



# Occupational Safety, Health and Working Conditions (OSH) Code

Communication and Awareness Tool

# Overview

1. Why are labour laws important?
2. Who is a worker?
3. Types of Workers
4. Establishments covered under the Code
5. Other Important Definitions
6. Rights of Workers
7. Provisions of Chapter III, V, VI, VII
8. Duties w.r.t. workers and worksite
9. Offences

# Why are labour laws important?



Equality and  
Non-discrimination



Periodic Inspections



Decent Work and  
Dignity of Workers



Combat Forced Labour,  
Trafficking and Slavery



Employment  
Security



Regulate Relations between  
Employers and Employees



Worker Insurance  
and Protection



Economic and Social  
Development of Workers



# Who is a “worker”?

**ANY PERSON** employed in **ANY INDUSTRY**

|                     |  |
|---------------------|--|
| Type of work        | to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work |
| Form of Payment     | on hire or reward basis  |
| Terms of Employment | with express or implied terms of employment  |

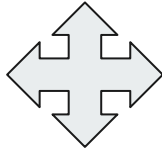


# Types of Workers

1

## CONTRACT LABOUR

Hired for the work of the establishment through a contractor



with or without the knowledge of the principal employer

includes interstate migrant worker **but does not include** a worker who

- a. is regularly employed
- b. under mutually accepted conditions of employment
- c. with periodical increment in pay, social security coverage and other welfare benefits under law

2

## INTER-STATE MIGRANT WORKERS

recruited by **an employer** or **through a contractor**

- a. in one State for employment in an establishment situated in another State
- b. under an agreement
- c. receiving wages below the amount notified by the Central Government



## Establishments covered under the Code

**Building  
Workers**

**Mine Workers**

**Factory  
Workers**

**Beedi and Cigar  
Workers**

**Motor Transport  
Workers**

**Audio Visual  
Workers**

**Working  
Journalists**

**Sales Promotion  
Employees**

## Other Important Definitions

1

### OWNER of a mine:

*the immediate proprietor or lessee or occupier of the mine*

but does not include a person who -

- a. merely receives a royalty, rent or fine from the mine
- b. is merely the proprietor of the mine, and has leases or licenced the working
- c. is merely the owner of the soil and not interested in the minerals of the mine

*any contractor or sub-lessee for the working of a mine shall be deemed to an owner*

2

### CONTRACTOR

a person, who—

- a. **undertakes to produce a given result for the establishment**, other than a mere supply of goods or articles of manufacture to such establishment, through contract labour; or
- b. **supplies contract labour** for any work of the establishment as mere human resource and includes a sub-contractor

# Other Important Definitions

3

## EMPLOYER

*a person who employs one or more employees in his establishment -*

- a. directly or through any person,*
- b. on his behalf or on behalf of any person*

*Including contractor and legal representative of a deceased employer*

|                     |  |   |
|---------------------|--|---|
| Government Office   |  | authority specified / head of department / Chief Executive of local authority |
| Factory             |  | occupier  |
| Mine                |  | owner / agent / manager   |
| Other establishment |  | any person who has ultimate control over the affairs of the establishment     |

4

## PRINCIPAL EMPLOYER

*where contract labour is employed -*

|                     |  |  |
|---------------------|--|--|
| Government Office   |  | head of office / department                        |
| Factory             |  | owner / occupier / manager                         |
| Mine                |  | owner / agent of mine                              |
| Other establishment |  | any person responsible for supervision and control |





# Rights of Workers

# Right to Information

- a. Every employee has the **right to obtain information from the employer about his health and safety** at work
- b. He can inform the employer about **inadequate provision for protection of his safety or health** in connection with the work activity in the workplace,

This can be done directly or through a member of the Safety Committee (if constituted by employer)

- c. If the employee is not satisfied, he can inform the Inspectorcum-Facilitator





# Apprehension of Injury

If an employee has **reasonable apprehension** of likelihood of -

- a. imminent serious bodily injury
- b. death
- c. imminent danger to health

they may bring the same to the notice of -

- a. employer - directly or through a member of the Safety Committee, and
- b. Inspector-cum-Facilitator






## Action to be taken by the Employer

If employer is satisfied about the existence of such imminent danger

Send a report of the action taken to the Inspector-cum-Facilitator

If employer is not satisfied about the existence of such imminent danger

Refer the matter to the Inspector-cum-Facilitator whose decision on the existence of such imminent danger will be final



# **Chapter III, V, VI, VII**

## **Provisions for workers' safety, health and working conditions**

Workers can demand worksite safety, working hours, welfare provisions, annual leave, health, and working conditions



# Health



*Employers shall be responsible to maintain the following in the establishment as prescribed by the Central Government:*

- ❖ Proper ventilation, temperature and humidity
- ❖ Environment free from dust, fumes and other impurities
- ❖ Adequate humidification, ventilation and cooling of the air in work rooms
- ❖ Prevent overcrowding and provide sufficient space to persons
- ❖ Effective arrangements for treatment of waste
- ❖ Potable drinking water
- ❖ Adequate lighting

# Welfare Provisions (1/2)



*Employers shall maintain the following in the establishment as prescribed by the Central Government:*

- ❖ Adequate and separate facilities for male, female and transgender workers for washing, bathing places and locker rooms, and latrine and urinal arrangement
- ❖ Place of keeping clothing not worn during working hours and for the drying of wet clothing
- ❖ Sitting arrangements for all workers obliged to work in a standing position
- ❖ Canteen (in establishments with more than one hundred workers including contract labour)
- ❖ Medical examination of the workers employed or to be employed (in mines)
- ❖ First-aid boxes readily accessible at all working hours

# Welfare Provisions (2/2)



*The Central Government may also prescribe:*

- ❖ Ambulance room in every factory, mine and other construction work where more than five hundred workers are employed
- ❖ Medical facilities at the operating centres, uniforms and other amenities for protection from rain or cold
- ❖ Rest-rooms and lunch-room in factory and mine employing more than fifty workers
- ❖ Appointment of welfare officer in factory, mine or plantation employing more than 250 workers
- ❖ Provision of temporary living accommodation, free of charges and as near the worksite as possible by the employer to all building workers





# Working Conditions



No worker shall be allowed to work in an establishment for more than six days in a week

In case of **overtime work** the workers shall receive wages at twice the rate. No worker shall be required to work overtime without their prior consent

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Every worker is entitled to **one day of leave for every 20 days of work**, if he has worked for at least 180 days in the previous year.

**For an adolescent worker** - one day of leave for fifteen days of his work

**For a worker employed below ground mine** - One day of leave for every fifteen days of work

# Who is responsible for ensuring the rights of the workers?

- 01 | Inspector-cum-facilitator
- 02 | Chief Inspector-cum-facilitator
- 03 | Safety Officers
- 04 | Medical Officers
- 05 | District Magistrate





# Duties w.r.t. workers and worksite



# Duties of Employers

Issue a letter of appointment to every employee in the establishment (within three months of the commencement of the Code if not issued earlier)

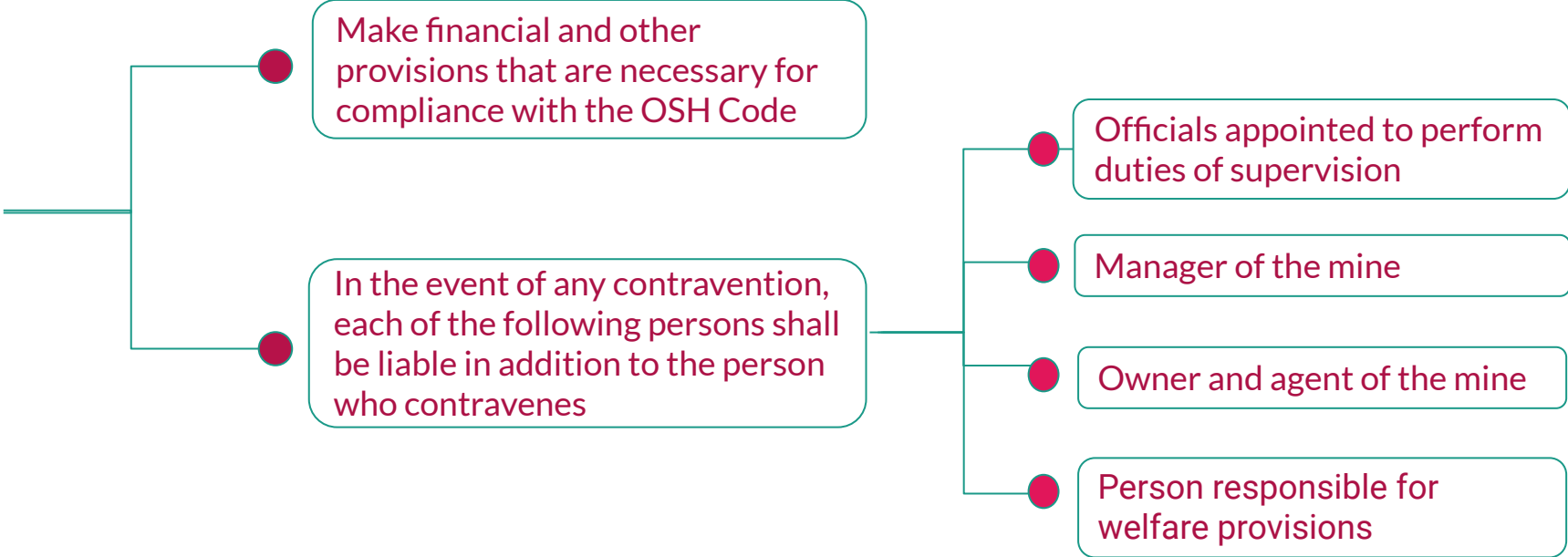
Ensure that no charge is levied on any employee with respect to anything done for maintenance of safety and health at workplace and conduct of medical examination

Ensure that the workplace is free from hazards which can cause injury or occupational disease to the employees

Provide annual health examination or test free of costs to the employees (as may be prescribed by the government)



# Duties of owner, agent and manager in relation to mine



Make financial and other provisions that are necessary for compliance with the OSH Code

In the event of any contravention, each of the following persons shall be liable in addition to the person who contravenes

Officials appointed to perform duties of supervision

Manager of the mine

Owner and agent of the mine

Person responsible for welfare provisions



# Duties of manufacturer, designer, importer or supplier

01

Ensure that the article designed and constructed in the establishment is safe and does not pose any risk to the health of the workers

02

Carry out tests in the establishment necessary to ensure the safety of the article

03

Ensure that adequate information is available about the use of the article and conditions necessary for its safe use



# Responsibility of Occupier w.r.t Hazardous Processes

- ❖ Maintain accurate and updated **medical records of the workers** in the factory who are exposed to any harmful substances
- ❖ Such records shall be accessible to the workers
- ❖ Appoint persons who -
  - possess qualifications and experience in handling hazardous substances;
  - are competent to supervise such handling within the factory
  - can provide the necessary facilities for protecting workers
- ❖ Provide for **medical examination of every worker** -
  - before the workers is assigned to the job
  - while continuing in the job, and after he has ceased to work, at least once every twelve months

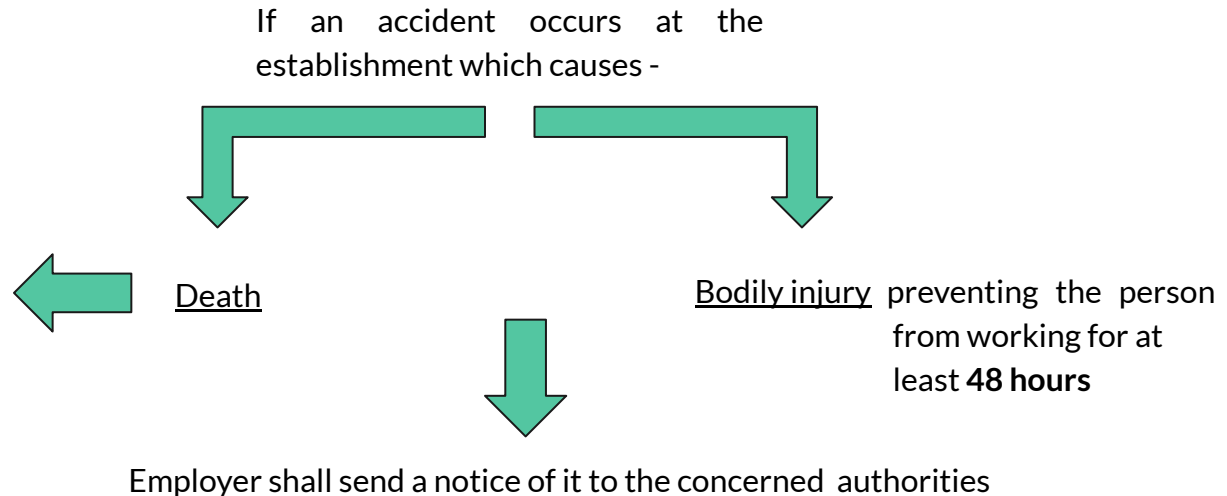


# Notices (1/2)

## Notice of Accident

The concerned authority shall make an inquiry into the accident within 2 months of the notice being received.

If authority is not present, then the Chief Inspector-cum-Facilitator shall direct the Inspector-cum-Facilitator to make the inquiry.





## Notices (2/2)

### Notice of Dangerous Occurrences

If there is a dangerous occurrence at the establishment



Employer shall send a notice of it to the concerned authorities

### Notice of Diseases

If any worker contracts any disease specified in the Third Schedule



Employer shall send a notice of it to the concerned authorities

*If the practitioner fails to comply, he shall be punishable with a fine upto ten thousand rupees*

If a medical practitioner attends to a person (employed in the establishment or suffering from any disease)



Practitioner shall send a report to the Chief Inspector-cum-Facilitator



# Duties of Employees

Take reasonable care for the health and safety of himself and other persons

Comply with the safety and health requirements specified in the standards

Immediately report any situation which is unsafe or unhealthy that comes to his attention to his employer / health and safety representative / owner or agent or manager of the mins / safety officers / official for his workplace

Cooperate with the employer in meeting the statutory obligations of the employer under the Code

# Offences

Contravention of the Code or rules made under the Code

Obstructing the Chief- Inspector- cum- Facilitator or Inspector- cum- Facilitator

Non-maintenance of register, records and non-filing of returns

Failure to comply with duties related to hazardous processes

Failure to comply with safety provisions resulting in an accident causing death or bodily injury

Failure of employee to comply with provisions of the Code

*In the case of an accident causing bodily injury -  
a portion of the fine (not less than 50%) can be given as compensation to the victim/legal heirs, at the discretion of the court*



# Thank you.

