



**WORKING, LIVING, OCCUPATIONAL HEALTH AND
SAFETY CONDITIONS OF WORKERS IN SHIP
BREAKING YARDS IN ALANG-SOSIYA, GUJARAT,
INDIA**

Policy Paper

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Executive Summary

The ship breaking activity in developing countries, such as India, Bangladesh and Pakistan, has been subject to scrutiny and criticism due to the negative impacts the industry has on the environment and workers. This policy brief outlines the main findings of a report on the working conditions in the ship breaking yards in Alang, India. The report found that there has been little improvements in the shipbreaking yards with regards to working conditions and highlights several concerning breaches of the national legal framework aimed at protecting workers and their occupational health and safety. The findings are based on analysis of information obtained through RTI¹, structured interviews with 103 workers and other relevant stakeholders, including authorities and industry associations, as well as secondary sources including government and non-governmental reports.

Introduction

The ship breaking activity is indiscriminately allowed in developing countries for short-term economic gain and responding to the domestic requirement of steel. However, the impact of this industry on workers' health and the environment is worrying. More than 70% of obsolete ships end up in South Asia, where they are broken under rudimentary conditions on the beaches of Alang-Sosiya in India, Chittagong in Bangladesh and Gadani in Pakistan - a practice known as 'beaching'.

The ship breaking yards in Alang-Sosiya (ASSBY) are situated in Bhavnagar, District of Gujarat, which is considered the largest ship breaking area in the world. When the industry established itself in the late 1980s, 46 shipbreaking plots were active. The number has since gradually increased to 170, of which currently about 135 plots are operational. Each leased plot at ASSBY employs between 150–200 workers, and towards the end of 2018 there were around 30,000 workers employed in the ship breaking yards of ASSBY.

The report critically examines the legal and institutional framework for the protection and improvement of workers' rights in ASSBY, and assesses the working, living, occupational health and safety conditions of workers in the ship breaking yards. Finally, it concludes with proposals for policy and institutional intervention in order to improve the working, living, occupational health and safety conditions of workers in the ASSBY. The aim is to inform the readers about the founding principles and obligations of the Indian Constitution towards the protection and welfare of workers, to give an overview of key statutory laws ratified by the Central and State Government of India and international agreements and conventions for protecting the working, living and occupational health and safety conditions of workers.

¹ RTI: Right to Information

Approach and Results

The study is based on primary and secondary data. The primary data was collected with the aim to understand the impact of existing rules, regulations and their effectiveness and is composed by a sample of one hundred and three workers from different ship breaking yards. These workers were all interviewed with a structured questionnaire focusing on working, living, occupational health and safety conditions in ASSBY. Moreover, a number of other stakeholders, including ship breaking industrial unit owners, trade union leaders, environmental NGOs and activists, lawyers representing workers' interests, members of the ship breaking industries' association, and staff of the Gujarat Maritime Board (GMB), the Gujarat State Pollution Control Board, the Bhavnagar Office as well as the Gujarat Industrial Safety and Health Department, have been interviewed to explore the enforcement challenges related to workers' rights at ASSBY. Information on government intervention and activities has furthermore been obtained through RTI. The data collection and discussions with various stakeholders was done between April-May 2019. The secondary data is based on a review of existing rules and regulations on workers' rights, both national and international, on various non-governmental organisations' reports as well as on a review of Court orders related to workers' rights in ASSBY.

The results of the research work give a detailed description of current working and living conditions in ASSBY and highlights the key determining factors for non-compliance of various labour laws and Court directions that protect and improve workers' rights. The main findings of the report are presented below.

Social profile of the workers

- ✓ 16% originate from Gujarat, 36% come from Uttar Pradesh, followed by 19% from Bihar, 16% from Jharkhand, 11% from Orissa, 1% from Madhya Pradesh and West Bengal.
- ✓ 91% are from Hindu communities and 9% are from Muslim communities.
- ✓ The majority are between the age group of 20 to 45 years.
- ✓ 47% have been working in ASSBY for more than ten years, 28% having work experience of more than twenty years, and 25% have less than ten years of experience.
- ✓ 52% have come to know about job opportunities in ASSBY through village contacts who have worked/work in ASSBY, 16% are local workers, 29% heard about ASSBY from their relatives and only 3% come to ASSBY through a middlemen.

Living conditions of the workers

- ✓ Despite the Indian Supreme Court having ordered the provision of housing facilities to the workers, out of the seven labour colonies², each with four floors and the capacity

² Total capacity for around 1.000 workers. The yard workforce averages are about 15.000-30.000 workers.

of 48 beds per floor that stood ready for occupancy in October 2018, only two labour colonies are used by Shree Ram and Leela Group Yard owners for their labourers. The remaining five labour colonies remain vacant and even in the two used colonies there is very low occupancy so far.

- ✓ 89 % of workers do not receive housing facility from the plot owners even though they are migrant workers.
- ✓ The majority of the workers live in and around the ship breaking area in rented shanty dwellings usually without adequate facilities for potable water, sanitation, electricity, drainage systems and education for their children.
- ✓ 7 toilets have been constructed by the GMB for workers use but most of them are not properly managed and 56% workers are forced to go for open defecation. Whilst 45% of the interviewed workers have access to toilets at the yard where they work, another 45% do not have access to a toilet facility in their yard. 7% have informed that the toilet in their work place is generally locked, thus they cannot use the facility, whereas 3% find the toilet in their yard very unhygienic.
- ✓ 59% of workers pay for water service in their living areas.

Working conditions

- ✓ 47% of the workers are gas cutters, 16% loaders, 5% riggers, 8% supervisors, 4% helpers, 12% are unskilled labours and 8% are engaged in diverse types of work.
- ✓ 85% of the workers are paid on a daily basis and only 15% are salaried workers. Salaried workers do not earn extra wage for their overtime work. 13% are paid within the first seven days of the month, 87% respondents are paid after seven days of every month
- ✓ While the average income per day for a daily wage worker is Rs. 379, the average salary per month for a salaried worker is Rs. 14134. The wage for workers vary from plot to plot and is also based on type of work at the yard.
- ✓ 66% of the workers have informed that provident fund amount from their salary is deducted every month. Out of these, only 20% of the workers have withdrawn their provident funds so far and 46% have informed that the plot owners do not cooperate in processing their provident fund amount.
- ✓ 57% of the workers get access to drinking water from a facility in their yard, 12% do not get drinking water in their yard and the remaining workers, i.e. 31%, reveal that whilst a drinking water tap exists in the yard, the quality is not suitable for drinking or the water is not available regularly.
- ✓ 87% of the workers do not have access to a dinner hall facility in their work place. Only 12 % of workers have access to a dinner hall facility in their work place, whereas 1% cannot use the dinner hall facility as it is only for show off.
- ✓ 60% of the workers have informed that the first-aid equipment is available in their yard, 29% do not have access or knowledge of a first-aid box in their yards and the remaining 11% stated that the first-aid box in their respective yard is only for show off.

- ✓ 30% of the workers have informed that the safety equipment is available to them in good quality, whereas 36% expressed their dissatisfaction over the quality of safety equipment and 16% have not received any safety equipment.
- ✓ In the absence of safety equipment and proper training, 52% of the interviewed workers were injured at workplace during the last year. Of these, 61% had received immediate medical support from their plot owners at the workplace and the remaining 39 % did not receive any type of medical support from their plot owners.
- ✓ 30 % of the workers were paid during their leave period due to injury, whereas 52% did not get any wage or compensation when they were on leave, and the remaining 18% continued to work despite their injuries as they were worried to loose wages.
- ✓ ASSBY has just three simple health facilities, two of them run by the Red Cross Society and a small clinic run by a private doctor. Neither have necessary facilities to treat major injuries and potentially fatal emergencies.

Conclusions

In general, the report finds that there is no lack of labour laws to protect and improve the working conditions and ensure the welfare of workers at ASSBY. However, the implementation of labour laws and various government appointed committee recommendations have not been effectively implemented and taken seriously by different state government departments in Gujarat. Despite a number of initiatives by the GMB towards the development of ship breaking activities in Alang, the GMB is failing to monitor ASSBY and to provide adequate facilities and infrastructure in the ship breaking yards. It is of particular concern that there is also no data base created or maintained by the district authority about the number of workers in the ship breaking yards. Moreover, the presence of multiple government agencies has not made a significant impact in controlling the behaviour of ship breaking industries to ensure better working conditions. There is a lack of effective implementation of both labour and environmental laws in ship breaking industries both by the Central and State Government of Gujarat. According to the findings, the lack of coordination between different agencies is a serious problem towards implementing labour laws effectively.

There has been little space to raise the workers' voice in the decision-making process and no effective platform to organise them for their collective action to assert their rights. Around 37% of the interviewed workers do not want to participate in the trade union activities as they feel it might create problems for their employment opportunities. Those who participate in the trade union activities, however, confine their role to address basic issues such as sanitation and water supply, as they do not feel empowered to protest, or even speak out, against the worst working conditions, including major health hazards, accidents, compensation for deaths and injuries, in fear of losing their jobs. One of the key weaknesses in addressing and resolving workers' rights at ASSBY has been the absence of an active and strong trade union to represent the interests of workers. The trade unions in Gujarat have not taken active interest in

mobilising workers and representing their interests to the different government departments. Illiterate, or having very low levels of education, the ship breaking workers at ASSBY come from families that live below poverty line. Not aware of their basic rights, they can be easily exploited.

Recommendations

There are strong environmental and safety arguments for moving the shipbreaking industry to more appropriate locations where heavy lifting equipment and pollution containment can be ensured. The focus of the report is workers' rights, and in line with the findings, the main recommendations are presented below:

- ✓ Create a database on migrant workers with regular updates.
- ✓ Educate workers about their rights under different labour laws.
- ✓ Educate workers about the hazardous activities of the industry.
- ✓ Extend the public distribution schemes to migrant workers. Labourers in ASSBY are entitled to get subsidised rations under the public distribution system.
- ✓ Revisit the current enforcement strategies by the GMB to ensure that workers live in the labour colony and not in huts lacking basic facilities in and around the ship breaking area.
- ✓ Provide regular water and sanitation facility in the living areas.
- ✓ Provide compensation for overtime at work.
- ✓ Construction of restrooms in the plots by the employers and provide the workers with sufficient time for tea and lunch during their work shift.
- ✓ The Employee's State Insurance Corporation along with the GMB need to take active interest to ensure a full-fledged operational hospital with adequate equipment, experienced doctors and different expertise, available 24 hours.
- ✓ Guarantee that each labourer has a health insurance policy and an identity card.
- ✓ Regular health camp and study by the health department of Gujarat needs to be done to understand the long-term impacts of ship breaking activities.

- ✓ Regular inspection by the factory inspector needs to be carried out to ensure better working conditions during the ship breaking activities. Inspection reports need to be uploaded on the website of the labour and employment department of Gujarat.
- ✓ Increase the administrative and financial capacity of staff members in-charge of regular inspection for the implementation of labour laws.
- ✓ Expand the current training program for the workers with regards to how to handle disasters and take appropriate safety measures at the work place.
- ✓ Ensure that the vessels imported are de-toxified. It has been demanded time and again by various environmental groups, and also the Indian Supreme Court, that the countries which send their ships for scrapping to India, Pakistan and Bangladesh must ensure that their ships are de-toxified in the country to which the ship belongs.
- ✓ Implement the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal and other relevant international instruments along with the national laws.
- ✓ Agencies required to implement various labour laws need to be accountable. The GMB has to be transparent.