

THE NEED FOR SAFETY AND LEGAL PROTECTION TO THE CONSTRUCTION WORKERS IN INDIA

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ABSTRACT

Construction is an indicator of social, economic and cultural development of mankind. This sector requires workers with different skills, talents and educational background. A large number of workers in this sector are vulnerable to the vagaries of workplace accidents and occupational health problems. As the majority of construction workers are employed informally they have no written contract, no benefits other than wages and are excluded from social security schemes. These peculiarities in the construction industry lead to unstable employer–employee relationship, insecurity of employment and lack of enforcement of existing labour laws and regulations.

Key words: Construction industry, unorganized workers, wage payment, trade unionism, legal protection.

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INTRODUCTION

Construction is the oldest activity of mankind. Since civilization men started to construct houses, bridges, roads, dams, *etc.* The art of building handed over generations and became part of the development in human life. Middle East, India and China have more than 3000 years' tradition of city building. The construction industry covers a wide diversity of works and operations. Besides construction of buildings for residential, commercial and industrial uses, it also covers construction of roads, railways, airports, bridges, dams, irrigation canals and so on. Maintenance work on buildings, runways, roads and irrigation canals as ancillary work related to construction is also included in the construction industry. It can thus be seen that 'construction' covers a wide field of activities and provides employment for workers at various level of skills. The size of the world construction market is around 1.5 trillion US Dollars. Over 100 million workers are engaged in construction trades around the globe. Construction workers constitute 6 to 7 per cent of the world labour force. In some countries like Japan, Netherlands, *etc* the figure is as high as 20 per cent.

The industry is the second largest employer in India, as it employs 31 million persons round the year and the annual value of Indian construction industry is about Rs 1500 million or Rs 70 lakhs per working minute. In the years since independence, the construction industry has accounted for about 40 per cent of the development expense. About 16 per cent of India's working population is dependent on construction for their livelihood. The total investment in the industry is made up of the input of materials, input of labour of all types and the overhead costs. It contributes about 5 per cent to the GDP and 78 per cent to gross capital formation. During 1992-1997, capital outlay on construction in India was Rs. 3,30,000 million per year.

All the sectors of the economy have construction components. The percentage of construction component for different sectors of the economy is given in Table 1.

In most of the major sectors of economy more than three fourth consists of construction component. It is cent per cent in housing, 80 per cent in irrigation and flood control and 76 per cent in power. It is low in the transportation and communication (40 per cent) sector. An important feature of the industry is that modern works have created demand for new trades and skills. This calls for workers of different caliber. This situation has reflected in breaking down the traditional caste based system of apprenticeship and attracted workers across the caste to take up work in the construction field.

Table 1 Construction component in different sectors of the economy

<i>Sl. No.</i>	<i>Sector of the economy</i>	<i>Construction portion per cent</i>
1	Agricultural and allied	34
2	Rural development	40
3	Poverty alleviation programmes	42
4	Irrigation, flood control and CAD	80
5	Environment and forest	60
6	Power	50
7	Housing	100
8	Roads and buildings	100
9	High ways and Water ways	80
10	Ports, docks and light houses	50
11	Railways	42
12	Communication, information and broad casting	40
13	Micro, mini and small scale industries	25
14	Organized industry	30
15	Minerals and mining	42
16	Education and culture	30
17	Social welfare	21
18	Welfare of backward classes and scheduled tribes	12
19	Crafts men training	45
20	Labour welfare and sports	45
21	Health	37
22	Urban development, water supply, sanitation	70
23	Scientific research	20
24	Civil aviation	42
25	Tourism, hotel and hospitality industry	60

Source: NICMAR

METHODOLOGY

A well-drafted interview schedule was used to collect data from the respondents. The interview schedule was modified in the light of the suggestions received. The schedule evaluates the socio-cultural, educational and family background of the construction workers. Primary data for the study were collected from the construction workers, both members and non-members. The primary data were supplemented by collecting information through interviews with trade union leaders, contractors, architects and engineers who are associated with construction work. In addition, information was also gathered by holding discussions with members and Chairman of the Managing Committee of the Board and other Officials. Stratified random sampling technique was used for the purpose of the sampling. The sample size is selected under proportional allocation method. The fieldwork for the study was conducted during 2005-2007.

RESULTS AND DISCUSSION

Employment Generation

Next to agriculture, construction is the second largest activity in India. It employs 5 per cent of non-agricultural workforce and generates higher rate of employment in relation to many other sectors like manufacturing, mining, *etc.* The total economy increased 65 per cent over the last three decades and construction sector employment alone increased by 150 per cent.

According to the National Building Organization (NBO), every Rs 1 million spent on the construction work generates 3000 man-days of skilled and semiskilled employment and 1300 man-days of managerial and technical employment. The National Centre for Labour (NCL), an apex body organization, working in the unorganized sector claims that 25 to 30 million workers are engaged in the construction industry. Out of these more than 95 per cent workers are contract or casual workers. Women and child workers constitute a major portion of the workforce in the construction industry.

The targeted employment elasticity of construction sector during IXth Five Year Plan was higher than all other sectors of the economy. In the case of construction sector the employment elasticity was 1 while in all other sectors it was less than 1. An analysis of IXth Five Year Plan also reveals that the projected employment elasticity is found maximum in construction (1.00) and mining and quarrying section (0.60), while the projected employment elasticity of the

economy was 0.38. The sector-wise generation of employment in construction field for the years 1999 to 2005 is given in Table 2.

Table 2 Employment generated–sector wise

Year	Road and building	Housing	Civic and social infrastructure	Infrastructure development sector	Total	Annual increase in per cent
1999-00	1946	12392	1575	4541	20454	09.20
2000-01	2096	13650	1735	4890	22371	09.37
2001-02	2262	15065	1915	5279	24521	09.61
2002-03	2448	16660	2118	5779	27005	09.86
2003-04	2654	18455	2345	6192	29646	10.01
2004-05	2881	20445	2599	6722	32647	10.16

Source: NICMAR

Table 2 indicates that over 60 per cent of the employment in the construction field comes from the housing sector. This in turn indicates increased demand for construction workers for housing projects. There is a gradual increase in the employment generated in the sector from 1999-2000 to 2004-2005.

The Skill Requirements in the Construction Industry

Construction sector requires workers with different skills, talents and educational backgrounds like engineers, electro-mechanical technicians, skilled and unskilled workers, managers, clerks, *etc.* Table 3 indicates the percentage of skill requirement changes between 1995-96 and 2004-2005. The percentage of engineers and architects increased from 4.71 to 8.47 while that of technicians increased from 2.46 to 4.43. However, there is no change in the percentage of clerical staff.

Table 3 Skill distribution of employment in construction (in per cent)

Sl. No.	Skills	1995-1996	2004-2005
1	Engineers	04.71	08.47
2	Technicians	02.46	04.43

3	Clerical staff	04.40	04.40
4	Skilled workers	15.35	27.62
5	Un-skilled workers	73.08	55.08
Total		100.00	100.00

Source: NICMAR

The percentage of skilled workers increased and percentage of unskilled workers decreased. These show the increase in the demand for skilled workers and declining trend of the unskilled workers, which are mainly due to the introduction of high technology in the construction sector. Heavy equipments like concrete mixture; JCB, *etc* presently do much of the works done earlier by construction workers.

Characteristics of Construction Workers

Construction workers constitute one of the largest segments of the workers employed in the unorganized sector. As the construction industry falls under the informal sector, it is difficult to give a picture representing the true characteristics and size of the workforce engaged in it. There is no qualification to become a construction worker. Invariably all the entrants to the industry come as ordinary or unskilled workers. They work as helpers to mason, plumbers, painters, carpenters, electricians, *etc*. During the process, they acquire skill in one or the other aspect and gradually promote themselves as skilled workers. Some skilled workers, after certain years of experience, may also become head worker by employing a gang of workers under them. But this up-gradation of unskilled to skilled are usually limited to male workers only and their female counterpart remain unskilled or helpers throughout their working life. However, the physical nature of the work and the conditions at the workplace make construction unattractive to bulk of the workforce.

A large number of workers in the construction sector are vulnerable to the vagaries of workplace accidents and occupational health problems. They are exposed to a wide variety of serious Occupational Safety and Health (OSH) hazards and the rate of fatal accidents in this industry is 4 to 5 times higher than that of the manufacturing sector. The workers are also exposed to a host of hazardous substances, which have a potential to cause serious occupational diseases like asbestosis, silicosis, lead poisoning, *etc*. There is also a serious potential for fire due to storage and use of flammable substances especially in quarries and a potential for disasters due to collapse of the structures and subsidence of the soil on which the construction activity is

being carried out. Thus, the industry has a high burden of liabilities because of claims for compensation arising from occupational hazards and accidents.

Construction works are not located at definite points permanently, but the place of work changes at varying intervals. In some kinds of construction work such as roads, the work-point moves continuously along the road-alignments. On major construction projects like dams or irrigation schemes, work may go on at a particular site for several years. But even there, it does come to an end after some years and the workers employed there have to look out for work elsewhere. The number of workers at a project is not constant. During the monsoons work often comes to a stop. Similarly, at different stages of the project, the number of workers differs widely.

As noted by the Second National Commission on Labour (SNCL), most of the workers in the construction industry are employed on casual basis. The fact that work does not go on continuously at the same place permanently has given a certain casual character to the work. This casual character of the work has also affected the nature of employment of labour, particularly the security of their jobs, the living conditions of workers and the social security benefits that are commonly associated with industrial employment. Unstable employment and earnings and shifting of work places are the basic characteristics of work for construction workers. The workers are usually illiterate and economically and socially backward with low bargaining power. Though child labour is prohibited, children are engaged for unskilled jobs. The skilled workers in the sector secure jobs directly from employers but unskilled workers are engaged through intermediaries who introduce the workers to contractors on a commission basis. The payment of wages is routed through the intermediaries who usually enroll workers by offering loans. These loans are then recovered by manipulating the wages of the workers with the result that the worker hardly gets out of the clutches of the intermediaries.

Even though a number of regulative and protective law exist for the workers in the construction sector the absence of efficient machinery to effectively implement these laws results in the virtual absence of any factual data or statistics relating to the total volume of employment, accidents, actual wages paid and so on. At present, there is no practice of collecting this information by the Government so that such information could be compiled into any significant or usable statistics.

Due to wide spread sub-contracting system no employer is responsible for providing either social security or welfare measures such as housing, crèches, *etc.* Even, where Government is the principal employer, there is no social security as recommended by Minimum Wages Act. Bonded labour is also a regular feature in the sector especially in big construction firms and projects. Lack of security measures leads to a lot of accidents but the workers rarely gets compensation due to lack of proof of employment.

Thus, the majority of construction workers are employed informally. They have no written contract, no benefits other than wages and are excluded from social security schemes. These peculiarities in the construction industry lead to unstable employer–employee relationship, insecurity of employment and lack of enforcement of existing labour laws and regulations. The conditions of labour in this industry have to be viewed against this background of its unique characteristics. The remedies that are considered feasible and adequate in other sector industries are not always useful for the construction industry.

Women Workers in the Construction Sector

Women engaged in construction work are the most exploited. Frequent changes in their work and instability deprive them and their children the primary facilities like health, water, sanitary facilities and education. Usually, couples are found working on the same worksite.

Generally, women building workers are deeply concerned about conditions of work in this sector. Pay inequalities, blocked opportunities of advancement for want of skill, frequent relocation, lack of freedom to plan their work, hard and long working hours and coping with multiple roles result in a high level of stress. It generates attitudes of passive acceptance of helplessness, misery and conformity rather than reaction. It is estimated that the percentage of women in the construction industry is 30-40¹. The actual number could be higher because, at times, payment is made to the male head of the family and only he is shown on records.

Working and Living Conditions

It is well known that the working and living conditions of construction workers are appalling. At various stages specific enquiries have been held in the conditions of construction workers and suitable recommendations and enactments of legislations have also been made. Even the draft of protective legislation was prepared many years ago and was discussed in the year 1965 in the Tripartite Industrial Committee for Construction Industry convened by the Ministry of Labour, Government of India. The general absence of any regulative protective

legislation applicable to the construction industry naturally results in some abuses like employment of child labour or of female labour under conditions which would not be permissible in factories or mines.

Construction workers may sometimes work in evenings, weekends and holidays to finish a job or take care of an emergency. Their working hours are not being regulated according to the law. Construction workers, who work outdoors, often must contend with the weather. Rain, snow or wind may halt construction work causing workers to go home or unable to report for work. Workers in this sector also need physical stamina because the work frequently requires prolonged standing, bending, stooping and working in cramped quarters. They also have to lift and carry heavy objects.

Construction workers often work with potentially dangerous tools and equipment amidst a clutter of building materials, some work on temporary scaffolding or at great heights and in bad weather. Consequently, they are more prone to injuries than the workers in other jobs. In 2003, cases of work-related injury and illness were 6.8 per 100 full-time construction workers which are significantly higher than the 5.0 rates for the entire private sector. Workers who are employed by foundation, structure and building exterior contractors experienced the highest injury rates. To avoid injury, the law insists workers to wear safety clothing, such as gloves and hardhats, and devices to protect their eyes, mouth, or hearing, as needed; but they rarely wear these.

Health and welfare amenities such as rest rooms, urinals, latrines, crèches, first-aid stations or washrooms stipulated in the labour laws are conspicuous by their absence in the construction work sites. Although the standards for safety are prescribed, the sites in general, did not display warning signs of any kind, nor was there fencing of dangerous places, trap holes, heights, *etc.*

One of the reasons for lack of action to improve the conditions of construction workers may be the fact that greater amenities to labour will add to the costs of the construction works. Even Government itself, which sponsors much of the construction works in the country, is anxious to keep construction costs as low as possible. If the costs involved in providing the basic amenities as well as fair wages to labour are treated as legitimate costs of the construction work itself and the contractors are permitted to include them in their tenders, the tendency of contractors to economize by depriving labour of the amenities can be reduced. It is necessary that

the Government, as the largest principal employer in the industry, has to set the pattern in this respect.

Nature of Employment

The construction industry has the practice of non-written work contract except in the case of some professionals like engineers, architects, *etc.* There is only an understanding for one day or the entire life depending upon the contractor. There are no organized arrangements to regulate employment in the construction industry at present except in respect of technical and skilled workers directly employed by Government who are usually recruited through the employment exchanges. The main contractors usually maintain a small nucleus of skilled workers necessary for their operations and out of this pool the contractor deploys the required number of skilled workers at the work-site. The main requirement of labour is of unskilled workers and these are usually recruited locally near the place of work. Alternatively, the main contractor breaks up his work into small parcels and gives out these parcels to sub-contractors. The sub-contractors then recruit labour for their own requirements. In some cases, there are also labour contractors who merely do the work of finding the necessary number of workers and bringing them to the work sites.

The Working Group set up by the Planning Commission to draw up a standard contract form for construction work has suggested, among other things, that contractors should maintain musters and wage records for all workers employed on the projects in the prescribed forms and also to issue employment card to each worker. It has also recommended that the wages due to every workman shall be paid to him directly and not through intermediaries. If this is done, it will certainly go a long way in ensuring job-security to the workmen and in minimize complaints of irregularities in wage payment.

The demand instability compels large construction firms to limit their employment to a small core of stable workers and result in sub contracting for the bulk of their labour needs. Like all traditional industries, the construction industry makes or breaks its skilled workers by hurling them at the deep end, rather than intelligently and purposely developing them. Workers develop themselves as they struggle along, learning from master craftsmen under whom they work. It is important to recognize that workers in low skill or unskilled category are not “no skill” workers. They perform the works that are supportive of the task performed by skilled workers. They are also affected by the technological changes and work reorganization.

The entire structure of employment relationships in the building industry is caught in a social framework of mutually reinforcing vicious circles. Workers are exploited because they are illiterate, socially backward, unskilled, unorganized, uninformed and poor. The industry functions at low productivity because the technology it employs is among the “most backward in the world”.

The skilled workers are very scarce and there are no organized training facilities for training additional workers in the construction trades. For the existing workforce of 32.6 million, and against an annual increase of 1.8 million employees in construction, the average rate of formal training is only around 18,000 persons per year since 1989 in 15 construction trades and 8 manufacturing skills.

The skills of the trade are usually handed down from father to son and are sometimes picked up on the job through learning by doing. It is of the utmost importance that systematic training facilities be provided so that the scarcity of skilled personnel in building trades in the construction industry may be remedied in the shortest possible time. For this purpose, the Industrial Training Institutes should provide extensive facilities for theoretical and related instruction to apprentices in the building trades and on completion of such instruction at the ITI's, they should be given further practical training by the industry itself. In Kerala, Kerala Building and Other Construction Workers Welfare Fund Board (KBOCWFB) took an initiative in this regard by the establishment of a Building Technology institute at Thiruvananthapuram.

Wage Payment

Mostly, sub contractors fix wages in the construction sector by a combination of time and piece rates. Several factors like relationship with sub contractor, work requirements, experience and ability of the worker, caste, nativity, location, duration, nature of work site, *etc.* influence the wage rate. The wage fixation is a one sided affair in the construction sector due to surplus labour market. Women workers are less paid and children are expected to work more in the nature of preliminary works and maintenance of tools and equipments before and after the work.

The Minimum Wages Act governs most of the workers in the construction industry and State Government as well as the Central Government has to notify the minimum wages to be paid to workers doing different kinds of work in this industry. There are different authorities notifying the minimum wages for construction workers relating to the projects within their

respective administrative control. Thus, the railways, the CPWD, and State PWDs may prescribe different minimum wage rates for the same kinds of jobs and these may be simultaneously applicable in the same state or area.

In many cases, the minimum wages notified have become out-dated and the wages that have been paid actually to attract workers are substantially higher than the notified minimum rates. This fact is taken into consideration by the governments that prescribe scheduled rates for different kinds of work on the basis of which the contractors can estimate their labour costs. The scheduled rates, so prescribed, are more in line with the prevailing wage levels in the industry and much higher than the notified minimum wages. However, such rates prescribed under the schedules do not amount to any statutory protection to the worker's wages since if a contractor fails to pay these wages the worker cannot enforce them through legal action. Only the minimum wages are enforceable statutorily. It is, therefore, necessary that the minimum wages fixed under the Act be revised at more frequent intervals than the five-year interval prescribed at present.

The actual methods of wage payment are somewhat peculiar in this industry. The workers usually work in small groups under the general leadership of some labour-sub contractor/intermediary or headman. The group as a whole works on piece-rates and the total payment for the whole group is made to the labour contractor or headman on the basis of measurements of the completed work. The payment to individual workers within the group, however, is on time-rates and depends upon the number of days worked by each worker. The difference between the amount received for the work done by the whole group on the basis of the piece-rates and the total amount paid out to all the members of the group by daily-rates represents the profit of the labour contractor or headman. The latter is naturally interested in keeping the daily-rates of the members in his gang as low as possible and also to get as much volume of work completed as possible within a given time so that his profit margin can be increased. There has been a complaint that in order to get the maximum work done the members of the gang is compelled to work long hours but get only the fixed daily wages.

The system of wage payment through the group headman also leads to other kinds of abuses and complaints such as non-payment to some members of the group or payment at rates lower than those agreed in the beginning. It is true that in case of non-payment of wages the principal contractor is responsible for ensuring that payment is made. But in case of short payment the remedy must be extremely difficult because of the illiteracy of most of the workers.

The large number of claims for unpaid wages or illegally deducted wages filed before authority under the Payment of Wages Act is a measure of the extent of these kinds of abuses. The wage rates in the construction industry are almost invariably on a consolidated basis and are not supplemented by any dearness allowance with the result that the real wages of the workers have no protection against the rising prices.

The skilled workers, because of their scarcity, are usually in a position to command fairly satisfactory wage rates but the unskilled workers, due to their poor bargaining strength and low level of organization, are more or less at the mercy of the contractors and the sub-contractors in the matter of wage rates. While the system of paying for group work by piece-rates is almost universal in the industry, incentive schemes to relate the earnings of individual workers to output are relatively rare. In the few cases where such schemes exist are limited to skilled workers only.

Trade Unionism

With rapid industrialization, workers engaged in the formal sectors of the economy are often looked upon as a privileged category. The extent of unionization in the construction industry has been very low. The construction sector is an aggregate of numerous discrete elements. Fluctuations in demand for construction services contribute to instability in the workforce and encourage the paradigm of owner-contractor-subcontractor-worker relationship.

In the Western countries the construction trades were among the first to be organized into unions on the basis of their crafts. To this day the craft unions of the construction employees are among the strongest in the trade union movement in those countries. These unions do the work of regulating not only the wages and hours of work but also the labour market in their respective crafts and the contractors have to approach the unions concerned for their requirements of workers of the respective trades. The decasualization of employment has thus been achieved by the trade unions themselves. It can be seen that the workers in India are far from that stage of unionization. There is no doubt that better trade union organizations in the construction industry will bring about greater order and better protection to the workers. It is well known that the provisions of protective labour legislation remain on paper when there are no strong trade unions to ensure that such provisions are actually implemented.

The casual nature of the employment is in itself one of the greatest obstacles in the growth of stronger unions in the industry. It cannot also be said that all the employers or contractors in the industry accept the formation of trade unions without any misgivings. It

appears that some sections of workers employed directly by government cannot get their unions recognized as they are not deemed 'industrial workers' according to Civil Service (Conduct) Rules. The trade unions working in this sector are demanding industry statuses to construction industry for a long time. Such technical obstacles in the development of sound trade unions should be removed.

Trade unionism in the construction industry started in the government sector with the formation of the CPWD Workers Union in 1934. In the private sector companies it started with the formation of the Hindustan Construction Workers Union in 1946. For the general construction workers it started in 1950 with the registration of the All India Building Workers Union at New Delhi.

The trade union movement in the country also does not seem to have given the same attention to the unionization of this sector of workers. Some efforts were made in the state like Kerala but are made mainly to enroll workers to the welfare board as a part of the unions' policy of enhancement of political base. The workers as well as non-workers enroll to these unions mainly to get membership in the Welfare Fund Board. Even though there are a number of trade unions working in the construction sector the workers get only scanty attention regarding working conditions, health or welfare amenities.

Safety of Workers in the Construction Sector

One of the major features of construction industry is its vulnerability to accidents. Construction work is physically hard and must be carried out in conditions, which are difficult and hazardous. Most of the times, the workers are exposed to the risk elements. There are serious hazards of accidental injury and even death due to objects or persons falling from height, collapse of scaffolding, caving in of earth-work, handling of explosives and so on. Although it is difficult to obtain accurate statistics in this regard due to non-detection and non-reporting, the number of such accidents in most countries frequently exceeds that in the manufacturing industry. The construction industry worldwide accounts for about 54 million workplace accidents every year, out of total workplace accidents of 250 million. Reputable construction firms do report accidents and pay proper compensation under the Workmen Compensation Act 1923 to the workmen involved in it. But this cannot be said of every contractor and it is probable that a

considerable proportion of accidents do not get reported and payment of compensation is evaded on them.

Whatever may be the actual incidence of accidents, there is no doubt that a considerable volume of personal hardships and injuries is avoidable if proper attention is paid to safety. Even though industrial safety has been now receiving increasing attention, such attention does not seem to have reached the construction industry. The International Labour Organization has produced considerable valuable material about safety in the construction industry and the Labour Ministry of the Government of India has also produced several years ago some draft proposals to enforce better safety conditions in the construction sector in India. However, action to implement these proposals has been sadly lacking. The Central and most of the State governments have prescribed certain standards regarding wages and other amenities to be provided by contractors to their workers on government contract. It is common experience that these conditions prescribed in the Contract Rules are observed more in breach. They are not statutory and the government authorities on the spot are more anxious that work should go on than that the necessary protection to the workers is provided. There is, therefore, a conspiracy of silence among all the parties concerned in the matter of implementation of the Contract Rules relating to workers' amenities.

The workers engaged in construction of sky-rise structures are more vulnerable to accidents. It is found that the workers take no precaution though the work they do involve high risk. In developed countries there are strict stipulations including use of belts while working on huge buildings. But there is no such practice in India. Many workers in this sector are unaware of the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996, enacted by the Centre. There for there should be awareness camp among the workers in this sector about the provisions of the Act.

In Kerala, on an average, nine construction workers die in every year and many more become permanently disabled in accidents making it one of the most hazardous sector for the workers. This is because the workers and their employers pay scanty regard for the safety aspect while engaged in work. The authorities have not yet realized the need for reducing these accidents. The National Safety Council has been conducting training programmes (at national and unit levels), safety audits, inform dissemination, produce awareness material and organize

campaigns for the construction industry over a decade. Table 4 represents the survey report conducted by National Safety Council for the main causes of construction accidents.

Table 4 Causes of Accidents

<i>Sl. No.</i>	<i>Causes</i>	<i>Percentage of accidents</i>
1	Falling in to the grounds	45.00
2	Falling materials	14.00
3	Transporting of materials	14.00
4	Fire	9.00
5	Others	18.00
Total		100.00

Source: The Hindu, April 23, 2003

Legal protection to construction workers

The labour welfare measures and legislations enacted to protect the interest of the workers are applicable to both organized and unorganized sectors at the same time and with the same brush. Further, to secure reasonable working conditions, there are a number of laws to the workers in the unorganized sector and is applicable to the workers in the construction sector. But the peculiarity of construction industry such as lack of continuity of employment, changing employer-employee relationships, total lack of records pertaining to details of employment, *etc.*, help the employers to escape without implementing these laws. Some of the Acts applicable to the workers in the construction sector are the following.

1. The Workmen's Compensation Act 1923.
2. Indian Trade Union Act 1926.
3. Payment of Wages Act 1936.
4. Industrial Disputes Act 1947.
5. Minimum Wages Act 1948.
6. Industrial employment (standing orders) Act 1948.
7. Employees Provident Fund Act 1951.
8. Maternity Benefit Act 1961.
9. Payment of Bonus Act 1965.

10. Contract Labour (Regulation and Abolition) Act 1970.
11. Payment of Gratuity Act 1972.
12. Equal Remuneration Act 1976.
13. Bonded Labour System (Abolition) Act 1976.
14. Interstate Migrant Workmen (Regulation of Employment and Conditions of Services) Act 1979.
15. Child Labour (Prohibition and Regulation) Act 1986.
16. Building and Other Construction Workers (Regulation of Employment and Conditions of Services) Act of 1996.

Some of these laws are of direct relevance to construction labour, namely Contract Labour (Regulation and Abolition) Act, 1970; Inter-State Migrant Labour (Regulation of Employment and Conditions of Service) Act, 1979; Building and Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 and Building and other Construction Workers Welfare Cess Act, 1996.

The problem is not that the laws are inadequate but are not effectively implemented in the construction industry. The inspection facility to check whether these laws adhered to is also inadequate and inefficient. Construction labour does not get the benefits of the ESI Act, but is covered by the Workmen Compensation Act, 1923. While the Employees Provident Fund Act, 1952 applies to the construction industry both the employer and employees normally prefer to avoid implementing the Act for their own reasons. Similarly, while the Maternity Benefit Act of 1961 applies to the construction industry, the number of beneficiaries is likely to be limited due to the intermittent nature of employment.

Apart from the above-mentioned legislations to protect construction workers, the Government has also adopted many social security schemes to uplift the construction workers.

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