

Workers connect...

Code on Occupational Safety, Health and Working Conditions – Decoded (Part I)

The Code on Occupational Safety, Health and Working Conditions replaces:

	Following Acts:
1	The Factories Act, 1948
2	The Contract Labour (Regulation and Abolition) Act, 1970
3	The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
4	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
5	The Mines Act, 1952
6	The Plantations Labour Act, 1951
7	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
8	The Dock Workers (Safety, Health and Welfare) Act, 1986
9	The Motor Transport Workers Act, 1961
10	The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
11	The Sales Promotion Employees (Conditions of Service) Act, 1976
12	The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
13	The Working Journalists (Fixation of Rates of Wages) Act, 1958

The 13 laws together add up to 241 pages of hard won rights of workers, through major struggles, at the cost of several thousands of lives lost due to unsafe working conditions, at the cost of the lives of workers and their families who lost their capacity to work and provide for their families. With one sweep of a magic wand these have been wiped away by the 86 pages of the Code. The 86 pages retains a lot of the words that were used in the earlier

laws but changes some words that critically bestowed rights upon workers that protected their Right to Life as guaranteed by Article 21 of the constitution.

Right to Life

Article 21 of the Constitution states that “No person shall be deprived of his life or personal liberty except according to the procedure established by law.” In the case of *Kharak Singh v. State of Uttar Pradesh*, the Supreme Court held that the term “life” means more than mere animal existence. The inhibition against its deprivation extends to all those limbs and faculties by which life is enjoyed. And in the case of *Olga Tellis and Ors vs. Bombay Municipal Corporation and Ors*, the court held that the right to life included right to livelihood. However, the court said that no person could claim the right to livelihood by the pursuit of an illegal occupation. If we read our fundamental right to life along with these two critical orders what we can conclude is that every person enjoys the right to livelihood in a safe and secure environment. Anything that prevents it is in violation of our constitutional right.

Legally Binding laws vs Non-binding Rules

The Code on Occupational Safety, Health and Working Conditions (henceforth CoOSH) by removing the critical binding clauses, that set a minimum standard for safety at work and basic facilities such as drinking water, toilets, wash rooms, locker rooms, etc., which ensure the right to life of workers at a workplace, protecting their life and livelihood.

Soon after assuming office, Prime Minister Narendra Modi likened maintenance of boilers to that of a privately owned car, where owners should be trusted to do their best because they understand the need for safety in its operation. Even if we leave out the numerous lives lost everyday in construction sites, sanitation work, and other workplaces, in the last six years,

since self certification has been introduced in workplace safety standards, the number of massive accidents have increased drastically. In the last few years we have had the blast at the Unchahar power plant in Rae Bareilly, UP in 2017 that killed 32 and seriously injured many; fire at the fire cracker factory in Bawana, Delhi that killed 17 workers in 2018 and again injured several others – this factory did not even have the proper license to operate; in 2019 an explosion in a chemical factory in Dhule killed 13 workers, injured 72 others. In 2020, the number of major accidents since the lockdown was lifted has become unprecedented owing to the lack of maintenance of the plants and equipments during the period of the lockdown. In the rush to restart operations, employers restarted functioning in plants without making appropriate provisions for safety. This was possible due to the progressive reduction in the power of the labour inspectorate and through the process of self declaration. The result has been a loss of large number of lives.

States	City	Date	No. of Deaths	Injured	Cause	Company
Gujarat	Vadodara	11-Jan	8	6	Explosion	Aims Industries
Maharashtra	Boisar	11-Jan	8	7	Explosion	ANK Pharma
Haryana	Bahadurgarh	28-Feb	6	28	Explosion	Diester Chemical
Andhra Pradesh	Vishakhapatnam	07-May	12	-	Gas Leak	LG Polymer
Tamil Nadu	Neyveli	07-May	5	3	Boiler Explosion	Neyveli Lignite Power Plant
Gujarat	Bharuch	03-Jun	10	50	Boiler Explosion	Yashaswi Rasayan
Tamil Nadu	Neyveli	01-Jul	13	10	Boiler Explosion	Neyveli Lignite Power Plant
Uttar Pradesh	Ghaziabad	05-Jul	8	3	Fire	Illegal Candle Factory
Maharashtra	Nagpur	1-Aug	5	Several	Boiler Explosion	Manas Agro Industry and Infrastructure
Telangana	Srisailem	21-Aug	9	3	Fire	Srisailem Hydro Power Plant

The increase in the number of accidents for the last five years was in violation of the intent of the original laws that governed safety and security in workplaces. What this means that when such

an accident occurred, the investigation invariably showed that some specifications of the binding Factories Act or Boilers Act or Mines Act or Building and Construction workers act have been violated which resulted in the accident. This legally justified the claim of workers to compensation, their demand for putting in place the missing systems as per the law.

This obviously posed a problem for employers. These provisions of the law attributed direct responsibility of the accident at a workplace on the employer. The individual workers could not be blamed for a boiler explosion or a mine collapse because they turned on a switch or walked into a collapsing floor of a coal mine. The responsibility for maintenance of the plant and providing safety parameters to workers, including training, rested with the employer.

The Code on Occupational Safety, Health and Working Conditions with a swish of a magic wand has shifted the legally binding requirements under the different laws that

determined working conditions in different workplaces from the laws to the rules. Thus there is no longer any basic minimum standard of work applicable across the country that is legally binding on employers. Successive governments at the centre and different governments in the different states can also change the minimum standard as labour is a subject on the concurrent list of the constitution. For example, Section 11 of the factories act made it mandatory in all establishments to have the floor of every workroom be cleaned at least once in every

week by washing, using disinfectant, where necessary, or by some other effective method. Now this is no longer specified in the law. It may find its place in the rules or even not. What

that will mean is that this critical and basic provision that ensures basic hygiene in the workplace can now be changed from time to time to suit employer pockets. Thus the laws that were legislated to protect workers have been transformed to become laws that will protect employer interest and their already deep pockets.

Hazardous Industries – Who is Accountable?

To make matters worse, the special amendments that were brought into the Factories Act after the Bhopal disaster have been severely compromised in the new Code. These amendments had given state governments the power to amend the list of industries involving hazardous processes which gave states the power to review industries and declare certain industries to be hazardous.

This power of the state governments has now been replaced by the power to change the permissible limit for hazardous substances used in a certain process. Harmless as it may sound, this will force states to compete against each other for investment by lowering these limits thereby endangering the lives of not just the workers but all who live around a plant to entice investment. As the focus for changing the law has shifted from providing protection to workers to providing a conducive environment for investors, this 'empowerment' of the states is to encourage a race to the bottom for which the central government will not take ownership.



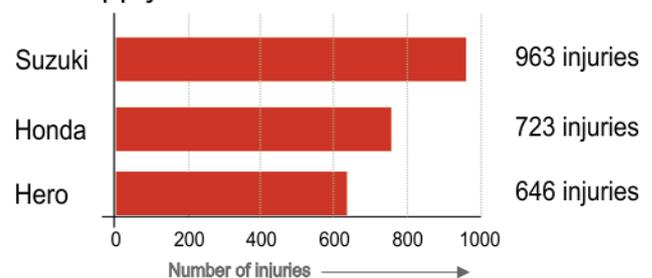
The terrible industrial disaster at the Union Carbide pesticide plant in Bhopal, changed the life of

over 500,000 people who were exposed to the toxic methyl isocyanate gas as well as the generations to come. In a series of studies conducted by the Indian Council of Medical Research (ICMR) in years following the gas leak it was found that Methyl isocyanate damages human DNA and thereby the impact of the gas leak continues even today.

What this terrible tragedy exposed to the world is the duplicity of multinational companies regarding safety provisions practiced in their plants in their home countries or other countries in the global north and the practices in plants in the global south. Companies move from locations with higher safety standards which require higher investment to locations with lower safety standards. That is today the logic of the entire framework of a supply chain. Companies produce various components of their product at various locations in the global south where wage cost is low but so is the cost of life.

A report by Safe in India (2019) documented 1,369 accidents in the auto hub in Gurgaon since December 2016. According to this report, most of the accidents took place because of a combination of the following factors: safety mechanisms were not functioning properly; machine malfunction; no protective equipment; no training of workers. Most of the factories where these accidents were reported belonged to the supply chain of three auto majors in the Gurgaon hub as shown in the graph

Accident-reporting factory part of the supply chain of...



(from <https://scroll.in/article/933316/can-india-build-cars-and-bikes-without-workers-losing-fingers-yes-if-auto-firms-act-on-this-report>).

As we see in this case, the firms with differential standards within the supply chain of an MNC does not even need to be in different countries. They can be located in the same region but on a lower tier than the mother plant.

Multinational corporations not only have these differential standards in their supply chain but also when they produce the same products in different countries – such as the Coca Cola plant in Plachimada in Kerala. Villagers in the area in early 2000 noted that soon after the

factory opened, their wells began to dry up and the available water turned toxic. In 2002, villagers began an impromptu protest at the factory gate which continued for years, gathering support and continued litigation finally led to the closure of the plant in 2004. Coca cola is one of the most ubiquitous symbol of globalisation, with factories across the world, but such instances of gross violation are only heard from their plants in the global south.

After years of negotiation, Union Carbide, responsible for the Bhopal tragedy paid a total sum of USD 470 million in 1989 for the over 500,000 people affected. In 2017, DuPont and Chemours Co. agreed to pay \$671 million in cash to settle 3,350 claims (200,299 USD per person) involving a leak of a toxic chemical used by them to make Teflon in their West Virginia plant. The leak contaminated local water supplies and has been linked to six diseases, including cancers. If we did a back of the envelope calculation, 1 USD in 1984 = 2.36 USD in 2017 and thus 470 million USD in 1989 for 500,000 people meant 940 USD per person. Thus what we can clearly see is the price of life of a US citizen is over 200 times that of an Indian life!

The sheer scale of discrepancy in the cost of life is apparent from these two settlements even if the two settlements are separated by time.

The workplace standards in the global north are high as they value their own lives more and companies have to pay dearly if they are found to violate these standards. The justice system also puts high value on the cost of life. Consequently, companies move their production to countries in the global south where these standards do not exist or where they can arm twist the governments to lower their workplace standards.

This flight of capital/ investment is not just between countries but even within a country. For example, if the state of Tamil Nadu has a higher standard of safety requirement, allows lower permissible limit of hazardous chemicals, investors will threaten to shift production from the state to a state that has a more flexible standard. This coupled with the flexibility in the present code to allow states to change permissible limit of hazardous substances, makes it possible for investors to arm twist

governments to change policy.

What can we do?

On 31 October a hundred years ago, the All India Trade Union Congress was founded. In this one century, workers have fought to secure their right to laws that protect their safety at work. How much these laws worked or how much they covered is not the issue in the present situation. The laws provided a framework that workers could legally fight for. In the rally of the founding congress of the AITUC, Lala Lajpat Rai, the newly elected president, stated that the goals of the trade union should be to **Organize, Agitate, and Educate**. That is where we are again as history repeats itself.

Policy News

Parliamentary panel on labour to scrutinise EPFO spending

20 October 2020: The parliamentary committee on labour is set to scrutinize the ₹10 trillion corpus under the Employees' Provident Fund Organisation (EPFO) and the performance of the fund management, including its investment decisions since the body started investing in the stock market last year. The committee will also assess the impact of EPFO during the nationwide lockdown to contain the spread of coronavirus and the impact of the covid-19 pandemic on the organisation.

Government revises MNREGA targets to raise employment for workers hit by the pandemic

12 October 2020: The central government has revised the targets for commissioning work under the Mahatma Gandhi Rural Employment Guarantee Act by 40 crore workdays to 320 crore work days as more and more people are opting for jobs in the face of the pandemic.

In May, the government had pumped in an additional ₹40,000 crore to raise the MGNREGS budget for the year to ₹1 lakh crore as a part of its stimulus package. It also raised the employment target from the first estimate of 281 crore days of work to 300 crore days of work. Over 221.9 crore days of work had already been completed as of 7 October 2020 and more than ₹65,000 crore been released till 5 September 2020. Hence, big states like UP, Rajasthan, Telangana, Andhra Pradesh, Odisha.

Chhattisgarh, Madhya Pradesh and West Bengal have now asked for additional labour budget

Government directs oil PSUs to construct houses for migrant workers

11 October 2020: Government has directed state owned oil producers - Hindustan Petroleum Corp Ltd (HPCL), Bharat Petroleum Corp Ltd (BPCL), GAIL India Ltd and Oil and Natural Gas Corp (ONGC) to build 50,000 housing units on the existing land they occupy for migrant workers. The Affordable Rental Housing Complexes, a sub-scheme of Pradhan Mantri Awas Yojana aims to provide 'ease-of-living' to urban poor and migrant workers in need of affordable housing near their work sites. The sub-scheme was announced as a part of the stimulus package announced by the government in the wake of dwindling economy after the country underwent an unplanned lockdown.

Labour Bureau to conduct 3 surveys to gauge the state of unemployment

9 October 2020: The Central government has constituted an expert group for 3 years which would guide the Labour Bureau to conduct The Labour Bureau to conduct 3 surveys on migration, domestic workers and professional bodies for evaluating the employment situation in the country with an emphasis of the impact of coronavirus pandemic on the workers. The government had discontinued the practice of collecting yearly employment-unemployment data in 2018.

Legal News

Supreme Court refuses to entertain Neyveli Coal India Ltd. plea against NGT order

28 October 2020: A three-judge bench of Justices L Nageswara Rao, Hemant Gupta and Ajay Rastogi refused to entertain the plea of Neyveli Coal India Limited against the National Green Tribunal order imposing an interim penalty of Rs five crore on NLC India Ltd in connection with a boiler blast at Neyveli Lignite Power Plant in Tamil Nadu in which 13 workers died and 10 were injured on July 1. The tribunal found that 'absolute liability' on the part of the PSU and ordered it to make an interim compensation of Rs.30 lakh each to the family

of the deceased.

Gujarat: Labour department initiates legal action against 9 establishments for non-payment of gratuity

28 October 2020: The Labour and Employment department of Gujarat government has initiated legal proceedings against 9 establishments in Ahmedabad, Gandhinagar and Surat for non-payment of gratuity as mandated under the Payment of Gratuity Act, 1972.

Among nine establishments issued notices 7 are from Ahmedabad. They include Kataria Automobiles at SG Highway, Censor Security Services, Singhal Brothers at Narol, Shyam Corporation Pvt Ltd. at Narol, Konduskar Travels at Paldi, Shilp Indane at Ghatlodia, and Prashant Fabrics (India) Pvt Ltd. while Dashama Industries at Kalol in Gandhinagar, and Ujala Dyeing & Printing Mills in Surat are the other two.

Collective Bargaining

Telangana: NIMS nurses on strike over non-payment of arrears, unfair labour practices

28 October 2020: Nurses of Nizam's Institute of Medical Sciences went on a 1-day strike on 28 October 2020 and warned of an indefinite strike starting 11 November 2020 if the management refuses to yield to their demands. Nurses have been demanding payment of arrears for a wrongly deducted amount for family planning from salaries of staff, payment of pending Covid incentive since the month of April, payment of career progression arrears, payment of Earned Leave encashment for the year 2019 and continuation of the process of promotions and cadre review of nursing staff.

Maharashtra: Sugarcane workers demand revision of wages

18 October 2020: Over 15 lakh sugarcane workers in Maharashtra went on strike from 15 October 2020 demanding revision in wages. Workers are demanding Rs.400 per tonne, an amount equivalent to operators of cane harvester machines, currently they get Rs. 239 per tonne. Workers are hired through labour contractors who are also demanding a hike in the commission paid to them from 18.5% to 30% of the cane workers' wages.

Jharkhand: Steel workers strike work - demand bonus, regularisation of work

13 October 2020: Over 2,500 workers of Ferro Scrap Nigam Limited, a subsidiary of the Steel Authority of India Limited struck work and marched to Ispat Bhawan, Bokaro demanding immediate payment of minimum bonus of Rs.30,000 per worker before Durga Puja, wage revision, leave encashment and that management holds election for recognition of union through secret ballot under the banner of Jai Jharkhand Mazdoor Samaj. The union also submitted a 13-point charter to FSNL management demanding better facilities at the Bokaro General Hospital and maintenance of roads and workers' quarters within the SAIL township.

Delhi: Health workers of North Delhi Municipal Corporation (NDMC) strike over non-payment of wages

09 October 2020: Doctors, nurses and support staff of North Delhi Municipal Corporation's Hindu Rao Hospital went on an indefinite strike on 08 October 2020 against non-payment of wages since June 2020. Hindu Rao Hospital is a designated COVID-19 hospital in Delhi where workers have indefatigably fought on the frontlines.

Central Trade Unions join forces against Labour Codes, call for general strike on 26 November 2020

02 October 2020: All Central Trade Union Organisations except the RSS affiliated Bhartiya Mazdoor Sangh have called for a country-wide general strike on 26 November 2020 against the recently promulgated Labour Codes. The CTUOs have put forth the following demands:

1. Rescind the labour codes and farms acts
2. Cash transfer of Rs.7,500 a month to all families that do not pay income tax
3. Free ration of 10kg per head in a month
4. Expansion of the Mahatma Gandhi National Rural Employment Scheme
5. Stop divestment in PSUs
6. Universal health coverage
7. Withdrawal of circular on forced premature retirement of government employees

Workplace Safety Watch

Sanitation

On 31 Oct. Vishal Maulikar (32) died of asphyxiation while 5 other workers lost consciousness while cleaning a 25 feet deep chemical tank at the Bamni Proteins Ltd on Ballarpur-Ashti road, Nagpur.

On 19 Oct. Idris and Salim both 45 years old were killed of asphyxiation while 4 others fainted after inhaling toxic fumes while cleaning the chemical tank of a jewellery manufacturing unit in Adarsh Nagar Area, New Delhi. The police have arrested factory owner Rajender Soni and the cleaning contractor Pramod Dangi for culpable homicide.

On 11 Oct. Manoj and Devendra died of asphyxiation when they entered to clean a drain in Badarpur's Molarband locality in Delhi. The person who had hired them to clean the tank jumped in to rescue them and died in the process himself. The sanitation workers were not provided any safety equipment. The police have registered a case under section 304A (death due to negligence) of the Indian Penal Code (IPC).

Manufacturing

On 24 Oct., Rohit (22) died of drowning after he fell in the water tank of a beverage company which produces for Coca Cola in Ambala, Haryana. Rohit was employed as a care taker of the water tanks during night shift.

On 13 Oct. Deepak Ekka, a contract worker at Dalmia Cement factory in Sundergarh, Odisha died after falling from a tower in Line-2 unit of the plant. Ekka was not provided any safety gear. Police have registered a case of accidental death.

On 13 Oct. Gangaram (35) was killed in a boiler explosion at the plywood manufacturing factory in Balrampur area of Uttar Pradesh while his co-worker Haroon survived grave injuries. Police have registered a case against the owner of the factory while the fire department is probing the cause of the explosion.

On 12 Oct. Manoj Saini (31) was crushed to death by a crane while he was asleep after his shift at the construction site where he was employed near GT Karnal Road, Delhi. The

crane driver abandoned the crane 1km away from the site of the accident and ran away. The police have registered a case and looking for the driver.

On 12 Oct. Shishupal Jatav died of injuries after falling in the paper mill tank in Shahjahanpur, Uttar Pradesh. Shishupal was not provided any safety gears and his shift was extended twice leading to fatigue. Police has registered a case of death due to negligence under section 304A of IPC.

On 05 Oct. Mukarram (25) was killed in the factory fire which engulfed a cloth factory on Rohan Road in Ludhiana. The charred body of the garment worker was found 1-day after the fire incident when the relatives and co-workers surrounded the office of the manager and demanded that a search team be constituted for the missing worker.

Others

On 19 Oct. Amol Kale (40) and Ganesh Ugale (45) were killed of electrocution while 5 others got severely injured while fixing leakage in a water pipeline in Kurla area of Mumbai. The police have registered a case of accidental death in the matter. The workers hired by the municipal corporation were being made to handle electrical equipment like generators without any safety equipment.

On 13 Oct. Jamuna Mandal (38) died of burn injuries after coming in contact with high tension wire in Giridih district of Jharkhand.

News from Around the World

Gig Workers struggle for recognition as workers across the world

27 October: In **Australia**, the Competition and Consumer Commission authorised companies with less than \$10 million turnover to collectively negotiate with suppliers or customers from early next year. The class exemption, covering some 98% of all businesses, will mean owner-drivers, gig workers, franchisees, construction subcontractors, general practitioners, and others can act collectively without fear of breaching cartel or price-fixing laws. However, they would not be allowed to organize strikes and there would be limits on the information they can share with each other.

23 October: In **USA**, Uber Technologies Inc and Lyft Inc failed to persuade a California appeals court to overturn the earlier court order to comply with the state labour law that mandates the companies to treat their drivers in California as employees, not independent contractors.

Taking no risk, ride-hailing companies are putting in their money supporting a state-wide ballot measure set for a vote in November that would partially exempt them from the said state law.

15 October: In **Finland**, the Labour Council that operates under the Ministry of Economic Affairs and Employment, issued a statement in support of the legal claim of food couriers as employees, not freelancers. This position of the labour council is however not binding.

15 October: In Spain, the Labour Inspectorate has directed Amazon to provide proper work contracts to more than 4,000 drivers delivering packages in Barcelona and across Spain, and cover more than \$7.2 million in back social security payments.

Governments in the Global South under pressure to change labour conditions in line with EU,US demands

24 October: The **Bangladesh** government has constituted a 13 member tripartite committee to prepare a draft amendment to the Bangladesh Labour Act, 2006 to ensure continuity of the European Union's General System of Preferences (GSP) trade scheme. The EU is the largest importer of readymade garments from Bangladesh and as a least Developed Country (LDC), Bangladesh enjoys duty free access to the EU under the Everything but Arms (EBA) scheme. The current GSP regulation will expire on 31 December 2023 and Bangladesh is also set to graduate from its LDC status in 2024. Together, this could mean a loss in export earning to the tune of 7 billion USD.

In October 2019, during an EU monitoring mission, Bangladesh government was forced to agree to the development of a roadmap that would improve the labour rights in the country, with specific focus on the Export Processing Zones. The EU incorporated nine issues in its suggestions: (i) amendment of BLA,

labour rules and EPZ labour law in line with International Labour Organisation conventions, (ii) establishing an action plan to eliminate child labour by 2025, (iii) combating violence against workers, (iv) increasing success rate of trade union registration application, (v) eliminating backlog of cases at labour courts, (vi) filling the vacant posts of labour inspectors, (vii) ensuring proper work of remediation coordination cell and (viii) ratifying ILO conventions on Forced Labour (No. 29) and (ix) on minimum age (No. 138).

20 October: The prevalence of children engaged in hazardous work, including using sharp tools, has risen by 14% in the world's top two cocoa producers, **Ghana and Ivory Coast** in the last decade, while production has increased by 62% in the same period, according to a recent study commissioned by the United States Department of Labor.

The two West African countries – which together produce about two-thirds of the world's cocoa – had both questioned the methodology used in an earlier version of the report prepared by researchers from the University of Chicago.

US legislators have criticised the industry and US customs authorities have asked cocoa traders earlier this year to report where and when they encounter child labour in their supply chains.

60% of the Ivory Coast's export revenue comes from cocoa. As the chocolate industry has grown over the years, so has the demand for cheap cocoa. On an average, cocoa farmers earn less than USD 2 per day, an income below the poverty line. Consequently, workers are often forced to employ their children to ensure their basic need.

The findings of the report raise difficult questions for the 60 billion USD industry. In 2001, big brands such as Nestlé, Mars and Hershey had signed a cross-sector accord aimed at eliminating egregious child labour. Despite missing deadlines to deliver on their pledge in 2005, 2008 and 2010, they continue to insist that ending the illegal practice remains their top concern.

Columbia: Sintracarbon begin negotiations to end 52 day strike at Cerrejon coal mine

22 October 2020: Members of Sintracarbon

have been on strike since 31 August rejecting a shift change that would add 72 working days per year with no wage increase at the Cerrejon coal mine, owned by multinationals Glencore, BHP and Anglo American. This shift change will lead to a reduction of 2,500 direct and indirect jobs and has been proposed without consultation with the union and in violation of the Colombian labour law.

The new shift system – which workers call the “death shift” - will require workers to move directly from day to night shifts without recovery time in a seven day cycle, with no transport home between shifts. It will disrupt family life, generate greater exhaustion and, as a result, increase workplace accidents.

The company claims that this change is necessary to ensure financial sustainability of the mine. Cerrejon produces coal for export to utility companies across the world.

Singapore: Rules on retrenchments amended to allow easier layoffs amid COVID-19

17 October 2020: The tripartite advisory on responsible retrenchment of the Singapore government has been amended to help employers lay off workers amid the COVID-19 crisis with minimum dispute. The main clauses include:

1. Companies to retain Singaporean workers;
2. Training programme as part of the post-retrenchment package;
3. Provision of a longer notice period beyond contractual or statutory requirements where possible, so that employees can be mentally prepared
4. Companies that do not comply with the advisory may be denied government support or have their work pass privileges suspended.