

## Occupational Safety, Health and Working Conditions Code 2020

The Occupational Safety, Health and Working Conditions Code 2020 (OSH Code) was one of the three bills passed in the Lok Sabha related to Labour reforms. It was introduced by the Ministry of Labour and Employment in the Lok Sabha on September 19, 2020.

The other two bills passed along with the Occupational Safety, Health and Working Conditions Code 2020 include:

1. Industrial Relations Code 2020
2. Social Security Code 2020

The OSH Code has subsumed several key pieces of legislation on the working conditions of labour and consolidated it into one comprehensive act, including, inter alia, the Contract Labour (Regulation and Abolition) Act, 1970, the Factories Act, 1948, etc.

### Important Definitions Under OSH Code 2020

There are certain definitions that are important under the Occupational Safety Health and Working Conditions Code 2020, a few of which have even been amended with reference to the past labour codes:

1. **Employee** - This has been a constant definition from the code of 2019. “*Employee*” is a person employed by an establishment on wages and is required to do any skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or other work.
2. **Employer** - A person who employs, whether directly or through any person, or on behalf of an establishment is called an “*Employer*”. This person/authority has the ultimate control over the establishment.
3. **Establishment** - An “*Establishment*” is
  - any place with ten or more workers where any industry, trade, business, manufacturing or occupation is carried on
  - a motor transport undertaking, newspaper establishment, audio-video production, building and other construction work or plantation with ten or more workers
  - factory in which ten or more workers are employed
  - a mine or port or vicinity of the port where dock work is carried out
4. **Contract Labour** - A worker deemed to be employed in/in connection with an establishment through a contractor without having the knowledge of the principal employer is called a “*Contract Labour*” as per OSH Code
5. **Hazardous Process** - Any activity in relation to specific industries, where raw/intermediate/finished/bye-products, etc., if not taken care of, may:
  - Cause impairment to the health of the concerned person
  - Harm the environment and cause pollution

- 6. Wages** - Remuneration like salaries, allowances or otherwise, expressed in terms of money for the work done by an employee including the basic pay, dearness allowance, etc. are called “Wages” as per the OSH Code. This does not include:
- Bonus
  - Value of accommodation or light, water, medical attendance
  - Employer contribution towards any pension or provident fund
  - Conveyance allowance
  - Sum paid to the employed person to defray special expenses
  - House rent allowance
  - Overtime allowance
  - Gratuity

## Occupational Safety, Health and Working Conditions Code 2020 - Salient Features

- The Code expands the definition of a factory as a premise where at least 20 workers work for a process with power and 40 workers for a process without power
- The Code fixes the daily work hour limit to a maximum of eight hours
- It defines an inter-state migrant worker as someone who has come on his/her own from one state and received employment in another state and earns up to Rs.18000 per month
- It also empowers women to be employed in all kinds of establishments and at night (between 7 PM and 6 AM) subject to their consent and safety
- The OSH Code removes the manpower limit on hazardous working conditions and makes the application of the Code obligatory for contractors recruiting 50 or more workers (earlier it was 20)
- It ensures that no charge is levied on any employee for maintenance of safety and health at the workplace including the conduct of medical examination and investigation for the purpose of detecting occupational diseases
- The OSH Code provides for the constitution of a National Occupational Safety and Health Advisory Board (National Advisory Board) by the Central Government, which shall be empowered to advise the Central Government

## Right of Employees under OSH 2020

Every employee has the following rights under this code:

- It is the right of the employee to ask the employer about the information related to the employee’s health and safety and enquire about the provision for the protection of the employee’s safety or health in connection with the work activity in the workplace
- In case of any threat or apprehension of a serious injury or danger to life, the employee may bring it to the notice of the employer and the inspection-cum-facilitator
- In case, as mentioned above, the employer shall immediately raise a complaint against the same, in a manner prescribed by the Government

- If the employer is not satisfied with the existence of any imminent danger as apprehended by his/he employees, he/she can refer the matter to the inspector-cum-facilitator whose decision shall be final

## Health, Safety and Working Conditions of Employees under OSH Code

The Central Government has listed down a few key measures and steps which must be taken into consideration regarding the health and safety of the employee. Discussed below are the same:

- Separate washing facility for male and female employees
- Males, Females and Transgenders must be allocated separate bathing places and locker rooms
- Sitting arrangement for employees working in a standing position
- Proper first aid facilities
- Cleanliness and hygiene must be maintained at the workplace
- Portable drinking water must be made available
- Adequate lighting
- Adequate measures to avoid overcrowding

The Occupational Safety, Health and Working Conditions Code, 2020 (“OSH Code”) received the President’s assent on September 28, 2020.