



Aatma Capital
Nurturing Relationships



The Occupational Safety, Health and Working Conditions Code, 2020 - Part II

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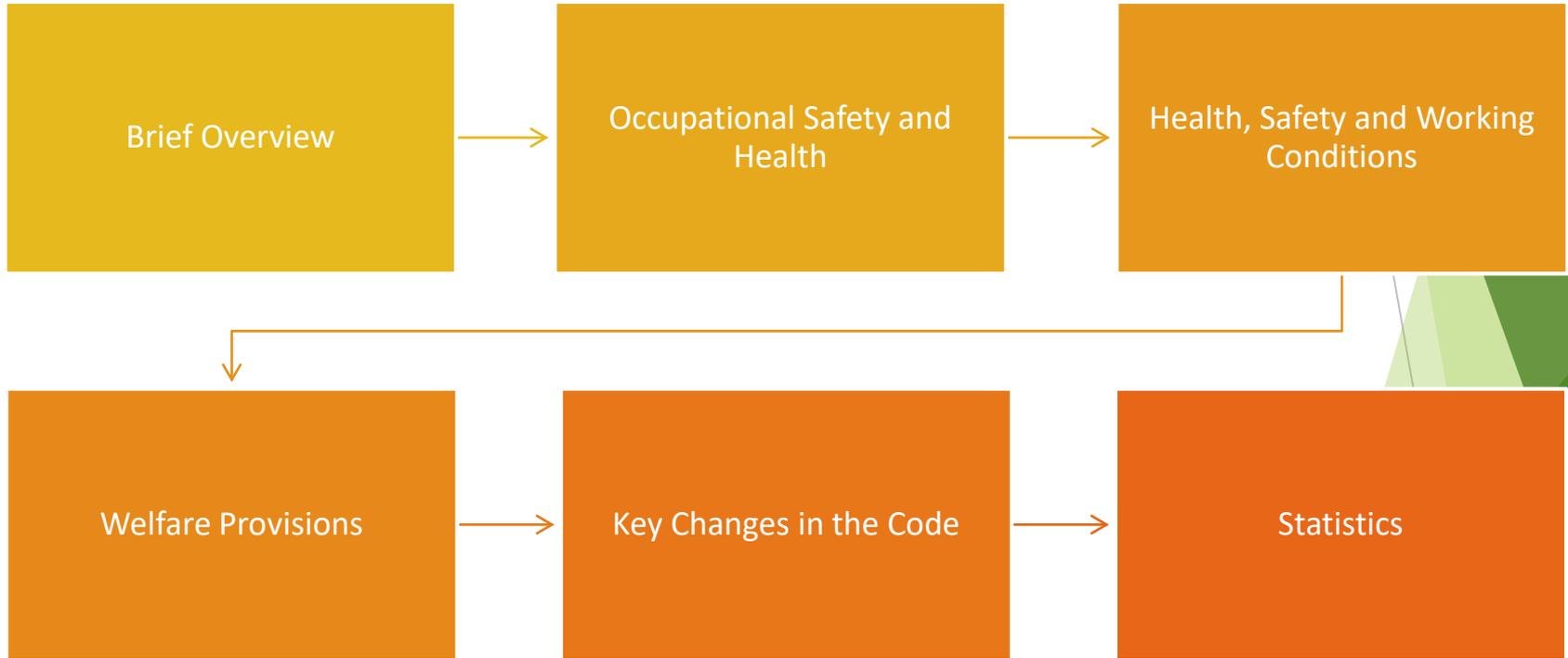
Credits and Acknowledgments

Sundar Rajan S

Legends used in the Presentation

CG	Central Government
Code	Occupational Safety, health and working conditions Code
SG	State Government
State Advisory Board	State Occupational Safety and Health Advisory Board

Presentation Schema



Brief Overview

There are over 100 state and 40 central laws regulating various aspects of labour such as resolution of industrial disputes, working conditions, social security and wages

Since these vast number of legislations make the compliance procedures too complex, Ministry of Labour and Employment, in order to improve ease of compliance and ensure uniformity in labour laws, implemented consolidated legislations replacing 29 Central laws

They are, a) Code on Wages, 2019; b) Industrial Relations Code, 2020; c) Code on Social Security 2020; d) Occupational Safety, Health and Working Conditions Code, 2020

However, these Codes are yet to come into force

Key Features of the Code

The Code aims at lessening the burden of the employers as it would replace multiple registrations under various enactments to one common registration

The workplace should be kept free from hazards that cause or likely to cause injury or occupational disease to the employees

Issuance of appointment letter to every employee on their appointment in the establishment

Employers are required to ensure the disposal of hazardous and toxic waste including e-waste

Employers are required to conduct free annual health check-up for their employees

The Code makes mandatory provisions for the employers to provide a safe working environment and trying to cover the risk of unfortunate incidents arising in the course of employment

Occupational Safety and Health

Occupational Safety and Health Advisory Boards – Constitution and functions

CG shall constitute the National Occupational Safety and Health Advisory Board to advise the CG on matters pertaining to,

- standards, rules and regulations to be declared or framed under this Code
- implementation of the provisions of this Code and the standards, rules and regulations relating thereto;
- issues of policy and programme relating to occupational safety and health referred to it, from time to time, by CG; and
- any other matter in respect of the Code referred to it, from time to time, by CG

The Board consists of members from various Ministries and Statutory Boards along with representatives of employees, employers, professional body and eminent persons connected with the field of Occupational Safety and Health

SGs shall also constitute State Advisory Boards for advising SGs on matters arising out of the administration of the Code

Occupational Safety and Health Standards

CG shall declare standards on occupational safety and health

Such standards shall pertain to,

- physical, chemical, biological and any other hazards to be dealt with for the working life of employees to ensure employees' safety from such hazards
- Norms appraising the hazards to employees and users and monitoring and measuring exposure of employees to hazards
- Medical examination to be extended to the employees
- Such other matters as listed in Schedule II to the Code

Safety and Occupational Health Surveys

The Code provides power to various authorities to conduct survey of the establishment

Employer shall provide all facilities for such survey to such authorities conducting the survey

The authority conducting the survey shall require any worker of the establishment to undergo any medical examination as considered necessary

However, the time spent by the worker to undergo the medical examination shall be counted as worked

Collection of statistics and portal for inter-State migrant workers

CG shall collect, compile and analyse occupational safety and health statistics

Separate database or record for inter-State migrant workers*, electronically or otherwise to be maintained

An inter-State migrant worker may register himself as an inter-State migrant worker on such portal on the basis of self-declaration and Aadhaar

Workers who have migrated from one State to any other State and are self-employed in that other State may also register themselves on that portal

- ▶ Inter-state migrant worker is a person who:
 - ▶ has been recruited by an employer or contractor for working in another state, or
 - ▶ who moves on his own to another state and obtains employment there; and
 - ▶ who is earning a maximum of Rs 18,000 per month

Safety Committee and Safety Officers

A Safety Committee consisting of representatives of employers and workers shall be constituted by any establishment as the appropriate government orders

The employer shall also appoint such number of safety officers in every establishment which is a,

- factory wherein 500 workers or more are ordinarily employed; or
- factory carrying on hazardous process wherein 250 workers or more are ordinarily employed; or
- building or other construction work wherein 250 workers or more are ordinarily employed; or
- mine wherein 100 workers or more are ordinarily employed

Health, Safety and Working Conditions

Health, Safety and Working Conditions

▶ Employer shall be responsible to maintain in his establishment such health, safety and working conditions for the employees

All or any of the following matters shall be prescribed by CG for health, safety and working conditions

cleanliness and hygiene, ventilation, temperature and humidity

environment free from dust, noxious gas, fumes and other impurities

effective arrangements for treatment of wastes and effluents

potable drinking water and adequate lighting

adequate standards to prevent overcrowding and to provide sufficient

space to employees or other persons, as the case may be, employed therein

sufficient arrangement for latrine and urinal accommodation to male, female and transgender employee separately and maintaining hygiene therein

adequate standard of humidification, artificially increasing the humidity of the air, ventilation and cooling of the air in work rooms

any other arrangement which the Central Government considers appropriate

Welfare Provisions

Welfare Facilities in the Establishment

Adequate and suitable facilities for washing to male and female employees separately

Bathing places and locker rooms for male, female and transgender employees separately

Place of keeping clothing not worn during working hours and for the drying of wet clothing

Sitting arrangements for all employees obliged to work in a standing position

Facilities of canteen in an establishment for employees thereof, wherein 100 or more workers including contract labourers are ordinarily employed

In case of mines, medical examination of the employees employed or to be employed in the mines, before their employment and at specific intervals

Adequate first-aid boxes or cupboards with contents readily accessible during all working hours

Any other welfare measures which the Central Government considers, under the set of circumstances, as required for decent standard of life of the employees

Other Facilities to be provided by the Establishment / Employer

- Ambulance room in every factory, mine, building or other construction work wherein more than 500 workers are ordinarily employed
- Medical facilities at the operating centres and halting stations, uniforms, raincoats and other like amenities for protection from rain or cold for motor transport workers
- Adequate, suitable and separate shelters or rest-rooms for male, female and transgender employees and lunch-room in every factory and mine wherein more than 50 workers are ordinarily employed and in motor transport undertaking wherein employee is required to halt at night
- Appointment of welfare officer in every factory, mine or plantation wherein 250 or more workers are ordinarily employed and the qualification, conditions of service and duties of such welfare officer

Contd.

- Employer to provide rent-free temporary living accommodation within or near the work site to all building workers employed by him

- Principal employer to incur expenses on providing the accommodation to the contractor, where the building or other construction work is done through the contractor

- Facility of creche having suitable room or rooms for the use of children under the age of 6 years of the employees at suitable location and distance either separately or along with common facilities in establishments wherein more than 50 workers are ordinarily employed

Key Changes in the Code

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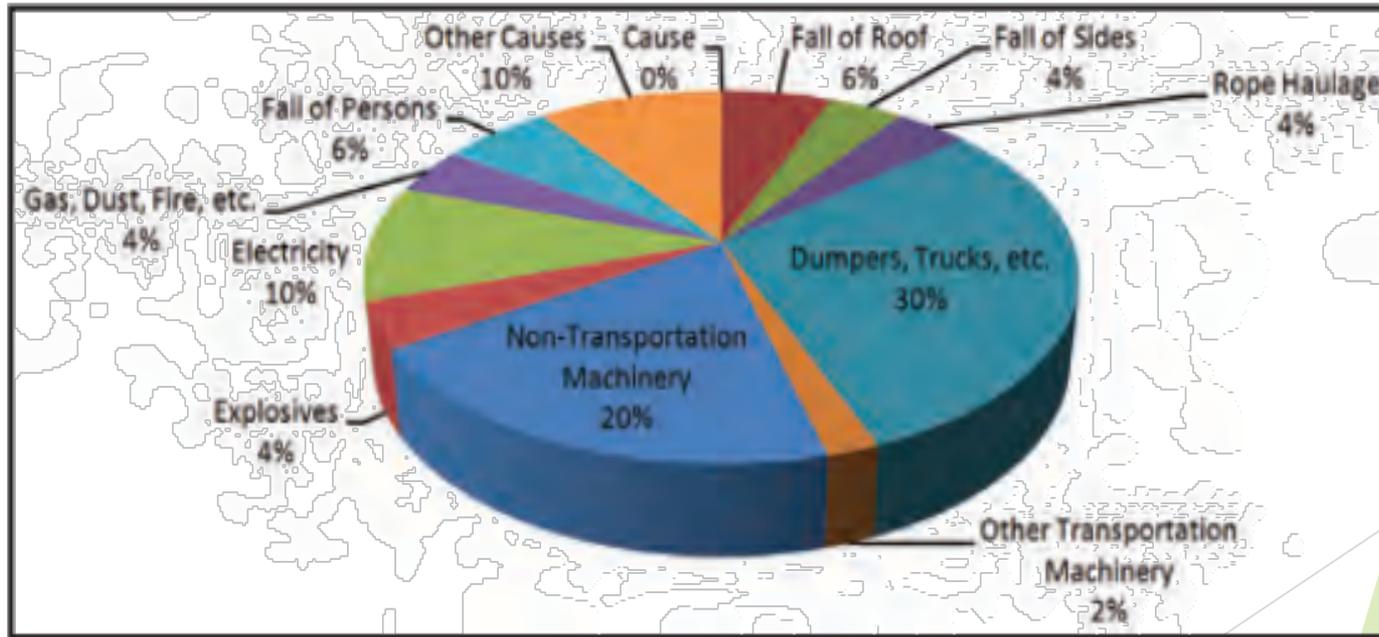
Maximum permissible limit of exposure of chemical and toxic substances in manufacturing process in any factory is specified in Second Schedule of the Factories Act, 1948 whereas in the Code, the power to specify the limits are given to the State Governments

The limit of **30 female workers** for the purpose of creating creche facility for the children below 6 years of age as specified in Section 48 of Factories Act would now shift to **50 workers**

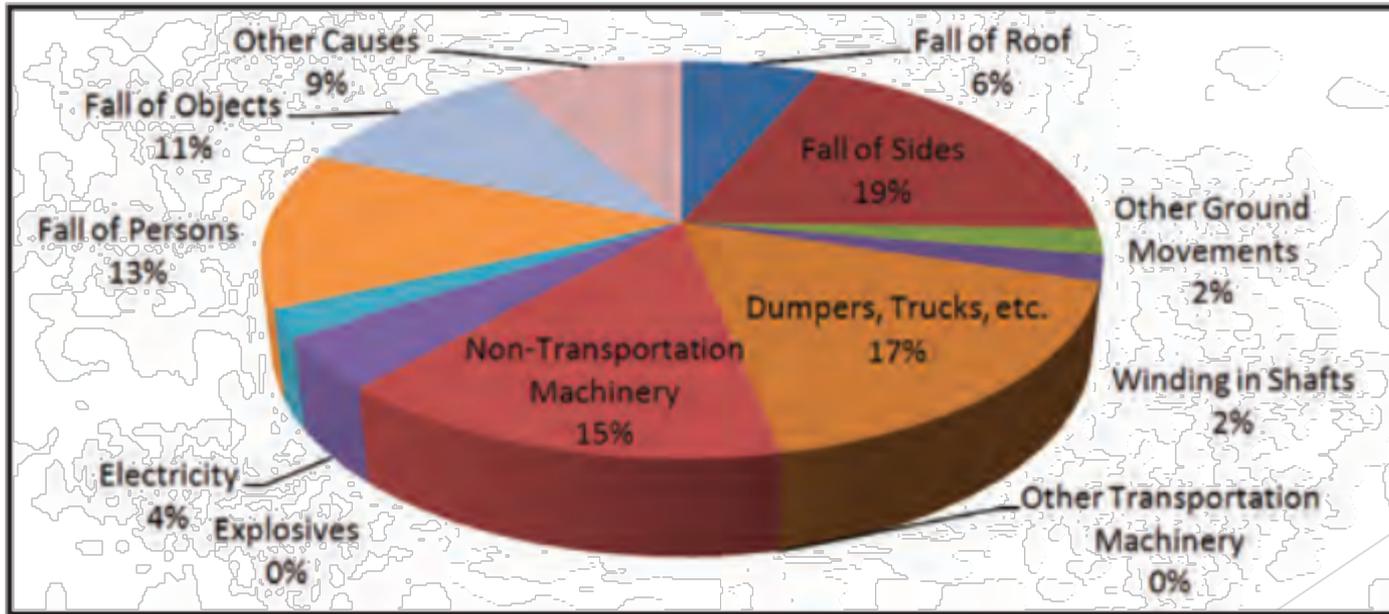
As per the Factories Act if any establishment has **500 or more workers** than occupier should appoint welfare officers but post implementation of this Code, limit shall **be reduced to 250 employees**

Statistics

Cause-wise Distribution of Fatal Accidents in Coal Mines during 2018



Cause-wise Distribution of Fatal Accidents in Non-coal Mines during 2018



Trend of Accidents in Mines

Year	Trend of Accidents in Mines					
	Number of Accidents in Coal Mines			Number of Accidents in Non-Coal Mines		
	Fatal	Serious	Total	Fatal	Serious	Total
2001	105	667	772	71	199	270
2002	81	629	710	52	205	257
2003	83	563	646	52	168	220
2004	87	962	1049	57	188	245
2005	96	1106	1202	48	108	156
2006	78	861	939	58	78	136
2007	76	923	999	56	79	135
2008	80	686	766	54	83	137
2009	83	636	719	36	94	130
2010	97	480	577	54	61	115

Contd.

Year	Trend of Accidents in Mines					
	Number of Accidents in Coal Mines			Number of Accidents in Non-Coal Mines		
	Fatal	Serious	Total	Fatal	Serious	Total
2011	65	533	598	44	82	126
2012	79	536	615	36	45	81
2013	77	456	533	58	52	110
2014	59	379	438	39	44	83
2015	54	302	356	45	35	80
2016	67	268	335	39	37	76
2017	56	183	239	46	21	67
2018	50	197	247	47	18	65
2019*	45	87	132	36	26	62

*Data for the year 2019 are provisional and data for 2019 are as per the report received up to 31.10.2019



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