



# **AN EXPLORATORY STUDY OF HUMAN RESOURCE PRACTICES IN CHEMICAL INDUSTRIES: EXAMINING THE IMPLEMENTATION AND IMPACT ON SOCIAL AND ECONOMIC CONDITIONS OF LABORERS**

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## **Abstract**

Contract Labour is an important aspect where industries are essential to entirely concentrate. Contract labourers contribute to the progress of the Industrial economy and Indian economy, contract labour faced so various problems relating to working conditions of contract labour, nature of work, minimum wages or deference in salary between permanent employees, welfare activity and social security schemes, bonus, gratuity, job security etc. The exploitation of contract labour is now a major issue in the era of globalisation and liberalisation. The aim of this paper is to study and focus on the workers in the chemical industry, the hazards of the working conditions and the role played by the contract labour act, its evolution, and the study of the present applicable different rules and regulations. The present study is based on secondary data use like articles, journals, websites library etc.

**Keywords:** Contract Labour, Social Security, Wages, Contractor, Employer.

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## 1. Introduction

From ancient times, it is found that a persistent conflict has been going on between labour and capital. The history of labour conflict is nothing but a continuous insistence for a fair return to labour expressed in different forms, e.g. (1) increase in wages (2) resistance to mutual conflict between the employer and the employees over the question of the benefits, industrial safety and facilities, adequacy of their respective shares in the social produce, constituted the crux of the labour problem. Capital has been on the economic footing and power and further stands in a better position to dictate its terms. (Agarwal, 1998)

Beginning the progress of unfamiliar issues emerging out of industrial revolutions, new concepts of social philosophy, national economy, and social justice have taken the original industrial order.

After the First World War, the cost of living considerably increased. Its effect on the cost of living and change in political calculation and implement different ideas. It is found that their way into economic crises among the masses, mainly in industrial sectors. Starts a number of Industrial unrest and economic crises that led to strikes and labour problems. Society expects to resolve the labour problems with given proper solution unless and until Industry can't be run properly. Employers focus on industrial machines maintenance and development of the technical know-how to completely avoid workers employed who are involved in strikes and stop the work of machines. There was a large number of workers are available and could be replaced immediately. The worker was generally illiterate, poor, and unaware of their rights. The employer did not serious about the socio-economic status of the workers. As such the worker were weak, and not in a position to negotiate with the employer for employment. The employer started to dictate their own terms and conditions with respect to wages, hours of work, leave, overtime, etc. The worker was not aware of how to deal with this issue. They had to accept it as it is. There was no other opportunity at that time, employment was their only means to earn their livelihood and feed the family. (Industrial And Labour Laws, 1998)

At that time neither government nor the law court was serious about the labour difficulties which are arising within the country. As they accepted the policy of non-interference in employer and employee relations. With the passage of time, the situation was becoming very dire. The time came to force the Government to take measures to solve problems. Workers started to form their own organizations, and unions to fight against the exploitation at the hands of industrialists and public opinion also to come together in support of their view. In the beginning, their efforts were not very

successful due to their weak bargaining power and education, and lack of resources on which they could depend in times of emergency. (Agarwal, 1998)

After a period, authorities come to understand the labour problems and decide they are not a spectator. Till that time workers formed a large section of society.

Subsequently, In the post-independence period, the government gave more attention to the change in the labour environment in the industry and the economic improvement of the country depends on industrial growth. All industries faced a There no was not a single industry that found that operation going peacefully. It can only happen with the cooperation of workers and capitalists. (Agarwal, 1998)

### **There was a demand for a labour law.**

Thus, two primary concepts were laid down on which labour laws were framed. 1) The basic salary earner depends on the company and its products. As he has a major stake in it, he should get his due benefit in the form of a salary. 2) It is the duty of the entire employer to protect the welfare and safety of the workers. In any industry, capitalists and workers contribute equally. Therefore, the growth of an industry depends on the cooperation of capital and labour.

All this to run properly requires some laws and the concept of came to it essential for Labour legislation. After this, how they should be and what provisions should be studied and further thought. Along with this, the structure of the factory should be maintained properly and the workers should be aware of their rights and entitlements.

- Financial situation is weak and should be allowed to say or talk about what is needed while working.

- Need Compensation in case of an accident while at work.

-Factory workers should be guaranteed their work. Also, the practice of hiring and firing based on the availability of work should be stopped.

- Required to have rules for working hours, rest and entertainment.

- No child and women employees allowed in hazardous places. All these provisions should be in the law.

### **The principles of labour law are as follows**

At the time of shaping the principles of labour law, the identity of the country should be considered views like i.e., 1) Social justice 2) Social solidarity 3) International uniformity 4) National economy.

1) **Social Justice:** The judiciary in industries should be given due benefits to the workers involved after the profits and gains are made. The law should provide health protection to both the industry and the workers employed. That is why Workmen's Compensation Act 1923, and Minimum Wages Act 1936, were

made on a social principle. Therefore, working hours, remuneration, leave rules, health, safety and welfare rules were made. Social justice should be based on the principle of social justice in this law. Due to this, provisions for working hours, overtime pay, leave rules, health safety and welfare were included.

- 2) **Social Equality:** Social Justice Unity is mainly considered in this Act. How can we use it in present situations and past, and future situations? It has been thought that the identity of the country will not be harmed by creating an atmosphere of social unity and brotherhood. It was also decided that provision should be made for the possibility of changing it from time to time. These laws should be made by the government. (Agarwal, 1998)
- 3) **International Uniformity:** These laws are framed on the basis of International Uniformity. International labour laws should be formulated keeping in view the objectives of the industry and the standards of national unity. (Agarwal, 1998)
- 4) **National Economy:** Labour laws should be made keeping in mind the national policy. This will not harm the economy. Both the workers and the government should be of one mind. (Agarwal, 1998)

It was later found that the above acts were not fully capable or defective as they did not contain provisions for specific types of Acts. Therefore, various laws were framed to solve the problems of industry and workers. In order to solve the problems of workers in establishments and shops, the Shops Establishment Act, of 1948 was framed. But none of these provisions was applicable in this factory. Factories Act 1948 Act, Industrial Employment (Standing Orders) Act 1946 were enacted for this purpose.

At the same time, some laws were passed for workers and industries in Mining Industry in 1952, Plantation Labour Act and Indian Labour Ship in 1923.

Some laws are saying salary information and rules, while others dictate social security. They are the Minimum Wages Act of 1948, Payment of Wages Act of 1936, Provident Fund Act of 1953, and Employees State Workers Insurance Act of -1948. Along with the Trade Unions Prevention Act 1923, Industrial Disputes -1947. Children and Women Factories Act 1948, Means Act-1952, Plantation Labour Act-1951. Social Insurance Workmen's Compensation Act -1923, Maternity Benefit Act -1961, State Workers' Insurance Act -1948.

Labour laws were passed but they were realized for the development of industry and also for the interest of the nation. It needs to labour law must be implemented. At the same time, new industries

should emerge. Also, the conditions of the workers should be improved but there was no support from the entrepreneurs. This is the problem that has arisen since independence. Entrepreneurs focus on how the industry can benefit. So, this is the idea of workers giving maximum output. Industry and national interests should be contributed. Its benefit and purpose of development should be kept in mind.

Later, the entrepreneurs realized that the demands made by the workers were valid. If they decide to cooperate in the right way, the industry will surely benefit. No matter how many good machines are introduced in the industry, production will increase, but without the support of the human element, no objective can be achieved at present. That is why it has or should be given special importance. Many industries have been damaged due to this. The benefit derived from it should be distributed fairly among all classes who strive for labour and production. While both labour unions and employers contribute to the national economy, workers in the industry do the work, meaning they are constantly carrying the company's burdens. By giving their devotion to the industry.

Trade unions are established to solve their problems at work. Employers try to keep the workers fully informed about the work they are doing. At the same time, they try to establish a good relationship with the owner. But if the debate does not lead to a decision, sometimes the entrepreneurs are also seen using the provisions of the Labour Act. That is, closure, lay-off, and retrenchment appear. Because of this, sometimes vandalism or violence has been seen by the workers out of anger. All in all, employers should be conscious of the welfare of workers. New entrepreneurs pay a lot of attention to social and economic difficulties. If the labour laws are enforced i.e., they are paid the sum, the industry will definitely benefit.

Therefore, to resolve and minimise the industrialist problems and workers. The Government passed the contract labour (Regulation and Abolition) Act of 1970.

This act is applicable to any industry 20 or more employees are working in preceding the twelve months. But this act does apply in intermittent conditions.

For the permanent workers of the company and the salary and facilities provided to them. Demand for salary agreement every three years and unreasonable demands therein. Meetings going on in this regard are taking a lot of time. For eight months, sometimes a year and sometimes a year and a half, his negotiations would go on with company owners and management and trade unions. Meetings in this context are ongoing after the conclusion of the contract. If there is no reconciliation or consensus between the management and the trade union. So

many times, trade unions were seen using different types of strike weapons. That means slowing down the work, just showing up for work in the company. During this time putting black ribbons for hand fines, stopped the canteen food, protested the owners and management in front of the company gate and made slogans against them. If there is no way out of this. So, they go to work and stop means to follow the path of a strike.

Complaints to government officials i.e., conciliation officers based on law. Also complaining about it in courts or running for justice. Damaging company goods or vandalizing vehicles. Abusing or speaking in a language that would be insulting to representatives of the administration. Calling home night after night and straining. Not only this, they have been beaten up in some places. His police cases or court cases go on for years. All these things and complicated provisions in the law. All this had an effect on the performance of the company. Hiring contract workers when there is more work in the company and firing them if there is less work. Paying less salary, not providing other facilities like canteen, transport facility, uniform, or proper equipment in terms of safety.

Lack of education problems, they could not negotiate with the company management in any way. At the same time, they did not have any kind of skills. But still, their need was seen. And they were ready to do any kind of work as needed. The only reason was to support the family.

It's the result shows that the production problems in the industry were gradually reduced. As the management realized this, after some time the number of contract workers increased in the industry. At present, almost all companies employ 60% to 70% contract workers. It is not only in private industry that there are permanent workers and employees who remain. So, this is the situation in the government industry. It appears that government enterprises have started hiring contract workers. Due to this, workers are getting government and private jobs in the country but they are in contract form.

Due to this reason, employment has been made available to many people in society without any kind of skill education experience. This proves that industries are helping the country's economy to a small extent. But while all this was going on, the companies were working without their owners, and management forgot their social consciousness. Because contract workers are a part of society. Keeping them in the same category forever. Also, to never give a permanent job and focus only on how the company will benefit. After seeing that the scope of all these has become very large. Seeing the plight of contract workers, the treatment meted out to them

is harassment. They were also appointed through the contractor. Importantly, they did not have any kind of knowledge or experience. What kind of work is done in the company, and what kind of products do they get? What skills are required in the company? Knowledge, experience, and physical fitness of the workers are required for it or not. What laws apply in that company? Who are they for, and when do they apply? A contractor only looks after paying salaries and assigning workers to work. That will get them a commission and how the business will grow. It can stop the harassment of workers. Nothing like that was happening. Any method of safety is regardless of whether the work is harmful to health or not. Welfare or sympathetic workers were not considered. The salary was not received on time, and working hours and time were not fixed. There was nothing wrong with the contractor. Finally, the plight of the contract workers was not abating. The owners were only concerned with how the company was profitable. It was seen that the work would be easier for the management representatives. Any kind of problem with the workers in the production process was left at the contractor's doorstep. As they have no education and know nothing about work, they force the labourers to work only by swearing or by force. Even if an accident occurred while at work, they were not compensated. The problem of contract workers increased in many ways. The plight of the poor labourers who came to the city from the rural areas and the plight of the toiling masses could be seen. This was very damaging to the country's identity. The places given to them were unsanitary, and the environment was not suitable. Management representatives and contractors used to ignore it.

Therefore, Contract labourers were revived as an exploited sector by various industries and their businessmen, management etc. Due to this, the Whitely Commission in 1860 recommended the abolition of contract labour by implication. Before 1860, indentured labourers faced many difficulties. Therefore, before the Contract Act of 1970, some industries hold responsible. The Breach of Contract of Labour Act 1959 made them criminally liable for breach of a contract of service. (Roy, 2016)

Afterwards to this, various committees were set up by the Government to study the socioeconomic situation of contract labour like the Bombay Textile Labour Enquiry Committee, The Bihar Labour Enquiry Committee, the Rege Committee etc. Recommendation received that to the scope of the contract, labour expands in the Factories Act, 1948, The Mines Act, 1952, and The Plantations Labour Act, 1951.

At the same time, Supreme Court gave guidelines for the contract labour act. In the following condition, the industry should recruit contract labours. This is when the work is perennial and must

go on from day to day. The work is necessary to and necessary for the work of the factory. If the work is sufficient to present workmen. Work which is given to employees' daily basis. Thereafter planning commission introduced progress in working conditions of contract labour. Also, any industry required regular employees and wherein not possible to abolish such type of labour. They must be considered for full-time employment in the same industry.

This Act applies to all types of industries throughout India. It will also apply to such dates as may be appointed by the Central Government in certain places as specified in the Ordinance. The Contract Labour Act applies to an industry in which 20 or more workers are employed or employed as contract workers on any day of the preceding 12 months and any contractor who employs 20 or more workers on any day of the preceding 12 months. This law applies in government or private industry in such a situation.

#### **Important provision under the Contract Labour Act-1970**

The Act has framed elaborate definitions and responsibilities of the principal employer, contract worker, and contractor. Also, if there is any dispute between the main employer, contract workers, and contractors under this act, what will be the role of the advisory board? This has also been mentioned.

**Principal Employer:** In any industry, if the number of workers is 20 or more. The principal employer needs to apply for registration with the concerned registration officer (Addl. Labour Commissioner's office). For this, a triplicate application along with a treasury receipt has to be submitted. After the (Assistant Labour Commissioner) scrutinises and processes the papers they will issue the registration certificate. If the company fails to obtain the same. Employees working under the contractor will be treated as employed under the principal employer. (Karibasamma, 2016)

**Registered Contractor:** Under the act, it is mandatory for the principal employer to recruit contract labours only from the registered contractors. Initially, it is essential to check whether the contractor is been issued a licence from Licensing Officer. Also, whether he is registered under the labour laws like the Shop Act-1948, the provident fund act-1952, the Employee's state insurance act-1948, the labour welfare fund act-1953 inspection book etc.

**Responsibility of wage distribution:** Principal employer has to appoint a separate person who will verify the contractor's muster cum wages registered. If an employee's strength is below 1000 Contractor

is required to pay the salary 7<sup>th</sup> and above 1000 can pay the 10<sup>th</sup> of the month. After contractor disbursement, the contract labours wages. He needs to sign on the muster roll as a contractor has paid wages to all employees in front of me and there is no query from the employees. (Karibasamma, 2016)

**Health & welfare provision:** The Contract Labour Act says that all contractual employees are to provide facilities like 1) Restrooms, 2) Canteen 3) latrines & Urinals separate for males and females. 4) Cleaned or purified drinking water 5) First-aid facilities at the workplace. (Karibasamma, 2016) It is the primary duty of contractors as well as the principal employer to provide all these facilities. (Karibasamma, 2016)

**Maintenance of Registers and Records:** Principal employer has to maintain a list of contractors, with their company name, address, owner name postal address, contact person name, contact number, email id, and the number of employees working under him. male and female also displayed abstracts in front of the factory gate under the contract labour act. etc.

It is mandatory to maintain the register from the contractor's firms. As a registration certificate under the Shop and establishment act -1948, Wage cum Muster register, Advance register, Fine register, Damage or loss Register, Wage slip, register of loan recovery, employment card to be issued to all employees, overtime register, Annual return copy, record medical examination, Bonus register etc.

**Penalties:** At the time the government Inspector visits the establishment, the principal employer and contractor's duty are to produce all the above-mentioned documents. If they wilfully refuse the same, they are punishable with imprisonment for up to three months or with a fine of up to Rs.500.

If Inspector finds the provisions of this act violated by the establishment. This is punishable with imprisonment of up to 3 months and or a fine up to Rs.1000/-. If he found the violation is intentionally or carelessly done then he is liable to a fine of up to Rs.100 per day.

#### **The objective of the study:**

1. To know the present status of the Contract Labours in chemical industries
2. To know the issues and problems faced by the contract labourers
3. To study the socio-economic status of contract labours.

## **2. Research Methodology**

The study is exploration of literature on key words such as Chemical Industry human resources practices and contract labours. The database used is J Gate Plus to explore peer-reviewed journal articles.

The searched articles are reviewed according to relevance and the usage of primary data. The articles with primary data are selected and reviewed to conclude the paper.

#### **Findings:**

The study undertaken by Moraru, Roland, Iosif, Popescu-Stelea, Mihai (Moraru & Popescu-Stelea, 2022) states that there is a worldwide increase in the production and use of chemicals. There is 12 times increase in Chemical output during 1970 and 2020. There is a significant level of disease due to exposure to chemicals. Around 5 million people died and 90 million were disabled as per the World Health Organization estimates. Life years are getting altered due to exposure to chemicals. So, it is recommended that the employees must have access to reliable information about the dangers of working in chemical industries and they must be able to utilize risk assessment methods in order to effectively control and minimize the threats.

To support the management of the risk of exposure to chemical substances in enterprises, a management method called as control banding technique is used. The paper written by Mike Mccullion (Mccullion, 2022) states that a programme called HAZCOM is enforced which describes the ways to manage the chemicals in workplaces and effectively protect the workers. The most important part of the programme is to have a written document describing the chemicals the workers are dealing with and the ways to comply with standard operating procedures for handling those chemicals.

The study undertaken by Nachiappan Sukumar; P Ganavel; R Dharmalingam and Sampath Aruna (Nachiappan Sukumar, 2022) states that for certain jobs the worker's safety has to be enforced. As the workers are exposed to hazardous chemicals during handling. So, it is very important that chemical protective clothing has to be provided. So, the research is undertaken to develop comfortable and efficient protective cloth for chemical industry workers.

The study undertaken by Daesung Kwon (Kwon, 2022) highlighted that between 1960 and 2020, the Koreans achieved a status from poorest to 10th biggest economy status due to the skilled worker's productivity. The major role has been played by the Korean government in implementing policies protecting the skilled worker's interests.

The research paper by Aryan Raj, Darpan Pandita and Hemendra Patil (Aryan Raj, 2022) states that it is essential to bring in changes in the control systems adopted by the industry which are able to develop a healthy and safe environment in the shop floor.

Assessment of Risk is an essential part of daily routine. This assessment is targeted at identifying various hazards and minimising risks. The hazard identification can have identification of possible factors of risks like fire, toxic gases, falls, and machine failure, The adverse effects on health can be identified due to water problems, insect or animal bites, bacteria, viruses and finally the effects of environmental factors like waste disposal, air pollution, oil spills can be identified on a routine basis so as to provide safe work conditions to the workers.

Hanumantha G.2018 -: In this study focuses on mining companies that are totally dependent on contract labours. Still, they paid them to pay low-rate salaries and less job security, and social security-related benefits. Low economic status than permanent labours. It all saves manpower costs for companies. Ultimately companies are getting more profit at end of the year.

I Inian-2018: This paper analyses contract labour as an important sector in all types of Indian industrial development. It is observed that Contract labours are more exploited by principal employers, contract labour agencies, Govt. etc. Due to a shortage of contract labour, Child labour is engaged on a part-time or full-time basis in this development. This practice deprived children of education and it is harmful to physical and mental development. Some other causes of Child Labour in India are cheap wages and accessibility to factories that can produce the maximum amount of goods for the lowest possible price. Child labour should be prevented from this sector and the government's official role is very important to enforce to prevent of child labour. Child Labour (Prohibition and Regulation) Act, 1986, amended in 2016 ("CLPR Act"), a "Child" is defined as any person below the age of 14 and the CLPR Act prohibits employment of a Child in any employment including a domestic help

Meenakshi Rajeev, 2006, In this article, explained that the global market needs contract labour. But it should be flexible within Karnataka. Therefore, it required to change of labour laws, in a new form which created employment for contract labour whole state. After this state increased the minimum wage level to support large groups of labours. A large number of small firms within the state started to exploit contract labour in various ways. Non-payment of minimum wage, payment-related benefits like provident fund, ESI scheme, bonus, gratuity etc.

K.R. Shyam Sundar, 2007, in their paper, explored Contract Workers: are not organised in industrial sectors. No one still works on their collective

bargaining. Therefore, the Contract labour system represents an exploitation system. Nowadays all types of industries always prefer contract labour because of flexibility. The question is only how can improve their condition. This paper focuses on industries/businesses that distribute yield benefits within the class of workers. Also suggested that the labour market consider the community of interests approach, a kind of 'holistic outlook', to encompass contract workers in the scheme of development.

Pavitra Alur-2020: In their study explained contract labourers' issues and problems like Contract labourers are not secure as permanent employees. Also, they are exploited especially in government sectors. Contract labourers do not have bargaining problems, or social security and are frequently deployed in hazardous places. Also, they are from a weaker section of society and deprived of the benefits of other employees. Working hours are not fixed it can extend from 8 hours to 12 hours. So the present provisions of the contract labour act-1970 are not sufficient. It should be linked with social and economic status.

Karibasamma N.- 2016: In his research paper mentioned that minimum wages not paid are theft and it impacts socio-economic problems to contract labour. Their condition is not even to buy food for their family, and proper education for their children.

Mrs. Pramita Ray -2013. The Article "Contract Labour System in India: Issues and Perspectives" states that Contract workers avail of provident fund benefits, but the provident fund is frequently a problem to them enjoying than a benefit. It is a burden in the sense that every month some fixed amount is deducted from their monthly salary to deposit provident fund contributions. However, these classes of workers frequently change firms and simultaneously PF account is transferred to a new firm. The movement left the firm owner of the firm and did not cooperate pf withdrawals or transfers. The principal employer's responsibility is to verify the PF details but it is not done on the scheduled time. In order to withdraw the PF amount, for a contract worker essential to have a bank account where in final payment cheque can be deposited. Contract workers are not able to maintain accounts because of bank requirements to minimum balances in accounts. This makes recovering their PF dues even more difficult. Therefore, there are a number of unregistered contract agencies that deduct provident fund contributions from the worker's monthly wages but never deposit the same in the provident fund office. After a few years change the address and start the same business new name. Due to this a number of unregistered agencies trying to avoid depositing statutory dues like PF, ESI, Service tax

etc increase profit margin. This is the way to exploit the contract labour by the contracting agency, the principal employer.

#### **Suggestions:**

Considering all the above, if the contract labour system is to be properly implemented in all sectors of India, for example, manufacturing, service, agriculture, construction, electricity, oil, cement, etc., then there is no problem in considering the following points. The overall impact of contract labour in India's economy. Therefore, below mentioned point needs to be considered while implementing contract labour practices. Which can help to improve their social and economic status. awareness.

- 1) Government should form a board to provide contract labour. (Like Mathadi Board, Security Guard Board) through that board, any agency will provide contract workers. In all government and semi-government or private sectors. Only then the contract workers can get the economic benefits and all types of benefits from the contractor. Only then the main purpose of the laws be achieved. This demand is from the Contract labour also.
- 2) If any industry does not follow the provisions of the contract labour acts-1970, its registration is revoked permanently.
- 3) It is essential Government officers implement provisions under the law to keep a holistic approach to contract labour getting all benefits under various which are applicable to them.
- 4) Further it needs to create a separate online portal for their duties, responsibility, and getting benefits under social security acts awareness.
- 5) While appointing a contractor by the principal employer avoid political interference.
- 6) Contract workers should get their salary on time and deposit it in the bank account, get pay slips so that there should no confusion.
- 7) To provide job security to contract labourers.
- 8) Establishment needs to appoint a person who will monitor for only benefits under social security.
- 9) Required to implement Equal Work and Equal pay act provisions.

### **3. Conclusion**

The Central and State government needs to rigorously implement the provision of the Contract labour Act-1970. Safeguarding the workers from

hazards of the chemicals must be the first task undertaken by the companies. There are government and semi-government, and in the private sector management frequently bypasses the provision. In the interest of establishment which to reduce the manpower cost and can help grow the profit. There are many contractor agencies that are also acting the same by not providing statutory provisions and social security benefits to contract labours. (Minimum wages, Bonus, Provident Fund, ESI, etc.). Also required to focus on daily working hours, and timely salary disbursement, overtime amount calculate on the double rate.

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