

Contribution of ILO Labour Standards towards Construction Workers

¹Prof. Dr. Suresh V. Nadagoudar and ²Muniraja. M

¹Vice-Chancellor (Acting), KRDP University, Gadag and Professor of Law, University Law College & Department of Studies in Law, Bangalore University, Bangalore (India)

²Research Scholar, University Law College & Department of Studies in Law, Bangalore University, Bangalore (India)

ARTICLE DETAILS

Article History

Published Online: 16 Dec 2019

Keywords

Construction workers, Contract workers, infrastructure sector, ILO

ABSTRACT

Construction works forms a major portion of infrastructure sector in many countries of the world, Construction workers are involved in the construction of a tiny hut to that of a multi-storied buildings and from the narrowest road to a wide highway. When we enquire into the contribution of Legislature, executive and judiciary towards the most unorganized, vulnerable and poor workers involve in construction activities it is evident that labour and other related laws for construction workers are mere on papers than in reality.

ILO is the highest international agency of United Nations for laying down labour standards for its member countries. When one look at the contribution of ILO towards contract workers, it may be fairly submitted that ILO did not use the term contract labour in any of its conventions and recommendations except the convention No.167 and recommendation No.175 and employment relations conventions. The author of this article would like to enquire into the contribution of ILO in safeguarding the interest of construction workers who are normally either contract workers and migrant workers mainly consisting of adult, young women and child workers.

1. Introduction

One of the visible features of economic development is the boom in the construction work activities in many countries of the world. The construction activities witness in the form of building of roads, bridges and construction of housing and urban infrastructure development. The ILO in its conventions and recommendations while contributing towards the safeguarding of workers, it seems to be evolving and dynamic institution for laying labour standards for construction workers and other workers in regard to working conditions, maternity protection, discrimination, freedom to organize, social security, child labour, adequate wages and much more. The International Labour Organisation which came into existence in 1919, is the specialised agency of the United Nations which seeks the promotion of social justice and internationally recognizes human and labour rights for the welfare and social security of labourers. At present the ILO has 187 members.

2. Fundamental Principles of ILO

ILO differs from other organizations of united nation system because of its tripartite structure. Although ILO is an inter-governmental organization, workers and employers participate directly in formulating ILO policy and in decision making through the governing body and the international labour conference, these two bodies together with the international labour office, permanent secretariat operational head quarters, research centre, publishing house, do contribute towards the functioning of ILO. The ILO strives to be an evolving and dynamic institution. The following are the principles of ILO:-

- Abolition of child labour;
- Equality of treatment of workers;
- Equal pay for men & women;
- Inspection system;

- Reasonable working hours;
- Right of association;
- Labour should not be seen merely as a commodity or an article of commerce.

These principles remain high on the ILO's agenda and served to be guiding its work in all fields. Another key principle of ILO is the premise that, universal and lasting peace can be achieved only if it is based on social justice

3. Conventions & Recommendations by ILO for Setting Labour Standards:

The ILO formulates international labour standards in the form of conventions and recommendations with regard to safety, health, welfare, social security, organizational matters etc., for construction & other workers. The following are the conventions, recommendations and standards which provides for the protection of rights of construction workers.

- ❖ Conventions like, No.48, 97 & 143 and recommendation No.100 & 151 wherein, the ILO has for many years attempted to protect the rights of migrant workers through the adoption and enforcement of international labour standards.
- ❖ Conventions Like, No.62& 167, and recommendation No.175 wherein, the ILO promotes safety, health and welfare in construction sector in particular to; building civil engineering and the erection and dismantling of pre-fabricated buildings and structures as defined under Article 2A(a) (as per 63 & 167 of the conventions). The construction includes structural alteration, renovation, repair, maintenance and

demolition of all types of buildings or structures. The ILO has made recommendations to the safety and health in construction sector. In these conventions and recommendations, the ILO made some preventive and protective measures, safety of work places, scaffolds, lifting appliances and lifting gear, transport earth-moving and materials-handling equipments, health hazardous, dangerous atmosphere, fire precautions, radius hazardous, first aid and welfare. All these measures are taken place especially in the recommendation No.175 for safety, health and welfare of construction workers.

4. Impact of ILO with regard to Construction Sector in India

The following are the Conventions and Recommendation that apply for construction workers though they do apply to migrant and contract workers

- CO.48 – Maintenance of Migrant's Pension Rights Convention 1935
- CO.97 – Migration for Employment Convention (Revised) 1949
- CO.143 – Migrant Worker's (Supplementary provisions) Convention, 1975
- CO.100 – Equal Remuneration Convention 1951
- CO.151 – Labour Relations (Public Service) Convention 1978
- CO.62 – Safety Provisions (Building) Convention, 1937
- CO.167 – Safety & Health in Construction Convention, 1988
- R100 – Protection of Migrant Workers (Underdeveloped Countries) Recommendation, 1955
- R151 – Migrant Workers Recommendation, 1975
- R175 – Safety and Health in Construction Recommendation, 1988

The ILO undertook rapid assessment study in the construction sector to understand the impact, if any, of the recent global recession. Among other findings, the study revealed the following:

- Due to reduced construction activity, especially in the real estate/building sector, exploitation of workers in terms of wage rates, non-payment of overtime allowance is prevalent.
- There is need to provide for social insurance/protection for the workers who lost job due to meltdown.
- Non-registration of construction workers under the Building and other Construction Workers (Regulations of Employment and Conditions of Service) Act, 1996 and Welfare Cess Act, 1996 of India is an issue that needs to be addressed so that Workers can access the welfare benefits as per the provisions of the Act.
- There are still some states where these Acts have not come into force as the Rule have still not been framed to establish to Construction Workers' Welfare Boards at the State Level.

- In many states, where the Welfare Boards have been established, the funds collected remain to be fully utilized. Implementation needs to be geared up.
- Migrant workers are worst affected and within that are the women.

Thus, several aspects relating to the effective implementation of the Construction Workers' Welfare Cess Act, 1996 emerged. In the light of the deficit in Decent work elements for the Construction Workers revealed by the study, the ILO approached the Ministry of Labour & Employment for collaboration with the DG (Labour Welfare) in a diagnostic analysis of the challenges in the service delivery of the Workers' Welfare Cess Act, 1996.

The Following Challenges were identified:

- Registered of Establishments (Still Partial)
- Registration of Workers (quite low in several states)
- Collection of Cess (still partial)
- Utilization of funds (quite low in several states)

Other aspects which was taken into the light for setting standards on construction labour was incorporating and codifying certain labour/construction legislations, Rules and its registration, establishment of forums, recognition, working norms, welfare policies and schemes etc. The ILO further took concrete steps in collection of cess, utilization of funds, enhancing and improvising the workers efficiency, labour welfare schemes etc.

5. ILO on Protection Measures for Migrant Construction Workers

The ILO has for many years attempting to protect the rights of migrant workers through the adoption and enforcement of international labour standards and especially of Convention No.97 and No. 143 which relate specifically to migrants. The basic principle enshrined in both conventions is that of provision of assistance, information and protection of migrant workers, while Convention No.143 is concerned with the elimination of 'abusive condition' –i.e. clandestine migration and the perpetrators of 'manpower trafficking'.

6. Other Initiatives by ILO on Construction Workers

The ILO has also facilitated the implementation of the Construction Welfare Board in 8 States, which resulted in the registration of 152,000 construction workers which effectuated and resulted positively.

The ILO has also helped to raise awareness among 30,000 domestic workers of the minimum working conditions and rights to which domestic workers are entitled.

The ILO further brought under its scope, the supervision of building and maintenance of infrastructure workers, management, health and safety parameters and formulation or framing of policies etc.

7. ILO's Next Move as per Market Resources and Journals

The ILO will continue to engage with its constituents in India through key strategic entry points and partnerships in line with India's Decent Work Country Programme (DWCP), Border partnerships within government and with other stakeholders will be strengthened. State-Level engagement will be an increasingly important vehicle for the ILO's work in India.

The Decent Work Agenda is well recognized in India and has been integrated in key government documents, including the five-year plans. The Sustainable Development Goals provide future activities in India with ILO partners.

8. Conclusion

The ILO is devoted to promoting social justice and international recognised human and labour rights, pursuing its founding mission that labour peace is essential to prosperity. Today, the ILO helps in advancement of creating better

working condition and the economic condition that give working people prosperity and progress. Its tripartite structure provides a unique platform for promoting fair work environment for all construction workers including women, men and migrant workers. Its main aim is to promote working condition, workers rights, encourage employment opportunities, enhance social protection and strengthening working aspect in construction field.

In culminating the above context, the ILO under its various conventions and recommendations has set standards and has contributed towards construction workers and labour via schemes, policies and establishments of forums. The ILO has also entrusted itself into labour management, workers welfare, structuring internal working rules, inter and intra state recommendations.

References

- *Dr. Prahlodhrai – Law relating to construction workers a socio legal study.*
- *M. Rasheswaram, S.M Balakrishnan and S. Murugesan- Journal of Government law College Tiruchirapalli Tamil Nadu; issues and challenges on labour legislations in the era of globalization, liberalization and privatization.*
- *SatpalPuliani- the building and other construction workers(Regulation of employment and conditions of service) Karnataka Amendment Rules 2018.*

Web Sources:

- *Www.labour.gov.in*
- *www.ilo.org*
- *Www.Wikipedia.com*
- *www.linkedin.com*
- *https://Google.com/search/ministry of External Affairs_International_labour_ organization.*