

---

# OVERVIEW OF THE CODE ON OPERATIONAL SAFETY AND HEALTH, 2020

---

Navneet Saini & Arpit Makkhar, BBA LLB (Hons.), University of Petroleum and Energy Studies, Dehradun

## ABSTRACT

This paper aims to touch all aspects of Labor law that are interlinked to the concept of Social Security. To evaluate this concept in totality, this paper has brushed through the basics, beginning from its origin to its subsequent developments. After which a progression has been made to the Indian Constitutional and Judicial aspects of this concept, which are of highest importance.

## INTRODUCTION

The Occupational Safety, Health and Working Conditions (OSH) Code, 2020 is a landmark legislation passed by the Indian government to ensure the welfare, health, and safety of workers in the country. The code consolidates and amends the existing laws related to the welfare, health, and safety of workers in India. The objective of this research paper is to examine the OSH Code, 2020 and its impact on the welfare, health, and safety of workers in India.

## COVERAGE AND APPLICABILITY

The OSH Code, 2020 is a comprehensive legislation that applies to all establishments with 10 or more workers, including factories, mines, and construction sites. It replaces 13 existing laws related to the welfare, health, and safety of workers, including the Factories Act, 1948, the Mines Act, 1952, and the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

The code has several important provisions that aim to improve the welfare, health, and safety of workers in India. These provisions cover a wide range of issues, including registration of

establishments, welfare measures, health measures, safety measures, and working conditions.

## **STRUCTURE AND PROCEDURE**

### **Registration of Establishments:**

The code requires all establishments with 10 or more workers to register with the government. This will help the government to maintain a database of all establishments and monitor compliance with the code. The registration process is simple and can be done online.

### **Welfare Measures:**

The code requires establishments to provide welfare measures such as canteens, restrooms, and first-aid facilities to their workers. It also mandates the provision of crèches for workers with children. The welfare measures are aimed at improving the working conditions of workers and promoting their well-being.

### **Health Measures:**

The code requires establishments to provide a clean and hygienic working environment, including clean drinking water and sanitation facilities. It also requires establishments to provide medical examinations to workers and maintain medical records. The health measures are aimed at preventing occupational illnesses and promoting the health of workers.

### **Safety Measures:**

The code requires establishments to provide adequate safety measures to workers who work in hazardous conditions. It mandates the provision of protective equipment, such as helmets and safety goggles, to workers. It also requires establishments to appoint safety officers and maintain safety records. The safety measures are aimed at reducing the risk of accidents and injuries at the workplace.

### **Working Conditions:**

The code mandates that workers are not required to work for more than 8 hours a day or 48 hours a week. It also provides for overtime payments for workers who work beyond these

limits. The working conditions provisions are aimed at preventing exploitation of workers and promoting decent work in India.

### **Impact of the OSH Code, 2020:**

The OSH Code, 2020 is a significant step towards ensuring the welfare, health, and safety of workers in India. The consolidation of existing laws will simplify the regulatory framework for employers, while the registration of establishments will help the government to monitor compliance with the code.

The code's provisions for welfare, health, and safety measures will improve the working conditions of workers, reducing the risk of accidents and occupational illnesses. The code's provisions for crèches and medical examinations will also promote the well-being of workers and their families.

Moreover, the code's provisions for working conditions and overtime payments will provide greater protection to workers and prevent exploitation by employers. This will help to reduce the prevalence of forced labor and promote decent work in India.

## **CONCLUSION**

In conclusion, the Occupational Safety, Health and Working Conditions Code, 2020 is a significant legislation that seeks to ensure the welfare, health, and safety of workers in India. The code's provisions for welfare, health, and safety measures, working conditions, and overtime payments will

provide greater protection to workers and promote decent work in India. While the implementation of the code will require the cooperation of employers and the government, its potential impact on the lives of millions of workers in India is immense.

However, there are some challenges that need to be addressed to ensure the effective implementation of the OSH Code, 2020. One of the major challenges is the lack of awareness among employers and workers about the code's provisions. Many employers may not be aware of the new requirements and may need support to comply with the code. Similarly, workers may not be aware of their rights and the measures they can take to ensure their welfare, health, and safety.

Another challenge is the lack of adequate infrastructure and resources to implement the code effectively. The government may need to invest in training and capacity building of officials who will be responsible for implementing the code. It may also need to invest in the infrastructure, such as crèches and restrooms, required to comply with the code's provisions.

The OSH Code, 2020 is also expected to have an impact on the competitiveness of Indian industries. Some employers may see the code's provisions as an additional cost burden and may resist compliance. This may lead to a competitive disadvantage for compliant employers. To address this challenge, the government may need to provide incentives for compliance and create a level playing field for all employers.

In addition, the OSH Code, 2020 may have implications for the informal sector, which employs a significant proportion of the workforce in India. The code's provisions for registration of establishments and compliance with welfare, health, and safety measures may be difficult to implement in the informal sector. The government may need to adopt a phased approach to the implementation of the code in the informal sector, with a focus on awareness raising and capacity building.

Overall, the OSH Code, 2020 is a welcome step towards ensuring the welfare, health, and safety of workers in India. The code's provisions for welfare, health, and safety measures, working conditions, and overtime payments have the potential to improve the lives of millions of workers in India. However, its effective implementation will require the cooperation of employers and the government, as well as investments in infrastructure and capacity building. It will also require a focus on awareness raising and capacity building in the informal sector, where the majority of the workforce in India is employed.

The OSH Code, 2020 also has important implications for the international community. As India is one of the largest economies in the world, its adoption of a comprehensive legislation for the welfare, health, and safety of workers can have a positive impact on the global agenda for decent work. The code's provisions are consistent with international labor standards, such as the International Labour Organization's (ILO) Occupational Safety and Health Convention, 1981 (No. 155) and the Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy. The adoption of the code demonstrates India's commitment to promoting decent work and achieving the Sustainable Development Goals (SDGs), particularly SDG 8 on decent work and economic growth.

In conclusion, the Occupational Safety, Health and Working Conditions Code, 2020 is a significant legislation that has the potential to improve the lives of millions of workers in India. Its provisions for welfare, health, and safety measures, working conditions, and overtime payments are consistent with international labor standards and demonstrate India's commitment to promoting decent work and achieving the SDGs. While the effective implementation of the code will require overcoming several challenges, its potential impact on the lives of workers in India is immense.

To ensure the effective implementation of the OSH Code, 2020, it is essential to involve all stakeholders in the process. The code calls for the establishment of safety committees in all establishments with more than 250 workers, consisting of equal representation from workers and management. These committees can play a crucial role in identifying safety hazards, recommending measures for their prevention, and monitoring the implementation of safety measures. The code also provides for the appointment of safety officers in establishments with more than 500 workers, who will be responsible for ensuring compliance with safety measures.

In addition to safety committees and safety officers, the code also calls for the establishment of grievance redressal mechanisms for workers. These mechanisms can provide workers with a channel to raise their concerns related to welfare, health, and safety, and seek redressal. The code also provides for the appointment of conciliation officers, who will be responsible for settling disputes related to the code's provisions.

The OSH Code, 2020 also has provisions related to the working conditions of workers. It provides for a maximum workweek of 48 hours, with a mandatory weekly rest day of 24 consecutive hours. The code also provides for overtime payments at twice the ordinary rate of wages for work done beyond the maximum workweek. These provisions can help to ensure that workers are not overworked and are adequately compensated for their overtime work.

Another important provision of the OSH Code, 2020 is the requirement for the registration of all establishments with the government. This provision can help to ensure that all establishments comply with the code's provisions for welfare, health, and safety measures. The code also provides for the issuance of licenses to contractors, who will be responsible for ensuring compliance with the code's provisions by their workers.

The code also has provisions related to the welfare of workers, including the provision of

crèches and restrooms in establishments with more than 50 women workers. These provisions can help to ensure that women workers are not disadvantaged due to their gender and can balance their work and family responsibilities.

The OSH Code, 2020 is a comprehensive legislation that addresses several aspects of the welfare, health, and safety of workers in India. Its provisions are consistent with international labor standards and demonstrate India's commitment to promoting decent work and achieving the SDGs. The effective implementation of the code will require the cooperation of employers and the government, as well as investments in infrastructure and capacity building. However, the potential impact of the code on the lives of millions of workers in India is immense, and it is a step in the right direction towards ensuring decent work for all.

One of the key features of the OSH Code, 2020 is its emphasis on occupational health. The code recognizes the importance of preventing occupational diseases and injuries and calls for the establishment of occupational health centers in establishments with more than 500 workers. These centers will be responsible for conducting regular medical checkups of workers and providing them with appropriate medical treatment and rehabilitation services.

The code also calls for the establishment of safety funds in all establishments with more than 50 workers. These funds will be used to provide compensation to workers who suffer from occupational diseases or injuries. This provision can help to ensure that workers receive adequate compensation for their losses and can also act as a deterrent to employers who may not prioritize safety measures.

Another important provision of the OSH Code, 2020 is its focus on the safety and welfare of migrant workers. The code recognizes that migrant workers are often vulnerable to exploitation and abuse and calls for the establishment of welfare boards for migrant workers. These boards will be responsible for providing welfare measures to migrant workers, including accommodation, healthcare, and legal assistance.

The code also provides for the establishment of a national database of workers, which will contain information related to their employment, skills, and social security. This database can help to ensure that workers receive appropriate social security benefits and can also aid in the implementation of various labor laws and regulations.

The OSH Code, 2020 also has provisions related to the employment of women and children. It prohibits the employment of children below the age of 14 years and restricts the employment of adolescents between the ages of 14 and 18 years to non-hazardous occupations. The code also prohibits the employment of women in hazardous occupations and calls for the establishment of crèches and restrooms in establishments with more than 30 women workers.

Finally, the code recognizes the importance of training and capacity building in ensuring the welfare, health, and safety of workers. It calls for the establishment of training centers in all establishments with more than 500 workers, which will be responsible for providing training and skill development programs to workers. This provision can help to ensure that workers are equipped with the necessary skills and knowledge to perform their jobs safely and efficiently.

In conclusion, the Occupational Safety, Health and Working Conditions Code, 2020 is a comprehensive legislation that addresses several important aspects of the welfare, health, and safety of workers in India. Its provisions are in line with international labor standards and demonstrate India's commitment to promoting decent work and achieving the SDGs. However, the effective implementation of the code will require the cooperation of employers, workers, and the government, as well as investments in infrastructure and capacity building. Nonetheless, the potential impact of the code on the lives of millions of workers in India is immense, and it is a significant step towards ensuring decent work for all.

## REFERENCES

1. Code on Operational Safety and Health, 2020.
2. Jain, M., & Jain, M. (2021). Critical Analysis of Occupational Safety, Health Working Conditions Code Bill 2020. *Issue 2 Int'l JL Mgmt. & Human.*, 4, 2136.
3. SUBANSHI, S., & SRIVASTAVA, Y. "OCCUPATIONAL SAFETY HEALTH AND.
4. Uygun, H., & Gujrati, R. (2022). Protect Labour Rights and Promote a Safe Working environment. *Journal of Pedagogical Inventions and Practices*, 8, 9-15.
5. Kondo, A., & Singer, A. (2019). Labor without employment: Toward a new legal framework for the gig economy. *ABAJ Lab. & Em*
6. Chigater, S. (2021). *Labour Law Reforms and Women's Work in India: Assessing the New Labour Codes From a Gender Lens*. Available at SSRN 3947175.
7. Tamara, A., Latief, Y., & Machfudiyanto, R. A. (2020, February). *The development of safety plan to improve OHS (occupational health and safety) performance for construction of irrigation channel based on WBS (work breakdown structure)*. In *IOP Conference Series: Earth and Environmental Science* (Vol. 426, No. 1, p. 012016). IOP Publishing.