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A CRITICAL ANALYSIS OF PROBLEMS FACED BY BUILDING AND OTHER CONSTRUCTION WORKERS IN INDIA

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ABSTRACT

The building and construction industry is one of India's largest economic sectors. However, workers in this field encounter various challenges impacting their health, safety, and overall well-being. These include unsafe working conditions, limited access to essential protective gear, low wages, job insecurity, and restricted access to social security benefits. Many construction workers operate in hazardous environments, leading to health risks and accidents. Additionally, the informal nature of the sector results in a lack of legal protection for a significant portion of the workforce. Other key concerns include inadequate training, worker exploitation, and the absence of a robust regulatory framework to safeguard their rights. This paper explores these issues, investigates their root causes, and suggests potential solutions to enhance working conditions and welfare programs. Through an in-depth analysis, the research aims to highlight the need for policy reforms and improved enforcement of labour laws to protect this crucial workforce.

The Indian construction industry employs nearly 50 million people, making it one of the country's most significant sources of employment. However, workforce numbers fluctuate depending on government projects and economic trends. Approximately 80-90% of construction workers are engaged in the informal sector, lacking access to structured benefits such as healthcare, insurance, and pensions. Many work as daily wage labourers without contracts or job security. Additionally, fewer than 10% receive formal training or certification, contributing to lower productivity and increased risks of workplace accidents.

KEYWORDS: Building workers, construction sector, BOCW Act, occupational disease

INTRODUCTION

A nation's growth is closely linked to its infrastructure development, making the construction industry a critical driver of economic progress. This sector employs millions, yet construction workers often face significant hardships. Recognizing these challenges, the Government of India has implemented regulations such as the Building and Other Construction Workers (BOCW) Act, designed to improve working conditions and establish social welfare measures.

The BOCW Act is a welfare statute aimed at ensuring a safe and healthy environment for

construction workers. It addresses issues related to employment terms, health and safety measures, and protection against exploitation. Despite these legal provisions, the construction industry remains highly labour-intensive, with a majority of workers being unskilled, unorganized, and subjected to poor working conditions. The Act serves as a safeguard to prevent exploitation and guarantee safer workplaces for construction labourers.

DEFINITION OF BUILDING AND OTHER CONSTRUCTION WORKERS

According to Section 2(e) of the BOCW Act, a "building worker" is defined as an individual

engaged in any skilled, semi-skilled, or unskilled manual, supervisory, technical, or clerical work related to construction projects. However, the definition excludes individuals employed in managerial or administrative roles or those engaged in supervisory work earning above a specified wage limit.

From this definition, it is evident that a building and construction worker is someone directly involved in construction activities, contributing to the physical development of infrastructure projects.

WHAT IS BUILDING AND CONSTRUCTION WORK?

As per Section 2(d) of the BOCW Act, "building or other construction work" encompasses activities such as construction, repairs, maintenance, and demolition of buildings, roads, railways, irrigation systems, and more. The definition extends to projects involving power generation, transmission lines, telecommunications, waterworks, dams, bridges, and other infrastructure-related undertakings.

A survey conducted by the National Sample Survey Organization (NSSO) in 2011-2012 estimated that nearly five crore workers are engaged in construction work, representing approximately 10% of India's total workforce. Despite their critical role in national development, construction workers remain among the most vulnerable labor groups. To secure their rights and welfare, workers must register with the state welfare board under the provisions of the BOCW Act.

PROBLEMS FACED BY BUILDING WORKERS

A) Casual Nature of Employment

The construction sector is characterized by informal employment, where workers receive no assurance of continuous work. Seasonal variations significantly impact labor demand, with reduced opportunities during the monsoon and summer months. Workers face employment uncertainty, directly affecting their income stability, household security, and overall quality of life.

B) Lack of Social Security

Construction workers often remain excluded from government-run social security programs. The absence of medical benefits, insurance coverage, and fair wages leaves them vulnerable to financial and health-related hardships. Construction workers experience difficulties due to the lack of social security, which in turn affects their motivation and engagement in the industry.

C) Uncertain Working Hours

Unlike employees in organized sectors, construction workers lack fixed working hours. While most industries adhere to an 8-hour workday, construction labourers often work beyond standard hours, especially in sectors like painting, plumbing, and electrical work. A typical workday starts at 8:00 or 8:30 a.m. and extends beyond 5:00 p.m., sometimes stretching to 6:30 p.m. or later, leading to fatigue and reduced productivity.

D) Unsafe Working Conditions

The construction industry involves high-risk activities that require stringent safety measures. Protective equipment such as gloves, helmets, and safety harnesses are essential to prevent injuries and occupational diseases. However, a lack of proper safety measures leads to health issues, increased absenteeism, and work-related stress.

E) Occupational Diseases

Workers frequently develop occupational diseases due to prolonged exposure to hazardous materials like cement, dust, and chemicals. Common health conditions include respiratory issues, skin infections, and musculoskeletal disorders. Many workers, especially masons and carpenters, do not use protective gear, further increasing their health risks.

F) Workplace Injuries

Handling sharp tools, heavy machinery, and construction materials without adequate training increases the risk of physical injuries.

Workers operating cutting machines, hammers, or chisels face frequent accidents, leading to wounds, fractures, and, in severe cases, permanent disabilities.

G) Noise Pollution

Construction sites are often filled with excessive noise from drills, hammers, and machinery. Prolonged exposure to high noise levels contributes to hearing loss, dizziness, and reduced focus, significantly impacting workers' long-term well-being.

SAFETY MEASURES AT CONSTRUCTION SITES

As a founding member of the International Labour Organization (ILO), India has taken measures to uphold labour safety standards. The BOCW (RE&CS) Act, 1996, and its associated rules outline comprehensive regulations ensuring worker welfare, safety, and health at construction sites, aligning with ILO Convention No. 167.

Under the BOCW Act, safety regulations are enforced through Chapter VII and Chapter XIII of the BOCW (RE&CS) Central Rules, 1998. Additionally, the Directorate General of Factory Advice Service & Labour Institutes (DGFASLI) oversees the implementation of safety guidelines. The government regularly monitors construction sites and conducts inspections to ensure compliance with workplace safety laws.

COVENTIONS RELATED TO BUILDING AND OTHER CONSTRUCTION WORKERS

Buildings, offices, factories, hospitals, roads, bridges, tunnels, stadiums, docks, airports, and more are constructed, maintained, renovated, and demolished by construction workers. They are exposed to a broad range of workplace dangers while working, such as dusts and fumes, asbestos, uncomfortable working postures, heavy loads, unfavorable weather, working at heights, noise, vibration from tools, and many more. Nearly all of the known causes of accidents and illnesses in the industry may be avoided.

The ILO has long sought to protect the safety and health of construction workers through the development and promotion of Conventions, Recommendations and Codes of Practice. The Safety Provisions (Building) Convention (No. 62) was adopted as long ago as 1937. It was superseded in 1988 by the Convention on Safety and Health in Construction (No. 167) and its accompanying Recommendation (No. 175). A Code of Practice on Safety and Health in Construction was adopted in 1992. The Asbestos Convention (No. 162) and its accompanying Recommendation (R. 172), which were adopted in 1986, are also of particular relevance to the construction sector. However, these Conventions have not been widely ratified. In addition, the poor image of construction jobs as being traditionally dirty, difficult and dangerous has been compounded by flexible labour market policies, particularly "outsourcing", in which the construction workforce is recruited through subcontractors and other intermediaries. This has made work in construction increasingly temporary and insecure with a profound impact on occupational safety and health, training and the level of skills.

In order to address this issue, the ILO is working with the Building and Woodworkers' International (BWI) to advance training, research, and the creation of marketing materials that will support and encourage industry best practices. Clients (including home builders and commercial property developers who decide what should be built and where), consultants (designers, architects, estimators, etc.), contractors, and employees are all benefitting from a package of training materials on construction project management that helps them all incorporate safety and health considerations at every stage of a construction project.

An ILO code of practice on safety and health in construction was approved at an expert panel in February 2022. This updated code offers thorough and useful guidance on how governments, employers, workers, and their

representatives should collaborate to eliminate, reduce, and control all significant risks and hazards in light of the changes in working conditions and practices in the construction industry. It is based on sectoral guidelines and tools as well as international labour standards.

The code encourages collaboration between employers, employees, and their representatives in addition to the adoption of OSH management systems. It encourages a culture of proactive safety and health, where everyone's right to a safe and healthy workplace is upheld at every stage of a building project.

CONCLUSION

Addressing the challenges faced by construction workers requires a collaborative approach involving government agencies, construction firms, and labour representatives. Ensuring their well-being through policy reforms, safety investments, job security, and fair wages is essential for sustaining an efficient and productive workforce.

The Indian construction sector stands at a critical juncture, with opportunities for growth alongside pressing regulatory challenges. By embracing technological advancements, worker training, and compliance with labour laws, contractors can enhance industry standards while improving the livelihoods of their workforce. Prioritizing worker welfare will not only drive industry success but also contribute to India's overall economic development.

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