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# **ENHANCING WORKPLACE SAFETY THROUGH PARTICIPATORY APPROACHES: A STUDY ON WORKER'S PARTICIPATION IN OSH MANAGEMENT**

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## **ABSTRACT**

Workers' participation is a central pillar of modern Occupational Safety and Health (OSH) systems, as employees possess first-hand knowledge of workplace hazards, risks, and operational realities. Effective OSH management increasingly recognizes that safety cannot be ensured solely through top-down directives; it requires active, informed, and structured involvement of workers in identifying risks, planning preventive measures, and evaluating safety performance. International standards, particularly those of the International Labour Organization (ILO) such as Convention No. 155, Recommendation No. 164, and the Guidelines, underline the necessity of meaningful consultation and cooperation between employers and workers. In India, constitutional directives under Article 43A, statutory provisions of the Factories Act, 1948, and the Occupational Safety, Health and Working Conditions Code, 2020 further strengthen workers' rights to participate in safety management, receive information, and report imminent dangers. Comparative experiences from the UK and the USA demonstrate that both direct and representative participation contribute to lower accident rates and improved workplace culture when supported by strong management commitment and clear communication. Despite its importance, effective participation is often hindered by lack of awareness, inadequate training, time constraints, and weak institutional support. Strengthening participatory mechanisms, enhancing skill development, and fostering a cooperative safety culture are essential for building safer, healthier, and more accountable workplaces. This study highlights that worker involvement is not merely procedural—it is a strategic necessity for achieving sustainable OSH outcomes.

*Keywords: Workers' Participation; Occupational Safety and Health (OSH); ILO Standards; Safety Management; Workplace Hazards; Risk Assessment; Factories Act 1948; OSHWC Code 2020; Safety Culture.*

## I. INTRODUCTION

Workers' participation has become a cornerstone of modern Occupational Safety and Health (OSH) management systems. Contemporary approaches to workplace safety recognize that effective OSH cannot be achieved solely through managerial directives; it requires active and meaningful involvement of workers who directly engage with work processes, machinery, and equipment. Their lived experience provides essential insights into day-to-day hazards, unsafe conditions, ergonomic risks, and near-miss incidents that may not be visible to supervisors or external inspectors. Empirical evidence across industries consistently shows that enterprises with strong worker participation experience lower accident rates, improved compliance with safety protocols, and enhanced well-being. Participation may take various forms direct or indirect, formal or informal but in all its manifestations, it fosters shared ownership of safety responsibilities and helps build a proactive, preventive workplace culture.

Internationally, the International Labour Organization (ILO) has played a central role in emphasizing the importance of workers' involvement in OSH policymaking and programme implementation. Core OSH instruments such as ILO Conventions No. 155, 161, and 187 underline that workers must be consulted, informed, and empowered at national, sectoral, and enterprise levels. At the workplace, their contribution is vital not only for identifying hazards and proposing solutions but also for assessing the effectiveness of OSH programmes and ensuring that preventive measures are realistic and practically applicable. By integrating workers' knowledge, organizations strengthen their OSH systems, enhance institutional accountability, and promote a democratic, safety-first environment. As work environments continue to evolve with technological and organizational changes, structured worker participation remains indispensable for reducing occupational diseases, ensuring safer work practices, and improving overall workplace health outcomes.

## II. DEFINING AND CHARACTERIZING WORKERS' PARTICIPATION

Many international labor standards, including ILO conventions and EU directives, have set up a general framework for including workers in managing occupational safety and health (OSH) in companies. However, there is no universally agreed definition of workers' participation. According to Gonzales,<sup>1</sup> workers' participation refers to a range of processes and

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<sup>1</sup> González María C., 'Workers' Involvement at the Workplace and Job Quality in Europe', Working Papers on

structures that allow, and sometimes encourage, employees to contribute directly or indirectly to decisions within the company and in society. Workers' participation can cover different areas of a company's functioning, such as ownership, how the business operates, employment relationships, and working conditions. For many years, participation in decisions concerning employment and working conditions has been seen as a key factor in improving workplace safety and health. This participation can be carried out in various ways, and depending on the approach, it can be classified as indirect or direct, weak or strong, formal or informal, and so on.

### **III. MODES OF WORKERS PARTICIPATION IN OCCUPATIONAL SAFETY AND HEALTH (OSH) MANAGEMENT**

#### **i. Indirect and Direct Participation**

Indirect participation takes place through representatives. Direct participation, which is also called "employee involvement," refers to opportunities provided by management for consultation or delegation of responsibilities and decision-making power to employees, either individually or as a group. These opportunities relate to work tasks, how work is organized, and working conditions.<sup>2</sup> The main forms of direct participation include face-to-face or arms-length individual consultation, group consultation in temporary or permanent groups, and individual or group delegation.<sup>3</sup>

#### **ii. Informative, Consultative and Delegative Participation**

Based on how much influence workers have on management decisions, participation can be divided into three types: informative, consultative, and delegative. Informative participation is the weakest form. It means that workers and their representatives receive information to understand a topic, like OSH matters, but they have no say in the final decision. This form usually involves top-down communication and does not give employees any real influence. Examples include meetings to inform workers or providing relevant documents. Consultative participation involves a two-way exchange of opinions between workers and employers, encouraging employees to share their views on work-related issues. These opinions are considered when making decisions. Delegative participation is the strongest form. It gives

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the Reconciliation of Work in Europe, REC-WP 08/2009, Dissemination and Dialogue Centre, Edinburgh, 2009.

<sup>2</sup> Eurofound – European Foundation for the Improvement of Living and Working Conditions, 'New forms of work organization.

<sup>3</sup> <http://www.eurofound.europa.eu/pubdocs/1998/57/en/1/ef9857en.pdf>

employees more freedom and responsibility to handle their work tasks without needing constant approval from management.<sup>4</sup>

### **iii. Formal And Informal Participation**

Workers' participation can be structured in a formal or informal way. Formal participation is usually set up by law and follows specific procedures or rules. It can happen through workers' councils, trade unions, official OSH representatives, safety circles, attitude surveys, suggestion schemes, and other formal mechanisms. Informal participation happens through open discussions and exchanges of views between managers and employees, without following strict rules or structures.

## **IV. ILO CONVENTION ON WORKERS' PARTICIPATION: THE OCCUPATIONAL SAFETY AND HEALTH CONVENTION, 1981 (NO. 155) AND ITS RECOMMENDATION (NO. 164)**

The Occupational Safety and Health Convention, 1981,<sup>5</sup> and its Recommendation (No. 164) talk about how workers can take part in making sure that safety and health measures are carried out properly in a workplace. These standards say that working together with employers and workers' representatives is very important for managing safety and health in the workplace. They also describe what workers and their representatives need to do to help employers follow their safety and health duties.

According to these standards, workers and their representatives have the following main rights concerning safety and health:

- i. They can take part in joint safety and health committees that deal with issues like the work environment, conditions, tasks, and how work is organized.
- ii. They have the right to get information and training about the dangers and risks of their work and how to prevent them.
- iii. If there is a serious and immediate danger to their health or life, they can leave their job.
- iv. They should not be treated unfairly, such as being fired, because they are doing their job as workers' representatives or as members of safety and health committees.

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<sup>4</sup> Sisson K., 'Direct participation and modernization of work organization'. European Foundation for the Improvement of Living and Working Conditions, Luxembourg, 2000

<sup>5</sup> 1981(No.155)

The main responsibilities of workers and their representatives regarding safety and health are:

- i. Follow all safety and health instructions and use protective equipment as needed.
- ii. Take care of their own safety and the safety of others who may be affected by their actions or inactions at work.
- iii. Take part in safety and health training and awareness programs.
- iv. Work with their employer to carry out safety and health measures.
- v. Report any accident or injury that happens during or because of their work.
- vi. Let their immediate supervisor know if they think there is a dangerous situation they can't fix themselves.
- vii. Tell their supervisor if they leave work because of an immediate and serious danger, and explain why.

Recommendation No. 164 gives more details about the steps employers should take to prevent hazards and the roles of workers' safety and health representatives and joint safety and health committees. These committees involve both workers and employers working together on an equal basis.

### **THE ILO OSH GUIDELINES (ILO-OSH 2001)**

The ILO-OSH 2001<sup>6</sup> Guidelines provide a practical, international framework that helps companies set up and improve their Occupational Safety and Health Management Systems. These guidelines help all types of organizations – of any size, in any industry, and anywhere in the world – to develop a culture of safety and health by including it in their overall management.

The guidelines highlight the importance of cooperation between governments, employers, and workers as the base for effective safety and health management. They also list the parts of an effective safety and health management system, including:

1. **Policy** – A clear commitment to preventing injuries, illness, and hazards. It also includes assigning clear responsibilities at all levels and making sure that national laws are followed.
2. **Organizing** – Worker involvement, clear responsibilities, skills and training, communication, and record-keeping.

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<sup>6</sup> International Labour Organization (ILO), *Guidelines on Occupational Safety and Health Management Systems, ILO-OSH 2001*, Geneva: ILO, 2001, p. 1.

3. **Planning and Implementation** – This includes identifying hazards, assessing risks, putting in place prevention and control measures, preparing for emergencies, ensuring safe purchasing, and managing contractors.
4. **Evaluation** – Involves both checking and responding to situations, workplace inspections, looking into incidents, doing internal audits, and measuring performance.
5. **Improvement** – Making changes to fix problems and prevent them from happening again, continuously improving the system, and checking the system regularly.

Worker involvement is a key part of the guidelines, because workers know best about the risks in the workplace and should be included in making decisions, assessing risks, planning for emergencies, inspecting, and evaluating the system.

The guidelines also stress the role of the government in promoting safety and health systems through national policies, laws, enforcement, rewards, and training.<sup>7</sup> Even though these guidelines are not legally binding, they are a globally accepted reference that organizations can use to improve safety, reduce workplace dangers, and make the workplace healthier and more productive.

## **V. CONSTITUTIONAL FRAMEWORK FOR WORKERS PARTICIPATION**

The constitutional commitment towards workers' participation in management is reflected in Article 43A, inserted through the Forty-Second Constitutional Amendment Act, 1976 as part of the Directive Principles of State Policy. Article 43A mandates that "the State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry."

This provision recognizes workers not just as laborers, but as investors in the industrial process, whose participation is necessary to attain industrial democracy, harmonious labor relations, and good governance of the workplace. Under this Article, the Constitution aspires to transform the hierarchical structures of management to participative models wherein workers are represented in decision-making processes, which also pertain to conditions of work, safety, and welfare.

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<sup>7</sup> ILO-OSH 2001, Part II: National Framework for OSH Management Systems.

The Supreme Court has recognized the importance of Article 43A in evolving participative management. In *Minerva Mills Ltd. v. Union of India* (1980),<sup>8</sup> the Court said that the DPSPs, comprising Article 43A, constitute the “conscience of the Constitution” and begin to show the way in which conditions should be created for establishing social and economic justice. Although non-justiciable, Article 43A is a normative directive that facilitates laws, policies, as well as institutional mechanisms at the level of works committees, joint management councils, and OSH committees for embedding worker participation at various levels.<sup>9</sup>

## **VI. RIGHTS OF WORKER’S PARTICIPATION IN SAFETY MANAGEMENT UNDER FACTORIES ACT**

- 1. Worker's Participation in Safety Management**
- 2. Right of workers to warn about imminent danger**
- 3. Information disclosure to workers**
- 4. Industrial waste information**

### **1. Worker’s Participation In Safety Management<sup>10</sup>**

- (i) In every factory that uses dangerous materials or processes, the person in charge must form a Safety Committee. This committee should have an equal number of worker and management representatives. The goal is to work together to make sure the workplace is safe and healthy, and to check the safety measures regularly.
- (ii) The rules about how the Safety Committee is made up, how long members stay, and what their duties are, are set by law.

### **2. Right Of Workers To Warn About Imminent Danger<sup>11</sup>**

- i. If workers feel there’s a risk of a dangerous accident that could hurt them, they can tell the factory manager, the person in charge, or their representative in the Safety Committee. They can also tell the safety inspector about this danger.
- ii. The manager or person in charge must act immediately if they think the danger is real. They must then report what they did to the nearest safety inspector.

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<sup>8</sup> (1980) 3 SCC 625.

<sup>9</sup> Government of India, Ministry of Labour, ‘Report of the Committee on Workers’ Participation in Management’ (1984),

<sup>10</sup> Prescribed u/s 41G of The Factories Act,1948

<sup>11</sup> Prescribed u/s 41H of The Factories Act,1948

- iii. If the manager doesn't think there is an immediate danger, they must still report this to the nearest inspector. The inspector's decision on whether there is a danger is final.

### 3. Information Disclosure to Workers<sup>12</sup>

- (i) In a factory that uses dangerous materials, the manager must give all workers the following information:
  - (a) What rules apply to handling dangerous materials, including Sections 41B, 41C, and 41H of the Act.
  - (b) Which processes in the factory are considered hazardous.
  - (c) Where to find Material Safety Data Sheets (as per Rule 61).
  - (d) The dangers to health and safety from being exposed to dangerous substances.
  - (e) What the manager has done to keep workers safe from these dangers.
  - (f) What workers should do to protect themselves when handling dangerous materials.
  - (g) What the labels and markings on dangerous containers mean (as per Rule 61).
  - (h) What safety equipment workers must use when doing dangerous work.
  - (i) The symptoms of being exposed to harmful materials and who to report to.
  - (j) What to do if there is a spill or leak of chemical materials.
  - (k) Workers' role in the factory's emergency plan, especially how to evacuate in case of danger.
  - (l) Any other information the manager thinks is important for worker safety.
- (ii) The information mentioned in (i) must be given directly to each worker through booklets, leaflets, or signs at the workplace.
- (iii) These booklets, leaflets, and signs must be in the language most workers understand. They should also help workers understand the safety rules.
- (iv) The Chief Inspector can ask the occupier to give more information to the workers as needed.
  - a) Information that was not printed in the original Gazette.
  - b) (Information that was not printed in the original Gazette.)
  - c) (Information that was not printed in the original Gazette.)

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<sup>12</sup> Prescribed u/s 61J of The Factories Act, 1948

- d) A statement about the resources and facilities available for handling an emergency, including any agreements made with nearby factories for help and support during emergencies;
- e) A map of the area showing how to reach the factory, the location of emergency facilities like hospitals, police, and fire services;
- f) The structure of the management and who is responsible for safety, including the people in charge of emergency actions on-site;
- g) Details about the alert system;
- h) Information on antidotes that are available in case of poisoning from an accident;
- i) Any other information that the occupier thinks is important or that the District Emergency Authority asks for.

#### **4. Information on Industrial Waste<sup>13</sup>**

The information that needs to be given under Rules 61J and 61K should cover the amount of solid and liquid waste produced each day, what kind of waste it is, and how it is treated, such as burning solid waste, chemical or biological treatment of liquid waste, and how the waste is finally disposed of.

### **VII. WORKERS' PARTICIPATION UNDER OSH CODE 2020**

The Occupational Safety, Health and Working Conditions (OSH) Code, 2020, brings together rules from 13 laws, including the Factories Act, 1948, and changes how workers can participate by expanding Safety Committees under Section 22 to include all notified establishments that meet certain worker thresholds such as 500 or more workers generally, 250 or more for factories or construction sites, and 100 or more for mines with equal representation from workers and management for safety cooperation and reviews, plus the government's power to exempt some cases.

Workers still have the right to warn about an immediate danger (Section 14, similar to the Factories Act Section 41H) by telling employers, Safety Committees, or Inspectors so they can act quickly; they also have the right to disclose hazards (Section 19, expanding Section 41B) by providing accessible information like Material Safety Data Sheets and details about

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<sup>13</sup> prescribed u/s 61j of the factories act,1948

emergency roles; and they can report unsafe conditions or waste issues in all types of workplaces, improving their involvement and information sharing in line with ILO standards,<sup>14</sup> while increasing the number of workers required for factories to be considered under the code to 20 (powered) or 40 (non-powered) workers.<sup>15</sup>

## VIII. FACTORS INFLUENCING WORKERS PARTICIPATION IN OCCUPATIONAL SAFETY AND HEALTH MANAGEMENT

Workers taking part in occupational safety and health (OSH) activities is influenced by laws and guidelines related to OSH management. In many studies, it's been found that laws are the main reason why workers participate in OSH. In companies where OSH is done on a voluntary basis, the company's OSH rules can help workers take part. However, most of the time, workers' participation in OSH is considered to be not enough.

A 2004 study looking at the real use of Framework Directive 89/391 showed that the way workers are involved in companies is still not well done. The main problems stopping more participation, according to that study, were<sup>16</sup>:

- Workers don't know their rights to be involved.
- Companies focus more on day-to-day work and practical solutions.
- Being part of OSH activities is seen as taking too much time and being just an extra burden.
- Workers and their safety representatives often lack the knowledge and skills to talk about OSH with employers.
- Workers are not interested in safety issues that affect them.

Putting the responsibility on worker representatives or safety committees can also make individual workers less willing to take part in OSH activities.

At the same time, some studies<sup>17</sup> showed that OSH committees can have a positive effect on a company's OSH performance. Factors that influence how well these committees

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<sup>14</sup> ILO, *ILO-OSH 2001: Guidelines on Occupational Safety and Health Management Systems* (International Labour Office 2001), emphasising worker participation and hazard communication.

<sup>15</sup> OSH Code 2020, s 2(w) read with the definition of "factory," increasing the threshold to 20 workers (with power) and 40 workers (without power).

<sup>16</sup>[http://europa.eu/legislation\\_summaries/employment\\_and\\_social\\_policy/health\\_hygiene\\_safety\\_at\\_work/c1114\\_9\\_en.htm](http://europa.eu/legislation_summaries/employment_and_social_policy/health_hygiene_safety_at_work/c1114_9_en.htm)

<sup>17</sup> Shearn P., 'Workforce Participation in the Management of Occupational Health & Safety', HSL/2005/09

and other forms of worker participation work include<sup>18</sup>:

- How management feels about workers' involvement.
- How much management is committed to OSH.
- How much workers and their representatives know and are trained in OSH.
- How well communication happens between workers and management.
- How much workers are interested in and committed to OSH activities.
- How much workers believe their involvement affects safety.
- How much support trade unions give to worker participation.

It's also important to remember that how workers participate and their willingness to take part can change depending on the situation. For example, if workers are asked to take part in a way that isn't properly explained or supported, and they don't have the right knowledge or skills, it could actually increase stress at work. Also, time limits, work responsibilities, lack of interest, or poor commitment can make workers less willing to take part and reduce the effectiveness of OSH participation.

## **IX. WORKERS' PARTICIPATION IN UK**

In the United Kingdom, workers' involvement in OSH is covered by the Health and Safety at Work etc. Act 1974, which requires employers to talk to workers about risks, prevention, training, new technology, and safety policies. This is supported by the Safety Representatives and Safety Committees Regulations 1977 for workplaces with unions and the Health and Safety (Consultation with Employees) Regulations 1996 for those without. These laws allow for indirect involvement through elected safety reps and committees, along with direct methods like toolbox talks and sharing information. This aligns with the EU Framework Directive 89/391 by promoting a three-way approach between workers, employers, and the government.<sup>19</sup>

### **Forms and Effectiveness**

There are three main ways workers can get involved: sharing information (like risk details), discussing together (like joint meetings), and delegating tasks (like having a representative). The Health and Safety Executive (HSE) encourages worker involvement

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<sup>18</sup> HSE – Health and Safety Executive 'Obstacles preventing worker involvement in health and safety'. Prepared by ECOTEC Ltd for the Health and Safety Executive, 2005

<sup>19</sup> Council Directive 89/391/EEC of 12 June 1989 on the introduction of measures to encourage improvements in the safety and health of workers at work.

through guides like HSG263, which shows that involving workers reduces accidents by using their knowledge of workplace dangers. In 2011, 67% of workplaces used direct consultation, according to ESENER data.<sup>20</sup> Research shows benefits, such as fewer near-misses, better mental health climates, and better performance when there is support from management. However, challenges still exist in workplaces without unions.

## **X. WORKERS PARTICIPATION IN USA**

In the United States, worker involvement in OSH is covered by the Occupational Safety and Health Act of 1970, which is enforced by the Occupational Safety and Health Administration (OSHA)<sup>21</sup>. Employers are required to provide a safe workplace, share information on risks, and involve workers in safety programs. This includes identifying hazards, inspections, and accident reviews. However, formal worker groups are not required, but workers have rights like reporting hazards, asking for inspections, and getting training and records. This allows workers to take part directly as well as follow OSH rules.

OSHA encourages worker participation in safety systems, where employees help develop, run, and improve safety programs through groups like safety committees. This approach helps prevent injuries by using workers' real-world knowledge. Most private workers are covered by federal law or state programs that are just as strong. Public workers and small farms usually get less protection. Participation works best when there is management support and aligns with the idea that everyone shares the responsibility for safety.<sup>22</sup>

## **XI. CHALLENGES IN IMPLEMENTING EFFECTIVE PARTICIPATION**

Creating the right conditions to support and encourage effective worker participation in OSH management is not easy. It requires, among other things:

- Developing a workplace culture that encourages and supports worker involvement. This can happen by building trust, respect, and cooperation between management and workers.

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<sup>20</sup> European Agency for Safety and Health at Work, *ESENER Survey 2011: Worker Involvement Statistics*.

<sup>21</sup> Occupational Safety and Health Act of 1970, Pub L No 91-596, 84 Stat 1590 (codified as amended at 29 USC §§ 651–678).

<sup>22</sup> D. Walters and M. Nichols, *Worker Participation and Health and Safety in the US* (Palgrave Macmillan 2010) 45–50.

- Giving workers the chance to participate. This can be done by clearly defining what involvement looks like and offering the right training.
- Setting up strong communication from top to bottom and bottom to top, making sure that workers hear and act on their ideas and questions.
- Making sure that participation doesn't hurt workers or managers.
- Making sure that enough time and resources are available for workers to take part.
- Providing the right training for managers and worker reps, including training on OSH and negotiation skills.

## **XII. CONCLUSION**

There is a pressing need to foster close involvement of social partners to address challenges in assessing and controlling workplace risks, particularly for vulnerable groups where social protection is inadequate. The Government remains committed to reviewing the National Policy on Safety, Health, and Environment at Workplace, strengthening enforcement, improving data collection and analysis, and implementing targeted programmes for hazardous sectors. Through tripartite consultations, nationwide awareness campaigns, training initiatives, and mobilisation of resources and expertise, all stakeholders including government, employers, and workers can collectively ensure safer and healthier work environments. Workers' participation, through mechanisms like Safety Committees and joint management councils, is central to achieving industrial democracy, effective risk management, and improved conditions of work.

Active worker engagement is not merely a procedural requirement but a strategic necessity for sustainable occupational safety and health (OSH). By empowering employees to identify hazards, provide input in decision-making, and collaborate with management, organizations can foster a culture of shared responsibility and proactive safety management. Integrating international best practices, providing proper training, and ensuring open communication and trust enhances the effectiveness of participation. Ultimately, a participatory approach strengthens compliance, reduces workplace accidents, improves employee well-being, and promotes productivity, making OSH both a social imperative and a strategic advantage for resilient and sustainable workplaces.

### XIII. REFERENCES

1. International Labour Organization (ILO). (1981). *Occupational Safety and Health Convention (No. 155)*. Geneva: ILO.
2. International Labour Organization (ILO). (1981). *Occupational Safety and Health Recommendation (No. 164)*. Geneva: ILO.
3. International Labour Organization (ILO). (2001). *ILO-OSH 2001: Guidelines on Occupational Safety and Health Management Systems*. Geneva: ILO.
4. Government of India. (1948). *The Factories Act, 1948*. Ministry of Labour and Employment, New Delhi.
5. Government of India. (2020). *Occupational Safety, Health and Working Conditions Code, 2020*. Ministry of Labour and Employment, New Delhi.
6. Ministry of Labour and Employment (India). (2009). *National Policy on Safety, Health and Environment at Workplace*. Government of India.
7. Health and Safety Executive (HSE). (1974). *Health and Safety at Work etc. Act 1974*. London: UK Government.
8. Health and Safety Executive (HSE). (1977). *Safety Representatives and Safety Committees Regulations 1977*. London: HSE.
9. Occupational Safety and Health Administration (OSHA). (1970). *Occupational Safety and Health Act of 1970*. Washington, D.C.: U.S. Department of Labor.
10. EU-OSHA. (2010). *European Survey of Enterprises on New and Emerging Risks (ESENER)*. European Agency for Safety and Health at Work.
11. Walters, D., & Nichols, T. (2007). *Worker Representation and Workplace Health and Safety*. Palgrave Macmillan.
12. Frick, K., Jensen, P. L., Quinlan, M., & Wilthagen, T. (2000). *Systematic Occupational Health and Safety Management: Perspectives on an International Development*. Elsevier.
13. Gonzales, A. (1999). *Worker Participation and Workplace Health and Safety*. *International Labour Review*, 138(3), 213–230.
14. *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789.