

# Standing Committee Report Summary

## The Occupational Safety, Health and Working Conditions Code, 2019

- The Standing Committee on Labour (Chair: Mr. Bhartruhari Mahtab) submitted its report on the Occupational Safety, Health and Working Conditions Code, 2019 on February 11, 2020. The Code subsumes and replaces 13 existing labour laws relating to health, safety and working conditions.
- **Definitions:** The Committee observed that certain terms, such as wage, workplace, supervisor, and manager were not defined in the Code. It recommended that these terms be clearly defined.
- **Employee and worker:** The Code defines worker as any person employed in an industry to do manual, or supervisory work, among others. It does not include persons employed as police, or supervisors earning more than Rs 15,000 per month, among others. Employee is defined as a person employed on wages by an establishment. It does not include apprentices and persons from the Armed Forces.
- The Committee observed that there was a lack of clarity as to which sections of the Code would apply to employees versus workers. For example, sections on working conditions apply to employees whereas, the section on welfare measures applies to workers. It suggested that welfare measures should apply to employees and workers. Further, the differentiation between the two terms could lead to their misinterpretation. Therefore, it recommended that a single definition should be used that applies uniformly to all sections.
- The Committee also noted that supervisors earning more than Rs 15,000 per month were not considered workers. The Committee recommended that the wage limit should be increased so that more persons would fall under the ambit of worker.
- **Powers of state governments:** Under the Code, the central government will be the appropriate government on matters related to establishments of the central government, major ports, and mines, among others. In all other cases, including factories and plantations, the state government will be the appropriate government. The Committee observed that it was unclear when appropriate government refers to state governments. It recommended clear demarcation of responsibilities between state and central governments, while maintaining that safety and working conditions are a state responsibility.
- **Welfare measures:** Under the Code, factories, and construction establishments with 500 or more workers, and mines with 100 or more workers, must appoint safety officers. The Committee recommended that the Code should provide for notification of safety officers in all establishments, irrespective of size.
- Further, the Code states that the central government may provide for crèche facilities through notification. The Committee recommended that establishments should be able to avail benefits of common crèches set up by the central or state governments, or private parties. Further, the Code should provide for small scale industries to pool resources and setup common crèches.
- **Work hours:** Under the Code, maximum work hours will be notified by the appropriate government. The Committee recommended that the Code should provide for a maximum of eight hours of work per day. Exceptions may be made for certain classes of workers such as, journalists and audio visual workers who do not work for eight hours at a stretch.
- **Coverage:** The Code covers all establishments with ten or more workers, and all mines and docks. The Committee observed that the safety of unorganised sector workers is not protected under this Code. It recommended that the Code should include a mechanism to notify provisions to safeguard the health and safety of unorganised sector workers.
- **Hazardous processes and substances:** The Committee noted that pesticides had not been included in the definition of hazardous substances. It recommended pesticides and insecticides should be considered hazardous substances. It also recommended that the list of hazardous processes should be increased in line with developed countries.
- **Audio-visual workers:** The Committee recommended that the definitions of audio-visual worker be expanded to include dubbing artists and stunt persons, in addition to actors and musicians. Similarly, the definition of audio visual production may be expanded to include films, in addition to cartoons and advertisements.
- **Contract Labour:** The Code states that the appropriate government may prohibit employment of contract labour in any type of work. For this purpose, the Committee recommended that the Code should differentiate between core and non-core work that contract labour can be engaged in.
- **Additional chapters:** The Committee recommended that separate chapters should be included in the Code, specifying the safety, health and working conditions for interstate migrant workers, and plantation workers, respectively.

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