



Overview of Occupational Safety, Health & Working Conditions Code, 2020 (OSH Code)

Presented by


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Occupational Safety, Health & Working Conditions Code, 2020 (OSH Code)

The code envisages safe working environment for workers especially women.

Occupational Safety, Health & Working Conditions Code, 2020 (OSH Code) subsumes and replaces thirteen labour laws:

- 1.The Factories Act, 1948
- 2.The Mines Act, 1952
- 3.The Dock Workers (Safety, Health & Welfare) Act, 1986
- 4.The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996

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5. The Plantations Labour Act, 1951
 6. The Contract Labour (Regulation And Abolition) Act, 1970
 7. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
 8. The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
 9. The Working Journalists (Fixation of Rates of wages) Act, 1958
 10. The Motor Transport Workers Act, 1961
 11. The Sales Promotion Employees (Conditions of Service) Act, 1976
 12. The Beedi and Cigar Workers (Conditions of Employment Act, 1966
 13. The Cine-Workers and Cinema Theatre Workers Act, 1981


Highlights:


- Code provides single registration for an establishment instead of multiple registrations. This will design a centralized database and develop an ease of doing business.
- Appointment letter made Statutory.
- Working Hours For Women: As per this new provision female workers/women can work during night shifts with their consent. Also, the time slot for such night shift shall be from 7 p.m. and before 6 a.m., which shall also be approved by the central or state govt.

- Rights and duties of employees and employers: Rights and duties laid down in the Code for employees too, employees shall take care of their own health, shall comply with specified safety and health measures, shall report unsafe situations to the inspector.
- Offences and Penalties: Under the Code, an offence which leads to the death of an employee will be punishable with imprisonment of up to two years, or a fine up to five lakh rupee or, both. Further, the court (Chief Inspector-cum-Facilitator or Inspector-cum-Facilitator or an officer of the appropriate Government or a person authorised to discharge any duty or to exercise any powers under this Code) has been granted a discretionary power wherein, it may direct that at least 50% of such fine be given as compensation to the heirs of the victim.

The Code further states that where no penalty has been laid down for violation of the provision of the Code by the employer, the employer will be penalised with a fine between two to three lakh rupees. And where the employee violates any provisions of the Code, he will be subject to a fine of up to Rs. 10,000.

- The appropriate government for the factory governed by the central government will be central government, including establishment of contractors for the purposes of such establishment. In other cases the concerned State Government where it is situated.
- The definition of Contract Labour has been modified and includes inter-State migrant worker but excludes part time employee, regularly employed and mutually accepted standards of the conditions of employment and entitled to Social Security benefits.

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- The new definition of Core Activity provides that activity for which establishment is set-up and other activity like housekeeping, Security, canteen etc not to be treated as core activity.
 - Principal employer to provide welfare facilities, where the contract labour is deployed.
 - Principal employer shall be liable to make payment of wages to the contract labour deployed by him.

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- The work hours for different classes of establishment and employees shall be as per the rules prescribed by central or state government. Further, in relation to overtime work, an employee shall be paid twice the rate of daily wages. The code in regard to leaves states that no employee shall work for more than 6 days a week, however, an exception has been provided for motor transport workers.
 - Definition of “ Employee” has been incorporated and includes person doing any skilled, semi- skilled or unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward.

- The definition of the “Factory” has been revised under section 2 (w) and threshold limit of employees is now 20 in case of use of power and 40 in case without power and has specifically excludes, hotels, restaurant, eating place, Electronic Data Processing Unit or a Computer Unit etc.
- A new definition “Industrial premises” provides a premises in which any industry, trade, business etc is being carried on with or without the aid of power includes a godown.
- Definition of “Inter State Migrant worker” has been modified and now only those persons would be considered as interstate migrants who are earning a maximum of Rs. 18,000 per month.
- Definition of “worker” has been revised and includes persons in supervisory capacity and working journalists, sales promotion employees getting salary up to Rs. 18000/- per month or as may be notified by the Central Government from time to time.

