

## **Working and living environment of the labour in the hazardous industry: Legal remedy for migrant workers and their families in the asbestos industry and construction industry (Tentative)**

Gopal Krishna

**Abstract:** Almost all the hazardous industries employ migrant workers as contract and casual workers. They face hazards on a permanent basis but their job is of temporary nature in legal sense, which implies that they do not have the cover of social security. A significant number of them are undocumented workers. These workers and their families constitute a community which are perennially exposed to environmental and occupational exposures. Studies have inferred that lack of documentation and data is limiting any action to measure and address these exposure risks. The living and working conditions of migrant workers and their families make them vulnerable to exposures from hazardous asbestos industry and asbestos handling construction industry. In general, these workers do not have adequate legal, social and occupational protection. Their condition remains invisible to the law makers, law enforcers, planners, policy makers and public institutions concerned with public health despite the fact that WHO and ILO have recommended elimination of all kinds of asbestos and some 70 countries have banned it.

The need for tracking diseases and deaths resulting from particular conditions known to be caused almost exclusively by environmental and occupational exposure, has been ignored for long. It has been estimated that enviro-occupational diseases kill six times more workers (migrants and non-migrants) than accidents. The data for migrants is yet to be disaggregated. The externalization of environmental and occupational health cost of these migrant workers makes hazardous industries like asbestos industry and construction industry, which are poorly regulated, quite profitable. Most of the fatal environmental and occupational diseases in these industries go unreported. This holds true for the asbestos industry and construction industry. Besides the asbestos based factories, the sites of construction industry contain asbestos in many materials. Studies have pointed out that men and women who work in the hazardous industry have higher rates of environmental and occupational diseases than the general population.

It is essential for effective preventive policy interventions to provide social security to workers, and their families who too get exposed to carcinogenic mineral fibers of asbestos. These workers end up exposing their family members when they carry the toxic fibers of asbestos on their clothes to their houses and habitations. This constitutes secondary exposure. The families of the migrant workers face constant risk of asbestos related diseases due to secondary exposure. Studies have shown that besides workers and consumers, wives, children, and other relatives of workers who have asbestos on the job, have higher rates of asbestos related diseases than average. The workers and their families are subject to poor and hazardous living and working conditions.

This policy brief makes a case for improved data on the incidence, causes and circumstances of the diseases and deaths of migrant workers and their families in the asbestos industry. In the 29<sup>th</sup> year of Supreme Court's landmark judgement on right health in a asbestos case, the study make a compelling case for creating a database

that covers all the diseases in India which contains data on fatal diseases disaggregated by cause of death, age and sex, work-related diseases and diseases of migrant workers and their families using “attributable fractions” to quantify the link between diseases like asbestosis, ovarian cancer, lung cancer mesothelioma and enviro-occupational exposure. This is required to ensure compensation to the victims.

The policy brief provides an outline of the sites of exposure, modes of exposure, asbestos related diseases, environmentally sound living conditions, preventive measures and legal remedies with specific reference to asbestos industry and construction industry.