

OCCUPATIONAL SAFETY AND HEALTH AS HUMAN RIGHT

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Abstract:

Occupational Safety and Health (OSH) are usually seen as some basic human right, something that matters for dignity, equality, and general well-being at work. In plain terms every worker should be able to work in a safe and healthy place, without physical trouble or mental pressure. Still in reality, unsafe work setups, weak sanitation, industrial accidents, exceptionally long working hours, and the simple absence of protective measures keep undermining workers' rights, most noticeably in developing countries, and in those unorganized sectors where oversight is limited.

This study looks at occupational safety and health from a human rights lens, by looking closely at the International Labour Organization (ILO) conventions, then the United Nations (UN) principles, and constitutional safeguards under Articles 14, 19, 21, 39, 41, 42, and 43 of the Indian Constitution. It further assesses the Occupational Safety, Health and Working Conditions Code, 2020. Overall, the study ends up suggesting that only better implementation of labour laws is not enough, stronger enforcement matters, employer accountability must be real, and government intervention is needed, so that safe and healthy working conditions become a given for all workers.

Key Words: Right to Health, Social Justice, Occupational Hazards, Human Rights

1. Introduction

Occupational Safety and Health (OSH) are, these days, increasingly treated as a fundamental human right within modern labour jurisprudence. Each worker, at least in principle, has the right to work in a safe, healthy and secure setting where hazards do not mess with physical, mental, and social well-being. Still, unsafe workplaces, industrial mishaps, work related illnesses, and the absence of adequate welfare measures keep threatening the dignity and life of workers in many parts of the world. So, guaranteeing

occupational safety is not only some employer's statutory duty, but also a moral, human rights kind of responsibility for the State.

OSH as a notion is kind of closely tied to ideas about human dignity, fairness, and even social justice. International instruments like the Constitution of the International Labour Organization, the Universal Declaration of Human Rights, and some ILO Conventions, they all basically say that each person should get fair, and good conditions for work. In India, the constitutional commitments found under Articles 21, 39, 41, 42, and 43 point in a very direct way toward guarding workers' health and safety. Then laws like the Occupational Safety, Health and Working Conditions Code, 2020 also add on, and in practice they further reinforce workplace protection, and welfare-oriented measures.

Over the last few years, fast industrialization, tech progress, and the growing informal work have brought a new set of job hazards and day-to-day difficulties. Workers are often made to deal with harsh chemicals, over packed timetables, psychological strain, flimsy sanitation, and machinery that is unguarded or badly maintained, and that mix can result in serious injuries, long term impairments, or even death. So, treating OSH as a human right is crucial, for pushing safer work, protecting workers' dignity, and backing sustainable economic development.

This study intends to investigate Occupational Safety and Health, from a human rights perspective. It also tries to scrutinize the legal framework that is available for the protection of workers, and then to gauge how effective the existing safety measures are, in making sure there are decent, healthy working conditions for people.

1.1.Meaning and Concept of Occupational Safety and Health

Occupational Safety and Health are about protection and promotion of the physical, mental, and social well-being of workers across every occupation. Basically, it covers prevention of workplace accidents, occupational diseases, and those hazardous working conditions that can really affect the life, health, and dignity of employees. The main target of OSH is to build a safe and healthy work environment, so workers can do their tasks without living in fear of injury, sickness, or even exploitation.

In line with the International Labour Organization, occupational safety and health is meant for "the promotion and maintenance of the highest degree of physical, mental and

social well-being of workers in all occupations.” This wording makes it clear that safety at work is not just about physical guarding. It also takes in psychological wellness, and the broader everyday welfare of workers.¹

So, OSH is kind of based on the idea that every worker has the right to safe and decent working conditions. I mean, it’s not just one thing though, it sort of touches a whole bunch of bits like workplace hygiene, sanitation, safe machinery, proper ventilation, rules about working hours, and then also the entire provision of personal protective equipment². There’s also medical support involved, plus the prevention of industrial accidents and protection from occupational diseases, basically so people don’t get hurt, or end up ill while they’re doing the job.

A big point here is that working hours are regulated in a real, proper way, because if they aren’t, fatigue and stress creep in, and occupational hazards can start affecting workers’ physical health and their mental health. And international labour standards note that if people work for too long, productivity tends to dip, and the chance of workplace accidents goes up. Because of that, labour laws in a lot of places usually set maximum working hours, required rest breaks, weekly days off, and overtime limits, so employee well-being stays guarded along with safety.

Nowadays OSH is understood a bit broader as well. it includes mental health safeguards, preventing workplace harassment, stress management, and ergonomic safety, like the whole comfort and posture side of working too.

1.2.Evolution of Occupational Safety and Health Rights

The idea behind Occupational Safety and Health (OSH) grew step by step over time, sort of, alongside industrial changes and social development. Back during the Industrial Revolution, workers were basically pushed into unsafe factories, with extended work hours, weak sanitation, poor airflow, and machinery that wasn’t really secured³. At that moment, employers were mostly thinking about output and profit, while workers’ safety and health got

¹ “Convention C155 - Occupational Safety and Health Convention, 1981 (No. 155),”available at: https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C155

² “Occupational safety and health | International Labour Organization,” 2025available at: <https://www.ilo.org/bureau-employers-activities/areas-work/occupational-safety-and-health>

³ SC Srivastava, *Industrial Relations and Labour Laws 9e* (S. Chand Publishing).

very little attention. Ongoing industrial accidents, occupational illnesses, and the way labour was exploited all made it clear that some sort of legal shielding and welfare support for workers was necessary.

Then in the 19th century, labour movements started gaining strength, and they really mattered, because they insisted on more humane work arrangements and safety rules⁴. In England, the Factory Acts were some of the earliest legal tools, aiming to control working hours, regulate child labour, and set minimum safety expectations for factories. Little by little, these measures made the view stronger that workers actually have an entitlement to a safe and health-supporting workplace, not only a job.

Later, the founding of the International Labour Organization (ILO) in 1919 was a major milestone in the long evolution of occupational safety rights. The ILO later put forward several conventions and suggestions tied to workplace protection, preventing accidents, occupational diseases, and welfare arrangements. Among these, the Occupational Safety and Health Convention, 1981 (Convention No. 155) turned out to be a key international framework for encouraging secure and healthy working surroundings.

After the adoption of the Universal Declaration of Human Rights, 1948, occupational safety and health started to be seen as tied in with basic human rights⁵. Article 23 basically recognizes the right to just, and favorable conditions of work, while Article 25 points to the right to health, and well-being. Later on, the International Covenant on Economic, Social and Cultural Rights, 1966, went a bit further and reinforced the idea that safe and healthy working conditions are in fact a human right.⁶

In India, occupational safety laws took shape during the colonial period, through legislation like the Factories Act, 1881, and then, the Factories Act, 1948.⁶ In broad terms these statutes introduced rules for cleanliness, protection, ventilation, welfare amenities, working hours, and for preventing industrial hazards. Gradually, several labour legislations followed, meant to safeguard workers working in mines, plantations, docks, and construction type industries.

⁴ R. K. Bangia, *Labour and Industrial Laws* (Allahabad Law Agency, 2021).

⁵ United Nations, *Universal Declaration of Human Rights*, 1948. Articles 23 and 25.

⁶ United Nations, "International Covenant on Economic, Social and Cultural Rights," 9 *Human Rights Quarterly* 274 (1987), Article 7

The Constitution of India also played a major role in bringing OSH rights into clearer view. Article 21 guarantees the right to life and personal liberty, and that includes the right to health, plus safe working conditions⁷. Then the Directive Principles under Articles 39(e), 41, and 42 tell the State to look after workers' health and ensure humane conditions of work. Indian courts have repeatedly stressed that safeguarding workers safety and health is necessary for dignity, and for social justice as well.

With globalization and rapid technological advancement, the reach of occupational safety has, sort of, grown a lot more than before. Modern OSH doesn't only talk about physical dangers anymore, but it also covers protection from chemical exposure, ergonomic risks, mental strain, workplace harassment, and occupational diseases that can pop up due to new technologies. The Occupational Safety, Health and Working Conditions Code, 2020 was brought in, to consolidate and modernize the laws about workplace safety, health and welfare in India.

So, the evolution of Occupational Safety and Health rights kind of shows a slow shift, workplace safety moving from a "welfare only" kind of measure into a recognized human right, needed to protect workers' dignity, their well-being and their life.

2. Constitutional Protection of Workers' Health and Safety in India

The Constitution of India gives real protection to workers health, safety, and welfare through Fundamental Rights and the Directive Principles of State Policy. Even if the Constitution does not really spell out Occupational Safety and Health, (OSH) outright, there are multiple constitutional sections that basically guard the workers chance to live and work in conditions that are safe , decent, and humane.⁸ In a way, these constitutional promises become the backbone for labour welfare laws and those workplace safety rules that India follows.

Article 21 of the Constitution guarantees the right to life and personal liberty.⁹The Supreme Court has read this article quite broadly, meaning it covers things like the right to health, access to medical care, living in an environment free from pollution and safe working conditions. The Court has repeatedly said that workers should not be made to work in dangerous or unhealthy situations, especially when it puts their life or dignity at risk.

⁷ Constitution of India, Articles 21, 39(e), 41 and 42.

⁸ Ibid

⁹ Constitution of India, Article 21.

In ***Consumer Education and Research Centre v. Union of India***, the Supreme Court essentially said, that the right to health plus proper medical care is treated as a fundamental right within Article 21.¹⁰ This matter was about workers employed in asbestos industries, who got exposed to serious occupational diseases, over time. The Court really laid stress on the fact that the State as well as the employers, they are under a kind of obligation to guard workers from risky workplaces and to put in place enough health services and medical support.

Likewise, in ***Bandhua Mukti Morcha v. Union of India***¹¹, the Supreme Court accepted that the right to live with human dignity under Article 21 also covers safeguarding workers' well-being, and their physical vigour.⁴ The Court then instructed the government to adopt measures for better working conditions of labourers working in hazardous sectors, and further to stop the exploitation of bonded labourers, before it gets out of hand.

Article 14 says you get equality before law, and equal protection of laws, so workers are shielded from arbitrary or discriminatory treatment¹². Then Article 19(1)(g) is about freedom to practice any profession or occupation, and that ends up meaning the State must see that reasonable, and safe conditions of work exist.

The Directive Principles of State Policy, keep adding more muscle to workers' rights on occupational safety and health. Article 39(e) asks the State to protect the health and strength of workers and stop the whole thing of labour being misused.¹³ Article 42 goes further, it requires just and humane conditions of work, plus maternity relief in a direct way. And Article 43 speaks to decent conditions of work, and a reasonable standard of living for workers too.

In ***M.C. Mehta v. Union of India***, the Supreme Court stressed that industries carrying on hazardous activities have a duty to take safety measures, not only for workers but also for the wider public when industrial accidents happen.¹⁴ The Court then developed the idea of absolute liability for those hazardous industries and it made occupational safety a key point in its reasoning.

¹⁰ (1995) 3 SCC 42.

¹¹ AIR 1984 SC 802.

¹² Constitution of India, Articles 14 and 19(1)(g).

¹³ Constitution of India, Articles 39(e), 42 and 43.

¹⁴ AIR 1987 SC 1086.

Likewise, in *People's Union for Democratic Rights v. Union of India*¹⁵ the Court held that when minimum wages are not paid and labour is exploited, these things go against the constitutional cover provided under Articles 21 and 23. In that judgment the Court basically re-affirmed this idea that workers should get humane working conditions, and they should also be shielded from exploitation.

Labour legislation like the Factories Act, 1948, and the Occupational Safety, Health and Working Conditions Code, 2020 take their force from those constitutional ideas. These statutes lay down a specific set of requirements on workplace safety, cleanliness, air flow, welfare facilities, working hours, steps to avert accidents, plus occupational health protections.

So overall, constitutional clauses and what courts have decided, when seen together, make it clear that workers' health and safety are part and parcel of the right to life, dignity, equality, and social justice in India. That is why Occupational Safety and Health is viewed not just as some welfare scheme, but as a necessary constitutional right, and a human right in practice.

3. Safety Measures for Women Workers

Women's reproductive health has gotten, kind of, a lot of international attention, like it's clearly part of human rights, public health, occupational health, gender fairness, and long-term sustainable development. International bodies and global human rights frameworks keep pointing out that women's reproductive rights really need protection, and that women should have access to healthcare services, maternity protection, workplace safety, plus social security measures too. In other words, the international viewpoint is that reproductive health is not only biological, but also tied to how women live socially, what they can do economically, and what their workplaces end up being like.¹⁶

With a higher number of women in the workforce, there also comes this increased vulnerability of women to occupational illnesses. It is estimated that about one out of three hundred women is dealing with some kind of occupational disease. And since women step into the job market, there's this abundance of inexpensive labour that can be leveraged, and

¹⁵ AIR 1982 SC 1473.

¹⁶ "Sexual and reproductive health and rights," available at: <https://www.who.int/health-topics/sexual-and-reproductive-health-and-rights>

the work situation of these women still resembles what was seen in the early 19th century, in the industrialized countries.¹⁷

Women workers often bump into a bunch of occupational risks, like too much workload, weak or poor sanitation at the worksite, very long working hours, workplace stress, being around harmful substances and just unsafe surroundings too. These kinds of situations can mess with women's reproductive health in more than one way, for example menstrual well-being, pregnancy outcomes, maternal health, and even their mental balance. And if proper sanitation facilities, rest breaks, and healthcare support are not there, the health danger for women employees tends to rise even more than before.

The Constitution of India, under Article 42, sort of nudges the State to ensure that work is done under just and humane conditions, and that maternity relief is made available to women workers. Beyond that, a bunch of labour welfare legislation have been adopted, to safeguard the occupational health, and safety of women employees. Then the Code on Social Security, 2020 pretty much lays down maternity and other social security benefits. Meanwhile the Occupational Safety, Health and Working Conditions Code, 2020¹⁸ is brought in to look after workplace safety, health standards, sanitation, welfare amenities, and in general the overall working situation of employees.

The judiciary has a key part too, in adding weight to constitutional protection for working women, basically by reading the provisions in a practical sense. In ***Vishaka v. State of Rajasthan***¹⁹, the Supreme Court recognized sexual harassment at the workplace as something that breaches Articles 14, 15, and 21 and it then set out guidelines meant to shield women employees from such workplace harassment.⁵ Likewise, in ***Municipal Corporation of Delhi v. Female Workers (Muster Roll)***²⁰, the Supreme Court said that maternity benefit is a fundamental human right, and it also extended maternity relief even to temporary women workers.

¹⁷ A Srivastava and Vipin Bihari, "Occupational health for women: A current need," 59 *Journal of Scientific & Industrial Research* 955–1001 (2020).

¹⁸ "The Occupational Safety, Health And Working Conditions Code, 2020," *PRS Legislative Research* available at: <https://prsindia.org/billtrack/the-occupational-safety-health-and-working-conditions-code-2020>

¹⁹ (1997) 6 SCC 241

²⁰ AIR 2000 SC 1274.

4. Conclusion and Suggestions

Occupational Safety and Health (OSH) have emerged as an indispensable human right, it tries to protect the life, dignity, health and overall well-being of workers in every kind of employment. The way international labour standards have been developing, especially through the efforts of the International Labour Organization (ILO), has helped a lot in seeing safe and healthy working conditions as a basic piece of human rights.²¹ In India, constitutional rules like Articles 21, 39(e), 41, 42, 43, plus labour legislation such as the Occupational Safety, Health and Working Conditions Code, 2020, form a solid legal base for the safety and the welfare of workers. Courts have also added strength to these protections, by saying repeatedly that the right to health and safe work environments is tied directly to the right to life and human dignity under Article 21.²²

Still, even with these wide legal arrangements, many workers end up in places that are unsafe, they suffer occupational diseases, face industrial accidents, deal with poor safety equipment, and experience weak enforcement of labour standards. This is seen especially in risky industries, and in the unorganized sector too, where workers often have little awareness about their entitlement and they can't really get occupational health services that are adequate.

So, more weight really needs to go to making safety laws work in practice, alongside routine workplace inspections, clear employer accountability, and real worker involvement in safety management too. The Government should push harder on enforcement options and make sure occupational safety standards are followed strictly, but at the same time employers ought to provide enough protective gear, proper medical facilities and run safety training programmes regularly. Awareness efforts also need to happen, so workers actually learn about day-to-day workplace hazards and what their legal rights are, not just hear about it in passing.

Plus, mental health protection, stress coping and psychological well-being should be folded into occupational health policies, because new workplace pressures keep showing up. If modern technology gets adopted, and data collection improves, and occupational health services become stronger, then workplace risks can drop, and worker welfare should get better overall. In the end, guaranteeing occupational safety and health is not only a legal duty,

²¹ Ibid

²² Ibid

but also kind of constitutional, social, and moral too, it supports human dignity, social justice, and sustainable economic growth.

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