

## **FAQs on Occupational Safety, Health and Working Conditions (OSH) Code, 2020**

Q 1. Whether raising the threshold for definition of “factory” (from 10 workers with power / 20 without power to 20 workers with power / 40 without power) will exclude workers from safety and welfare protections?

Ans: No. The rights of workers regarding health, safety and welfare would be protected as these provisions are applicable for the establishments having 10 or more employees.

Q 2. Does increased licensing threshold for contract labour from 20 to 50 will deprive contract workers of protections?

Ans: No. All establishments having 10 or more employees must comply with safety and welfare measures. The increases licensing threshold is for administrative ease and does not affect workers’ entitlements/protections.

Q 3. Will allowing flexibility in working hours up to 12 hours per day will exploit workers?

Ans: No. The Code prescribes 8 hours per day and 48 hours per week as standard, with some flexibility to extend daily hours with the consent of workers on payment of overtime, at twice the rate wages.

Q 4. Whether it is not unsafe to allow women to work at night?

Ans: No. The Code gives women’s right to work in any establishment and night shift with the safeguard of adequate safety, transport, and security arrangements—thus promoting gender equality with safeguards. Moreover, consent of women worker is mandatory to work in night.

Q 5. Will replacing inspectors with inspector-cum-facilitators not weaken the enforcement?

Ans : No. The new system of inspection promotes transparent, technology-based inspections while maintaining accountability and facilitating employer ensuring better compliance. Code promotes compliance. Better compliance will ensure better protection to workers.

Q 6. Is it true that health and welfare facilities are limited to large establishments only?

Ans : No. The Code mandates health and safety provisions for all workers employed in establishments employing 10 or more employees.

Q 7. Will rationalization of 13 labour laws into one Code, dilute workers’ rights?

Ans : No. The Code simplifies and harmonizes provisions with protection of worker rights. Simplification and harmonization remove ambiguities and brings consistence in protection of workers.

Q 8. Whether portability of migrant worker benefits is ineffective and would not reach to beneficiary?

Ans : No. The Code requires setting up of Toll free helpline number for Inter State Migrant Worker (ISMW). ISMW can reach to govt through toll free number in case of difficulty faced by them.

Q 9. Will state rule-making powers cause dilution of worker protections?

Ans : Labour is in concurrent list of the Constitution. Accordingly, State are allowed to make rules for certain allocated sphere keeping in view of the local conditions and responsiveness to regional needs.

Q 10. Is it true that duties of employers are towards regular workers only and do not cover contract workers and inter-state migrant worker (ISMW) ?

Ans : No. The Code does not distinguish regular and contract workers or ISMW. The Code extends benefits to all workers, including contract and inter-state migrant workers.

Q 11. Is it true that allowing women to work in hazardous occupations is unsafe?

Ans: No. The Code ensures women's right to work in any occupation with adequate safety and with sufficient safeguards to promote gender equality

Q 12. Is it true that no protection provided to fixed-term employment workers in the code?

Ans : The Code covers all employees, including fixed-term employment workers and they will get all benefits like appointment letters, annual health check-ups etc.

Q 13. Whether OSH & WC Code favours employers by reducing penalties for violations?

Ans : No. Rather, penalties have been rationalized and only minor offences are compoundable, while serious safety breaches attract severe penalties including imprisonment.

Q 14. Does OSH Code provide any specific welfare facilities for transgender workers?

Ans : Yes. The Code recognizes first time the transgender workers and mandates separate bathing, toilet, restroom etc facilities for them ensuring dignity, privacy and equal access at the workplace.

Q 15. Is there any specific provision for drivers under the OSH Code?

Ans : Yes. The Motor Transport Workers including drivers are covered under the Code. The provisions on safety, health and welfare under the Code apply to them, including working hours, rest intervals etc.

Q 16. Are contract workers covered for welfare facilities?

Ans : Yes. The Contract workers are covered for welfare facilities which will now be provided by the principal employer.

Q 17. Is it true that stuntmen and dubbing artists are not provided any benefits under the OSH Code?

Ans : No. Under the definition of “audio-visual worker” in the Code, stuntmen and dubbing artists are also covered and will get the safety, health and welfare benefits provided to audio-visual workers.

Q 18- What is the minimum criterion in terms of number of days for a worker to be eligible for annual leave with wages as per the provisions of OSH&WC Code, 2020?

Ans- A worker should have worked for 180 or more days in a calendar year to be eligible for annual leave with wages.

Q 19. Whether contract labour worker be issued an experience certificate?

Ans- Yes, a contract worker can demand from concerned contractor to issue experience certificate.

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Disclaimer: The above FAQs are for information purposes only, to enable public to have quick and easy access to information, and do not purport to be legal documents. In case of any variance between what has been stated and what is contained in the relevant Labour Code, the latter shall prevail.