

## Legal and Occupational Health Problems of Tribal Women Migrant Workers in Bhubaneswar City of Odisha

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### Abstract

*This research study focuses on Occupational Health problems of Migrant tribal Women Workers. The Migrant tribal Women Workers face several legal problems such as low wages, health hazards, sexual exploitation and denial of their legal and fundamental rights. Through this study the researcher aims to analyze the life of these Migrant tribal Women Workers. The specific objectives of the study are to identify the legal, occupational health problems and exploitation faced by the women migrant tribal workers and the expectations of the Migrant tribal Women Workers. The research design used for this study is descriptive. The sampling strategy used is simple random through lottery method. Data was collected from 100 respondents using an interview schedule by directly interviewing the respondents. The present study reveals that majority of the respondents (56%) seems to be affected by all kinds of skin diseases. Skin related problems occur because of heavy disposal of sunrays when the workers work in the quarry. Majority of the respondents (59%) say that no availability of the fencing or physical barriers are not available to prevent unauthorized entry. Most of the respondents say (90%) that heat stress, noise, dust related problem, vibration and stress problem are prevalent in the work place and majority of the respondents say that the problems of lighting, radiation, renal, liver and occupational cancers are less due to work. Migrant tribal Women Workers are not having any basic facilities. They are deprived of their basic legal rights and are exploited by the contractors. So there is an urgent need for the protection of Migrant tribal Women Workers to overcome these problems.*

**Key words:** Legal Problem, Migrant, tribal women workers

### Introduction

Migrant workers are vulnerable to various forms of exploitation at all stages of the migration process. Migration impacts may also differ significantly across these various dimensions of social and economic change. About 214 million people, 3% of the world's population are living outside their country of birth. Men, women, children, adolescents and families are crossing international borders to improve their living conditions and sometimes to ensure their survival. Economic disparities, demographic change, civil wars and natural disasters have caused the number of international migrants to double between 1975 and 2010. It helps to evaluate the research on its reliability and validity. It is a way to systematically solve the research problem by the use of scientific methods. It defines about the activity of research, procedures and methods. Like natural science, here the researcher plans for the upcoming social problems and initiate the strategy through which one can congregate information from the selective area, and finally arrives at concluding a specific data by interpreting that one would be able to generate a write up, which is as like as scientific discoveries. The present study aims to examine the legal problems of migrant tribal women workers in Bhubaneswar city of Khordha district.

**Formulation of the Research Problem:** While analyzing the review of literature many of the researcher studies either focused health problems, occupational problem and sex related problems. Most of the research studies focused on the problems Migrant tribal Women Workers. So by carrying out this study, the researcher would like to address the legal, health, occupational and sexual problems.

**Need and importance of the study:** People who are engaged in Quarry work are facing serious problems including poverty, health hazards, insufficient nutritious food, unhygienic the environment, literacy, physical stress, economic problem, occupation problem and sexual exploitation etc. As the researcher is a Ph.D research Scholar of Law focusing in tribal labour migration to urban area is keen to understand the legal problems of women migrant workers. This will enable the researcher to take up some concrete work within the area after his studies. The NGO working for the women migrant workers in Bhubaneswar can make use of the findings of the study to take up concrete rehabilitation programs for women migrant workers.

The researcher believes that the present study will be helpful in finding out the legal problems of women migrant tribal workers. It may be useful in implementing new welfare schemes for Migrant tribal Women Workers

in Bhubaneswar City. So, in this study the research mainly address the problems of Migrant tribal Women Workers of Bhubaneswar City of Khordha district.

**Statement of the problem:** Women migrant tribal workers at Bhubaneswar City in Khordha district live as a community and facing problems such as low wages, health hazards, sexual abuse, exploitation and denial of their rights. The women migrant tribal workers have migrated to Bhubaneswar more than 3 years and still are not able to exercise their fundamental rights. They are exploited by the supervisors at work place. Their children do not get proper child care and medical facilities. The women migrant workers do not have proper quarters for staying. This study on women migrant tribal workers will help the researcher to identify the Legal problems, economic, occupational, health status of the women migrant workers in the field of study.

**Occupational Hazards and sexual harassment:** Migrant tribal Women Workers suffer sheer drudgery of much work which leads to several physical and mental health problems. Women face not only occupational hazards but also other forms of overt and covert harassment including sexual harassment. They also suffer from mental agony and psychological stress and strain. Growing economic disparities, migration and changing values are on the increase and therefore children suffer. Health issues are often thousand people of survival in working environments that are hazardous, harsh and completely unacceptable. The worsening working conditions is result of growth in migration and growing unorganized nature of women's work.

**Problems of Migrant tribal Women Workers:** The intense global completion forced out the women workers from formal sector and many of them joined the informal sector as domestic helpers, agricultural labourers, vendors and construction workers etc. The rise of female participation in unorganized sector is due to the economic completion and employer's preferences to female employees bring flexible labour force. The weak position of women tribal labour in India is reflected in low position. On the basis of various researchers and government report the major legal problem which the women workers are facing in country are the women workers are paid lower and marginal wages. Women tribal workers have poor bargaining power and that is why they cannot pressurize the employers for their rights, which leads to their exploitation. The women migrant works suffer from increasing job insecurity, unemployment an under employment. They are also deprived of adequate social security safety and welfare provisions necessary for their overall development. Women tribal workers face the problems of discrimination in various ways in work place. Women workers also lack of participation in decision making of labour organization and the government policy. Women are vulnerable to more occupational diseases. Migration of women tribal workers always poses a risk of their exploitation.

**Human rights of migration workers:** All persons, regardless of their nationality, race, legal or other status, are entitled to fundamental human rights and basic labour protections, including migrant workers and their families. Migrants are also entitled to certain human rights and protections specifically linked to their vulnerable status.

The human rights of migrant workers and their families include the following universal, indivisible, interconnected and interdependent human rights. The human right to work and receive wages that contribute to an adequate standard of living. The human right to freedom from discrimination based on race, national or ethnic origin, sex, religion or any other status, in all aspects of work, including in hiring, conditions of work, and promotion, and in access to housing, health care and basic services. The human right to equality before the law and equal protection of the law, particularly in regard to human rights and labour legislation, regardless of a migrant's legal status. The human right to equal pay for equal work. The human right to freedom for forced labour. The human right to return home if the migrant wishes. The human right to a standard of living adequate for the health and well-being of the migrant worker and his or her family.

The human right to safe working conditions and a clean and safe working environment. The human right to reasonable limitation of working hours, rest and leisure. The human right to freedom of association and to join a trade union. The human right to freedom from sexual harassment in the workplace. The human right to protection during pregnancy from work proven to be harmful. The human right to protection for the child from economic exploitation and from any work that may be hazardous to his or her well-being and development. The human right of children of migrant workers to education. The human right of migrants and their families to reunification.

A review of the studies of women at large and the women tribal workers in particular brings forth the point that studies on the women in unorganized sector are only a rare few. And these studies did not cover every aspect of women employment in this sector. The concentration of these studies is simply on the trends of work participation of women tribal workers where as their family life, the working conditions and conditions of work have been excluded<sup>5</sup>.

**General Objective:** To analyze the occupational health problems of women migrant tribal workers in Bhubaneswar City.

**Specific Objectives:** i. To find out the legal and occupational problems of the respondents, ii. To identify the health problems of the respondents, iii. To find out the exploitation faced by the respondents.

**Operational Definitions:** In this study migration refers to those people who have migrated from other districts to Bhubaneswar. The term migration means settlement or shifting of an individual or group of individuals from one cultural areas or physical space to another, more as less permanently.

**Migrant Women Worker:** In this study, Migrant tribal Women Workers refers to those women workers who have migrated to Bhubaneswar City from other district of Odisha, and are working in the quarries situated in Bhubaneswar city.

**Research Methodology:** The research design was of a descriptive type descriptive research is a conclusion research that has its major objective to describe something. The information needed for the study was clearly designed and descriptive method was followed.

**Research Design:** As the objective of the study is to assess the legal and Occupational health problems of Migrant tribal Women Workers at Bhubaneswar City, the present study is based on descriptive research design. Descriptive research design is used in this study to obtain information concerning the current status of the phenomena to describe Migrant tribal Women Workers. The researcher has employed diagnostic design to see the association between selected personal variables and problems of Migrant tribal Women Workers in Bhubaneswar. Though many studies conducted earlier on problems of Migrant tribal Women Workers which may give various information the working and living condition. This study tries to focus on the specific problems of health, occupational and mainly focused exploitation and other legal problems faced by women tribal workers in the particularly in the quarry area.

**Area of study:** The study was conducted in Bhubaneswar City of Odisha. Since the area is a treasure house of valuable stones like granite, blue metal, calcium, dolomite and limestone, the quarries are also large in numbers. In

**Universe of the study:** The women tribal migrant workers who are residing in Bhubaneswar city, Bhubaneswar City for more than 3 years constitute the universe of the study.

**Sampling:** The simple random sampling method was adopted by the researcher to select 100 samples (50% of the universe) through the lottery method

**Tools of data collection:** The tool of data collection for the study was an interview schedule. The interview schedule was prepared with the consultation of the research guide and based on the literature available on the topic. The interview schedules consist of different parts pertaining to personal data of the respondents, occupational problems, health problems, exploitation and other legal problems faced by the respondents.

**Pre Testing:** To test the tool, the researcher interviewed five respondents. Since the researcher find out some changes in the interview schedule, it was re corrected, then and the researcher continued with the data collection.

**Sources of Data:** The data was obtained from two sources. The primary data was collected from the respondents working in Quarry area. They were interviewed face to face by the researcher using an interview schedule. The secondary data was collected from books, news paper, websites, journals and resource persons.

## **Result and Discussion**

**Data Analysis:** The data collected from the respondents were scrutinized, edited and classified. The coded information was transferred to master charts and fed into computer and SPSS package was used to analyses the Data. Descriptive statistics such as percentage and average were used to describe the information of the respondents. Statistical techniques like a co- relation and chi-quire were used to draw meaningful inference of the study.

**Limitation of the study:** i. the researcher has conducted the study in the area Bhubaneswar City, so the findings of the study cannot be generalized to all over Odisha. ii. The study was confined only to the women tribal workers and not included the male tribal workers.

**Type of Occupation:** Occupation is the type of work done by individuals. In a company or an organization, individual workers will be involved in different kinds of work. Division of labour is an important component of the industrial society.

### Type of Occupation of the Respondents

It can be understood from diagram 1 that 43 percent of the respondents are actively involved in the work of polishing the stone, 23 percent of them are cutting the stones, 17 percent of the respondents are involved in designing slates and marbles and 13 percent of the respondents are working in quarriesites.

### Occupational Health and Safety issues for tribal women workers

In 2005, 6 percentage of female workers under 30 and 2 percent of all workers reported being exposed to unwanted sexual attention. Women are strongly affected by musculoskeletal disease. In 2005, these accounted for 85 percentage of all recognized occupational diseases among women in comparison to 59 percentage for all workers. As increasing numbers of women enter the construction trades, concerns about their health and safety are growing. In addition to the primary safety and health hazards faced by all construction workers, there are safety and health issues specific to female construction workers. The small percentage of the tribal women females within the construction trades and the serious health and safety problems unique to female construction workers have a circular effect. Safety and health problems in construction create barriers to women entering and remaining in this field.

**Occupational Health Problems: Health Problems at work place:** Health related problems have become a common phenomenon in the industrialized world. Whatever preventive measures the workers adopt, it does not help the workers to protect themselves. Any industrial site or a work place like quarry will have its own hazardous effect on the workers. In addition to the environmental damages, health is also becoming a major problem.

**Figure-1** Implies that majority of the respondents (56%) seems to be affected by all kinds of skin diseases. Skin related problems occur because of heavy disposal of sunrays when the workers work in the quarry. Thirty four percent of the respondents were affected by sunstroke and 10 percent of them were having body ache.

**Fencing of the Quarry Fenced or Physical Barriers:** "Good fences make good neighbors", say Robert Frost. This is valid specifically in the case of Quarries. In order to prevent the passersby from getting hurt and to protect the workers, fencing is very much needed. The study explores the views of the workers on whether fencing or Barriers are needed to avoid unauthorized entry or trespassing.

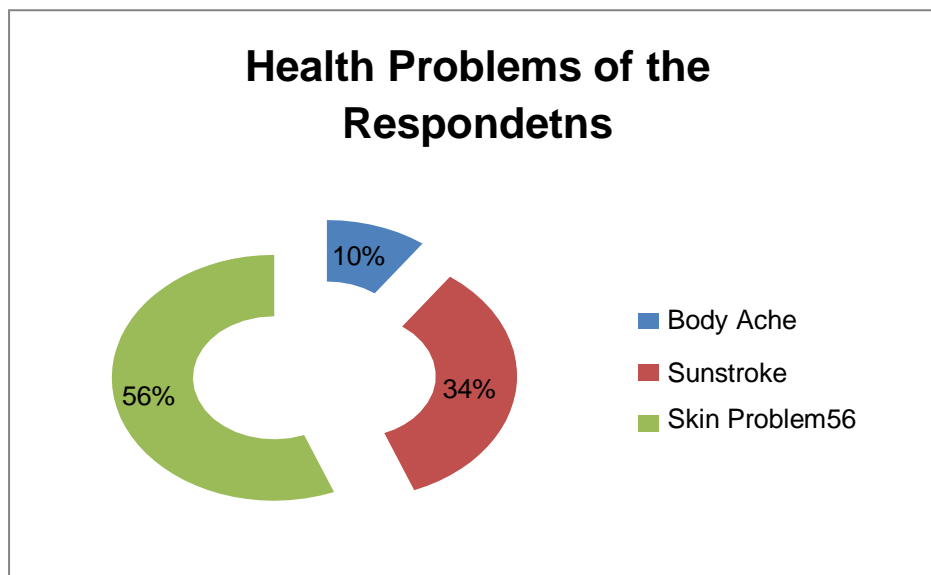


Figure-1

### Health Problems of the respondents at work place

**Table-1** shows that majority of the respondents (59%) say that no availability of fencing or physical barriers are not available to prevent unauthorized entry and 41 percent of the respondents say that there is availability of fencing or physical barriers.

**Accident or injury while carrying out duties:** In Quarries, accidents do happen sometimes: Many a time, accidents occur mostly due to carelessness. While accidents are common in industries, it proves to be fatal or dangerous in the case of Quarries.

**Table -2** clearly shows that 32 percent of the respondents face accidents or risks while carrying out their routine work. Fortunately, around 68 percent of the workers did not meet with accidents. It is found that there is low level of accidents during working hours.

**Hazardous Operation at work place:** Almost all industries without any exception emit some hazardous wastes. Especially in the case of Quarries, they cause excessive damage to the surroundings in terms of Noise, dust and ground water depletion.

**Table-3** Majority of the respondents (70%) say that quarry provide hazardous operations such as noise from machinery equipment, dust from activities such as drilling, blasting and crushing. Thirty percent of the respondents say that there is no hazardous operation.

**Table-1**

**Respondent's Opinion about the Availability of Fencing or Physical Barriers to Prevent Unauthorized Entry**

| Sl.No | Availability of fencing or Physical Barriers | Number     | Percentage |
|-------|--|------------|------------|
| 1     | Available                                    | 41         | 41         |
| 2     | Not Available                                | 59         | 59         |
| Total |  | <b>100</b> | <b>100</b> |

**Table-2**

**Distribution of the Respondents by Accident or Injury While Carrying Out Their Duties**

| Sl.No | Accident or injury on duties time | Number     | Percentage |
|-------|-----------------------------------|------------|------------|
| 1     | Men with accident or injury       | 32         | 32         |
| 2     | Not met with accident or injury   | 68         | 68         |
| Total |                                   | <b>100</b> | <b>100</b> |

**Table-3**

**Respondents' Opinion about Hazardous Operation in the Quarry**

| Sl.No | Opinion about Hazardous Operation       | Number     | Percentage |
|-------|---|------------|------------|
| 1     | Hazardous Operation Carried out         | 70         | 70         |
| 2     | Hazardous Operation are not Carried Out | 30         | 30         |
| Total |   | <b>100</b> | <b>100</b> |

**Health Problems at Quarry:** **Table-4** majority of the respondents say that they are facing the occupational problems like heat stress (99%), noise (99%) and dust related problems (96%), stress (87%), vibration (86%), ventilation problem (63%) and respiratory problem (62%).

**Table-4**

| Sl. No | Occupational Health Problems | Yes | No | Total |
|--------|------------------------------|-----|----|-------|
| 1.     | Heat Stress                  | 99  | 1  | 100   |
| 2      | Noise                        | 99  | 1  | 100   |
| 3      | Vibration                    | 86  | 14 | 100   |
| 4      | Lighting                     | 48  | 52 | 100   |
| 5      | Radiation                    | 37  | 63 | 100   |
| 6      | Ventilation Problems         | 63  | 37 | 100   |
| 7      | Dust related Problems        | 96  | 4  | 100   |
| 8      | Respiratory Problems         | 62  | 38 | 100   |
| 9      | Renal                        | 43  | 57 | 100   |
| 10     | Liver                        | 10  | 90 | 100   |
| 11     | Occupational Cancers         | 46  | 54 | 100   |
| 12     | Stress                       | 87  | 13 | 100   |



**Potential Occupational Health Problems/Disease at Quarry**

Majority of the responding say that they are not facing the occupational problem like liver (90%), radiation (63%) and renal (57%), occupational cancers (54%), lighting(52%).

**Harassment at work place:** In the modern times, it has become a necessity that women should also work to run the family. When they work for the sake of their families, sometimes will face they harassments from the employer and from the fellow male workers.

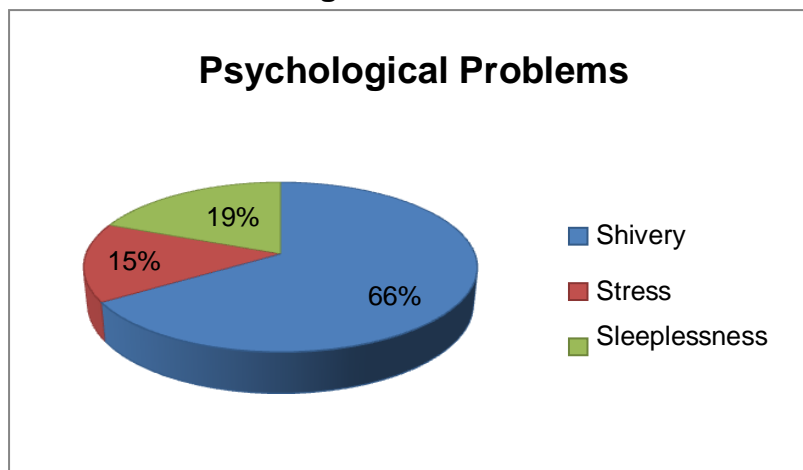
**Table -5**  
**Respondent's Opinion about Physical Harassment at Work Place**

| Sl. No | Harassment at work place | Number     | Percent    |
|--------|--------------------------|------------|------------|
| 1      | Harassed                 | 69         | 69         |
| 2      | Not Harassed             | 18         | 18         |
| 3      | No response              | 13         | 13         |
| Total  |                          | <b>100</b> | <b>100</b> |

Table-5 reveal that majority of the respondents (69%) say agree that there is physical harassment in their work place and, 18 percent of them feel that is no such harassment. Psychological Problems

Figure-3 the above chart exhibits the psychological problems of the respondents. The common psychological problems faced by the respondents are shivers, stress and sleeplessness. The problem of shivering occurs more (66%) when compared to stress (15%) and sleeplessness (19%). This is because of the handling of vibrating machines in the work place.

**Figure-2**



**Psychological Problems of the Respondents**

**Discussion:** The present study deals with major findings and suggestions based on the empirical data analysis regarding problems of migrant workers such as occupational problem, health problem and exploitation of women migrant tribal workers. This study reveals that majority of the respondents (56%) seems to be affected by all kinds of skindiseases. Skin related problems occur because of heavy disposal of sunrays when the workers work in the Quarry. Majority of the respondents (59%) say that no availability of fencing or physical barriers are not available to prevent unauthorized entry. Majority of the respondents(68%)of the workers did not meet with accidents. It is found that there is low level of accidents during working hours.

Majority of the respondents (90%) say that they have good relationship with the employers. Majority of the respondents (87%) say that safety programmes are conducted to ensure the safety of the workers. Majority of

the respondents (69%) say that there is physical harassment in their work place. Majority of the respondents (56%) of express their willingness to continue the work due to the economic conditions of the family. Majority of the respondents are (79%) satisfied with the health and safety policy measures provided in the work place. In the Quarries, the workers are provided with helmets, safety belts, masks, safety shoes etc, twenty one percent of the respondents are not satisfied with the health safety policy. Majority of the respondents say (90%) that heat stress, noise, dust related problem, vibration and stress problem are prevalent in the work place and majority of the respondents say that the problems of lighting, radiation, renal, liver and occupation cancers are less due to work. Majority of the respondents (59%) have to travel km to the hospital from their place of stay. This is mostly because of the rural back ground of the place and also the lack of health services in the work place. The common psychological problems faced by the respondents are shivers, stress and sleeplessness. The problem of shivering occurs more when compared to stress and sleeplessness. This is because of the handling of vibrating machines in the workplace.

**Suggestion:** It was observed from the study that appropriate medical help is needed for the Migrant tribal Women Workers. Health facilities should be provided through organizing medial camps periodically by the employers. The social work Department of Government of Odisha can extend their support for the Migrant tribal Women Workers in Bhubaneswar city. They can conduct surveys to find out the human rights violation against Migrant tribal Women Workers. They can help in the formation of SHG's and the women can be trained to take up self employment activities. Awareness regarding the rights of Migrant tribal Women Workers can also be promoted by the social worktrainees.

Most of the women workers face skin diseases because of heavy disposal of sunrays at the work place. So the employer has to five safety equipments such as mask, helmet etc. In the quarry, there is no fencing or physical barriers to prevent unauthorized entry and it will lead to more accidents. So, fencing or physical barriers have to made to prevent such accidents. The majority of the respondents say that there is physical harassment in their work place. Severe action has to be taken on those who are involved in the harassment of women workers. It was found that heat stress, noise, dust related problem, vibration and stress problem are prevalent in the work place and common problems faced by the respondents are shivers, stress and sleeplessness. The problem of shivering occurs more when compared to stress and sleeplessness. This is because of the handling of vibrating machines in the work place. The employers have to change the machines which produce more vibrations. First aid facility has to be provided to all the quarry workers. As the workers feel that they are exploited by heavy work load, the employers have to consider a decrease in the work.

### **Conclusion**

Women's organization working in the State of Odisha for the unorganized labour sector can conduct awareness programs among the tribal migrant workers at Bhubaneswar and motivate them to join the women's organizations that take up their cause. Migrant tribal women workers are not having any basic facilities. The welfare schemes for migrant tribal women workers are not reaching them. They are deprived of their basic rights and are exploited by the contractors. So there is an urgent need for the protection of migrant tribal women workers to overcome these problems. The researcher has identified the problems of migrant tribal women workers which will help the government and NGO's to take remedial measures to promote the welfare of migrant tribal women workers and to protect their legal rights.

### **References**

1. Hein de Haas., Remittances, Migration and Social Development, A Conceptual Review of the Literature, Social Policy and Development Programme, United Nations Research Institute for Social Development, 1020-8208(2007)
2. Bela Hovy, Rogel Nuguid, Rhea Saab, Children, Adolescents and Migration: Partnering to Develop to Evidence&BuildDialogue, [http://www.unicef.org/socialpolicy/files/Children\\_Adolescents\\_and\\_Migration](http://www.unicef.org/socialpolicy/files/Children_Adolescents_and_Migration). Pdf (2006)
3. Jayati Ghosh, Globalisation, Export-Oriented Employment for Women and Social Policy: A Case Study of India, Employment for Women and Social Policy (2001)
4. Vincent Williams, Jonathan Crush, Peggy Nicholson, Southern African Migration Project, The UN Convention on the Rights of Migrant Workers: The Ratification Non- Debate, ASEAN Commission on Migrant Workers (AMW) (2006)
5. Shulamith Koenig, The Human Rights of Migrant Workers, The people's Movement for Human Rights Education, New York,<http://www.pdhre.org/rights/migrants.html> (2013)