

**Press Release by
The Ministry of Labour & Employment**

**The Code on Occupational Safety, Health and Working Conditions Bill, 2019
Introduced in Lok Sabha on 23rd July, 2019**

The Minister of State (I/C) for Labour and Employment Shri Santosh Kumar Gangwar introduced The Code on Occupational Safety, Health and Working Conditions Bill, 2019 in Lok Sabha today to amend the laws regulating the Occupational Safety, Health and Working Conditions of the persons employed in an establishment. Shri Gangwar said that the proposed bill is being introduced after wide consultations with Trade Unions, employers and all the other stakeholders.

Safety, Health, welfare and improved Working Conditions are pre-requisite for well being of the worker and also for economic growth of the country as healthy workforce of the country would be more productive and occurrence of less accidents and unforeseen incidents would be economically beneficial to the employers also.

With the ultimate aim of extending the safety and healthy working conditions to all workforce of the country, the Code enhances the ambit of provisions of safety, health, welfare and working conditions from existing about 9 major sectors to all establishments having 10 or more employees.

The proposed Code enhances the coverage of workers manifold as it would be applicable to all establishments employing 10 or more workers, where any industry, trade, business, manufacture or occupation is carried on, including, IT establishments or establishments of service sector.

Further the varying threshold of applicability has been made uniform at 10 workers for all establishments except mines and dock where the Code would be applicable even with 1 worker. In order to ensure wider coverage, the definitions of Working Journalists and Cine worker have also been modified to include workers employed in electronic media and all forms of audio visual production.

Similarly, the definition of inter-state migrant worker has also been proposed to be modified to include those migrant workers who are being employed directly by the employer from other States without contractor or agent. This proposal would enhance the coverage of the safety, health and working conditions provisions manifold as compared to the present scenario.

Besides, extending the ambit of Occupational safety, Health and Working conditions to all sectors, **other salient features of the Code on Occupational Safety, Health and Working Conditions are as under:**

- The Code provides basic broad legislative framework with enabling provisions for framing rules, regulations, standards, and bye-laws as per the requirements of different sectors which has resulted in reduction of 622 sections to 134 sections in the Code. This would result in simple legislation with flexibility in changing the provisions in tune with emerging technologies and makes the legislation dynamic.
- The Bill proposes one registration for an establishment instead of multiple registrations. Presently 6 labour acts out of 13 provide for separate registration of the establishment. This will create a centralized data base and promote ease of doing business. At present, separate registration is required to be obtained under 6 Acts.
- Employer to provide free of cost annual health checks-up for employees above prescribed age for prescribed tests and for prescribed establishments. Increases productivity as it would be possible to detect diseases. Coverage of employees above a certain age for health check-up would promote inclusion.
- First time statutory provision to issue appointment letter to every employee of the establishment with the minimum information prescribed by the appropriate government. The provision of appointment letter will result in formalization of employment and prevent exploitation of the worker.
- The multiple committees under five labour Acts have been substituted by one National Occupational Safety and Health Advisory Board. The National Board is of tripartite nature and has representation from trade unions, employer associations, and State governments. This will result in reduction in multiplicity of bodies/committees in various Acts and simplified and coordinated policy-making.
- Enabling provision for constituting a bi-partite Safety Committee in any class of establishment by appropriate Government. It will promote safe and healthy working conditions in an establishment. The participatory nature of the committee will encourage implementation of decisions taken by the management.
- A part of the penalty for contravention of provisions relating to duties of employer leading to death or serious bodily injury to any person may be given to the victim or the legal heirs of the victim by the Court. The part of

penalty would help in rehabilitation of injured worker or would provide financial support to the family of deceased.

- Presently, different applicability thresholds exist for welfare provisions like crèche, canteen, first aid, welfare officer etc in different Acts. The proposed Code has envisaged uniform threshold for welfare provisions for all establishments as far as practicably feasible.
- Women permitted to work beyond 7 PM and before 6 AM subject to the safety, holidays, working hours or any other condition as prescribed by appropriate government in respect of prescribed establishments. However, only after taking their consent for night work.
- This will promote gender equality and is in tune with demands from the various forums including international organizations as it leads to protective discrimination. Further, the condition of taking consent/ willingness of the women employee for night work would avoid any kind of misuse of the provision.
- The provision of one license and one return in place of multiple licenses and returns in existing 13 labour laws subsumed in this Code to save time, resources and efforts of establishments.
- From the above salient features of the Code, it is evident that the Occupational Safety, Health and Working Conditions has some unique new initiatives for both workers and employers. It promotes health, safety, welfare and better working conditions of workforce by enhancing the ambit of a dynamic legislation as compared to the existing sectoral approach limited to few sectors. Besides, it also drastically rationalises the compliance mechanism with one license, one registration and one return for the establishments under the ambit of the Code thereby saving resources and efforts of the employers. Thus it balances the requirements of worker and employer and is beneficial to both the constituents of the world of work.
- The Code has been drafted after amalgamation, simplification and rationalisation of the relevant provisions of the 13 Central Labour Acts viz.
 1. **The Factories Act, 1948;**
 2. The Mines Act, 1952;
 3. The Dock Workers (Safety, Health and Welfare) Act, 1986 ;
 4. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 - ,

5. The Plantations Labour Act, 1951;
6. The Contract Labour (Regulation and Abolition) Act, 1970;
7. The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979;
8. The Working Journalist and other News Paper Employees (Conditions of Service and Misc. Provision) Act, 1955;
9. The Working Journalist (Fixation of rates of wages) Act, 1958; The Motor Transport Workers Act, 1961;
10. Sales Promotion Employees (Condition of Service) Act, 1976;
11. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966 and
12. The Cine Workers and Cinema Theatre Workers Act, 1981.

After the enactment of the Code, all these Acts being subsumed in the Code will be repealed.
