

This was no accident

-- the death of an Otis contract worker and the responsibility of the Otis management

Have a safe day

-- Otis slogan

March 15, 1999: At around 10.00 a.m. in Worli, Bombay, a contract worker, Asad Khan, is gravely injured in an accident during the course of working at a lift modernisation site. After the accident, he is taken to K.E.M. Hospital, where he dies by 2.00 p.m.

This was not a freak occurrence: In 1997 a worker died in the course of lift erection work in Delhi. In 1998, a worker died in the course of erecting an escalator in Madras. All these deaths took place at worksites of the well-known company Otis Elevators. All of the dead were contract workers. What is the reason for this string of fatal accidents?

A detailed study of the latest accident reveals steadily declining safety norms at Otis, linked to a reckless drive to increase profits. The key to both Otis's growing profits and its fatal accidents lies in its practice of subcontracting.

A multinational giant's Indian operations

Otis Elevators (India) Ltd was set up in 1960 as a subsidiary of the American multinational corporation Otis Elevators. Otis Elevators is in turn a

subsidiary of United Technologies, the U.S.-based military contractor/engineering giant. In 1997, United Technologies had a worldwide turnover of \$24.7 billion, profits of \$1.07 billion, and 1,80,100 employees. It is the world's third largest aerospace company. Otis Elevators worldwide is the largest company in its field.

Otis (India) is managed by the Mahindra business house: Keshub Mahindra is the chairman, and his nephew Anand Mahindra is a member of the board. The American parent company is by far the biggest shareholder, with 45 per cent of the shares. In all, 73 per cent of the shareholding is held by five shareholders, including the American parent. R.R. Bajoraj is the managing director.

Otis has an overwhelmingly dominant presence in the Indian market for lifts. Its income in 1997-98 was Rs 257.22 crore, and its rank among the top Indian corporations was 142. Acute recession in the Indian construction industry has sharply cut demand for new lifts, but Otis has managed nevertheless to maintain income growth (see Table 1) every year, mainly on account of its emphasis on modernising existing lifts.

Table 1: Otis: Income, Expenditure, Labour Costs, Profits (Rs cr)

	93-94	94-95	95-96	96-97	97-98	1998 (9 mths)
<i>Income</i>	113.35	148.95	218.34	239.10	257.22	212.03
<i>Expenditure</i>	105.30	133.22	194.51	211.78	226.76	186.03
<i>PPE*</i>	37.01	42.14	53.19	55.85	63.74	46.96
<i>PBTE**</i>	8.05	15.74	23.83	27.32	30.46	26.01

* Payments to and provisions for employees

** Profit before tax and extraordinary items

Table 2: Otis: Some Key Ratios

	PPE/Inc	PPE/Exp	PBTE/Inc	Exp/Inc
1993-94	32.7%	35.1%	7.1%	92.9%
1994-95	28.2	31.6	10.6	89.4
1995-96	24.4	27.3	10.9	89.1
1996-97	23.4	26.4	11.4	88.6
1997-98	24.8	28.1	11.8	88.2
1998 (9 mths)	22.1	25.2	12.3	87.7

PPE/Inc: Labour cost as a proportion of income

PPE/Exp: Labour cost as a proportion of expenditure

PBTE/Inc: Profit as a proportion of income

Exp/Inc: Expenditure as a proportion of income

Why subcontracting is crucial to Otis

Even more remarkable is the story of Otis's profits during a period when most of Indian industry is suffering recession. Otis's "profits before tax and extraordinary items" (hereafter referred to as "profits") grew by 278 per cent in four years, from Rs 8.05 crore in 1993-94 to Rs 30.46 crore in 1997-98; they were Rs 26.01 crore in the nine-month period of April-December 1998 (6.5 per cent higher than the previous year on a proportionate basis). Profits as a percentage of income grew steadily from 7.1 per cent in 1993-94 to 12.3 per cent in 1998. Correspondingly, expenditures fell from 92.9 per cent of income in 1993-94 to 87.7 per cent in 1998. In other words, the share of profits in income increased by 5.2 percentage points. How was this achieved?

The one expenditure whose share of total expenditures and total income continuously fell was "payment to, and provisions for, employees" (PPE). PPE as a share of total expenditures fell from 35.1 per cent in 1993-94 to 25.2 per cent in 1998 — that is, by 10.1 percentage points. Similarly, PPE as a percentage of income fell from 32.7 per cent to 22.1 per cent

over the same period. *Thus the steep fall in labour costs as a share of expenditure accounted for the savings in expenditure, and the higher rate of profit.*

This reduction in labour costs would be dramatic for any company, but particularly so for Otis. At Otis (India), "sales" make up only two-thirds of income, and the labour-intensive category "service" accounts for almost as a third of income, or about Rs 77.8 crore in 1997-98. How has the drastic reduction in labour costs been brought about?

Otis and labour

Since 1961, the employees of Otis in the Bombay region, both the workers at the Kandivli factory and the field workers, were represented by Otis Elevators Employees' Union (OEEU). Since 1988, however, OEEU began to note disturbing developments such as the recruitment of casual labour for work of a permanent nature and the sub-contracting of work. Casual employees would be taken on for as long as six years without being made permanent.

In 1992, a trainee, C.P. D'Costa, was made to work alone and without supervision. Anxious over management pressure to meet deadlines, D'Costa's foreman told him to take a dangerous short-cut: bypassing the door circuits and climbing over the lift. The lift started without warning, and D'Costa was crushed.

OEEU agitated against all such practices, and forced the management to make 98 casual workers permanent and to stop recruiting casual labour for permanent jobs.

It was at this juncture that the Otis management began to seriously develop its subcontracting system in field operations. Till then subcontractors in field operations had mainly been used for distant places.

Around the same time, Otis introduced a new, cheaper microprocessor technology, but this had a higher failure rate. This, along with the supply of substandard parts (presumably sub-contracted) led to an increase in the accident and breakdown rate. The union took the issue to the press, and also formed an all-India federation of Otis employees to take up their grievances at a national level.

The management reacted swiftly. In August 1991, there was mass victimisation of workers in the factory and field. Wages were stopped; deductions were made on various excuses; false charges were filed against workers and some were transferred. In 1992 30 men from the Bharatiya Kamgar Sena, which is particularly feared in the Kandivli area, entered the Kandivli factory and collected signatures on membership forms. Immediately the Otis management stopped communication with OEEU and negotiated an agreement with the BKS including the following: productivity-linked wages; complete freedom to the management to raise quotas, reassign jobs, redeploy workers, change production patterns, hire temporary staff, and *sub-contract any production process or field operation for any reason*. The agreement said that workers must handle, repair, modify contracted items for minor rework/modification if found necessary, to meet the necessary specifications.

The OEEU rejected the agreement. Soon it was ousted from the factory. A section of the Kandivli factory workers tried to bring in the Bharatiya Kamgar Karmachari Mahasangh (BKKM) to counter the BKS. On February 2, 1994 the BKS physically attacked workers inside the factory premises itself in the presence of the police; this was made the excuse for a two-month lock-out, following which resistance to the BKS agreement in the factory was crushed.

It was among the field staff in Bombay that resistance survived. The OEEU now became the target of the Otis management. On May 6, 1994, the management locked out the field staff. Only about 70 workers who accepted the BKS agreement remained at work. The remainder were subjected to a eight-month lock-out.

Lock-out period: growth of subcontracting and accidents

It was during the lock-out period that Otis began subcontracting on a much larger scale. Against a full component of 700 field staff, only about 70 were on the job, out of whom only 10 to 15 were skilled, and only four to five highly skilled. The management supplemented this with 50-60 executives who had earlier been highly skilled workers (but who were no longer competent to handle the rapidly changing technology), and an unknown number of unskilled contract workers. Under pressure to service around 5,800 maintenance contracts in Bombay alone with this highly inadequate force, Otis began engaging subcontractors to carry out maintenance.

As a direct result of this policy, lift breakdowns increased and two serious accidents came to light. The first was on the night of July 17, 1994, when Bhaskar, a student of the N.M. Banajee Industrial Home for the Blind, Jogeshwari, opened the door of the lift on the second floor and walked in. Since the lift was not in place, but in fact still standing one floor above, the door should not have opened; it did so because of lack of maintenance. The boy plunged to his death. In search of Bhaskar, his friend Chandrakand Ebitwar came in the early hours of July 18, similarly opened the door, and fell into the pit, fracturing the heel of his foot and a rib.

The incident was investigated thoroughly by Lokshahi Hakk Sanghatana (*"All Safe"? — The Tragedy at N.M. Banajee Home for the Blind and the Role of Otis Elevators*, September 1994), and it was shown that the accident was the result of the lift not having been serviced in three and a half months — contrary to the norm of monthly maintenance. Despite wide publicity given to the report, the management did not change its policy or lift the lock-out. Then, in November 1994, an almost identical accident took place at Devi Bhavan on Napean Sea Rd: a domestic servant hurrying to reach her employer's house opened the swing door of the lift, but the lift was not in place. She plunged into the pit, and was badly injured. Luckily, the watchmen were alerted before the lift came down.

Post-lockout period: continued growth of subcontracting

Finally, in December 1994, the Otis management signed an agreement with the OEEU and lifted the lock-out. The OEEU had to agree to allow the management to subcontract, but it also received assurances that existing jobs would be protected.

Since then, the Otis management has been systematically increasing subcontracting. In 1990-91, there were 800-odd permanent workmen on the rolls of the Otis factory at Kandivli. That has been reduced to just 450, with about 300 forced out via "voluntary" retirement schemes (VRS). Out of even the remaining 450, a maximum of 150 are provided with work. The rest are made to sit idle, and the management is reportedly planning to introduce a fresh VR scheme very soon. (Recently, when the factory workers approached the managing director and asked that they be given work, he reportedly replied, "Why are you worried? You are getting your salary, aren't you?") Even as permanent workers are kept idle

and are pressurised into retiring, 80 to 90 per cent of the work of the factory is now being done in numerous subcontractors' workshops spread all over the city. As a result, quality has decreased, and the materials supplied by the subcontractors frequently has to be reworked before use. The subcontractors do all the types of work done in the factory, albeit with less quality control. It will soon be possible for Otis to shut the factory altogether and get all its manufacturing and assembly done by subcontractors.

As our report was being finalised came the news of a type of lay-off in the Otis Kandivli plant. According to the notice issued by the management, the company was facing recession and lack of work, and hence workers were being kept idle. Hence the company had decided that, for a period of three months, batches of workers would be laid off for one month at a time, with full pay, so that they could do some other productive work instead of remaining idle at the factory. The scheme has apparently received the approval of both the unions at the factory, namely the BKS and the BKKM. **However, this supposed act of generosity on the part of the management has been perceived by the factory workers as merely the prelude to another VRS and eventual closure of the factory. The workers point out that if the company really lacked orders, why was it giving out most of its work to subcontractors instead of getting work done in the plant itself?**

Subcontracting has also been introduced in a major way in the field operations. Whereas earlier there were 58 workmen in the modernisation department, now there are only 31. of the 24 jobs on hand, 16 are being performed by subcontractors and only eight by permanent workmen. Some construction department manpower has been transferred to the service department, and 60 per cent of the construction jobs are being performed by subcontractors. Meanwhile, by not filling up the posts rendered vacant by superannuation, resignations and deaths, the management has reduced the number of permanent field staff to just 625 (compared to 700 in 1994).

Alarmed by the trend, the OEEU consistently focussed on the issue of subcontracting as the most important issue between it and the management. In April 1997, it seemed that the management was ready to concede some ground on this issue. It signed a Memorandum of Understand-

ing with the OEEU pending a final agreement. The MoU promised reduction of subcontracting, and recruitment of fresh permanent field staff to restore manning levels to those of 1995. However, during the year after this MoU, the management neither decreased subcontracting nor recruited fresh staff, and instead allowed the MoU to lapse a year later.

After this the management went on a fresh drive against the OEEU, with suspensions, wage deductions, charge-sheeting, transfers of office-bearers and other active members to far-off sites, and so on.

Safety given the go-by

The Otis management provides no list of its subcontractors. Nor is there any public licensing authority which ascertains the qualifications and fitness of subcontractors in this field. The management thus has a free hand. Take the example of Ganu Ramchandra Davbhat, who was considered by the management to be physically unfit in 1996, and was asked to accept VRS and resign. He did so, and the very next day was engaged as a subcontractor for doing the very same work he was doing as a permanent worker! Disturbingly, many of the subcontractors are over the retirement age of 60. Despite this, they are given independent work on a contract basis, mainly in the erection department.

Perhaps the most shocking instance is that of S.Y. Garde. Garde was a foreman who was known for taking risky short-cuts and doing work in a rush. During June 1996, under his supervision, the lifts at Holiday Inn hotel were being modernised. On that occasion, he was guilty of two major violations of safety norms. First, he brought a large control panel down on the roof of a lift, instead of dismantling it and bringing it down with a hoist. Secondly, he did not check certain safety measures of the 'false car' (a special open carriage used to carry out work in the lift shaft) being used in one of the lift shafts. As a result, on June 21, 1996, the car came down rapidly, and the safety belts of two workers working in the lift shaft broke. One worker suffered a compound fracture of the leg; the other suffered a back injury.

For these two reasons Garde was forced to resign within a month, ie in July 1996. Almost immediately he was engaged as a subcontractor by Otis! (Garde and P.C. Thomas are the partners of "Hail Mary Enterprises" — "elevator erection, electrical and civil contractors".) *The re-*

sult of this decision by the management was fatal: for the subcontractor in the accident at the Worli site on March 15, 1998 was none other than S.Y. Garde. Far from punishing Garde for his gross violation of safety norms, the Otis management rewarded him by making him a contractor. This can only have sent a green signal to him and to others to take shortcuts at the cost of safety.

According to the OEEU, subcontractors are frequently employed by the management when there is pressure to get a job done quickly. In such cases the company prefers not to send its permanent employees, but to tell the subcontractor to get the job finished one way or the other within the deadline set by the construction company. Apart from this, the subcontractor himself has a motive for applying pressure to get the job done fast: he is not paid by actual hours spent, but receives a lumpsum determined by the company's assessment of total hours required to complete a particular job. Hence any reduction in the actual hours spent increases the subcontractor's profit margin.

Skill levels required for permanent employees

There are three categories of field staff in Otis. About 35 per cent are highly skilled, 15 per cent are skilled, and 50 per cent are semi-skilled. The minimum qualification for semi-skilled workers is a Secondary School Certificate. When recruited, they are trained for *three years* (on a stipend). Once confirmed, they are placed in the 'helper' grade.

The minimum qualification for skilled workers is an I.T.I. certificate with NCTVT. Those recruited are taken as electricians, and are given *three years'* training on the job. After three years, they are put in either the 'skilled examiner' or 'skilled fitter' grade.

The minimum qualification for highly skilled workers is having completed 12th standard in Science. After recruitment, they are trained for *five years* (on a stipend). Within that period, they are to take two Government examinations: a P.W.D. wireman certificate and a 1st Class P.W.D. wireman competency certificate, with the basic training of a fitter. This category is given classroom training as well as training on the job. Workers in this category are meant to have the capacity to analyse problems on the spot and find answers on their own.

The starting salary for a semi-skilled worker at Otis is Rs 5,500 to Rs 6,000; for a skilled worker, Rs 6,500; and for a highly skilled worker, Rs 7,000.

Skill levels of contract workers

Today 90 per cent of the workers working under subcontractors for Otis are untrained. The subcontractors employ them at below minimum wages. One contract worker employed with an Otis subcontractor told the team that he receives just Rs 50 a day for each day that he actually works. (This was also the wage received by Asad Khan, the victim of the Worli accident.) This is considerably below the minimum wage for electrical equipment workers fixed by the Maharashtra government, which is Rs 2,520. The worker who spoke to us also told us that he does not receive the benefit of Employees' State Insurance Scheme (ESIS). He told us that if any worker did have experience, his wages were a little higher, but even after six to seven years of experience the workers would not earn more than Rs 100 for each day actually worked. These contract workers do not receive any paid leave, including Sundays.

The contract workers receive virtually no training, let alone safety training. Before the Otis job Asad Khan had worked only as a tailor. After being taken on by Garde's outfit, Asad had received safety training on two occasions, *once for two hours, and the second time for four hours*. (Garde himself remembers Asad being given instruction on only one occasion.) On these two occasions, someone from Otis came and instructed the contract workers on "safety measures". These consisted mainly of wearing a helmet, safety belt, and gloves while working. After this so-called training, they were put to work by the subcontractor frequently without the presence of any trained worker.

Whereas it is one of Otis's safety norms that at any lift site in which work is going on, there must be at least two workers working together, a contract worker told us that the *normal* situation was for each contract worker to work alone.

The world of the contract worker

Asad lived in a 200-sq. ft. hutment in Shivaji Nagar, Govandi. Shivaji Nagar is a dense slum, where the lanes are narrow and each house adjoins the next. Here one finds hardly any organised sector workers. Most

are employed in small establishments such as shops, or are self-employed, or are unemployed

So poor is the employment here that Asad's job was thought of by other youth as a prestigious one. The fact that he worked on lifts and could ride up multi-storeyed buildings at the flick of a switch was seen as exciting. When the team members were trying to find his house for the first time, others in the locality knew whom we were talking about when we said he worked in the "lift company". After Asad began working with the contractor, his neighbour too got work through him, and soon his 17-year-old cousin too joined work with Garde's outfit.

Asad was just 26 when he died, and was the only earning member of his family. (His father died some time back.) Asad got his job with Garde eleven months ago, and just four months ago he got married. He leaves behind a young widow and a mother in her fifties who is too stunned by the blow to think of taking up the issue. (Her only request to the contractor was to be shown the spot where her son died.) She has accepted the paltry figure of Rs 50,000 as compensation from the contractor (which is to be paid in three instalments). Asad's 17-year-old cousin too left his job in shock after the accident.

Asad had got married in December 1998. His bride was from Ahmedabad, and, according to the custom of their community, shortly after the marriage, Asad was to bring her to Bombay from her parents' home. However, Garde refused to give Asad leave, and threatened to withhold his salary if he nevertheless took leave.

Finally, after his repeated requests were denied, Asad had to go on around January 24 (a Sunday) without Garde's permission. He took just four days off for the trip. However, when he returned Garde shouted at him and did not give him his salary on February 1. In fact, he withheld the salary for most of the month. Only after repeated pleading by Asad did Garde give him the salary in the last week of February. Thus, during the first month of the bride's stay in her new home, there was a crisis, with no money in the house. Throughout the time he worked with Garde, Asad used to do tailoring jobs in his spare time and on holidays in order to supplement the family income, since he was the sole breadwinner. Indeed, so difficult were conditions that Asad's mother told him to quit

the Otis job. Garde, evidently anxious to get his job finished in the shortest possible time, had even refused Asad leave for Idd, and had threatened to withhold his salary if he nevertheless took leave. Asad's mother told him it would be better to return to tailoring. Asad was reportedly in a state of tension at the time of his death.

If Garde has been deducting Provident Fund contributions from Asad's salary, as he reportedly has been doing, Asad's family will now receive monthly pension payments amounting to half the average salary Asad drew for the last three months. Assuming Asad got work for 26 days a month, at the rate of Rs 50 per day, his salary would have been Rs 1300 a month; so his family would now receive a paltry Rs 650 a month as pension.

Company's attempts to suppress the story

The story of how this fatal accident came to light is revealing. Two Otis employees happened to be at the Colaba office when the Safety Manager received a phone call. From the conversation the two employees understood that there had been a fatality. They informed their union, and union leaders immediately contacted the Otis customer service division to ask about the accident.

At first, the customer service division denied that there had been any accident. When the union leaders phoned again and persisted, the customer service division denied that there had been any fatality, and told them merely that there had been an accident at a site near Cotton Green, far from Worli. The union sent two persons to Cotton Green, but no information was available there, for in fact no accident had occurred there. (In fact the accident took place at a building owned by Great Eastern Shipping at the Siemens compound in Worli. The contractors for the interiors work being carried out were Talathi Panthaky. The job was a major one. There was apparently a tight deadline, and thus a rush to complete the project.)

Then the union realised that the victim would have been taken to some Government hospital, so its members began checking at various Government hospitals' casualty wards. At K.E.M. hospital, they found that a person who had died while working on a lift had indeed been brought in, and that the dead body had been handed over already. The union obtained

the address of the deceased from the hospital, but again the address recorded was wrong: it was "Naik Nagar, Dharavi". In Worli police station, the address was given as "Shivaji Nagar, Dharavi". In fact, since Syed, Asad's co-worker and neighbour at Shivaji Nagar, Govandi, was present at the police station, it is difficult to understand how such a mistake could have been made.

It was by sheer chance that an Otis employee came to learn that the friend of a friend knew someone who had died in a lift erection accident. Further enquiries yielded the address of the deceased — despite the best efforts of the Otis management.

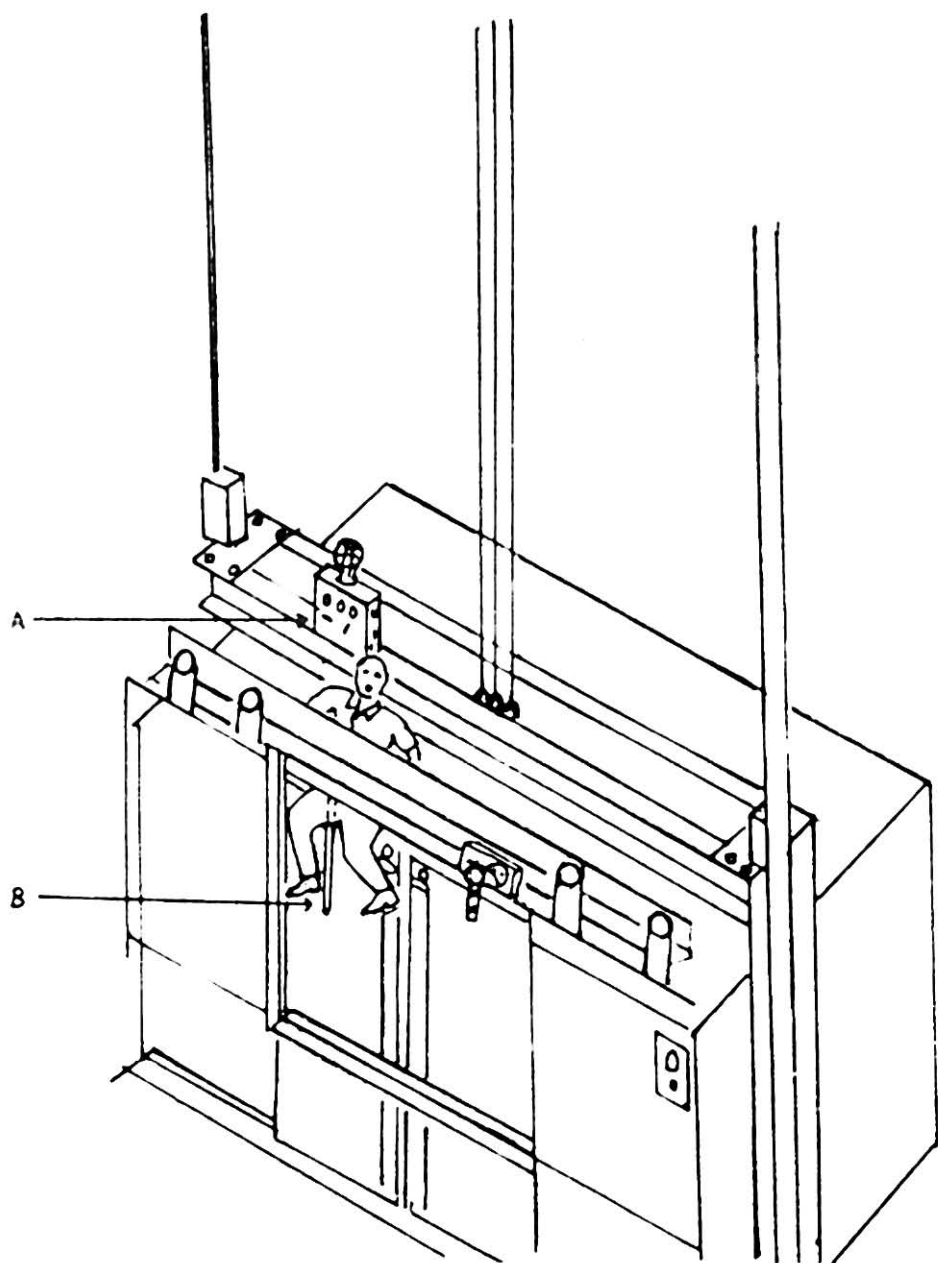
Management's version

When it became clear that it would not be able to suppress the story entirely, the Otis management released its version of the incident on March 19, in the form of a "Safety Flash" leaflet distributed to all employees. (The full text has been attached as an Appendix to this report.)

Otis's version is as follows: Asad (referred to only as "main mechanic") climbed on the roof of the car, and he wanted to run the car up in "inspection mode". (Inspection mode is at a slow speed, just 1/4th of the normal speed of one metre per second.) However, the car took off unexpectedly at normal speed ("contract speed"), at *one metre per second*. Either as a result of the sudden speed or because he was struck by some part of the hoistway, Asad lost his balance and fell towards the entrance and onto the spear cam (a metallic bar protruding 7-8 inches from the top of the lift, which, when the lift is on the floor level, causes the door to open). The spear cam pierced his pelvis and damaged internal organs. As he fell, the car gate switch on top of the lift got disturbed, and the lift came to a stop.

The company version continues: "Hearing his cries of pain, his assistant rushed to his aid. He immediately informed the main contractor, who also informed Otis, the police, the fire brigade and called in the ambulance. Later Otis informed the Lift Inspectorate." Asad died in hospital due to injuries to internal abdominal and pelvic organs. Other injuries included multiple fractures to both legs.

The leaflet provides the management's version of what happened, but it mentions neither the site of the accident, nor the name of the worker, nor



A visualisation of the incident as it would appear if the walls were transparent
The object 'A' is the TOCI box 'B' is the spear cam, shown entering the body

the name of the contractor, nor even the name of the hospital. It refers to a "team" of subcontractor employees who were working at a modernisation job site in Mumbai, and refers to Asad as the "main mechanic" (!) -- when in fact he was working alone in a lift shaft, and had had just eleven months' experience and no training to speak of. The other worker working in the adjoining lift shaft is referred to as the "assistant". Nowhere is it mentioned that the contractor was not at the site at the time of the accident.

The management's observation that "Both the subcontractors have been trained as per company procedures and were known to be working following all safety procedures" is indeed ironic, given that one of the subcontractors had been fired from Otis for not following safety procedures.

In order to understand the management's analysis of the "root cause of the accident", we need a brief picture of the situation. On the roof of the lift, attached to the crosshead, there is a box with "top of car inspection" (TOCI) buttons and switches. These face the front of the lift. Standing on top of the lift, an employee can use these controls to run the lift up and down. One is the Stop switch, which has two settings, Stop and Run. When the switch is on Stop, the lift will not move. A second switch has two settings, Inspection and Normal. When the switch is on Inspection, the lift will move only at inspection speed, ie at one-fourth of normal speed. Apart from these, there are switches to run the lift up and down.

The correct procedure for an employee working on top of the lift is to first ensure the Stop switch is on the Stop position, and the Inspection switch is on Inspection position; then to turn the Stop switch to the Run position; and finally use the up and down switches to run the lift at Inspection speed.

The reader should also keep in mind that the lift in question was an eight-passenger lift. The space to stand on the roof of the car was therefore limited, with much of the space taken up by the crosshead (to which the ropes are attached).

According to the management, *Asad's death was his own fault*. He climbed onto the lift without checking the position of the different switches. In fact the Stop switch was not in the Stop position when he climbed on.

though he did not know this. Since the space on the roof was small, Asad stood at the front of the lift (ie, in front of the crosshead — the section closer to the door). While facing in the direction of the door, he operated the TOCI controls behind his back. Since he could not see the controls, he accidentally operated the wrong switch: he thought he was turning "Stop" to "Run", whereas he in fact was turning the Inspection switch to Normal position.

The technology used in this lift (NE300 controller) has a mechanism whereby, if the lift is not in Inspection mode and is not at door level, it automatically corrects itself by going either up or down to the next level. This is to ensure it does not get stuck between floors. (However, if the lift is Inspection mode, ie, when work is being carried out on the lift, it will not "correct" itself by going up or down.) Thus when Asad turned the Inspection switch to the Normal position, and (unknown to him) the Stop switch was already in the Run position, the lift behaved as a normal running lift should when it is between two floors — that is, it went into a "correction" by automatically moving up toward the first floor *at the normal speed* of one metre per second. This resulted in Asad's losing his balance and falling forward on the spear cam rod.

The company concludes that Asad made three mistakes: first, he did not follow "company procedures" in ensuring that the Stop switch was in the Stop position when entering; secondly, he stood at the front of the lift, which is a "short cut"; thirdly, he pressed the wrong switch, which is a "failure to maintain control of car while on car top, as per company procedures". The management version concludes: "Corrective and preventive actions — All employees are hereby directed to ensure 100 per cent compliance with company EPA procedures during work at all times. REMEMBER, UNLESS YOU IMPLEMENT WHATEVER YOU ARE TRAINED FOR, YOU ARE UNSAFE. EVEN A SMALL SHORT CUT CAN PROVE TO BE FATAL!!!!!"

Questions the management didn't answer

The management's version, however, raises more questions than it answers. First, even if one accepts the management's findings in toto, the fact that Asad violated so many safety procedures, at risk to his own life, merely underlines his lack of training.

Secondly, the normal procedure followed by permanent employees *before* working on a lift is to first cut off all the high-speed circuits, so that under no circumstances can the lift move at normal speed while work is going on.

Finally, in lifts with the NE300 controller, the lift is set in inspection mode in the control room itself till the completion of the work. (There are two sockets for the relevant plug: one is "Inspection", and the other is "Normal". Till the job is over, the plug is to be placed in the "Inspection" socket.) Hence the fact that the lift moved at normal speed shows that this safety measure too was bypassed.

What the incident thus shows is that the normal procedures employed by permanent personnel were bypassed at Otis's contractor's site. These violations led directly to Asad's death.* Indeed Asad implemented "whatever he was trained for", but it is precisely the nature of the "training" and procedures followed that killed him.

The contractor's version

The team also interviewed S.Y. Garde, who described himself as one of Otis's leading contractors: "I am doing well". He said that he and his partner P.C. Thomas had 12 Otis jobs — 10 modernisations, and two new lifts. "We do the job faster than the permanent employees, and at

* Other questions also arise from the company account (see Appendix for cross-reference)

pt. 2. The company's claim that the safe position to stand on an 8-passenger car top is from behind the cross head is not correct. An employee standing in this position would have to lean forward and operate the TOCI box switches without being able to see them. Employees are emphatic that neither is this usually done, nor has there been any safety norm in the company to this effect. This norm appears to have been invented by the management after the accident, to put the blame on Asad

pt. 5. The company's claim that Asad was standing in front of the cross head and, while facing the door, was operating the TOCI box behind his back, is puzzling. It would have been more natural to turn sideways and operate the TOCI box, instead of facing the door. Or was Asad following a procedure under Garde's instructions?

pt. 6. It is mystifying that Asad would think that the Stop switch was in the Stop position, since, at the time of climbing onto the car top, he could see the position of the switch easily, as it is located on the front side

lesser pay", he claimed. Work at the GE Shipping site had been going on for about a month before the accident, he said.

Garde described the day of the accident: "I left the site at 9.45 a.m. Around 10 to 10.15, the construction site supervisor Kishore Dande called P.C. Thomas. I was in Prabhadevi at the time. When I reached the site, I had to take the car down to release the body. This I could do only after going to the machine room and breaking the safety circuits. When I brought the car down, I saw that the rod had gone one foot inside the body. He was badly tangled. As I was unable to extract him, the fire brigade came and did so. He was taken in an ambulance to K.E.M., where he died at 2.50 p.m." When asked why the wrong address was given at K.E.M., Garde claimed he didn't have the correct address.

Garde admitted that there was a great rush to complete the GE Shipping job. According to him, there is a long delay if the job is given to permanent employees, and since in this case the client wanted to complete the job with a short deadline, the job was given to a contractor. The team pointed out to Garde that, contrary to stated Otis safety practices followed by permanent employees, there was no separation wall between the two shafts at the GE Shipping site. Garde admitted that the lack of such a wall was a shortcut, and that the Public Works Department insists on separation walls in any new lifts. In this case the PWD was persuaded to accept it on the grounds that it was merely modernisation of an existing lift. It should be noted that while the lack of a separation wall is hazardous to the employees working on the lifts, it is also a fire hazard to the later residents of the building. However, according to Garde, putting up the safety wall is time-consuming and costly, which is why it was avoided here. This, according to him, is one of the reasons this job was given to the contractor, instead of to the permanent employees.

Apart from the danger inherent in putting an untrained worker to work in such a job, there is an additional danger when the contractor himself is not on site to supervise the job. In fact, Garde was not on site at the time of the accident. He pointed out that given that he and Thomas had to cover 12 sites between them, out of which Garde himself had to cover five, it was impossible to be present at every site. "If I have to be practically at the site, the job can't go on", he said. Garde justified his absence by claiming that his job was similar to that of an Otis supervisor, who is

in charge of several sites at a time. But an Otis supervisor leaves the job in the hands of trained workmen, which was not the case here.

The fault in this case is not solely the contractor's. Obviously, when Otis awards several contracts to the same contractors, it is aware that the contractors cannot remain present at each site.

Garde admitted that Asad had hardly any safety training, according to him, some four to six hours on one occasion in June 1998. Instruction was given by the Otis safety manager. It was after this "training" that Asad was issued an identity card by Otis to work on the site as a contract worker. Thereafter Otis has had virtually no presence on the site, and has left it in the hands of the contractor alone. Garde, however, claimed that Asad's experience on the job adequately qualified him to do what he was doing.

Garde maintained that the version given in the company's "Safety Flash" was correct, but he offered no explanation for why Asad would violate safety procedures if he were informed of them.

Garde claimed that he had negotiated compensation with Asad's mother, and that she had agreed to be paid Rs 50,000 in three instalments of Rs 20,000, Rs 20,000, and Rs 10,000. Garde said that Otis itself had declined to pay anything at all, and the entire amount was to come from his pocket (though he hoped that other contractors at the building site might contribute).

Police inaction

Asad's death has been registered in Worli police station under sec. 174 of the Cr.P.C., which concerns the procedure to be followed in recording of any death by suicide, accident or murder. The investigating officer, Inspector Ghansham Patil, told the team that it was a case of accident. He said statements of people at the worksite had been recorded, but that the statement of the Lift Inspector was yet to come. (In fact, when the team asked the Lift Inspectorate about its inquiry, the Inspector of Lifts said that no inquiry by them was to be carried out. The lift in question was not a running lift, but a work in progress. The Inspectorate comes into the picture only after the completion of the job, first to license the lift and secondly in the case of any accident during running. So Inspector Patil is

waiting for a report that will not be coming.)

The team asked Inspector Patil if he had explored whether Otis or the contractor are criminally liable in this case. He avoided answering directly, and merely said that he did not see any criminal matter here. Staff of the Worli police station told the team that it was an open-and-shut case, and that the victim had died due to his own mistake.

Management's non-cooperation

The team tried for days to get an interview with the relevant officers of Otis: safety manager Neeraj Malik, human resources manager N.H. Syed, and general manager P.R. Kulkarni. However, once the team explained the purpose of its request, the management personnel were impossible to track down. Despite repeatedly telephoning at the times requested, the team was told that the relevant officers were not available. Finally, after three days of telephoning, N.H. Syed came on the phone. He first said that he could not answer questions on the incident as he was not the safety manager, and he was not concerned with that incident. When it was pointed out that the company's safety officer P.J. Fernandes had specifically asked the team to talk to Syed, as the latter was a safety committee member, Syed said that all the management had to say on the topic was given in the "Safety Flash". The team pointed out that it had other questions, such as the number of contractors working with Otis, how many workers worked for them, the qualifications of the contractors and workers, etc. Syed became agitated and said he would not answer such questions as they were not related to the incident. He said that at any rate he was busy with court work for the next two days and could not give any appointment till after that. Till then he would be unable to meet even after court hours.

Conclusions

1. The death of Asad Khan, contract worker of Otis, occurred because he had not been trained to follow certain safety norms, and because certain norms were bypassed by the contractor.

(i) Asad was working alone in a lift shaft.

(ii) The contractor was not present at the site.

(iii) Asad had had virtually no safety training, in sharp contrast to the training given to permanent employees. It is clear even from the company's own "Safety Flash" that Asad did not have the requisite safety or technical training to do the work he was doing. He did not have even the requisite educational qualifications for even a semi-skilled worker of Otis. Yet not only was he made to do skilled work, but he was left to work independently on the site without the contractor's presence.

(iv) Contrary to the procedures followed by permanent employees, the high-speed circuits in this case had not been cut, nor had the Machine Room controls been set to run the lift only at the slow (Inspection) speed.

2. The case of Asad's death is not an isolated one. Otis is now farming out the majority of its manufacturing work to contractors, and around half of its lift erection and modernisation jobs too. It is able to save on costs because its contractors use virtually unskilled labour at low wages (below minimum wages, in the case of Asad Khan). The contractors are not physically present at all the sites. Otis management inspection of these sites is next to nil: the contractors are given a free hand.

3. Otis's cavalier attitude to safety of both the public and its own contract workers is evident in accidents that have been investigated in 1994 and 1999. It is alarming that a supervisor who was sacked for violation of safety norms (resulting in grave injury to two workers) was immediately engaged as Otis's biggest contractor. The fact that the same contractor is directly responsible for the death of Asad Khan strengthens the criminal liability of the Otis management.

4. Remarkably, the Otis management has accepted no liability for the death of the worker. It has paid nothing to his family, and its only action has been to release a statement placing the blame on the worker for the accident.

5. There appears to be no interest on the part of the police to inquire into the case and explore the criminal liability of the Otis management. Nor has any other Governmental body inquired into the matter. There appears to be no reason for Otis to discontinue its profitable and hazardous policy of using untrained labour for highly skilled jobs.

Lokshahi Hakk Sanghatana demands

1. that the contractor and the Otis management be held criminally liable for Asad Khan's death;
2. that Otis acknowledge its liability to pay compensation to Asad Khan's family, and that such compensation be substantial.
3. that Otis discontinue its practice of contracting out work that should be done by skilled workers, and instead get this work done by its permanent workers.

April 30, 1999.

(The fact-finding team investigating the incident consisted of Sanjay Rai, Vinod Shetty, and Girish Srinivasan)

Appendix: The Otis management's version of the incident

The following was distributed as a leaflet by the Otis management to the employees on March 19-20, 1999.

SAFETY FLASH – A FATAL ACCIDENT!

What happened:

A team of sub-contractor employees were working at a modernisation job site in Mumbai. The job involved raising the entrance heights in a building undergoing renovation, as the lobby floor levels had been raised. There are two elevators (Basement + Ground + 4 stops, 1.0 mps) with automatic single slide doors and NE300 controller.

On the morning of March 15, 1999 at about 10 00 a.m., the main mechanic, about 27 years old, wanted to move the car up from ground floor. He entered the car top and tried to run the car up in inspection mode. The car took off at contract speed. Either as a result of the sudden speed or being struck by some part of the hoistway, the mechanic lost his balance and fell towards the entrance and on the spear cam. The spear cam pierced his pelvis and damaged internal organs. With his fall, the car gate switch got disturbed and the lift came to a stop.

Hearing his cries of pain, his assistant rushed to his aid. He immediately informed the main contractor, who also informed Otis, the police, the fire brigade and called in the ambulance. Later Otis informed the Lift Inspectorate.

The victim was rushed to hospital, where after three hours of treatment and surgery, he succumbed to damage to internal abdominal and pelvic organs. Other injuries included multiple fractures to both legs.

Investigation findings:

The accident has been investigated thoroughly by Otis team led by Senior General Manager. The main findings are as under.

— Both the subcontractors have been trained as per company procedures and were known to be working following all safety procedures.

— This is an eight-passenger traditional car with very little space on car top in front of the cross head. Therefore, the safe position to stand and run the car is from behind the cross head. As reported by witnesses, the victim was standing in front of the cross head and operating the TOCI box switches.

— As work was relating to entrances, the fascia cover between ground floor and first floor sill had been removed, exposing a large niche (open space/cavity) in between the header and sill on the floor above.

— The interview with the subcontractor indicates that when the employee entered the car top, instead of going behind the cross head, he took a short cut and tried to run the car from the front.

— As the space on car top was less, to safeguard himself, he was forced to stand in front of the cross head facing the entrance and trying to operate the TOCI buttons by keeping his arms behind his back.

— Presumably, when he had entered the car top, he had not turned Stop switch to Stop position. But may be in his mind, Stop switch was in Stop position. Without verifying which switch was being operated, he turned the Inspection switch to Run position, thinking that he was operating the Stop switch. Thereby, he lost control of the car. In NE300 controller, if the car has cut the ILS (down direction slow down limit switch), and the car is not in door zone, a correction run is initiated in up direction in normal mode. As the Lift was not any more in Inspection mode and ILS was cut by the car's position, it started for a correction run in the up direction at contract speed. Surprised by the fast speed movement, he probably bent down to look back at the switches. In view of the space constraints as explained above, he was leaning outside the car top edge, in this position and was presumably hit on his helmet by the under side of the first floor sill. This caused him to fall on to the spear cam and the car gate switch, which tripped and stop further movement of the car. By the time the spear cam had pierced through his pelvic area and caused damage.

Root cause of the accident:

1. Failure to operate the Stop switch and take control of the car before entering top of the car as per company procedures.

2. The victim took an easy way out of operating the car from front side of the cross head (short cut), even though there was a space constraint on the front side.

3. The victim stood facing the entrance and operated Inspection switch to Run position, without verifying which switch was being operated. This is a Failure to maintain control of car while on car top, as per company procedures.

Corrective and preventive actions:

All employees are hereby directed to ensure 100 per cent compliance with company FPA procedures during work at all times.

REMEMBER, UNLESS YOU IMPLEMENT WHATEVER YOU ARE TRAINED FOR, YOU ARE UNSAFE. EVEN A SMALL SHORT CUT CAN PROVE TO BE FATAL!!!!

About Lokshahi Hakk Sanghatana

Lokshahi Hakk Sanghatana is a democratic rights organisation that has been working in Maharashtra since 1979. It carries out investigations, propaganda, and agitations for democratic rights. It has brought out innumerable fact-finding reports on issues of repression -- attacks on workers and peasants, communal riots, Government policies leading to drought, police torture, illegal closures of factories rendering thousands unemployed, repressive legislations such as TADA, and so on. It also works to build up solidarity among various sections of the people against repression on any section of the people. It appeals to all democratically minded persons to join in its activities in whichever way they can.

This was no accident

**– the death of an Otis contract worker
and the responsibility of the
Otis management**



**a report by a fact-finding team of
LOKSHAHI HAKK SANGHATANA**

May 1999