Nil	Nil	Nil	06
Canacona	02	Nil	Nil	Nil	Nil	02
Salcete	01	Nil	Nil	02	10	13
Total	09	Nil	Nil	02	91	102

(Source: Information provided by the Board)

As it can be seen from the table above, no inspections were carried out in the years 2018-19 and 2019-20. A total of 102 inspections were carried out between 2017 and 2022, out of which 89 *per cent* inspections were carried out in 2021-22. All 102 inspections were exclusively conducted for unregistered construction sites. Scrutiny of the inspection reports test checked by audit revealed that none of the inspected establishments had sent notices for commencement/completion of work to LIs and the employers did not maintain documents such as register of workers, wage register, muster roll and register of overtime. However, no cases of accidents were reported during the audit period.

As per the updated position (June 2024) furnished by the Department, 84 establishments were registered subsequent to the inspection. Further, despite having the full strength of LIs during 2017-22, none of the registered establishments were inspected during this period.

It was also observed that the monthly/annual target for inspection was not fixed by the Department. No reasons were given for non-performance of mandated duties by the LIs. The supervisory officers failed to monitor and take any action for non-compliance with the Act and Rules. The Department did not have systems to ensure the regular inspection of establishments by LIs and failed to

ensure that all establishments were in compliance with the health, safety and welfare provisions under the Act and Rules for building and other construction workers.

The Government replied (April 2024) that necessary instructions will be issued to all LIs to conduct inspections related to health, safety and welfare. Further, the ALCs and DLCs will monitor the inspection reports and set the targets for the LIs.

Thus, despite the availability of full strength of LIs, inspections were not carried out. Directions were not issued by higher authorities to DLCs/ALCs for monitoring of inspection reports and targets were not set for LIs for inspection. Further, no reasons for non-compliance of rules by the officials and authorities concerned have been provided.

5.3 Joint site inspection of establishments

Joint site inspections of eight selected registered establishments were conducted to check compliance with health, safety and welfare measures as contained under the Act and Rule. The discrepancies observed during the joint site inspection are discussed in subsequent paras.

5.3.1 Non-availability of canteen facility

As per Rule 249 of the Rules, in every place where not less than 250 building workers are ordinarily employed, the employer shall provide an adequate canteen in the manner specified in this rule for the use of such building workers. Two out of eight construction sites inspected, employed more than 250 workers. However, no canteen facility (100 *per cent*) was provided by the employers.

5.3.2 Use of head protection and other protective apparel

Rule 51 provides that every building worker required to pass through or work within areas at building or other construction work where there is a hazard of being struck by falling objects or materials, shall be provided by the employer with safety helmets and waterproof boots. However, it was observed that suitable protective equipment like safety boots, helmets, *etc.*, were not provided by the employer at three construction sites (37.50 *per cent*).

5.3.3 Non-availability of accommodation

As per Section 34 of the Act, the employer shall provide, free of charge and within the work site or as near to it as may be possible, temporary living accommodation to all building workers employed by him for such period as the work is in progress.

Audit observed that one out of eight test checked sites, accommodations were not being provided by the employer.

5.3.4 Non-maintenance of workers and beneficiary register

Rule 245 requires that every employer maintains in respect of each registered establishment where he employs building workers, a register in Form XV, containing vital information regarding the employment of building and other construction workers and their registration as a beneficiary with the Board. However, none of the inspected establishments maintained this essential register (Form XV). Hence, the registration status of workers could not be verified.

5.3.5 Non-display of registration certificate

As per Rule 26(5), a copy of the certificate of registration shall be displayed at a conspicuous place at the premises where the building and other construction work is being carried out. At five out of eight inspected establishments, the certificate of registration was not displayed at the work site (**Appendix II**).

While the Board had not provided point-wise replies to the above observations made during joint site inspection, it was stated (July 2024) that the Department had already initiated action for compliance of the provisions of the Act and further an Office Memorandum was issued (June 2024) for implementation of BOCW Acts and Rules.

Conclusion:

Establishments employing more than 50 workers have not formulated health and safety policy as required under the Goa BOCW Rules, 2008. Despite the availability of full strength of LIs, the number of inspections to check health and safety issues were not carried out adequately. Discrepancies like non-availability of canteen facility for workers, absence of head and safety gears on work site, non-availability of accommodation, *etc.*, were observed during joint site inspection.

Recommendation 7: The Department may ensure the formulation of health and safety policies by the employers who employed more than 50 workers as required under GBOCW Rules.

Recommendation 8: The Department may strengthen mechanisms for conducting regular inspection of establishments.

Recommendation 9: The Department may take appropriate action on employers for non-providing the canteen facility to the workers where 250 or more workers are employed.