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OCCUPATIONAL DISEASES AND WORKERS' COMPENSATION

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Abstract

Occupational diseases are illnesses that arise due to exposure to harmful conditions in the workplace. With the rapid growth of industrialization and urbanization, workers across various sectors are increasingly exposed to physical, chemical, biological, and psychological hazards. These diseases not only affect the health and productivity of workers but also impose a significant burden on their families and society. In India, where a large portion of the workforce is engaged in the unorganized sector, occupational health risks often go unnoticed and unreported. Workers' compensation serves as a crucial mechanism to provide financial relief and support to employees who suffer from occupational diseases or workplace injuries. This article explores the concept of occupational diseases, their causes, and the legal framework governing workers' compensation in India. It further examines the challenges in implementation, lack of awareness, and gaps in the existing system. The study emphasizes the need for stronger enforcement, better healthcare facilities, and a more inclusive compensation mechanism to ensure justice and dignity for workers.

Keywords

Occupational Diseases, Workers' Compensation, Industrial Health, Labour Laws, Workplace Safety, Employee Welfare, Occupational Hazards, Compensation Laws, India

Introduction

Work is an essential part of human life, but it should not come at the cost of health and safety. Occupational diseases are a growing concern, especially in industries where workers are exposed to harmful substances or unsafe conditions over a long period of time. Unlike sudden workplace accidents, occupational diseases develop gradually and may not be immediately noticeable. This makes them more dangerous, as workers often continue to be exposed without proper diagnosis or treatment. In India, the issue of occupational diseases is closely linked with poor working conditions, lack of safety measures, and limited access to healthcare. Workers in industries such as mining, construction, manufacturing, and agriculture are particularly vulnerable. The absence of proper monitoring and reporting mechanisms further aggravates the problem.

Workers' compensation laws aim to provide financial assistance and medical support to workers who suffer from occupational diseases or injuries arising out of and in the course of employment. These laws reflect the principle that employers have a responsibility to ensure safe working conditions and compensate workers in case of harm. This article examines the nature of occupational diseases, the legal provisions related to workers' compensation, and the challenges faced in ensuring effective protection for workers.

1. Concept of Occupational Diseases

Occupational diseases are health conditions that arise due to exposure to risk factors present in the workplace. Unlike ordinary illnesses, these diseases are directly linked to the nature of a person's job or working environment. They usually develop gradually over a period of time, making them difficult to detect at an early

stage. Workers in industries such as mining, construction, textiles, chemical manufacturing, and agriculture are particularly vulnerable. Continuous exposure to dust, toxic substances, noise, or repetitive physical strain contributes significantly to the development of such diseases. The slow progression of occupational diseases often leads to delayed diagnosis, by which time the damage may already be severe. Another important aspect is that these diseases are not always immediately recognized as work-related. Many workers continue to suffer without realizing that their illness is caused by their occupation, which further complicates the issue of claiming compensation.

2. Types of Occupational Diseases

Occupational diseases can be classified based on the nature of the hazard involved:

a) Respiratory Diseases

These are among the most common occupational illnesses. Workers exposed to dust, fumes, and chemicals may develop conditions such as asthma, bronchitis, or lung infections. For example, workers in mines and construction sites often inhale fine particles that damage their lungs over time.

b) Skin Diseases

Exposure to chemicals, oils, and other irritants can cause skin disorders such as dermatitis and allergies. Workers in industries dealing with dyes, acids, or cleaning agents are at higher risk.

c) Musculoskeletal Disorders

These arise from repetitive movements, heavy lifting, or poor posture. Workers in factories, warehouses, and manual labour jobs frequently experience back pain, joint problems, and muscle injuries.

d) Hearing Loss

Continuous exposure to high levels of noise in factories and industrial settings can lead to permanent hearing impairment.

e) Occupational Cancers

Long-term exposure to hazardous chemicals like asbestos or certain pesticides can increase the risk of cancer. These diseases often develop after many years, making it difficult to trace their origin.

3. Causes and Risk Factors

The causes of occupational diseases are closely related to workplace conditions. Some of the major risk factors include:

- Unsafe working environments with poor ventilation and sanitation
- Lack of protective equipment such as gloves, masks, and helmets
- Long working hours without adequate rest
- Absence of safety training and awareness
- Negligence by employers in maintaining safety standards

In many cases, workers are forced to work in hazardous conditions due to economic necessity. They may not have the option to refuse unsafe work, which increases their vulnerability.

4. Workers' Compensation: Meaning and Importance

Workers' compensation is a system designed to provide financial and medical support to workers who suffer from occupational diseases or workplace injuries. It is based on the principle that employers are responsible for ensuring safe working conditions and must compensate workers in case of harm.

The importance of workers' compensation lies in:

- Providing financial relief to affected workers and their families
- Covering medical expenses and rehabilitation costs

- Ensuring a sense of security among workers
- Promoting accountability among employers

Compensation acts as a safety net, especially for workers who lose their earning capacity due to illness or disability.

5. Legal Provisions Governing Compensation

In India, several laws address workers' compensation for occupational diseases.

a) Employees' Compensation Act, 1923

This Act provides compensation to workers who suffer injury, disability, or death arising out of employment. It includes a list of occupational diseases that are recognized for compensation.

The employer is liable to compensate if:

- The disease is caused by the nature of employment
- The worker was employed in that occupation for a specified period

However, proving the connection between disease and employment can be challenging.

b) Employees' State Insurance (ESI) Scheme

The ESI scheme provides medical care and cash benefits to workers in case of sickness, maternity, and employment-related injuries. It is particularly useful for workers in the organized sector.

c) Occupational Safety, Health and Working Conditions Code, 2020

This law focuses on improving workplace safety and preventing occupational hazards. It places responsibility on employers to maintain safe working conditions and conduct regular health check-ups.

6. Problems in Accessing Compensation

Despite the existence of legal provisions, workers face several difficulties in obtaining compensation:

a) Lack of Awareness

Many workers do not know their rights or the procedures for claiming compensation.

b) Difficulty in Proving Occupational Disease

Since these diseases develop over time, it is often hard to establish a direct link between the illness and the workplace.

c) Informal Employment

A large number of workers are employed in the unorganized sector, where labour laws are not strictly enforced.

d) Complex Legal Procedures

The process of filing claims and obtaining compensation is often lengthy and complicated.

e) Employer Resistance

Employers may deny responsibility or avoid reporting cases to escape liability.

7. Preventive Measures and Workplace Safety

Prevention is the most effective way to address occupational diseases. Employers and authorities must take proactive steps such as:

- Providing protective equipment to workers
- Ensuring proper ventilation and sanitation
- Conducting regular health check-ups
- Offering safety training and awareness programs
- Reducing exposure to hazardous substances

A safe workplace not only protects workers but also improves productivity and efficiency.

8. Role of Government and Policy Measures

The government plays a crucial role in protecting workers' health and ensuring compensation.

Key responsibilities include:

- Enforcing labour laws strictly
- Conducting inspections and monitoring workplaces
- Creating awareness among workers
- Expanding coverage to informal sector workers
- Maintaining data on occupational diseases

Government initiatives must focus on both prevention and compensation to achieve meaningful results.

9. Need for a Holistic Approach

Addressing occupational diseases requires a comprehensive strategy that combines legal, social, and economic measures. Merely providing compensation is not enough; efforts must be made to eliminate the root causes of workplace hazards.

A holistic approach should include:

- Strong legal enforcement
- Worker education and empowerment
- Employer accountability
- Access to healthcare and rehabilitation
- Collaboration between government, industries, and civil society

Such an approach ensures long-term protection and well-being of workers.

Conclusion

Occupational diseases are a serious yet often neglected issue in the world of work. While laws exist to provide compensation and protection, their impact is limited due to poor implementation and a lack of awareness. Workers continue to suffer in silence, facing health problems that could have been prevented with proper safety measures. Ensuring the health and safety of workers is not just a legal obligation but a moral responsibility. A strong and effective compensation system can provide relief and restore dignity to affected workers. However, greater emphasis

must be placed on prevention, education, and enforcement. A collaborative effort involving government, employers, and society is essential to create a safer and more just working environment. Only then can workers truly enjoy the right to work with dignity and security.

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