

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
RAJYA SABHA
STARRED QUESTION NO. 125
TO BE ANSWERED ON 14.12.2023**

SAFETY OF WORKERS AT CONSTRUCTION SITES

125. SHRI ANEEL PRASAD HEGDE:

Will the Minister of Labour and Employment be pleased to state:

- (a) whether Government is aware of workers getting injured/dying at construction sites, contracting occupational diseases in construction industry, like, falling from height, electrocution, falling of construction materials on workers during demolition and tunneling work in Uttarkashi and in Metro constructions, and cement and wood-dust falling in eyes causing blindness and percolating into lungs causing silicosis, etc.;**
- (b) if so, details of remedies thereof under the new Labour Codes; and**
- (c) whether safety-net for workers earlier present in BOCW Act has got diluted in new Labour Code, if so, reasons therefor, if not, details of provisions of safety given in new codes?**

ANSWER

**MINISTER OF LABOUR AND EMPLOYMENT
(SHRI BHUPENDER YADAV)**

(a) to (c): A Statement is laid on the Table of the House.

*

STATEMENT REFERRED TO IN REPLY TO PARTS (a) TO (c) OF RAJYA SABHA STARRED QUESTION NO. 125 FOR 14.12.2023 ASKED BY SHRI ANEEL PRASAD HEGDE REGARDING SAFETY OF WORKERS AT CONSTRUCTION SITES.

(a): 'Labour' is a concurrent subject and the Central Government is committed to protect and promote the welfare, social security, safety and health of the workers. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and the rules framed thereunder lay down exhaustive safety provisions and use of safety gears for protection of BOC workers.

The BOCW (RE&CS) Act, 1996, Chapter VII (Section 38 to 41) and Chapter VI to Chapter XXIV (Rule 34 to 232) of BOCW (RE&CS) Central Rules, 1998 deal with the general provision of safety and health of the workers. Some of these are detailed below:-

Chapter VI, Rule 45 deals with the safety of workers' Eye protection and Rule 47 deals with the safety from Electrical Hazards

Chapter XII (Rule 108 to 118) deals with the safety of workers engaged in Demolition of Buildings.

Chapter XIII (Rules 119 to 168) had details on excavation and tunneling works.

Chapter XVI (Rule 178 & 179) deals with safety belt, safety net respectively and their use.

Chapter XIX (Rules 188 to 205) deals with scaffolding.

Chapter XXIV (Rule 223, 224, 229 and 230) deals with the Occupational health services for the building workers.

Moreover, under Rule 210, it is mandatory for the establishments to send report of any accident on the construction site to the Regional Labour Commissioner (Central), the Board with which the BOC worker involved in the accident was registered, the Director General, the next of kin/relative of the worker, the officer in-charge of the nearest police station and the District Magistrate.

In case of occurrence of any accident at the construction site, a detailed enquiry under Rule 211 is conducted and the report is submitted by the enquiry officer before the Director General (Inspection). If it is found by the enquiry officer that there was negligence/lack of safety measures as prescribed under the BOCW (RE&CS) Act, 1996; legal action is taken against the defaulter employer.

(b) & (c): The Central Government had brought comprehensive provisions, inter-alia, related to safety, health and welfare measures in the Labour Codes, wherein, relevant provisions of the BOCW (RE&CS) Act, 1996 have been subsumed into the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code, 2020) and the Code on Social Security, 2020 (SS Code, 2020). The provisions of the Code are yet to come into force.

Section (18) of the OSH Code, 2020 provides for the notification of the regulations/Rules relating to health and safety of the workers including BOC workers.

Section (16) of the OSH Code, 2020 provides for the constitution of the National Occupational Safety and Health Advisory Board (NOSHAB) to advise Central Government in the health and safety regulation/Rules.

Chapter V of OSH Code, 2020 provides for the Health, Safety and Working Conditions.

Chapter VI of OSH Code, 2020 stipulates about the Welfare provisions.

And Chapter VII of OSH Code, 2020 specifies about the Hours of work and annual leave with wages.
