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.

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

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