

Chapter V

Safety, Health and Welfare measures for Construction Workers and its compliance

5.1 Introduction

The BOCW Act (Section 38-41) stipulated provisions for the safety and health of workers engaged in building and other construction works including powers of the State Government to frame rules (Section 40) for the safety and health of building workers. The RBOCW Rules contain provisions (Chapter XI) for safety of the BOC workers from the harmful effects of noise, dust, gases, fire protection, provision of safety shoes, safety belts and helmets and first-aid boxes etc. for the health of workers. The provisions also include the formation of safety committees, appointment of safety officer, equipment and appliances necessary to be provided for ensuring safety, health and protection during the employment.

Audit observations related to the formulation of health and safety policy by establishments, inspection of health and safety provisions by Factories and Boilers Inspection Department (FBID), follow-up action on these inspection reports and inspection of registered establishment by Labour Department are discussed in the succeeding paragraphs.

5.2 Health and safety policy not framed by the establishments

Rule 82 of RBOCW Rules, 2009 stipulates that every establishment employing fifty 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 Chief Inspector. The policy was to contain *inter alia* intention and commitment of the establishments regarding health, safety and environment protection of building workers, the responsibility of its implementation at different levels of hierarchy, techniques and methods for assessment of risk to safety, health and environmental and remedial measures, arrangements for training of building workers, trainers, supervisors or other persons engaged in the construction work.

During review, it was noticed that though 749 establishments employing 50 or more workers were registered in the State (311 establishments in five selected districts) during the period 2017-22 but none of these establishments had submitted any written statement of policy in respect of building workers to the Chief Inspector, Factories and Boilers Inspection Department. In the absence of a written policy, implementation of the same could not be ensured.

Out of 27 selected establishments (12 registered and 15 unregistered) jointly inspected by Audit with labour inspectors, eight establishments had employed 50 or more workers. Out of these, only three establishments had prepared a written statement of policy in respect of safety and health of building workers but the same was not submitted to the Chief Inspector, FBID for approval.

Chief Inspector, FBID stated (July 2023) that health and safety policy was not submitted by any establishment for approval.

This indicates that compliance of provision related to formation of health and safety policy by establishment was not being ensured by both Labour department and FBID.

5.3 Formation of Safety Committee and appointment of Safety Officer

Rule 251 of RBOCW Rules stipulates constitution of a safety committee and appointment of a safety officer in every establishment wherein 500 or more building workers are ordinarily employed. The main function of the safety committee is to identify probable causes of accident and unsafe practice in construction work and to suggest remedial measures.

Audit observed that there were 80 establishments registered in the State during the period 2017-22 which employed 500 or more workers. There was no information at the State level regarding the constitution of a safety committee and appointment of a safety officer in these 80 establishments. Further, 16 out of these 80 establishments were registered in test checked three districts. The test checked districts also did not have any information on the formation of safety committee in these 16 establishments.

Thus, such crucial information was neither available at the district level nor at the State level.

The GoR replied (December 2023) that the list of establishments will be obtained from the Labour Department and inspections would be carried out in these establishments.

5.4 Inspection of Establishments

Section 43 of the BOCW Act empowers the Inspectors of Labour Department to inspect the premises of any establishment where construction work is being carried out. Such inspection helps in identifying unregistered BOC workers, incidence of any accident at the site and implementation of other provisions of BOCW Act.

In Rajasthan, Inspection to ensure safety and health provisions for construction workers was entrusted (November 2010) to the FBID.

5.4.1 Inspection of health and safety provisions by FBID

(i) Shortfall in inspections against target

Enforcement of safety and health provisions for construction workers was entrusted (November 2010) to the FBID. Eight years (August 2019) after entrusting the responsibility to the FBID, target of five inspections per month for each inspector for conducting inspections was fixed. Against the target of

4,005 inspections, only 553 inspections¹ (14 per cent) were conducted in the State, while in the five test checked districts, only 239 inspections² (16 per cent) were conducted against the target of 1,525 during 2019-22.

Audit further noticed that no inspection was carried out in 13³ districts of the State by FBID during 2019-22. Moreover, in 11 (except Jhalawar and Baran) out of above 13 districts, inspection was not carried out by Labour Department also to ensure registration of establishments and eligible BOC workers and other provisions of BOCW Act.

GoR stated (December 2023) that the targets could not be achieved due to vacancy in post of Inspectors and additional workload assigned to the remaining Inspectors. Government has further attributed shortfall during the period 2019-22 to Covid pandemic. It was also stated that instructions have been issued to inspectors to carry out the inspections as per norms.

The reply is not tenable as only 14 per cent inspections were conducted in the State against the set target, which was not proportionate with the number of Inspectors posted (71 per cent of the sanctioned strength) in the FBID.

(ii) Compliance of issues raised through inspection reports

FBID conducts inspection of establishments for enforcement of safety and health provisions and issues notices to erring establishments. The compliance of notice was to be furnished within 15 days of the inspection by the employers.

Audit observed that out of 553 inspections conducted by FBID during 2019-22, shortcomings were noticed in 387 cases, but FBID did not issue notices for compliance in case of 148 (38 per cent) establishments. Further, out of 239 establishments to which notices were issued, compliance was not furnished by 212 establishments.

The GoR stated (December 2023) that instructions are being issued to get compliance from remaining 212 establishments.

Further, audit selected a sample of 55 out of 239 inspection notes of FBID in selected districts for scrutiny and found that the following shortcomings were pointed out in the said notes:

(i) Safety belts were not available in five establishments, (ii) safety net was not available in seven establishments, (iii) notice board regarding safety precautions during work was not available in 15 establishments, (iv) display of notice of wages was not available in 17 establishments, and (v) Helmets were not provided in six establishments. However, no action was taken by FBID against employers of these establishments.

¹ 2019-20: 308 inspections (against 945 inspections), 2020-21: 155 inspections (against 1,560 inspections) and 2021-22: 90 inspections (against 1,500 inspections).

² 2019-20: 120 inspections (against 385 inspections), 2020-21: 75 inspections (against 600 inspections) and 2021-22: 44 inspections (against 540 inspections).

³ Jhunjhunu, Dausa, Jhalawar, Jaisalmer, Bharatpur, Baran, Sawai Madhopur, Tonk, Churu, Dungarpur, Dholpur, Karauli and Pratapgarh.

The GoR in its reply (December 2023) stated that directions were given to the employers of the establishments at the time of inspection to comply with the provisions noticed as shortcomings. However, compliance done by the establishments was not intimated to audit.

(iii) Physical inspection of selected establishments

Audit physically inspected 27 establishments⁴ for assessing enforcement of safety and health measures for workers and found that:

- First aid boxes were not available in 5 cases (19 per cent),
- Safety net was not available in 11 cases (41 per cent),
- Helmet and masks were not available in 2 cases (7 per cent),
- Drinking water facility was not available in 9 cases (33 per cent),

The GoR replied (December 2023) that the inspection would be carried out in these establishments to get the compliance.

5.4.2 Inspection of registered establishments by the Labour Department

The GoR had fixed (27 May 2016) the target of two inspections of registered establishments per labour inspector per month. Such inspection helps in identifying unregistered BOC workers and implementation of other provisions of BOCW Act (except health and safety). The details of inspections carried out against the targets in the state and selected districts are given in **Table 5.1**.

Table 5.1: Targets and achievement of inspections by Labour Inspectors

Year	State			Jaipur			Dholpur			Karauli			Kota			Jodhpur		
	N	T	A (in %)	N	T	A	N	T	A	N	T	A	N	T	A	N	T	A
2017-18	95	2,280	33 (1.45)	3	72	0	2	48	0	1	24	0	4	96	0	4	96	0
2018-19	118	2,832	420 (14.83)	20	480	54	2	48	0	1	24	0	6	144	0	8	192	0
2019-20	111	2,664	272 (10.21)	14	336	11	1	24	0	1	24	0	5	120	0	8	192	0
2020-21	90	2,160	131 (6.06)	17	408	0	1	24	0	1	24	0	4	96	0	3	72	0
2021-22	89	2,136	20 (0.94)	19	456	0	1	24	0	1	24	0	3	72	0	7	168	0
Total		12,072	876 (7.26)		1,752	65		168	0		120	0		528	0		720	0

N-Total number of Labour Inspector posted; T-Targets {(number of posted labour inspector) x (2 inspections/month) x (12 months)} and A-Achievement

It can be seen from the table that:

- Only 876 inspections (7.26 per cent) were carried out against the targeted 12,072 inspections in the State during 2017-22.
- No inspections were carried out in four⁵ out of the five districts test checked during 2017-22.

⁴ Registered establishments: 12 and Unregistered establishments: 15.

⁵ Dholpur, Karauli, Kota and Jodhpur.

- In Jaipur, only 65 inspections were conducted in two years (2018-20). Audit scrutiny of inspection reports of 10 out of 65 inspections (15 *per cent*) revealed that though 149 workers were engaged at these 10 construction site but no worker was registered.

Additionally, Audit observed that 828 establishments were registered in 20 districts during 2017-22, but no inspection was carried out in these districts. Therefore, important information regarding registration of workers and facilities provided to them at the site remained unverified.

The GoR stated (November 2023) that only 74 Labour Inspectors were posted against the sanctioned strength and they are entrusted with execution of all labour related acts and laws.

The reply may be viewed against the fact that number of inspections carried out fall far short of the targets fixed on the basis of present manpower of Labour Inspectors.

5.5 Non-Reporting of Accidents

According to Rule 253 of the RBOCW Rules, notice in case of any accident which disables a building worker for a period of 48 hours or more immediately following the accident, is to be sent to various authorities of Labour Department by the employer in the prescribed format, within four hours in case of fatal accidents and 72 hours in other accident cases. Also, establishment is required to send information of accidents which took place during the year in the annual return submitted to the Registering Officer.

Audit noted that neither information of accidents that occurred on construction site nor annual return mentioning information of accidents was received from any employer in the State. In the absence of this, department cannot investigate the reasons for the accident and initiate any action against the employer, if needed.

The Board replied (August 2024) that under Rule 253, the employer is responsible to submit information of accidents to labour department but to avoid legal responsibilities they do not submit such information.

Audit is of the view that Labour department should monitor the cases of accidents to ensure that the BOC worker receives due benefits in case of accidents and that action can be taken against defaulting establishment.

Conclusion

Audit observed that none of the establishments, though liable under the Act submitted written statement of policy on health and safety of building workers to the Chief Inspector. Targeted number of inspections were not carried out by the FBID and Labour department. Further, FBID did not issue notices for compliance to all the inspected establishments where deficiencies were noticed. In cases where notices were issued, 89 *per cent* establishments did not furnish compliance reports. Joint inspection of registered establishments

further revealed lapses in adherence to the prescribed safety and health norms at construction sites.

Recommendation 5: The Labour Department may take appropriate steps to ensure inspections as per prescribed targets and strengthen enforcement mechanism, thereby promoting compliance with safety and health norms at construction sites to mitigate the risk of accidents and enhance protection of BOC workers.

Recommendation 6: The State Government may consider recruiting dedicated inspectors exclusively for monitoring compliance under BOCW Act to enhance the welfare of BOC workers.