


Occupational Safety, Health and Working Conditions Code, 2019

Why in news?

The Occupational Safety, Health and Working Conditions Code, 2019 was introduced in Lok Sabha.

What is the Code for?

- A healthy workforce would be more productive and the occurrence of fewer accidents and mishaps at work would be economically beneficial.
- So, safety, health, welfare and improved working conditions are pre-requisite for well being of the worker and the country's economic growth.
- With this in mind, 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 Code enhances the ambit of provisions from existing about 9 major sectors to all establishments having 10 or more employees.
- 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.



LABOUR CODE ON OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS

Only one registration for one establishment	Appointment letter made statutory	National board to be the key body
Improve ease of doing business	Free of cost annual health checks-up for employees	Women permitted to work in night shifts, after their prior consent

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What are the key provisions?

- **Relevant authorities** - 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 which include -
 - i. providing a workplace that is free from hazards that may cause injury or diseases
 - ii. 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 -
 - i. taking care of their own health and safety
 - ii. complying with the specified safety and health standards
 - iii. 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** - No employee may work for more than 6 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** - The employer is required to provide a hygienic work environment.
- These include 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** - An offence that leads to the death of an employee will be punishable with imprisonment of up to 2 years, or a fine up to Rs. 5 lakh, 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 penalised with a fine between 2 and 3 lakh rupees.
- If an employee violates provisions of the Code, s/he will be subject to a fine of up to Rs 10,000.

Source: PRS India, PIB

