

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

August 20, 2019

*Source: Monthly Policy Review of PRS*

## Key features

- **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 Code repeals and replaces 13 labour laws** relating to safety, health and working conditions. These include the Factories Act, 1948, the Mines Act, 1952, and the Contract Labour (Regulation and Abolition) Act, 1970.
- **The authorities under the code: the code mentions that** 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. These Boards will advise the central and state governments on the standards, rules, and regulations to be framed under the Code.

- **Duties of employers:** The Code specifies several duties of employers. These include:

1. Providing a workplace that is free from hazards that may cause injury or diseases, and
2. 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:**

1. Taking care of their own health and safety
2. Complying with the specified safety and health standards, and
3. 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 7pm and before 6am, 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. Other welfare facilities may be provided as per standards prescribed by the central government. These facilities may include **separate bathing places and locker rooms for male, female and transgender employees, canteens, first aid boxes, and creches.**

- **Offences and penalties:**

1. Under the Code, an offence 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.
2. Further, courts may direct that at least 50% of such fine be given as compensation to the heirs of the victim.
3. For any other violation where the penalty is not specified, the employer will be penalised with a fine between two and three lakh rupees.
4. If an employee violates provisions of the Code, he will be subject to a fine of up to Rs 10,000