

Beyond Physical Safety: Integrating Mental Health into Occupational Safety and Sustainability Policies

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Abstract

Factors like rapid globalization, market competition, digitization along with the expansion of service-oriented industries have transformed Indian work nature due to which workers in various emerging businesses are facing huge mental & psychosocial pressure. As per written laws or in other terms traditional labour laws provide protection against physical hazards but changing patterns of business is pushing for a change in old laws to adopt modern workers' friendly features. In this paper titled "*Beyond Physical Safety: Integrating Mental Health into Occupational Safety and Sustainability Policies*" the author has dealt with the problem of old fashioned occupational safety and health (OSH) laws in modern India by critically examining the evolution of work landscape in India. The author has argued that while traditional OSH laws focus on physical risks & hazards like workplace injuries, factory accidents, etc., modern high-stress business sectors like gig economy, online services, IT, healthcare, etc. all demand serious attention to psychosocial risks & hazards as well such as burnout, stress, pressure, hectic time management, continuous harassment, etc. Doctrinal methods of research have been used for critical examination, case studies, policy reviews & data analysis for exposing legal gaps in Indian labour laws and to suggest implementing a strong legal mechanism blending mental wellbeing rights along with OSH laws global benchmarks and UN Sustainable Development Goal (SDG) 8 on decent work. It would not only be beneficial for the employees & gig workers but the changed approach can transform the whole Indian business and industrial sectors as well by increasing productivity & long-term viability.

Keywords: Safety laws, Public Health, High-stress, Legal architecture, Mental wellbeing

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1. Introduction

For a long time, upliftment of the manufacturing sector was a prime focus of policy makers to boost the growth of India but now a rapid service-sector growth has transformed the mode of business and organizational viability. Emerging startups and online businesses have been rewriting the growth of India but in this transmission the interests of many employees & gig workers have been majorly neglected and a large legal gap has emerged to protect their rights. Factors like rapid globalization, market competition, digitization

along with the expansion of service-oriented industries have transformed Indian work nature due to which workers in various emerging businesses are facing huge mental & psychosocial pressure. As per written laws (or in other terms traditional labour laws) provide protection against physical hazards but changing patterns of business is pushing for a change in old laws to adopt modern workers' friendly features. The old fashioned occupational safety and health (OSH) laws are becoming outdated in modern India. The evolution of the work landscape in India always demanded updated laws but rigidity has caused severe problems and prevented chances for improvement in issues like psychosocial risks & hazards at the workplace. While traditional OSH laws focus on physical risks & hazards like workplace injuries, factory accidents, etc., modern high-stress business sectors like gig economy, online services, IT, healthcare, etc. all demand serious attention to psychosocial risks & hazards as well such as burnout, stress, pressure, hectic time management, continuous harassment, etc. It is much needed to implement a strong legal mechanism blending mental wellbeing rights along with OSH laws, global benchmarks and UN Sustainable Development Goal (SDG) 8 on decent work. It would not only be beneficial for the employees & gig workers but the changed approach can transform the whole Indian business and industrial sectors as well by increasing productivity & long-term viability.

Physical dangers in mines, tunnels, factories, roads, construction places, etc. are still significant risks but the workplace related laws have remained stagnant for a long period of time by solely focusing on physical hazards only. The rapid growth of the service sector has enhanced psychosocial hazards & risks due to continuous performance pressures, 24/7 connectivity, burnout, stress, pressure, hectic time management, continuous harassment, etc. These psychosocial hazards from work design & culture are now dominating and affecting mental well being, creating psychosocial disorders and dismantling all efforts for sustainability. Organisations are giving tasks after tasks with strict deadlines and the employees especially the gig workers are completing the tasks like robots. Job insecurity, no healthcare facility, temporary employment with no scope of promotion for honest work, etc. are eroding human capital, causing mental traumas and contradicting the social pillars of sustainability.

2. Conceptual Framework: Psychosocial Hazards, Mental Wellbeing, and Sustainability Psychosocial Hazards

It is true that this hazard is often invisible but in reality ignoring it can be devastating. Physical dangers in mines, tunnels, factories, roads, construction places, etc. are still significant risks but the workplace related laws have remained stagnant for a long period of time by solely focusing on physical hazards only. The rapid growth of the service sector has enhanced psychosocial hazards & risks due to continuous performance pressures, 24/7 connectivity, burnout, stress, pressure, hectic time management, continuous harassment, etc. These psychosocial hazards from work design & culture are now dominating and affecting mental well being, creating psychosocial disorders and dismantling all efforts for sustainability. Organisations are giving tasks after tasks with strict deadlines and the employees especially the gig workers are completing the tasks like robots. Job insecurity, no healthcare facility, temporary employment with no scope of promotion for honest work, etc. are eroding human capital, causing mental traumas and contradicting the social pillars of sustainability. It is much needed to amend the old fashioned OSH laws because

they are becoming outdated in modern India. The evolution of the work landscape in India demands updated laws but rigidity has caused severe problems and prevented chances for improvement in issues like psychosocial risks & hazards at the workplace. It is much needed to implement a strong legal mechanism blending mental wellbeing rights along with OSH laws, global benchmarks and UN Sustainable Development Goal (SDG) 8 on decent work. It would not only be beneficial for the employees & gig workers but the changed approach can transform the whole Indian business and industrial sectors as well by increasing productivity & long-term viability. Hence the OSH laws which focus on physical risks & hazards must also start regulating modern high-stress business sectors like gig economy, online services, IT, healthcare, etc. to cover psychosocial risks & hazards resulting from factors like:

- Excessive Workload and Targets,
- Long work Hours and Rest Deficits,
- "Always-on" culture on quick delivery platforms,
- Disrupting sleep, disorders like insomnia due to long night shifts,
- Spike in fatigue but no noteworthy rewards,
- No job stability, instant job loss on failure to achieve targets,
- Harassment and Bullying,
- Poor Support and Autonomy,
- Lack of any formal mechanisms for complaints,
- Work-Life Blur.

Gig platforms offer job flexibility but in reality there is no stability due to which workers always fear for deactivation, instant job loss on failure to achieve targets. The lack of any formal mechanism for complaints always keeps them silent but generates unnecessary psychological disorders and anxiety. Loads of work, continuous calls, messages, mails & aggressive target achievement create an unhealthy environment which often results in harassment and bullying. Power imbalances in various corporations ignite the chances of oppression and fuel toxicity and people from marginalized groups become easy victims of such ill practices resulting in perennial trauma and low self-esteem. Poor Support and lack of any formal mechanisms for complaints breeds helplessness among workers and instead of raising their voices, the demotivated workers choose to leave the job, which doesn't cause any harm to the organisations because there is a significant supply of temporary or gig workers. This practice needs to be immediately regulated and the workers must be given a platform to raise their concerns and demands or any legal issue. Many industrial & business experts have supported the flexibility in the emerging startups and gig economy and instead of criticising the toxic culture they consider it as a "high-performance" cost. The race to become unicorn startups, the greed to generate huge turnovers, unhealthy strategies to beat competition, etc. has created an atmosphere of depression leading towards suicide of many. This is creating absenteeism and the greed of money is causing innumerable psychological losses which are invisible to many experts and policy makers.

2.1. Mental Wellbeing as a Right

Safety and dignity support mental wellbeing of a person and globally it is considered as a necessary human right. In the modern Indian economic trends the race to become unicorn

startups, the greed to generate huge turnovers, unhealthy strategies to beat competition, etc. have created an atmosphere of depression leading towards imbalanced social life and suicides of many. The Constitution of India guarantees the right to life under Article 21. A life with dignity and health is a part of fundamental right to life which is being tremendously violated due to changing work structure in India. Many organisations manage the work structure through some ethical guidelines and code of conducts but these strategies are totally toothless. India immediately needs strict legislation to strongly declare Mental Wellbeing as a Right which should also enumerate how workers/gig workers should be treated in online, IT sectors, quick delivery service, etc.

2.2. Sustainability

Sustainability demands social equity, decent work, adherence to ESG metrics and mental well being of the workers along with the success of corporations. The rigidity in laws and lack of care for the mental well being of workers are harming the reputation and profits of the corporations. The psychologically ill practice in the name of targets or corporate strategies needs to be immediately regulated. Instead of supporting toxic work culture a sustainable mechanism should be followed to balance profit with dignity. Job insecurity, no healthcare facility, temporary employment with no scope of promotion for honest work, etc. are eroding human capital, causing mental traumas and contradicting the social pillars of sustainability. It has to be understood that corporate viability highly depends on the mental well being of its workers.

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3. India's Legal Landscape: Strengths and Gaps

The Constitution of India guarantees the right to life under Article 21. Article 42 does not provide a fundamental right but sets a directive principle for the state to establish "just and humane conditions." A life with dignity and health is a part of fundamental right to

life which is being tremendously violated due to changing work structure in India. Many organisations manage the work structure through some ethical guidelines and code of conducts but these strategies are totally toothless. India immediately needs strict legislation to strongly declare Mental Wellbeing as a Right which should also enumerate how workers/gig workers should be treated in online, IT sectors, quick delivery service, etc. Apart from the constitutional principles, there are some codified laws as well which have attempted to take care of mental well being of workers:

- **OSH Code, 2020:** By consolidating old laws like Factories Act, etc., a new labour code on occupational safety has been brought in India covering machinery, hygiene standards and welfare. It has been presented as a modern safety code but it is still focused on physical safety and highly ignores psychosocial hazards and has a very poor control on service sectors.
- **Mental Healthcare Act, 2017:** Focuses on treatment and tries to stop stigma culture related to mental patients but has missed the opportunity to enumerate prevention models and steps to eradicate psychosocial hazards.
- **POSH Act, 2013:** A significant act to tackle workplace harassment and mandates committees to establish safety but its scope is too narrow especially if it has too applied in the gig economy.

4. Conclusion

For a long time, upliftment of the manufacturing sector was a prime focus of policy makers to boost the growth of India but now a rapid service-sector growth has transformed the mode of business and organisational viability. Emerging startups and online businesses have been rewriting the growth of India but in this transmission the interests of many employees & gig workers have been majorly neglected and a large legal gap has emerged to protect their rights. Factors like rapid globalization, market competition, digitization along with the expansion of service-oriented industries have transformed Indian work nature due to which workers in various emerging businesses are facing huge mental & psychosocial pressure. As per written laws (or in other terms traditional labour laws) provide protection against physical hazards but changing patterns of business is pushing for a change in old laws to adopt modern workers' friendly features. The old fashioned occupational safety and health (OSH) laws are becoming outdated in modern India. The evolution of the work landscape in India always demanded updated laws but rigidity has caused severe problems and prevented chances for improvement in issues like psychosocial risks & hazards at the workplace. While traditional OSH laws focus on physical risks & hazards like workplace injuries, factory accidents, etc., modern high-stress business sectors like gig economy, online services, IT, healthcare, etc. all demand serious attention to psychosocial risks & hazards as well such as burnout, stress, pressure, hectic time management, continuous harassment, etc. It is much needed to implement a strong legal mechanism blending mental wellbeing rights along with OSH laws, global benchmarks and UN Sustainable Development Goal (SDG) 8 on decent work. It would not only be beneficial for the employees & gig workers but the changed approach can transform the whole Indian business and industrial sectors as well by increasing productivity & long-term viability.

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formal mechanism for complaints always keeps them silent but generates unnecessary psychological disorders and anxiety. Loads of work, continuous calls, messages, mails & aggressive target achievement create an unhealthy environment which often results in harassment and bullying. Power imbalances in various corporations ignite the chances of oppression and fuel toxicity and people from marginalized groups become easy victims of such ill practices resulting in perennial trauma and low self-esteem. Poor Support and lack of any formal mechanisms for complaints breeds helplessness among workers and instead of raising their voices, the demotivated workers choose to leave the job, which doesn't cause any harm to the organisations because there is a significant supply of temporary or gig workers. This practice needs to be immediately regulated and the workers must be given a platform to raise their concerns and demands or any legal issue. Many industrial & business experts have supported the flexibility in the emerging startups and gig economy and instead of criticising the toxic culture they consider it as a "high-performance" cost. The race to become unicorn startups, the greed to generate huge turnovers, unhealthy strategies to beat competition, etc. have created an atmosphere of depression leading towards suicide of many. This is creating absenteeism and the greed of money is causing innumerable psychological losses which is invisible to many experts and policy makers.

5. Suggestions:

- Many industrial & business experts have supported the flexibility in the emerging startups/gig economy and consider the toxic work culture as a "high-performance" cost. Continuous discussions and debates are much needed to highlight the negative sides of emerging startups, IT sector and gig economy.
- Instead of supporting toxic work culture a sustainable mechanism should be followed to balance profit with dignity. Job insecurity, no healthcare facility, temporary employment with no scope of promotion for honest work, etc. are eroding human capital, causing mental traumas and contradicting the social pillars of sustainability.
- It is much needed to give the workers strong protection against psychosocial hazards just like traditional laws secure workers from physical hazards. Instead of ethical guidelines or toothless rules, India needs strong laws to regulate:
 - Excessive Workload and Targets,
 - Long work Hours and Rest Deficits,
 - "Always-on" culture on quick delivery platforms,
 - Disrupting sleep, disorders like insomnia due to long night shifts,
 - Spike in fatigue but no noteworthy rewards,
 - Job instability, instant job loss on failure to achieve targets,
 - Harassment and Bullying,
 - Poor Support and Autonomy,
 - Lack of any formal mechanisms for complaints,
 - Work-Life Blur.
- India immediately needs strict legislation to strongly declare Mental Wellbeing as a Right which should also enumerate how workers/gig workers should be treated in online, IT sectors, quick delivery service, etc.

- It is much needed to implement a strong legal mechanism blending mental wellbeing rights along with OSH laws, global benchmarks and UN Sustainable Development Goal (SDG) 8 on decent work. It would not only be beneficial for the employees & gig workers but the changed approach can transform the whole Indian business and industrial sectors as well by increasing productivity & long-term viability.
- This psychologically ill practice in the name of targets or corporate strategies needs to be immediately regulated and the workers must be given a platform to raise their concerns, demands, any legal issues, etc.

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