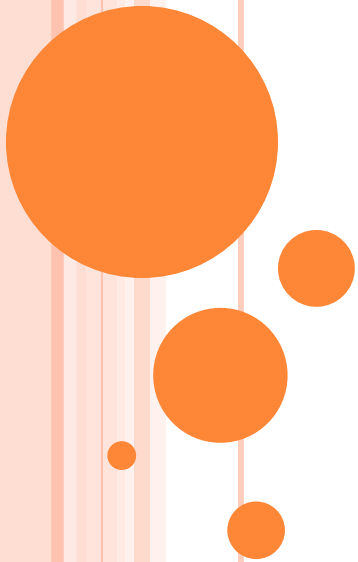


WELCOME



PRESENTATION ON

**The Occupational Safety,
Health and Working
Conditions Code 2020**

By

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BRIEF BACK GROUND

- 2nd National Commission on Labour Under the Chairmanship of Ravindra Varma Recommended for Labour Laws reforms in 2002.
- To Consolidate and Amend the Laws Regulating the Occupational Safety, Health and Working Conditions of the Persons Employed This Code is enacted.



ACTS REPEALED

- The Factories Act, 1948
- The Plantation Labour Act, 1951
- The Mines Act, 1952
- The Working Journalists and the other newspaper (Condition of Services) and Misc. Prov, Act, 1955
- The Working Journalists (Fixation of Rates of Wages) Act, 1958
- The Motor Transport Workers Act, 1961
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- The Contract Labour (R & A) Act, 1970
- The Sales Promotion Employees (Condition of Service) Act, 1976
- The Inter State Migrant Workmen (Regulation of Employment and Conditions of Services) Act, 1979
- The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981
- The Doc Workers (Safety Health and Welfare) Act, 1986
- The Building and Other Construction Workers Act, 1996



OSH CODE 2020 CONTAINS

- XIV-Chapters
- Chapter XI Contains VIII Parts
- Contains III Schedules



KEY CHANGES

- Sec 2(1)(d) The appropriate Government for Metro Shall be Central Government
- Holding of Central Government Reduces to less than 50 Percent Equity of Central Government in PSU appropriate Government Shall be Central Government
- Sec 2(1)(e) Audio Visual Production includes
 - (i) Animation, Cartoon Depiction, Audio Visual Advertisement
 - (ii) Digital Production or any of the Activities in Respect of Making their of
 - (iii) Feature Films, Non-Feature Films, Television, Web Based Serials , Talk Shows, reality Shows and Sport Shows
- Sec 2(1)(f) Audio Visual Worker : Actor, Musician, Singer, Anchor, News Reader, Dancer, Dubbing Artist or Stunt Person
- Sec (2) (h) “Building and other Construction Work”
Doesn't Include Construction of Factories, Mine and Own Residential Purpose of Group of Individual in Connection With Factories or Mines and Cost Doesn't Exist Rs.50Lakhs



- Sec (2)(m) “Contract Labour”
The Definition of Contract Labour Has Been Modified and Includes Inter State Migrant Workers
- The New Definition of Core activity Provide that Activity for Which establishment is set-up and other activity like House Keeping, Security, Canteen etc not to be take as a core activity.
- Sec 2(zzi) Definition of Worker
Modified, Wage Ceiling of 18000/- Per Month Fixed.
- Principal employer to provide welfare facilities, where the contract Labour is Deployed.



- Sec(6)(f)-Appointment Letter

The Employer Should Issue Letter of appointment to every employee on his Appointment

- Sec-(13) “Duties of Employees”

To Take reasonable care of his health and safety and of other persons, comply with safety and health requirements, Co-operate with the employer in meeting statutory obligations, report any unsafe or unhealthy situation, no to misuse or neglect safety appliances, not to willfully endanger himself



- Sec (16) National Occupational Safety and Health Advisory Board
- Sec (17) State Occupational Safety and Health Advisory Board
- Sec (18) Every employee has a right to obtain information from the employer relating to his health and safety. He is also entitled to represent to the Inspector-cum-Facilitator if he is not satisfied with the response of the employer
- Sec (32) Annual Leave with Wages
Every Worker Employed In Establishment Shall be Entitled For a Living Calendar Year With Wages who has worked 180 days or more
Shall be Entitled for one day Leave for every 20 days of his work



CHAPTER-X SPECIAL PROVISIONS RELATING TO EMPLOYMENT OF WOMAN

- Sec (43)-Woman Worker

Woman worker entitled for all types of work in all establishments

Woman worker can be employed From 7 p.m. to 6 a.m. with her consent and subject to conditions prescribed by the Government relating to safety holidays and working hours

- Sec (44)

The Employer to provide adequate safeguards for employment of women in such operations which is considered to be dangerous for health and safety.



CHAPTER-XI PART-01 “CONTRACT LABOUR”

- Sec (45) Applicability of this Act
Applies to every establishment in which 50 or more Contract labour employed on any day preceding twelve Months.
- Sec (47) Licensing of Contract
Contractors to obtain License in accordance with Sec (119)(1)
- Sec (47)(2) Work Specific License
- Sec (53) Liability of Principal Employer for welfare facility



PART-II INTER-STATE MIGRANT WORKERS

- Sec(59) Applied to Every Establishment in which 10 or more Inter-State Migrant workers or employed
- Sec(62)(a) Benefits of PDS:- Option to an inter-State Migrant workers for Availing PDS either in his Native State or Destination State
- Sec(62)(b) Portability of Benefits of Inter-State Migrant Worker Working for Building and other Construction Work
- Sec(63) Toll-Free Helpline For Inter-State Migrant Worker
- Sec(64) Study of Inter State Migrant workers



PART-III AUDIO VISUAL WORKERS

- Sec (66) Prohibition of employment of Audio Visual Worker without Agreement
- Sec (66)(a) An agreement In writing is entered in to
 - (i) With Such person by producer of such Audio-Visual Programme or such person
 - (ii) With Such Person by the contractor or other person through whom such person is employed'
- Sec (66)(b) Such Agreement is registered with the Competent authority, to be notified by the appropriate Government. By the producer of such Audio-Visual Programme



PART-V BD AND CIGAR WORKERS

- Sec (74) License to Industrial Premises and Person



PART-VI BUILDING AND OTHER CONSTRUCTION WORKERS

- Sec (78) Prohibition of Employment of Certain Persons in Certain Building or other construction work

No person with deafness, defect vision tendency to Giddiness shall be allowed to work in Building and other construction work



PART-VIII PLANTATION

- Sec (92) Facilities for workers in Plantation
Necessary Housing Accommodation with
Drinking Water, Kitchen and Toilet to every
worker employed in Plantation
- Sec (92)(b) Creches Facilities In plantation in 50
or more worker



CHAPTER-XII OFFENCES AND PENALTIES

- Sec (94) General Penalty for Offences
Shall not be less than 2Lakh Rupees up to 3Lakh for any of the Contraventions of the code
- Sec (95) Punishment for Causing obstructions to chief inspector cum facilitator or inspector cum facilitator
Impressment for a term which may extend to 6 months or fine Shall not be less than 1 Lakh Rupees but may extend to 2 Lakh Rupees or with Both
- Sec (96) Penalties for Non-Maintenance of Register Records and non filing of returns: Penalty not Less than 50 Thousand Rupees But Extend to One Lakh Rupees
- Sec (98) Penalty for Falsification of Records: Shall be Punishable with Impressment for a term extend to 3 months or with a fine which may extend to one Lakh Rupee or Both



CHAPTER XIII-SOCIAL SECURITY FUND

- Sec (114) Composition Certain Offences
- Sec (115) Amount Received From Composition of offence as Specified under Sub Sec(4)(114)



- Sec (119) Common License for Contractor, Factories and to industrial Premise etc.

Any person desirous of Obtaining Common License in Respect of a factory, Industrial Premises for beedi and cigar work and for engaging workers or any combination thereof or single license for any one of them under this code shall make an application electronically or otherwise to such authority as may be designed, by notification, by the appropriate government.



Thank you

