

## **CHAPTER – VII**

### **CONCLUSION & SUGGESTIONS**

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This chapter highlights the major findings of the study along with their implication for future study and research. In the study it was found that Occupational health problem is one of the most serious problems which jeopardize the efficiency of the workers. The workers are not aware about their occupational disease for which thousands of industrial workers fall prey to occupational diseases. Most of the cases go undetected or wrongly diagnosed and the victims are forced to spend much on medicine and get only symptomatic relief.

The present study wants to highlight the peculiar health problems faced by the female wage earners, because she on the one hand runs the house hold, which is her expected role in the family, on the other hand economic constraints compel her to seek employment outside the mantle of her family. In the male dominated society the health problems of women workers are not only neglected in the work place but also at the home. Her health problems are never highlighted, she works and suffers in the confines of her home, unheard and unattended, until it is often too late. Even if a women worker plays a significant role of a wage earner, she is hardly acknowledged by her family or society at large.

In Indian economy Unorganized sector is generally a large source of employment for women than for man. These low income women workers are one of the most vulnerable groups, the reasons may be , irregular work low economic status, little bargaining power, lack of control over earning, need to balance job with home work, no access to trading and information, lack of assets, finally unequal gender relations play a very important role in defining their insecurities.

The present study is an attempt to examine the occupational health problem of women workers engaged in unorganised sector of employment in Orissa. The earlier studies on unorganized sector indicates that the workers are deprived of social security benefits and their working conditions is vulnerable due to various reasons. In order to ascertain the problems of women workers in this sector investigation has been conducted

on various aspects of work such as, motivational factor, Legislative frame work adopted at the national and international level, cause and effect of the occupational Health Problems, safety and welfare aspects of the workers, legal remedies available to them and protective measures taken by the employers of the unorganized sector.

In India the law relating to occupational disease or Occupational health Problem are provided under the Workmens Compensation Act – 1923 and The ESI Act – 1948. But these two statues generally gives protections to the workers engaged in industrial establishments and in the organized sector of employments. The workers engaged in the unorganized sector or informal sector are not cover under The ESI Act and The Workmen Compensation Act – 1923 covers a limited category of unorganized sector of employment. Subsequently the Unorganized Workers Social Security Act 2008 was enacted by the Government to provide Social Security to the workers of unorganized sector and the Central Government has to formulate separate scheme to protect various aspects of Social Security. The Government has framed scheme protecting maternity benefit where as for the other occupational health problems arising in unorganized sector are not covered under any specific scheme. In Orissa under the Social Security Act- 2008 a State Board was constituted in 2010 but no special attention was given to the occupational health problem of women workers.

Most of the earlier studies relating to problem of women workers engaged in unorganized sector are relating to their wage structure, contribution towards national economy, position in the society and safety and welfare aspect. A limited attention has been given to the occupational health problems of women workers engaged in this sector of employment. At the same time a series of statutes were enacted by the legislature in order to protect the health and strength of women workers and to provide Social Security to them. A number of schemes, Programmes, Yojanas were declared by the Government to protect the specific problem of women workers. But inspite of several legislative attempt and Government Schemes the occupational health problem of women workers are not adequately protected and compensated. They continue to be underprivileged and suffer a lot due to the working conditions. Most of the laws relating to occupational

disease are meant for organized sector and the women workers working in the unorganized sector are deprived to get protection under those laws.

The Present research work has been done mainly from a researcher's prospective. In the present both the method of analysis has been adopted. Primarily the individual opinion of the women workers working in the unorganized sector were gathered through self developed questionnaire. As a secondary source of data the observation method has been adopted to gather information for the study. The observation of the existing laws Governmental Schemes and programmes has been made from books, journals, Governmental reports, Notifications circulars and case decisions. A quantitative analysis has been made between the occupational health problem of women workers engaged in unorganized and organized sector of employment.

### **Findings of the Study**

- The finding of the study indicates that the women workers working in the unorganized sector majority of them are illiterate, unskilled and having a very low monthly income in comparison to the women workers working in the organized sector. The majority of them are married and to supplement their family income. This is the common motivating factor to employ themselves in the present job. There are other factors like the work is easily available, most of their family members work in the similar employment and they do not have any other alternative to earn also motivates the workers of this category.
- It is observed that the ILO from the beginning in 1919 recommended the member countries to enact necessary law for the payment of compensation and to employment injury and occupational diseases, Accordingly India enacted the Workmen Compensation Act 1923 to provide Social Security to the working Class. In order to implement the subsequent recommendations of ILO and World Health Organisation, ESI Act, 1948 was enacted to give protection to the workers of organized sector of employment. Recently the unorganized workers Social Security Act – 2008 was enacted to cover the unorganized sector workers. This Act of 2008 came in to force in 2010 and it authorized the central and state

Government to formulate suitable welfare schemes to protect health, disablement, maternity , Old age etc.. National and State Social Security Board for unorganized workers were constituted by the respective Government. But unfortunately no separate scheme has been framed for the protection of occupational disease or health problem of women workers engaged in the unorganized sector. The central Government at different times formulated number of welfare schemes for the upliftment of the rural peoples. Such as Janani Suraksh Bima Yojana 2005, Aam Admi Blma Yojana, Rastriya Swasthya Bima Yojana etc are some examples of welfare scheme but these schemes are contributory schemes where no special attention hs been given to protect the occupational health problems of women workers in this sector.

- The study indicates that many occupational health problem exist among the workers of unorganized sector. The cause of their occupational health suffering varies according to the nature of work. Contentious exposure to dust, Sunlight and carrying heavy load are some of the cause of suffering of the Construction and Bricks Manufacturing workers. The continuous exposure to undisolved fertilizers and an pesticides are the major cause of disease and sufferings of the Agricultural workers. In case of stone crusher workers they suffer from various disease due to dust particles, sunlight and some time carrying heavy load during work.
- The effect of occupational health problem are many fold. According to the nature and condition of work the women worker suffers from a particular symptom. The women workers engaged in stone crushers are most vulnerable to dust related disease particularly upper respiratory tract infection, caugh, Asthma etc. most of the employers have not adopted any dust control mechanism either artificial humidification or providing mask to the workers for which the stone crusher workers suffers from long term diseases. similarly the construction workers, Brick Klin women workers suffer from gynaec problem, headache, Muscular Pain. Most of the Agricultural Workers suffer from Skin irritation, eye irritation, upper respiratory tract infection due to use of various types of pesticides and fertilizers. Due to various types of occupational health sufferings the workers have to remain

absent from their work which create hard ship to them. At the same time lack of medical facility again doubles their sufferings. Most of the women workers adopt the method of home remedies and in exceptional circumstances they go to the nearest community Health Centers for their treatment.

- Regarding the safety and welfare aspect of the workers of unorganized sector it is totally neglected in absence of any strict law. The organized sector is regulated under the Factories act, 1948, Industrial employment (SO) Act 1965, Plantation Labour Act 1951, Mines Act 1952, Beedi and Cigar workers Act 1966 of etc. are some of the legislation to provide safety and welfare of the workers of organized sector of employment. These provisions are not protecting the workers of unorganized sector. The study indicates that the unorganized workers are not provided with separate toilet, drinking water, and shelter room and first-aid facilities. They hardly get any rest interval during their work and the women workers are also not allowed to feed their children during work. In case of any dust or fumes they were not provided with air filtering apparatus to prevent inhalation of dust or gas. The organized sector workers are some extent protected in this regard.
- Employees State Insurance Act – 1948, Factories Act – 1948 are applicable to industrial establishment and factories. The Employees State Insurance Act – 1948 is a contributory insurance scheme and the benefits and protection provided under Sec – 46 are not applicable to the workers of unorganized sector. Similarly under Factories Act – 1948 a number of health and safety measures are provided to protect the health and hygiene of the workers under sec – 10 to Sec – 41. As observed from the Table – 19 to 23 the health, safety and welfare facilities provided under the Factories Act are not provided to the women workers of unorganized sector which may be cause of occupational health suffering.
- Due to irregular and casual nature of job in unorganized sector and frequent change of employer by the workers (table - 27) the Women Workers in this sector unable to establish their claim under W.C. Act for their occupational health

sufferings. Under Sec – 3 employment injury includes occupational disease (schedule – III) and the employer is liable to pay compensation for such disease. But the employers of unorganized sector do not have any qualified medical practitioner for the medical examination (section – 11) in case of such health injuries. Another legal problem was there is no legal document to establish the employer employee relationship, in this sector of employment and their names are not entered in any muster roll or register as observed from table no – 28 and 29 of the study under such circumstances it becomes difficult for the women workers to establish their claim for any remedy under the acts.

- The state is required to constitute on Construction Workers Welfare Board under the Act. Orissa has constituted an Orissa Building and other Construction Workers welfare Board in 2008. The Board extends some benefits to the registered construction workers in case of medical expenses and maternity in the field of unorganized sector. The other employments under unorganized sector are not covered under this Act and at the sometime under this Act of 1996 there is no provision of compensation for occupational health injuries. The table no – 25 indicates that majority of the construction workers are not registered their name under the Act. It was observed from the respondents that the employers avoid to give certificate to their workers as construction worker even though the workers have worked more than 90 days work on the other hand the trade unions harass the workers to give certificate as construction worker for different reasons. Due to these technical problem the women workers unable to get legal remedies under this Act.
- Recently the unorganized workers Social Security Act – 2008 was enacted to protect the interest of workers engaged in unorganized sector of employment. This Act is an enabling Act which delegates power to the respective Government to frame rules and welfare schemes for the benefit of the workers. Accordingly Social Security Board was constituted in every state. Under this Act the Rashtriya Swasthya Bima Yojana and Janani Surakshya Yojana are framed by the

Government to protect the health condition of the women workers in general. But these schemes provides little benefit to the occupational health injuries of women workers as the medical care benefit can be given to each patient up to Rs. 30,000/- to the registered BPL family. Except medical treatment there is no provision for compensation for occupational health injuries.

- The Janani Surakshya Yojana is not a scheme to protect occupational injury and the Rastrya Swasthya Bima Yojan is a scheme to give protection for medical treatment upto a limited extent. The employers of these sector of employment has no role under these scheme. The workmen herself has to register their name and pay annual contribution and renew the same in order to entitle them for benefit. As observed from the study, being an unorganized women worker not a single person has received any financial benefits under these schemes.
- No safety measures are provided by their employers of unorganized sector as provided under Factories Act Sec – 21 to 41 to the organized sector of employment. They have to work in vulnerable condition, no safety equipments or apparatus have been provided to them. They are prone to skin disease, dust allergy, headache, Gynaec problem etc. and some time it becomes fatal. The conditions imposed under the Building and Other Construction Workers Act – 1996 has not been implemented properly by the Board.
- The minimum health facilities to be provided to every workers is not provided to the workers as indicated in Table – 21 that they do not have first aid facilities, separate toilet, drinking water, shelter room, washing and staring facilities etc. on the other hand the workers of organized sector are provided with these facilities to some extent. Due to occupational disease and health injury some women workers became sick and diseased. They do not get any attention from their employer at the same time from the administration. When they were sick or diseased they unable to earn which created hardship for their family to meet the medical expenses and feed their family.

- There is no consistency in the employment of the workers of this sector. They frequently change their employment and the employer. Another reason is they do not work continuously in one employment. Their work is very casual and irregular in nature. Under such condition the employer refuses to agree the liability in case of occupational health sufferings. The employer employees relationship is also very thin. These circumstances helps the employer to get rid of from the liability to pay compensation under any Act.
- The worker of this sector are not enrolled as a member in any trade union. Even though they are workers working in the same employments, the trade unions have not recognized them and not considered them to enroll. These workers they never give subscription to any trade unions. On the other hand the trade unions have never raised any voice on the peculiar problem of the women workers of unorganized sector.

#### **Hints for future Research**

1. The researcher feels that more and more intensive, in-depth and micro level studies can be conducted on number of problems that are not covered in this research study.
2. Similar studies can be undertaken to investigate the occupational health problem of both man and women workers in organized and unorganized sector of employment.
3. The present study is confined to examine the health problem of unorganized workers where the safety and welfare aspect of the workers are not covered under this study which need further study.
4. Opinion has been gathered only from the unorganized women workers working in construction, Stone Quarry, bricks manufacturing and Agricultural work. Whereas unorganized sector includes other category such as sabai rope

making, leaf stitching, Beedi making, Potteries, fishing, domestic workers vendors etc a wider study is necessary to be undertaken.

### **Recommendation**

From the above study of the multifarious and multi dimensional occupational health problems of women workers of unorganized sector it is observed that there exist a number of occupational health problems of women workers and the existing law fails to give adequate protection to these problems. To solve the occupational health problems some recommendations are given below.

- 1) The scope and application of the Employees Compensation Act – 1923 be extended to cover workers of unorganized sector. Section – 2(1)n the term “Employee” be amended to include the wage workers employed by the employer under in unorganized sector of employment. Accordingly Schedule – II of the Employees Compensation Act – 1923 be amended to include the employees of the specific employment coming under unorganized sector.
- 2) The coverage of the ESI Act 1948 is very limited. There are large numbers of workers in unorganized sector of employments such as construction, Bricks Manufacturing Agriculture, Stone Quarry, Power loom, diamond cutting work shop, quarries and tanneries who are more prone to occupational disease are outside the scope of the ESI Act. This constitutes most serious short comings of the scheme under the Act. In this regard to begin with at least the medical benefit be extended to the unorganized workers those who are registered under Section – 10 of the unorganized workers Social Security Act – 2008.
- 3) There is a need to shift the emphasis to prevent occupational disease on health injuries. The most important and effective means of prevention is periodical medical checkup. All workers covers under Workmens Compensation Act and ESI Act on their entry into regular service should be required to undergo a medical check-up and there after at least once in every three years. This should be done particularly in those cases where workers are liable to contract occupational disease. The similar medical checkup system should be made compulsory for the

workers of unorganized sector and responsibility be fixed on the employer to provide such facility.

- 4) Before engaging any wage worker in the unorganized sector the employer must ensure that the worker has registered her name as an unorganised worker under the Unorganized Workers Social Security Act – 2008. Responsibility should be fixed on the employer to register the name of his workers under the Act.
- 5) A separate scheme be framed by the State Unorganised Workers Social Security Board for systematic training in occupational diseases in collaboration with ESI Corporation and Director General of Factories, Factories Advise Service and Labour institutes working in the area of occupational health for systematic training in occupational disease. The scheme should involve and collaborate with other agencies working in the field in surveying and investigating the incidence of occupational disease in different areas.
- 6) The identification of occupational disease in different sector of employment is essential. The District Administration under Social Security Act 2008 and the Labour Inspectors should be entrusted with the duty to identify the occupational disease with the help of medical experts.
- 7) In addition to the identity card issued to the unorganized workers under section – 10 of the Social Security Act a health card must be issued to the workers mentioning the list of hospitals where they can get free medical treatment.
- 8) Appropriate authority should disseminate information relating to various available schemes framed under Social Security Act – 2008 through electronic and mass media in order make aware about the benefits.
- 9) The employers of unorganized sector must maintain a register on muster roll of the workers engaged by them. In this regard separate provisions should be inserted in Social Security Act – 2008.
- 10) The state Government must setup worker facilitation centre under Section – 9 of the unorganized worker Social Security Act 2008 in the areas where more number of unorganized workers are employed in the state as at present no such centers are functioning in the state under this Act.

- 11)The existing list of occupational disease should be reversed. Schedule – III of Workmens Compensation Act and Schedule III of ESI Act be revised to include the new diseases arising out of new chemicals, pesticides and fertilizers.
- 12)In the light of Building and other Construction workers Act 1996 provision relating to working hours, health, Safety and inspecting staff may be inserted under unorganized workers Social Security Act – 2008 to protect the interest of wage workers under the Act.
- 13)The wage workers of unorganized sector should approach the trade unions for enrollment as member and the trade unions should raise the issues of occupational health injuries against different authorities and employers to give justice to the workers of unorganized sector.
- 14)The District Labour Officer of Labour Inspectors should make frequent visit to the places where workers are engaged in unorganized sector of employment in order to bring the employment within the fold of existing labour legislation.

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