

# Bill Summary

## The Occupational Safety, Health and Working Conditions Code, 2020

- The Occupational Safety, Health and Working Conditions Code, 2020 was introduced in Lok Sabha by the Minister of Labour and Employment, Mr. Santosh Kumar Gangwar, on September 19, 2020. The Code consolidates 13 existing Acts regulating health, safety, and working conditions. These include the Factories Act, 1948, the Mines Act, 1952, and the Contract Labour (Regulation and Abolition) Act, 1970.
- **Coverage:** The Code will apply to establishments employing at least 10 workers. It will apply to all mines, docks, and establishments carrying out any hazardous or life-threatening activity (may be notified by the central government). Certain provisions of the Code, such as health and working conditions, apply to all employees. Employees include workers and all other persons earning wages for any work, including managerial, administrative, or supervisory work.
- **Exemptions:** The appropriate government can exempt any workplace or activity from the Code in case of a public emergency, disaster, or pandemic for up to a year. Further, the state government can exempt new factories from the Code for the specified period for creating more economic activity and employment.
- **Registration and license:** Establishments covered by the Code are required to register within 60 days (of the commencement of the Code) with registering officers, appointed by the central or state government. Factories may be required to obtain a license to operate. The Code requires those hiring workers such as beedi and cigar workers and contract labourers to obtain licenses.
- **Duties of employers:** Duties of employers include: (i) providing a workplace that is free from hazards, (ii) providing free annual health examinations in notified establishments, and (iii) informing relevant authorities in case any accident at the workplace leads to death or serious bodily injury to any employee. Additional duties are prescribed for employers in factories, mines, docks, plantations, and building and construction work, including provision of a risk-free work environment, and instructing employees on safety protocols.
- **Rights and duties of employees:** Duties include taking care of their own health and safety, complying with safety and health standards, and reporting unsafe work incidents to the Inspector. Employees also have certain rights including the right to obtain information on safety and health standards from the employer.
- **Work hours:** No worker will be required or allowed to work in any establishment for more than eight hours in a day. For overtime work, workers must be paid at twice the rate of daily wages. Prior consent of workers is required for overtime work. Women can work past 7 pm and before 6 am, subject to any safety-related or other conditions prescribed by the government.
- **Leave:** Workers cannot be required to work for more than six days a week. Further, they must receive one day of leave for every 20 days of work per year.
- **Working conditions:** Working conditions will be notified by the central government. Conditions may include hygienic work environment, clean drinking water, toilets, ventilation, and adequate lighting.
- **Welfare facilities:** Welfare facilities such as canteens, first aid boxes, and crèches, may be provided as per standards notified by the central government. Additional facilities may be specified for factories, mines, docks, and building and construction works, such as welfare officers and temporary housing.
- The Code includes three schedules containing lists of: (i) 29 diseases that the employer is required to notify the authorities of, in case a worker contracts them, (ii) 73 safety matters that the government may regulate, and (iii) 40 industries involving hazardous processes. The lists may be amended by the central government.
- **Inspectors:** The government can appoint inspector-cum-facilitators to conduct inspections and inquire into accidents. They have certain additional powers in case of factories, mines, docks, and building and construction works, including: (i) reducing the number of employees working in sections of the establishment, and (ii) prohibiting work in dangerous situations.
- **Advisory boards:** The central and state governments will set up Occupational Safety and Health Advisory Boards at the national and state level. These Boards will advise the respective government on the standards, rules, and regulations to be framed under the Code.
- **Safety committees:** The government may require certain establishments to constitute safety committees in case of a certain class of workers. The committees will be composed of representatives of the employer and workers and will function as a liaison between them. The number of representatives of workers in the committee must not be less than that of the employer.

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