

The right to safety at work

Naeem Sadiq

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On October 17, 2000 a London-to-Leeds express train derailed south of Hatfield station while travelling at 115mph. The primary cause of the accident was determined to be a fractured rail, which shattered as the train passed over it. Four passengers were killed and a further 102 injured. The faulty rail was spotted 21 months earlier but left unrepaired even though a replacement rail had been delivered and left alongside it for six months. The judge described the failings of Balfour Beatty Rail Infrastructure Services as “the worst example of sustained negligence in a high-risk industry I have ever seen”. The company was fined £10 million.

Pakistan has experienced scores of far more serious train accidents in the past 70 years. The investigations however never went beyond declaring the driver or the signalman guilty. Having found an individual to blame, it is never considered important to dig deeper for the system-related causes. Safety has thus become synonymous with waiting for accidents, blaming the guilty and announcing compensations. It is sad that in 70 years we could not create even a rudimentary ‘health and safety’ system for our 56 million adult workers, 13 million child workers and 1.7 million bonded labour. ‘Death-traps’ may be a better name for most Pakistani work places.

There are at least four components that ought to be in place in order to protect workers from work-related ‘occupational health and safety’

(OHS) risks. These are: (a) a framework of legislation, rules, codes and standards; (b) a structure and mechanism for enforcement; (c) an independent Council for the advancement of workplace health and safety and (d) safety systems and safety committees at each work place. Sadly, except for a few archaic laws on paper, there is little else to suggest the existence of any of these four aspects of OHS in Pakistan.

Almost 100 years old Factories Act continues to remain the primary source of law on health and safety. It is an inadequate, out-of-date and misleading document that fluctuates between the provisions of an Act, Rule, Standard and Code. Its scope is limited to factories and not to all individuals at all workplaces. It is completely silent on laws relating to electrical safety, responsibility of employers and employees, joint health and safety committees, health and safety representatives, training and a host of other issues. On the other hand, it includes irrelevant and unhygienic matters such as the requirement of spittoons in every factory. It is an Act without any purpose or commitment to benefit all citizens, prevent work-related accidents and promote public awareness of OHS.

Enforcement of Health and Safety laws is the responsibility of the Provincial Labour Departments. According to the latest data, there are 547 labour inspectors who cater for 327,706 factories in Pakistan. Most of these are neither adequately trained nor qualified in the area of 'health and safety'. It may therefore not be too wrong to assume that our existing out-dated and inadequate inspection structure is as good as not being there and needs to be replaced by an independent OHS Inspection authority.

Countries with formal OHS systems additionally have independent statutory OHS Councils. They promote health and safety through training, education and advocacy at workplace, facilitate consultation

among federation and provinces, carry out research, collect statistics and formulate policies. Participated by experts, labour and management, Canadian Centre for Occupational Health and Safety in Canada, the National Council for Occupational Health and Safety in USA and the Health and Safety Executive in UK perform these functions. Pakistan has no such institution, nor has it felt the need to create one.

The only option for Pakistan to put an end to its daily workplace calamities is to create a three-tier legislative structure — an Occupational Health and Safety (OHS) Statutory Act, OHS Rules and Regulations and the supporting Codes and Standards. There is also a need to make it mandatory for all workplaces with more than 20 workers to have a formal OHS system in place.

Scores of lives are lost every day in accidents relating to fires, machines, boilers, confined spaces, working at height, electrocution and gas leaks. Hundreds of people suffer from (often unspoken) work-related illnesses like cancer, stress, musculoskeletal disorders, deafness, respiratory, skin and asbestos-related diseases. There is an urgent need for the Federal and Provincial governments to collectively create the much-needed health and safety legislation, independent enforcement mechanisms and an OHS Council to promote health and safety in Pakistan. Not doing so is to ensure that the tragedies like Baldia and Gadani continue to happen and the Pakistani worker is never sure of safely returning home from work.

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