

Occupational Safety, Health and Working Conditions Code, 2020

The Occupational Safety, Health and Working Conditions Code, 2020 consolidates and rationalises India's workplace safety and welfare framework. It seeks to standardise occupational safety norms, improve working conditions, and simplify regulatory compliance across sectors while enhancing worker protection. The Code reflects a shift from prescriptive regulation to a risk-based, technology-enabled, and outcome-oriented compliance regime.

➤ **Laws Consolidated under the OSH Code:** The Code replaces 13 central labour laws, including key legislations such as:

- Factories Act, 1948
- Mines Act, 1952
- Contract Labour (Regulation and Abolition) Act, 1970
- Inter-State Migrant Workmen Act, 1979
- Building and Other Construction Workers Act, 1996
- Plantations Labour Act, 1951
- Working Journalist and Cine Workers Acts

Note: A single Code now governs safety and working conditions across diverse industries, reducing fragmentation and regulatory overlap.

➤ **Applicability and Coverage:**

The Code applies to establishments employing:

- 10 or more workers (for most provisions)
- 50 or more workers for contract labour regulation
- All factories, mines, docks, construction sites, and notified hazardous activities

It also extends protection to:

- Contract labour
- Inter-state migrant workers
- Fixed-term employees
- Audio-visual and media professionals

➤ **Core Employer Obligations:** Employers are required to

- Provide a workplace free from recognised hazards
- Conduct risk assessments and safety audits
- Ensure proper ventilation, lighting, sanitation, and drinking water
- Provide free annual health check-ups for notified categories
- Appoint qualified safety officers (where applicable)
- Implement emergency preparedness and disaster management plans
- Report accidents, dangerous occurrences, and occupational diseases

Professional Significance: Safety compliance is now a board-level governance responsibility, not merely an operational task.

➤ **Occupational Safety & Health Standards:**

The Code empowers the government to prescribe:

- Uniform safety standards across sectors
- Exposure limits to chemicals, dust, noise, and radiation
- Health surveillance and medical examination protocols
- Standards for hazardous processes

Professional Significance: This enables dynamic updating of safety norms in line with technological advancements.

➤ **Contract Labour and Core Activities**

A major reform under the OSH Code is the explicit definition of “core activities”.

- Contract labour is generally prohibited in core activities
- Permitted in specific circumstances such as:
 - Intermittent or seasonal work
 - Temporary surge in workload
 - Work traditionally outsourced

Professional Significance: This provision demands careful workforce structuring and vendor engagement to avoid misclassification risks.

➤ **Inter-State Migrant Workers – Enhanced Protection**

The Code introduces progressive measures including:

- Self-registration on a national portal
- Portability of welfare benefits
- Journey allowance for return travel
- Access to public distribution systems

➤ **Women Workforce – Safety & Inclusion**

Women are permitted to work:

- In all establishments
- During night shifts

Subject to

- Consent
- Adequate safety, transport, and welfare arrangements

➤ **Registration, Licensing, and Digitisation:** Key reforms include:

- Single registration and licensing system
- Common return filings
- Aadhaar-based identification
- Centralised electronic records

This significantly reduces administrative complexity and compliance duplication.

➤ **Inspector-cum-Facilitator Framework**

The traditional inspector regime is replaced with:

- Risk-based inspections
- Web-based inspection allocation
- Advisory and compliance-assistance role

➤ **Penalties and Offences**

Non-compliance may attract:

- Monetary penalties
- Imprisonment for serious violations causing injury or death
- Higher penalties for repeat offences

Liability may extend to:

- Directors
- Partners
- Officers in charge of compliance

➤ **Transition and Implementation Status:** Although enacted, the Code becomes operational upon notification of rules by the Central and State Governments.

➤ **Action Point for Employers:** Use the transition phase to:

- Review safety policies
- Audit contractor engagements
- Align HR, EHS, and compliance systems
- Train managerial and supervisory staff

The OSH Code, 2020 redefines workplace safety as an integrated governance, risk, and compliance function. It demands:

- Proactive safety culture
- Structured compliance systems
- Strategic workforce planning

Organizations that align early will not only mitigate legal risks but also enhance operational resilience and employer credibility.