

Decoding Registration under the New Labour Codes

[Effective w.e.f. 21st November 2025]

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DO YOU KNOW

For Employers-

- ⇒ Registration is mandatory for all and under OSH for 10 or more workers/employees
- ⇒ Non-registration can create immediate compliance risk.
- ⇒ Non reporting of changes is violation post Registration

For Employees

- ⇒ Registration helps make the workplace legally traceable.
- ⇒ Registration is linked to employee protections, not just employer formality.
- ⇒ Non-registration can hide non-compliance labour laws and rules.

REGISTRATION UNDER THE NEW CODE FOR EXISTING AND NEW ESTABLISHMENT WITH DATE OF EFFECTIVENESS

Registration Provisions Under New Labour Codes (2026)

The four Labour Codes **effective 21 November 2025** introduce **unified, digital registration** through the **Shram Suvidha Portal**. Existing registrations remain **valid** but must transition to new system.

1. Who Needs Registration

Establishment Type	Threshold	Code
General (Offices/Shops)	1+ worker/employee	Shop & Commercial Establishment
General (Offices/Shops)	10+ workers	OSH Code
Factories	20+ workers (10+ hazardous)	OSH Code
Contract Labour	20+ contract workers	OSH Code
Social Security	10+ workers (ESI), 20+ (PF)	Social Security Code

Establishment Type	Threshold	Code
All establishments	1+ hazardous process	OSH Code

2. Existing vs New Establishments

EXISTING Establishments

- Old registrations VALID till expiry, However, intimation required to be given
- 60-day transition window from 21 Nov 2025
- Migrate to Shram Suvidha → Form-I
- Deemed approval if no response in 30 days
- Late Fee: Prescribed by States (notified/ to be notified by rules)

NEW Establishments

- Register within : **60 days** of starting operations
- Single Form → All applicable Codes
- Validity: **5 years** (PAN-India license)

3. Deadlines & Effective Dates

- 21 NOV 2025 → Codes effective
- 20 JAN 2026 → Existing establishments deadline (60 days)
- Ongoing → New establishments: 60 days from start
- 31 MAR 2026 → First full compliance cycle

4. Key Documents Required

- PAN, TAN, GST, Udyam (MSME)
- Proof of address
- Manager/occupier details
- Worker count breakdown
- Manufacturing process (factories)

6. Penalties for Non-Registration

- ₹50,000 - ₹2,00,000 fine
- Business operations halt
- Compounding possible (50% fine)

CAUTION

- File early → Avoid rush
- Save PDF acknowledgment

Penalties for Late Registration Under OSH Code

Under the **Occupational Safety, Health and Working Conditions (OSH) Code, 2020**, late registration carries specific penalties.

Specific Penalties

Violation	Section	Penalty
No registration OR registration cancelled	Section 3(7)	Cannot employ ANY workers until registered
Misrepresentation in registration	Section 3(6)	Prosecution + registration cancellation
Late filing	Section 3(1)	Late fees (amount per rules)

Critical Operational Impact

- NO REGISTRATION = NO OPERATIONS
- Employers without registration "shall not employ any employee"
- → Business shutdown until compliance

Quantum of Financial Penalties (General Contraventions)

First Offence: ₹20,000 - ₹2,00,000 fine

Continued: Additional ₹2,000/day

Repeat: Up to ₹3,00,000 + imprisonment 3 months

GIG WORKER REGISTRATION [e.g. Zomato/Swiggy/Uber/ Ola]

Documents Required for Gig Worker Registration

1. **Gig workers** register on the **e-Shram Portal** for **Social Security Code benefits**.
2. **No aggregator registration documents** needed for individual workers—**self-declaration + Aadhaar** suffices

Gig Worker Registration Documents

Document	Mandatory	Details
Aadhaar Number	Yes	Primary ID + biometric verification
Mobile Number	Yes	Linked to Aadhaar for OTP
Self-Declaration	Yes	Online form: Name, occupation, address, skills
Bank Account	Preferred	For direct benefit transfer
e-Shram UIN (if available)	Optional	Existing registration number
Work Proof	Optional	Platform ID, pay slip, job card

Aggregator Obligations (Separate)

Benefits Unlocked

- Social Security Fund eligibility
- Life/accident insurance
- Maternity/health benefits
- Portable across platforms

State Variations

- Karnataka: Additional ID/Payslip
- Jharkhand: Aggregator registration
- General: Aadhaar + Self-declaration sufficient

Key Returns & Deadlines (2026)

S.NO.	Return Type	Form	Frequency	Deadline
1.	Unified Annual Return	Form V	Annual	31 Jan
2.	Wages Code	Annual Wage Return	Annual	15 Feb
3.	Safety Committee	Form 28	Annual	30 Jun
4.	Standing Orders	Certification	One-time	6 months

Documents Needed

- Signed annual return PDF
- Wage register extract
- Worker list (last payroll)

- Safety committee minutes

Penalties for Delay

- ₹1,000/day delay (max ₹5,000)
- ₹50K fixed fine + prosecution

CAUTION

- File early → Avoid rush
- Save PDF acknowledgment
- Link EPFO/ESIC returns

May 2026: Newsletter

How to File Compliance Returns on Shram Suvidha Portal (Post-Registration)

- **Shram Suvidha Portal** (shramsuvudha.gov.in) is the **single window** for **annual returns** under all four Labour Codes.
- **Monthly returns** (PF/ESI) remain separate.

FAQs: Registration of Establishments under the New Labour Codes and Existing Labour Laws

Overview

This FAQ sheet is designed for employers, HR teams, compliance officers, and consultants dealing with registration of establishments under India's labour law framework.

The new labour law framework seeks to simplify compliance by moving from multiple registrations under several Central labour enactments toward a single registration approach under the Labour Codes, while still preserving certain law-specific registrations, licences, and intimations depending on the nature of the establishment and workforce deployed.

Formal FAQs in Relation to Registration of Establishment

1. What is meant by registration of an establishment under labour laws?

Registration of an establishment means the formal recording of the employer's unit with the competent labour authority so that the establishment can be identified for compliance, inspection, licensing, and statutory obligations under the applicable labour laws.

2. Which establishments are required to register under the New Labour Codes?

Under the Occupational Safety, Health and Working Conditions Code, 2020, every establishment employing 10 or more employees is required to apply for registration.

3. Within what time must registration be obtained under the New Labour Code?

The employer must apply for registration within 60 days w.e.f 21st November 2025 from the existence of the establishment or within 60 days from the start of new establishment

4. How is the registration application to be made under the New Labour Code?

The application is required to be made electronically on the portal prescribed by the appropriate government.

5. Is fresh registration required if the establishment is already registered under an existing Central labour law?

An establishment already registered under any Central Act is not required to obtain a fresh registration, but it must intimate its existing registration details to the Registering Officer.

6. Is the employer required to report subsequent changes after registration?

Yes. Any change in the particulars of a registered establishment is required to be intimated electronically within 30 days to the Registering Officer.

7. Does the New Labour Code create a single registration system?

The earlier framework involved multiple registrations, while under the Labour Codes registration is intended to move to a single system for covered establishments.

8. Does establishment registration eliminate the need for separate licences?

No. The simplified registration regime does not do away with law-specific or activity-specific licences where separately required, such as common licence provisions relating to factory operations, beedi and cigar work, or engagement of contract labour under the OSH Code.

9. Is there a distinction between registration and licence under labour laws?

Yes. Registration generally recognises the existence of the establishment, whereas a licence is an additional legal permission required for specified regulated activities such as engaging contract labour or carrying on certain notified operations.

10. What is the position of shops and commercial establishments under the existing legal regime?

Under the existing legal framework, shops and commercial establishments are generally governed by the relevant State Shops and Establishments law, which may require registration depending on the State statute and the nature of the business activity.

11. Does the Shops and Establishments registration automatically merge into the New Labour Code registration?

As a practical legal position, the OSH Code registration under the Central framework should not be assumed to automatically replace registrations required under State-specific Shops and Establishments laws unless the relevant State has expressly aligned or replaced its regime.

12. What is the registration requirement for factories under the present framework?

Factories remain subject to specific regulatory requirements, and the new framework recognises factory-related registration, notice, and licensing obligations within the new system through the OSH Code framework.

13. What is meant by notice of commencement or cessation of operations?

Employers are required to send an electronic notice of commencement or cessation of operations in relation to establishments such as factories, mines, contract labour establishments, and building or other construction work.

14. Is registration required separately for engagement of contract labour under the existing laws?

Under the existing Contract Labour framework and the corresponding OSH Code provisions, the law draws a distinction between the establishment and the contractor, and the contractor may require a separate licence where the threshold conditions are met.

15. What is the threshold for applicability of contract labour provisions under the OSH Code?

The contract labour provisions apply to every establishment in which 50 or more contract labour were employed on any day in the preceding 12 months.

16. When is a contractor required to obtain a licence?

Every contractor employing 50 or more contract workers is required to obtain a licence under the OSH Code framework.

17. Is there an all-India or multi-State licence concept under the New Labour Code?

Yes. A contractor seeking to supply or engage contract labour, or to carry out contract work in multiple States or across India, may obtain a licence from the authority notified by the Central Government.

18. Are inter-State migrant worker establishments subject to any separate threshold-based compliance?

Yes. The special provisions relating to inter-State migrant workers apply to every establishment in which 10 or more inter-State migrant workers were employed on any day in the preceding 12 months.

19. What documents are ordinarily required for establishment registration?

While the precise document list depends on the applicable portal, appropriate government, and nature of the establishment, employers ordinarily need foundational particulars such as name and address of the establishment, employer details, nature of business, employee strength, and existing statutory registration details wherever applicable.

20. Who is the authority before whom registration particulars are to be furnished?

The OSH Code framework refers to the Registering Officer as the authority to whom registration applications or change intimations are to be furnished.

21. What happens if an establishment fails to register within the prescribed period?

Failure to register within the prescribed period may expose the employer to non-compliance consequences under the applicable labour law framework, including regulatory action once the Code and applicable rules are enforced and operational for the establishment concerned.

22. During the transition period, what happens to the old rules and procedures?

The Labour Ministry's FAQ states that, by virtue of Section 6 of the General Clauses Act, 1897, old rules remain in force until final notification of the new rules under the Codes, to the extent they are consistent with the Codes.

23. Can an employer assume that one registration is sufficient for all labour compliances?

No. Even where the Codes simplify registration, employers must still separately evaluate requirements relating to licence, social security registration, returns, welfare cess, and State-specific registrations depending on the establishment profile.

24. Are EPF and ESIC enrolments the same as establishment registration under the OSH Code?

No. The compliance handbook separately refers to OSH registration on one hand and EPF/ESIC registration eligibility on the other, showing that social security compliance remains a distinct statutory requirement.

25. What is the safest compliance approach for employers under the New Labour Code and existing labour laws?

The safest approach is to prepare a dual-track compliance matrix: first, determine whether the establishment is covered for registration under the OSH Code; second, verify continuing obligations under State Shops and Establishments law, factory-related requirements, contract labour licensing, EPF, ESIC, BOCW, and other sector-specific laws as applicable.

For further Queries: mail: info@dsblawgroup.com