

Occupational Safety, Health and Working Conditions Code 2020

September 21, 2020

The Ministry of Labor & Employment has come up with the Occupational Safety, Health and Working Conditions Code, 2019 by **emulating 13 labour laws** (Eg: Factories Act, 1948, the Mines Act, 1952) in relation to safety, health standards, working conditions, welfare provisions, leaves and working hours for the employees.

Features of the Code

- **Applicability:** The Code applies to establishments **employing at least 10 workers, and to all mines and docks**. It does not apply to apprentices. Further, it makes special provisions for certain types of establishments and classes of employees, such as factories, mines, and building and construction workers.
- **The authorities under the Code:** All establishments covered by the Code must be registered with registering officers. Further, Inspector-cum-facilitators may inquire into accidents, and conduct inspections of establishments. Both these **authorities are appointed by the central or state government**. Additionally, the government may require certain establishments to set up safety committees comprising representatives of employers and workers.
- **Advisory bodies:** The central and state governments will set up Occupational Safety and Health Advisory Boards at the national and state level, respectively.
- **Duties of employers:** The Code specifies several duties of employers. These include:

. Providing a workplace that is free from hazards that may cause injury or diseases, and

. Providing free annual health examinations to employees, as prescribed. In case of an accident at the workplace that leads to death or serious bodily injury of an employee, the employer must inform the relevant authorities.

- **Rights and duties of employees:** Duties of employees under the Code include:

. Taking care of their own health and safety

. Complying with the specified safety and health standards, and

. Reporting unsafe situations to the inspector. Every employee will have the right to obtain from the employer information related to safety and health standards.

- **Working hours:** Work hours for different classes of establishment and employees will be provided as per the rules prescribed by the central or state government. **For overtime work, the worker must be paid twice the rate of daily wages. Female workers, with their consent, may work past 7 pm and before 6 am, if approved by the central or state government.**

- **Leave and wages:** The code also mentions that no employee may work for more than six days a week. However, exceptions may be provided for motor transport workers. Workers must receive paid annual leave for at least one in 20 days of the period spent on duty. For sales promotion employees, medical leave must be provided for at least one-eighteenth of the period of service. **During medical leave, the worker must be paid half his daily wages.**

- **Working conditions and welfare facilities and gender sensitivity:** The employer is required to provide a hygienic work environment with ventilation, comfortable

temperature and humidity, sufficient space, clean drinking water, and latrine and urinal accommodations.

▪ **Offenses and penalties:**

. Under the Code, an offense that leads to the death of an employee will be punishable with imprisonment of up to two years, or a fine up to five lakh rupees, or both.

. Further, courts may direct that at least 50% of such fine be given as compensation to the heirs of the victim.

. For any other violation where the penalty is not specified, the employer will be penalized with a fine between two and three lakh rupees.

. If an employee violates provisions of the Code, he will be subject to a fine of up to Rs 10,000.