

These laws are proved very much helpful to the labour for improving their living conditions.

Labour Insurance

Insurance laws are applicable only to regular employees.

In construction industry most of the labour is of casual nature and insurance laws are not applicable to them. For the welfare of casual labour, different Acts such as Minimum wages Act, Compensation Act etc. are passed by the Government.

Payment of Wages

The remuneration given to workers for work performed by them is known as wages. Wages are of two types.

1. **Nominal wage:** This is the remuneration paid to the worker in the form of money, but it does not include the value of any other benefit that may be provided.
2. **Real Wage:** Labour is often entitled to different benefits, such as leave, medical care, house rent allowance, bonus etc. If the value of such benefits is added to the nominal wage, it is known as real wage.

Wages are paid to the labour based on two methods:

1. Depending upon time devoted to the work. This method is known as time rate system.
2. Depending upon the quantity of work performed.

This method is known as piece rate system.

Time Rate system

In Time rate system of payment of wages, a suitable rate of payment is fixed per unit of time devoted to work by the labour. The unit of time can be hours, days, weeks or months.

The rate of payment for casual labour is fixed per day and that of regular employees per month in the construction industry.

The advantages of this system are:

1. It is simple and easily understood by labour.
2. The quality of work will be good.
3. The workers do not get overstrained.

There are, however, the following disadvantages in the system

1. Constant supervision is required.
2. Effective cost control cannot be ensured.

Piece Rate System

In this system payment is made on the basis of the output of the workers. The work done by each labour is measured and payment is made at the agreed rate. Thus a worker can make more money by increasing his output. The rate of each item of work is fixed on the basis of the past record of output.

Minimum Wages Act, 1948

The Minimum wages Act of 1948 was passed for the welfare of labour and provided for fixing the minimum rate of wages of labour. The Act aims at making provisions for the statutory fixation for the minimum rate of wages in number of industries where there are extensive chances for the exploitation of labour.

The main provisions of Minimum wages Act are:

1. The setting of advisory committees to collect information on which the minimum wages are based.
2. The wages of a worker in any scheduled employment shall be paid on a working day by:
 - (i) The 7th day after the last day of the wage period if the establishment has less than 1,000 employees.
 - (ii) The 10th day after the last day of the wage period if establishment has more than 1,000 employees.
3. The wages of an employee should be paid without any deductions except those items given below.
 - (i) Fines in respect of acts of omission.
 - (ii) Absence from duty.
 - (iii) Loss of goods directly attributed to the neglect of the employee.
 - (iv) House accommodation provided by the employer.
 - (v) Amenities and services provided by the employer.
 - (vi) Income tax
 - (vii) Subscription to the provident fund.
 - (viii) Recovery of advances.
 - (ix) Deductions ordered by the court.
 - (x) Payments to co-operative societies / Life Insurance Corporation.

Workmen Compensation Act, 1923

The Workmen Compensation Act passed to protect the victims of accidents and their families from hardships out of and in the course of employment. The Act covers workers employed in hazardous occupations as specified in the schedule but excludes those employed in clerical or administrative work. The Act provides for payment of compensation in case of accidents on work sites. The compensation, however, is not payable for injuries due to

- (i) Disobedience or negligence,
- (ii) Non observance of safety measures
- (iii) Consumption of liquor
- (iv) Diseases which are not contracted as a result of the occupation. In the case of the death of a worker, compensation is paid under all circumstances.

ACCIDENTS

Accidents are due to

- (i) Human causes such as poor eye sight, negligence, effect of intoxicants, (ii) Mechanical causes such as inadequate safety devices, live electrical equipment, unreliable scaffolding etc. and
- (iii) Environmental causes. Such as poor lighting, heat, noise etc.

The result of an accident may be:

1. Temporary disablement, which may be total or partial.
2. Permanent total disablement.
3. Permanent partial disablement.
4. Death.

Contract labour act, 1970

The contract labour Act, 1970 was passed to regulate the employment of contract labour in certain establishments. It also provides for improving the service conditions of contract labour.

The Act is of importance to the construction industry where works are executed through contractors or by contract labour.

The Act applies to every establishment and contractor employing twenty or more workmen.

The Act does not apply to

establishments in which only work of an intermittent or casual nature is performed.

The Act provides for the constitution of a Central Advisory Contract Labour Board under the Central Government and of state Advisory contract labour Board under each State Government

to advise the Central and State Governments on matters arising out of the administration of the Act and to carry out the functions assigned to it under the Act.

CLASSIFICATION OF LABOUR LAWS

In India Labour Laws may be classified under the following heads:

I. Laws related to Industrial Relations such as:

1. Trade Unions Act, 1926
2. Industrial Employment Standing Order Act, 1946.
3. Industrial Disputes Act, 1947.

II. Laws related to Wages such as:

4. Payment of Wages Act, 1936
5. Minimum Wages Act, 1948
6. Payment of Bonus Act, 1965.
7. Working Journalists (Fixation of Rates of Wages Act, 1958)

III. Laws related to Working Hours, Conditions of Service and Employment such as:

8. Factories Act, 1948.
9. Plantation Labour Act, 1951.
10. Mines Act, 1952.
11. Working Journalists and other Newspaper Employees' (Conditions of Service and Misc. Provisions) Act, 1955.
12. Merchant Shipping Act, 1958.
13. Motor Transport Workers Act, 1961. 28
14. Beedi & Cigar Workers
15. Contract Labour (Regulation & Abolition) Act, 1970.
16. Sales Promotion Employees Act, 1976.
17. Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979.
18. Dock Workers (Safety, Health & Welfare) Act, 1986.
19. Building & Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996.
20. Building and Other Construction Workers Welfare Cess Act, 1996

21. Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
22. Dangerous Machines (Regulation) Act, 1983
23. Dock Workers (Regulation of Employment) Act, 1948
24. Dock Workers (Regulation of Employment) (Inapplicability to Major Ports) Act, 1997
25. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993
26. Industrial Employment (Standing Orders) Act, 1946
27. Mines and Mineral (Development and Regulation Act, 1957
28. Plantation Labour Act, 1951
29. Private Security Agencies (Regulation) Act, 2005

IV. Laws related to Equality and Empowerment of Women such as:

30. Maternity Benefit Act, 1961
31. Equal Remuneration Act, 1976.

V. Laws related to Deprived and Disadvantaged Sections of the Society such as:

32. Bonded Labour System (Abolition) Act, 1976
33. Child Labour (Prohibition & Regulation) Act, 1986
34. Children (Pledging of Labour) Act, 1933

VI. Laws related to Social Security such as:

35. Workmen's Compensation Act, 1923.
36. Employees' State Insurance Act, 1948.
37. Employees' Provident Fund & Miscellaneous Provisions Act, 1952.
38. Payment of Gratuity Act, 1972.
39. Employers' Liability Act, 1938
40. Beedi Workers Welfare Cess Act, 1976
41. Beedi Workers Welfare Fund Act, 1976
42. Cine workers Welfare Cess Act, 1981
43. Cine Workers Welfare Fund Act, 1981
44. Fatal Accidents Act, 1855
45. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Cess Act, 1976
46. Iron Ore Mines, Manganese Ore Mines and Chrome Ore Mines Labour Welfare Fund Act, 1976

47. Limestone and Dolomite Mines Labour Welfare Fund Act, 1972

48. Mica Mines Labour Welfare Fund Act, 1946

49. Personal Injuries (Compensation Insurance) Act, 1963

50. Personal Injuries (Emergency Provisions) Act, 1962 51. Unorganised Workers' Social Security Act, 2008

CONSTRUCTION INDUSTRY AND SAFETY

Construction is a high hazard industry that comprises a wide range of activities involving construction, alteration, and/or repair. Examples include residential construction, bridge erection, roadway paving, excavations, demolitions, and large scale painting jobs. Construction workers engage in many activities that may expose them to serious hazards, such as falling from rooftops, unguarded machinery, being struck by heavy construction equipment, electrocutions, silica dust, and asbestos.

The information, tools, and resources provided in these Construction Industry web pages are designed to assist those in the industry - whether worker or employer - to identify, reduce, and eliminate construction-related hazards.

Types of hazards on construction sites

- Chemical • Physical • Biological • Ergonomic

Chemicals can exist in the form of

- dusts, fumes, fibers (solids)
- liquids, mists
- gases, vapors

Chemical Hazards

A health hazard can affect the entire body or many organs, or affect only specific tissues, organs, or parts of the body.

Physical Hazards

Physical hazards are different types of energy which may be hazardous to workers.

- Noise
- Vibration
- Temperature extremes
- Radiation

Biological Hazards

Exposure may occur during demolition, renovation, sewer work, work on air handling systems, or other construction work from contact with contaminated or disease-carrying

- soil
- water
- insects (mosquitoes, ticks)
- bird, bat droppings
- animals
- structures

Ergonomic Hazards

Ergonomic hazards can cause painful and disabling injuries till example Musculoskeletal Disorders (MSDs) .

This following situation may causes these injuries:

- heavy, frequent, or awkward lifting
- repetitive tasks
- awkward grips, postures
- using excessive force, overexertion
- using wrong tools for the job or using tools improperly
- using improperly maintained tools
- hand-intensive work

Causes of accidents (HSE, 2003)

• Workers and work-team

– Actions/behavior – Capabilities including knowledge and skills – Communication – Immediate supervision – Workers' health/fatigue

• Workplace – Site conditions (excluding equipment, material & weather) –

Site layout/space – Working environment (light/noise/hot/cold) – Working schedule – Housekeeping

Costs of accidents

- direct costs and
- indirect costs

Direct costs The direct costs are insurance. These include medical costs and others workers' compensation insurance benefits as well as liability and property-damage insurance.

Indirect costs

Below are the lists of indirect costs:

Transportation costs – include the cost of emergency transportation, together with the cost of other personnel that were necessary to get to the injured worker to proper medical facilities

Wages paid to injured worker for time not worked – include all the time in which the worker was not actually doing his or her job and for the wages paid.

Cost incurred because of delays which resulted from accident – other crews affected or delayed; equipment idled; duration of project lengthened; plus all wages, rental fees and indirect supervision costs that occurred as a result of the accident.

Costs of overtime necessitated by accidents – overtime occurred because of the accidents

Loss of efficiency of crew – decrease of crew efficiency due to low morale or reshuffling that might occur to replace an injured worker.

Cost to break in and/or teach replacement worker – hiring new worker would include training and orientation Costs for clean-up, repair or replacement and stand-by costs – normally accidents involves spillage, cave-ins vehicle damage, material wastage or site clean-up.

Extra wage costs, slower returned worker – normally when a worker return to the job site and is partially and/or temporarily disabled, the worker is probably working at a different, less demanding job or less efficient at the former job.

Costs to reschedule work – include time spent to review and reschedule the project due to investigations or project being temporarily suspended by the authorities. Costs of wages for supervision as a result of the accidents – include all time spent on the accident and its results: caring for the worker's medical treatment, investigation, completing forms, disseminating information, visiting the worker, planning to prevent recurrence, appearance in court.

Hazard identification

- Systematic recognition of any aspects of a project which have a potential to be a danger to these persons working on worksite or being around the project.
- Example of hazards present in : working at heights, use of ladders and scaffolds, collapse of temporary structures, use of vehicles, mechanical plant & equipment, etc.

Reasons and benefits to improve health and safety in construction

- Responsibility;
 - Economic reasons;
 - Impact of safety on overall performance;
 - Contractor's performance;
 - Control of accident causes Responsibility
 - Safety is everyone's responsibility.
- It is a moral and legal obligation of employers to provide a safe working place and of employees to work safely.
- **Employer's duty of care to employees as covering the following areas:**
 - safe system of work; – a safe place of work; – plant and machinery that is safe to use; – competent supervision and/or suitable training; and – care in the selection of fellow employees.