



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2025

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

OCCUPATIONAL WELLNESS IN INDIA: A NEGLECTED RIGHT OR A MISSED OPPORTUNITY? A COMPARATIVE STUDY ACROSS SECTORS AND NATIONS

Prity Kumari¹

ABSTRACT

In a time when workplace wellness is seen as an important factor for organizational efficiency, India is still behind in creating a complete framework that covers various work environments. While countries like Finland, the UK, and the US include sanitation rights, mental health protections, and regulated infrastructure in their laws, India's approach is still uncoordinated and focused on specific social classes. This study looks into the shortcomings of occupational wellness in government workplaces, including women's access to toilets and safety for night-shift workers, as well as issues in lower-court infrastructure, judicial stress, corporate employee burnout, and labour conditions.

Using a mix of methods, such as analysing reports, reviewing regulations, and synthesizing recent case studies, this paper evaluates the harmful effects on physical and mental health, productivity, employee retention, and dignity. By comparing these issues with international frameworks like the EU Work-Life Balance Directive, OSHA/ISO 45001 systems, and Nordic guidelines for psychological safety, this research points out India's legislative and institutional shortcomings, including the unimplemented OSHWC Code from 2020.

The findings reveal a significant lack of wellness. Sanitary problems hinder women's participation, poorly ventilated courts create stress for judges and advocates, corporate workers increasingly experience life-threatening stress, and informal workers remain without

¹ 2nd year BA. LL.B. (Hons); Student of Central University of South Bihar, GAYA; Available at: pranavipretto2036@gmail.com

protections. Based on these findings, the paper calls for a unified rights-based model for occupational wellness in India. This model should include enforceable sanitation standards, well-being criteria for the judiciary, employer responsibilities for managing stress, and regulatory enforcement in the informal sector. The suggested changes aim to improve health and productivity while also supporting constitutional dignity and economic efficiency.

RESEARCH QUESTIONS

1. What are the gaps in occupational wellness across different sectors in India, specifically in government offices regarding women's toilets and safety, lower courts, corporate workplaces, and industrial or informal labour?
2. How do these gaps impact employees' physical health, mental well-being, job satisfaction, and productivity?
3. How does India's occupational wellness framework stack up against global benchmarks in similar sectors?
4. What legal reforms and institutional measures are needed to create a rights-based workplace wellness system in India?

RESEARCH OBJECTIVES

1. Document specific occupational wellness gaps affecting women in government, judicial staff, corporate workers, and industrial labour.
2. Assess how inadequate wellness systems impact health, morale, and productivity within organizations.
3. Compare India's legal and policy framework with global standards such as those from the EU, US, Scandinavian countries, and ISO/ILO guidelines.
4. Suggest legal, policy, and administrative changes to establish wellness rights across different sectors.

RESEARCH METHOD

This study analyses official government documents, including reports from the Ministry of Labour and the Ministry of Law and Justice. It also looks at publications from reputable NGOs and policy think tanks focused on occupational wellness in India. Insights from press coverage, especially recent news reports, highlight specific issues like poor court infrastructure, insufficient women's sanitation facilities, and increasing corporate burnout. The research reviews peer-reviewed journal articles that include

empirical studies on judicial stress, public sector hygiene, and corporate occupational health. This helps to understand the challenges related to wellness in various workplaces across India.

Furthermore, a legal analysis compares India's wellness provisions with international occupational safety frameworks such as ISO 45001, the European Union's Work-Life Balance Directive, and regulations from the United States Occupational Safety and Health Administration (OSHA). These standards provide models for what a comprehensive and enforceable wellness framework might look like. Finally, the methodology includes a case study synthesis approach. It examines real-world examples such as the reported death of an EY accountant due to workplace stress, public interest litigations (PILs) related to women's access to workplace sanitation, and academic papers on judicial occupational stress. This mixed-method approach captures both broader legal and policy insights and individual human impacts in a clear analytical narrative.

RESEARCH HYPOTHESIS

1. Occupational wellness gaps lead to higher stress levels, more absenteeism, increased turnover, and lower productivity.
2. India's legal and regulatory frameworks do not effectively establish wellness rights across different job sectors.
3. Adopting international wellness standards, such as ISO 45001 and EU mandates, could guide practical reforms in India.

RESEARCH GAPS

While there is more research on workplace wellness in India, existing studies are still scattered. They often focus on specific areas, like stress management in companies or public health in industrial sectors. Most research looks at wellness in one sector, usually the formal corporate environment. It rarely explores how wellness challenges vary in professions such as government service, the judiciary, or informal labour. There is a clear lack of analyses that look at key issues together, like women's access to sanitation in public offices, stress among judges and lawyers, mental health issues in corporate India, and the lack of safety measures for informal workers. Additionally, there are few comparative legal studies that assess India's wellness policies against global standards from places like the EU, US, and Nordic countries.

This creates a large gap in understanding how India's laws and institutions could change to better support overall wellness across different sectors.

LITERATURE REVIEW

1. Venugopal V. et al., Heat Stress and Inadequate Sanitary Facilities at Workplaces, An Occupational Health Concern for Women, 9 Glob. Health Action 31945 (2016)

This study by Venugopal et al. (2016) looks at a crucial but overlooked area of workplace health, gender, and environmental conditions. It examines how heat stress and poor sanitation facilities impact female workers in India. The researchers used a cross-sectional field study design, gathering environmental and health data from female labourers in the textile and steel industries in southern India. Physiological monitoring and survey responses revealed

concerning findings: a large number of women faced high thermal discomfort due to elevated wet bulb globe temperatures (WBGT), often surpassing safe limits for continuous work.

One major finding was that 87% of women participants lacked access to proper sanitation facilities tailored for women. This forced many to dehydrate themselves voluntarily to avoid urination, which led to frequent urinary tract infections and fatigue. The study connects environmental heat stress with both behaviours and health outcomes, noting that poor sanitation not only harms dignity and hygiene but also increases health risks from heat exposure in demanding jobs.

The authors point out a significant gender gap in workplace facilities. They indicate that current safety standards in India do not meet the needs of female workers. The article calls for gender-inclusive occupational health policies that require shaded rest areas, heat-resistant infrastructure, hydration breaks, and clean, accessible toilets. The paper emphasizes that these suggestions are essential for human rights and are critical for inclusive economic growth.

In summary, this study offers strong evidence of how climate stress and poor infrastructure impact gender, pushing for urgent policy changes to protect women's health, dignity, and productivity in India's labour sector. It serves as an important step in discussing workplace wellness for female workers in developing countries.

This article looks into the effectiveness, challenges, and views on workplace wellness programs (WWPs) in India's public sector, especially in health services. It uses a qualitative research method with interviews and focuses group discussions involving public sector employees and

administrators. It reveals a gap between awareness of wellness needs at the policy level and real-world implementation, particularly in resource-limited environments.

2. Rasa Šidagytė et al., *The Legislative Backgrounds of Workplace Health Promotion in Three European Countries: A Comparative Analysis*, 10 J. OCCUPATIONAL MED. & TOXICOLOGY 18 (2015), <https://doi.org/10.1186/s12995-015-0060-y>

The study by Šidagytė et al. (2015) provides a detailed comparison of the laws and organizational structures governing Workplace Health Promotion (WHP) in Finland, Latvia, and Lithuania. This research is important for understanding how different national legal systems and health policy priorities affect WHP strategies across Europe. The authors point out that Finland has a strong and independent Occupational Health Care Act, which follows international standards such as the ILO Conventions No. 161 and No. 187, both of which it has

ratified, unlike the Baltic countries. This legal strength offers a clear path for integrating WHP into workplace health and safety practices.

One key finding from the research is that none of the three countries has a legal definition for WHP, although all reference the Luxembourg Declaration as a guiding concept. This lack of definition may limit consistent implementation and recognition of WHP in businesses. Finland's integrated model, where WHP is part of general occupational health systems, seems more effective in promoting workplace well-being compared to the separate approaches seen in Latvia and Lithuania.

Another major point discussed in the article is the difference in WHP implementation according to the size of the business. The research shows that small businesses are often overlooked due to limited resources and lack of expertise. Many health responsibilities fall to the employers, who may not have adequate training. Additionally, Finland has several non-legislative tools, such as the Well-being at Work Card and occupational safety training, while Latvia and Lithuania lag in providing structured WHP programs or institutional support.

This literature emphasizes the need for legal definitions, wider adoption of international conventions, and increased government support, especially for small and medium enterprises (SMEs), to ensure fair WHP implementation. Overall, the article is a valuable resource for policymakers and occupational health professionals looking to improve WHP systems.

3. Heather Wipfli et al., *Workplace Wellness Programming in Low- and Middle-Income Countries: A Qualitative Study of Corporate Key Informants in Mexico and India*, 14 *Glob. Health* 46 (2018), <https://doi.org/10.1186/s12992-018-0362-9>.

The study by Wipfli et al. (2018) offers important insights into workplace wellness programs in low- and middle-income countries (LMICs), focusing on India and Mexico. With the rapid increase in non-communicable diseases (NCDs) in these regions, the research aimed to evaluate the extent, challenges, and needs of corporate wellness efforts through detailed interviews with corporate stakeholders. The findings show that while companies in both countries have started implementing wellness programs, these efforts mainly focus on disease prevention and management instead of promoting overall health.

One significant takeaway from the study is the important role of national policies and institutional structures in shaping workplace health culture. For example, Mexico benefits from government-led initiatives like PREVENIMSS, which provides organized preventive

healthcare services at work. In contrast, India's approach is more disjointed, with multinational companies leading structured wellness programs, while local firms often lack the resources and strategic plans to implement similar initiatives.

The study points out three main areas where support is needed to enhance wellness programs in LMICs: (1) creating culturally adaptable toolkits, (2) building stronger partnerships between corporations and public health organizations, and (3) improving surveillance and evaluation methods to track program impact and assess return on investment (ROI). Companies expressed interest in working with public health organizations, especially to gain technical support and training in data collection and measuring impact.

In conclusion, the study highlights the potential for workplace wellness programs to be a key approach for reducing NCD burdens in LMICs. However, tailored support and integration into existing systems are essential to improve program uptake, sustainability, and effectiveness across various corporate and cultural settings.

INTRODUCTION

In today's global conversation about labour and workplace health, employee wellness has become an important factor for both individual well-being and institutional productivity. Countries in Europe and North America have built solid legal and institutional systems that include workplace wellness in their governance. These systems address sanitation rights,

mental health protection, safety infrastructure, and flexible work-life policies. For instance, the European Union's Work-Life Balance Directive, OSHA standards in the United States, and Finland's wellness laws show this institutional importance. However, despite rapid economic growth and diverse job markets, India's approach to workplace wellness is still fragmented, inconsistent, and often out of reach for many workers.²

This research acknowledges that India's current wellness systems, while mentioned in corporate conversations, do not tackle the significant disparities across different jobs. Government employees, members of the judiciary, and labourers in the informal sector often work under conditions that affect their health and dignity. Women in government offices frequently lack access to clean and private toilets, especially in rural and district institutions. This leads to involuntary dehydration and related health issues.³ Female employees working night shifts in both public and private sectors face safety risks and poor infrastructure. Similarly, lower court judges and advocates often work in rundown, overcrowded courtrooms with little ventilation.⁴ Corporate employees are also experiencing increasing levels of burnout, emotional exhaustion, and mental health problems, often worsened by unrealistic performance expectations and inadequate mental health support.⁵ Meanwhile, workers in India's informal sector continue to face dangerous work conditions without basic safety protections, despite the existence of the Occupational Safety, Health and Working Conditions (OSHWC) Code, 2020, which has not been effectively implemented.⁶

This paper uses a multidisciplinary approach by combining secondary data from government reports, legal comparisons, and case studies. It critically examines how India's efforts in workplace wellness measure up to international standards and highlights specific regulatory and structural gaps that hinder effectiveness.⁷ By referencing peer-reviewed journals, legal analyses, field studies on judicial stress and women's sanitation rights, and notable cases such as the death of an Ernst & Young employee due to burnout, this study positions workplace

² Šidagytė, R. et al., *The Legislative Backgrounds of Workplace Health Promotion in Three European Countries: A Comparative Analysis*, 10 J. Occup. Med. & Toxicol. 18 (2015), <https://doi.org/10.1186/s12995-015-0060-y>.

³ Venugopal, V. et al., *Heat Stress and Inadequate Sanitary Facilities at Workplaces—An Occupational Health Concern for Women?*, 9 Glob. Health Action 31945 (2016), <https://doi.org/10.3402/gha.v9.31945>.

⁴ Indian Law Institute, *Judicial Stress and Working Conditions in Lower Courts*, Policy Report (2022).

⁵ Sinha, S., *Workplace Burnout in Indian Corporates: A Silent Crisis*, Ind. J. Psychol. Med. (2021).

⁶ Code on Occupational Safety, Health and Working Conditions, No. 37 of 2020, Acts of Parliament, 2020 (India).

⁷ Sujatha P.S., *A Study on Workplace Wellness Programs and Their Effectiveness in Indian Context*, 2 IRE J. 63 (2018).

wellness within a wider framework of constitutional dignity, economic productivity, and human rights.⁸

By comparing India's situation with international standards such as ISO 45001, OSHA, and Nordic psychosocial wellness models, the paper shows that India's current framework is still divided by class and departmental barriers, primarily protecting formal corporate employees. Through this comparative analysis, the research critiques the shortcomings of centralized enforcement and the limited cross-sectoral policies.⁹

WOMEN'S SANITATION AND SAFETY IN GOVERNMENT WORKPLACES

In India, more women are joining the public workforce, but workplace sanitation and safety standards are still very poor. Many reports and field studies show that government offices, particularly in semi-urban and rural areas, lack basic sanitation facilities like clean, functional toilets, proper disposal options for menstrual hygiene, and gender-sensitive amenities. A 2016 study on occupational health found that over 87% of women in labour-intensive jobs did not have access to separate sanitation facilities. This leads to dehydration, fatigue, and a higher chance of urinary tract infections due to delayed urination or limited fluid intake¹⁰.

These conditions violate the right to dignity and health under Article 21 of the Indian Constitution. Yet, progress has been slow. A 2023 public interest litigation filed in the Allahabad High Court pointed out that 66% of police stations in Uttar Pradesh did not have toilets for women officers, leading to a judicial order for corrective measures¹¹. However, implementation in other states is inconsistent. The Law Ministry's 2024 infrastructure audit showed that many subordinate courts and administrative blocks lack basic female sanitation facilities. This affects not only judicial staff but also women litigants and clerks.

In contrast, countries like Canada, Sweden, and Finland have passed "potty parity" laws. These laws require equal and accessible sanitation facilities for everyone in public offices¹². India's

⁸ Press Trust of India, *EY Employee's Death Sparks Debate on Work Culture in India*, The Hindu (2023)

⁹ International Labour Organization (ILO), *Healthy Workplaces: A Model for Action*, ILO Guidelines (2010); ISO 45001:2018, *Occupational Health and Safety Management Systems*.

¹⁰ Venugopal V. et al., *Heat Stress and Inadequate Sanitary Facilities at Workplaces—An Occupational Health Concern for Women*, 9 Glob. Health Action 31945 (2016), <https://doi.org/10.3402/gha.v9.31945>.

¹¹ Press Trust of India, *No Toilets in Two-Thirds of UP Police Stations, PIL Says*, The Indian Express (Apr. 2023).

¹² Emily Bazelon, *The Flush Rush: Potty Parity Laws Explained*, N.Y. Times Magazine (May 22, 2020).

failure to implement similar federal mandates shows not just bureaucratic negligence but also deep-seated gender insensitivity.

The absence of clean, safe restrooms also limits women's ability to work night shifts and in field roles, creating safety issues. If India aims for gender-inclusive governance and effective administration, enforcing sanitation laws should be a top priority in workplace wellness reform.

INFRASTRUCTURE AND STRESS IN LOWER COURTS

The state of India's lower judiciary infrastructure reveals significant issues of neglect, inefficiency, and risk. Higher courts, like the Patna High Court, display organized facilities and cleanliness. In contrast, district and taluka courts, where most cases start, operate in deteriorating, poorly equipped settings. This gap creates a two-tier justice system, which places unnecessary stress on judges, lawyers, staff, and litigants.

During my first-year of internship at the Civil Court of Gaya District in Bihar, I witnessed the infrastructure problems that affect judicial efficiency and well-being. Advocate chambers were tiny, with only one chair often shared by several lawyers. The toilets were dirty, smelly, and lacked running water, while the canteen served unsanitary food and haven't seen any source of drinking water (purifiers). The courtrooms for Judicial Magistrates resembled makeshift huts—hot and overcrowded. In Gaya, where summer temperatures frequently exceed 45°C, even the presence of air conditioners offers little relief due to severe overcrowding and the use of poorly constructed, temporary (kachha) structures that trap heat instead of insulating against it. Additionally, advocates, defendants, witnesses, and clients were squeezed into cramped spaces, creating an environment of physical and mental strain. This is why many people in India hope they never have to deal with the court system in their lifetime. They don't feel this way due to guilt or wrongdoing. Instead, it is because they believe that going through the judicial process involves facing a stressful, overcrowded, and poorly maintained environment and this is the condition of most of lower courts in India. In a conversation between a judge and an advocate, I overheard that while funds had been approved, the government's failure to provide enough land for new buildings has left lower courts in limbo¹³.

These issues are widespread. A 2019 audit by the Supreme Court's Infrastructure Committee found that over 60% of district courts lacked proper toilets, clean drinking water, and waiting

¹³ Author's Field Observation, Internship at Gaya District Civil Court, Bihar (July2024).

areas for litigants¹⁴. The All India Judges' Association case also highlighted working conditions, prompting the Supreme Court to emphasize that proper infrastructure is essential to providing justice under Article 21 of the Constitution¹⁵.

The physical conditions of lower courts contribute to stress among judges and lawyers, leading to high levels of burnout, mental fatigue, and decision fatigue. A 2021 study by the Indian Law Institute revealed that trial court judges work 10 to 12 hours a day under "inhumane" conditions, facing limited staff support and overwhelming case loads. They also deal with pressure for quick trials and strict procedural timelines, which adds to their stress¹⁶.

In comparison, countries like Finland, the UK, and Canada have included stress-management and wellness measures in their occupational safety practices. In Finland, courtrooms are designed with ergonomic layouts, climate control, and private facilities for judges. The Judicial College in the UK offers mental health seminars and paid wellness leave for magistrates. Canada has taken further steps by incorporating psychological safety guidelines in court design, ensuring quiet areas, safety exits, and emergency response training for staff¹⁷.

India's e-Courts Phase II initiative aims to digitize lower courts but does not address physical infrastructure. This focus on digital solutions without basic physical improvements shows a misalignment of policy priorities. To achieve genuine justice reform, we must ensure that the physical conditions for judicial actors meet their constitutional obligations.

Policy reform should prioritize building sound, well-ventilated, gender-inclusive, and clean court complexes at the district level. Equalizing infrastructure across the judicial system is not merely administrative work; it is a constitutional requirement tied to equality, access, and dignity.

INFORMAL LABOUR AND MIGRANT WORKERS: NO WELLNESS IN SIGHT

India's informal labour sector, which includes over 90% of the total workforce, is often left out of most formal workplace health programs. These workers are vital to industries like construction, domestic work, manufacturing, and agriculture, yet they usually work in

¹⁴ Supreme Court of India, *National Court Management Systems Committee Report on Infrastructure* (2019).

¹⁵ *All India Judges' Ass'n v. Union of India*, (1992) 1 SCC 119.

¹⁶ Indian Law Institute, *Occupational Stress and Infrastructure in India's Subordinate Judiciary*, Policy Paper (2021).

¹⁷ Judicial College (UK), *Wellness Training Manual for Magistrates* (2020); Ministry of Justice (Finland), *Judicial Architecture Guidelines* (2019).

unregulated settings without legal guarantees for sanitation, safety, or medical support. The COVID-19 pandemic highlighted their vulnerability, but even after it, wellness is still overlooked.

Research shows that informal and migrant workers endure long hours, harsh weather, little rest, and lack protective gear. A 2022 report by the Centre for Policy Research noted that heat stress, exposure to dangerous chemicals, and dehydration are common in sectors such as construction and textiles¹⁸. Female migrant workers experience both job and gender-related exploitation, lacking access to clean toilets or menstrual hygiene products, which raises the risk of reproductive health issues¹⁹.

Even with the Occupational Safety, Health and Working Conditions Code, 2020, implementation is almost non-existent at the grassroots level. The registration process is complicated, employer compliance is weak, and wellness audits are absent in informal workplaces. Many contractors evade legal requirements by misclassifying workers or skipping necessary documentation.

In contrast, countries like Thailand and South Africa have broadened occupational wellness laws to protect informal workers, providing mobile health vans, insurance support, and sanitation facilities in migrant accommodations²⁰. India, however, still considers wellness for informal labour as a welfare bonus rather than a legal obligation.

Excluding this large workforce from organized wellness systems not only continues inequality but also harms national productivity and violates citizens' rights to health and dignity under Article 21.

CORPORATE SECTOR: WELLNESS FOR A FEW

In India's fast-growing corporate landscape, workplace wellness is slowly becoming more visible, but it mainly serves as a privilege for the upper classes instead of a universal right. IT and financial companies have introduced some measures, like mental health leave, subsidized therapy sessions, mindfulness webinars, and ergonomic workspaces. However, these initiatives often focus on mid-to-upper management, leaving out many workers, including gig workers,

¹⁸ Centre for Policy Research, *Occupational Health in India's Informal Sector: Heat and Hazard Report* (2022).

¹⁹ Venugopal V. et al., *Heat Stress and Inadequate Sanitary Facilities at Workplaces—An Occupational Health Concern for Women?*, 9 *Glob. Health Action* 31945 (2016).

²⁰ International Labour Organization, *Extending Occupational Health Services to Informal Economy Workers: Global Practices* (2020).

contract employees, and startup staff, who frequently face the highest levels of instability and burnout.

According to the Nasscom Mental Wellness Survey 2023, while 67% of tech employees reported experiencing workplace stress, over half felt their employers' wellness policies were superficial or only for show. Many saw little real support for mental health or systemic change²¹. Startups, which often work in high-pressure and resource-limited environments, are particularly slow to provide wellness services. They tend to view stress as a natural outcome of ambition rather than a structural issue. Gig workers using platforms like Swiggy, Zomato, and Ola, as well as contract-based tech employees, lack access to health insurance, paid leave, or psychological support, which widens the wellness gap²².

Editorials in major financial newspapers like The Hindu BusinessLine and Mint have pointed out this inconsistency. They note that wellness policies often serve as HR tools to present an image of inclusivity instead of bringing about real change²³. At the same time, corporate law firms and consulting giants work under "always-on" cultures, where long hours and unrealistic deadlines are common. This has led to rising rates of depression, anxiety, and even suicide among younger professionals. The tragic death of an Ernst & Young employee in 2023 brought renewed attention to corporate wellness and mental health responsibility²⁴.

Real reform requires mandatory mental health audits, legal recognition of burnout as a workplace hazard, and extending benefits to all workers, not just those in the boardroom.

COMPARATIVE LEGAL AND POLICY ANALYSIS

Globally, occupational wellness is seen not as a soft HR policy but as a legal and regulatory necessity. In the European Union, the Work-Life Balance Directive (2019/1158) requires paternity leave, flexible working hours, and facilities that address gender needs, like accessible childcare and sanitary options²⁵. In the United States, the Occupational Safety and Health Administration (OSHA) mandates that employers provide psychologically and physically safe

²¹ Nasscom, *Mental Wellness Survey Report* (2023).

²² Indian Express Editorial, *Why Gig Workers Remain Excluded from India's Corporate Wellness Boom*, The Indian Express (Oct. 2023).

²³ Vivek Kaul, *The Wellness Illusion in India's Corporate Sector*, Mint, Sept. 15, 2023

²⁴ Press Trust of India, *EY Employee's Death Raises Questions on Toxic Work Culture*, The Hindu BusinessLine, July 2023.

²⁵ Directive (EU) 2019/1158 of the European Parliament and of the Council on Work-Life Balance for Parents and Carers, 2019 O.J. (L 188) 79.

work environments. OSHA also collaborates with the Americans with Disabilities Act (ADA) to support employees with mental health issues²⁶. Similarly, ISO 45001, the global standard for occupational health and safety, includes risk assessments for mental fatigue, heat stress, and ergonomic strain, placing wellness at the heart of safety regulations²⁷.

In contrast, India's legal framework shows promise but lacks effective execution. The Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC) combines various labor laws and adds rules for health checks, workplace cleanliness, and working hours. However, since it has not been officially implemented, it remains unenforceable²⁸. The Factories Act, 1948, while historically important, only applies to a small number of formal workplaces and does not cover the broader informal and service sectors. While it includes guidelines for seating, sanitation, and safety, it does not require mental health audits, wellness reviews, or gender-focused facilities.

Additionally, India's judiciary lacks any legal wellness framework, even as evidence of burnout, physical strain, and unsafe working conditions rises in lower courts²⁹. In contrast to Nordic countries and Canada, where judicial systems include ergonomic designs, rest areas, and wellness leave, India's judicial staff and infrastructure are ignored.

To close this gap, India must move beyond piecemeal compliance. It needs unified, rights-based wellness laws that are enforced in both public and private sectors.

SECTOR-SPECIFIC IMPACTS ON PRODUCTIVITY AND WELL-BEING

Workplace wellness goes beyond employee health and dignity. It connects directly to productivity, efficiency, and long-term success across sectors. In India, failing to meet wellness needs in specific sectors has created noticeable economic and operational costs.

Government workplaces struggle with chronic underinvestment in basic sanitation. Reports indicate that in many administrative offices, especially at the district and block levels, functioning toilets for women are often missing or unhygienic. This situation leads to

²⁶ Occupational Safety and Health Administration (OSHA), *Psychological Health and Safety Guidelines*, U.S. Dept. of Labor (2022).

²⁷ International Organization for Standardization, *ISO 45001:2018 – Occupational Health and Safety Management Systems*.

²⁸ The Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, Acts of Parliament, 2020 (India).

²⁹ Indian Law Institute, *Occupational Stress and Infrastructure in India's Subordinate Judiciary*, Policy Report (2021).

involuntary dehydration, frequent urinary tract infections, and menstrual complications. The lack of safe, private restrooms causes absenteeism and hinders female employee retention, particularly in the police, revenue, and rural development departments³⁰. A 2016 Global Health Action study found that over 87% of female workers lacked proper workplace sanitation, which directly reduces participation rates and raises dropout rates after recruitment³¹.

In the judicial sector, poor infrastructure, lack of ventilation, and heavy workloads create chronic stress for lower court judges. A 2021 report from the Indian Law Institute discovered that judicial stress is linked to higher error rates in judgments, longer case durations, and increased absenteeism among court staff³². Delays caused by stress in lower courts disrupt the overall justice delivery system and weaken public confidence in legal institutions.

In the corporate sector, stress and burnout have become widespread. The 2023 Nasscom Mental Wellness Survey found that 67% of tech employees reported moderate to high stress levels, while more than half considered corporate wellness programs to be superficial³³. Burnout has led to high employee turnover, disengagement, and even serious mental health issues, as seen in the highly publicized case of an Ernst & Young employee who died due to overwork³⁴.

For informal labourers, the absence of safety equipment, sanitation, and health monitoring has resulted in significant health issues, particularly in construction, textile, and domestic work. A 2022 CPR study indicated that poor health among informal workers connects to low productivity, increased absenteeism, and early departures from the workforce, which directly impacts national economic performance³⁵.

The overall effect of these sectoral failures is staggering. Implementing actionable wellness policies could improve health outcomes and increase workforce efficiency, retention, and national productivity.

CONCLUSION AND SUGGESTIONS

³⁰ Press Trust of India, *No Toilets for Women in Two-Thirds of Govt. Offices: PIL*, The Indian Express (Apr. 2023).

³¹ Venugopal V. et al., *Heat Stress and Inadequate Sanitary Facilities at Workplaces*, 9 Glob. Health Action 31945 (2016).

³² Indian Law Institute, *Occupational Stress and Infrastructure in India's Subordinate Judiciary*, Policy Report (2021).

³³ Nasscom, *Mental Wellness Survey Report* (2023).

³⁴ Press Trust of India, *EY Employee Death Raises Work Culture Alarm*, The Hindu BusinessLine, July 2023. Centre for Policy Research, *Occupational Health in India's Informal Sector: Heat and Hazard Report*

³⁵ Centre for Policy Research, *Occupational Health in India's Informal Sector: Heat and Hazard Report* (2022).

India's approach to occupational wellness is disjointed, reactive, and weak at the institutional level. Despite a growing economy and a young workforce, the country has not established workplace wellness as a universal right. In various sectors, like government workplaces lacking proper sanitation, the stress and infrastructure issues in lower courts, the mental health crisis in corporate offices, and inadequate safety for informal and migrant workers, India's workforce continues to work in environments that harm both health and productivity.

In contrast, countries like Finland, Canada, and those in the EU consider workplace wellness a legal right. Their frameworks guarantee that every worker, regardless of gender, rank, or industry, receives basic sanitation, rest, psychological safety, and decent infrastructure. India's regulatory framework, including the OSHWC Code of 2020, has potential but is largely ineffective due to delays in notification, poor enforcement, and a lack of institutional integration. Wellness initiatives often arise from corporate social responsibility instead of being recognized as mandated rights, making them optional, limited, and unsustainable.

To align with global standards and constitutional values, India must make occupational wellness a legally enforceable and centrally monitored right.

KEY SUGGESTIONS FOR REFORM

Legally Enforce Sanitation Rights: Introduce binding laws that require equal restroom access for women in all public and private workplaces. The Labour Ministry should establish regular inspections and grievance mechanisms.

- 1. JUDICIAL WELL-BEING MANDATE:** Create national standards for judicial wellness, which should include infrastructure norms, caseload limits, audits for stress and burnout, and access to psychological counselling for judges and court staff, especially in trial courts.
- 2. REGULATE CORPORATE WELLNESS:** Shift from superficial wellness apps and webinars to enforceable requirements. This includes mental health audits, established and monitored stress leave policies, and wellness reporting by HR departments, overseen by the Ministry of Corporate Affairs or an independent body.
- 3. OPERATIONALIZE THE OSHWC CODE:** Implement the 2020 Code across all states, especially focusing on informal and migrant workers. This should involve mobile clinics, health ID tracking, and mandatory safety training in hazardous industries.

- 4. INTEGRATE ISO 45001 STANDARDS:** Make global safety norms part of the law. Ensure compliance through independent third-party audits, similar to environmental assessments.
- 5. LEVERAGE PREDICTIVE ANALYTICS:** Use AI and data systems to identify high-risk workplaces before hazards develop, particularly in construction, mining, and manufacturing.
- 6. ESTABLISH INTER-MINISTERIAL COORDINATION:** Create a permanent Occupational Wellness Commission with representatives from the Ministries of Labour, Health, Law and Justice, and Women and Child Development to ensure cross-sectoral implementation and accountability.

FINAL NOTE

Changing workplace wellness from a corporate gesture into a legal right is essential for policy, morality, economics, and democracy. India's workforce deserves clean toilets, stress-free courts, safe construction sites, and supportive offices. Only when wellness is seen as a right, not a privilege, can the nation unlock its full potential and create a fair, resilient economy.