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OSH Code 2020 – Key Changes & Applicability Status | Sahasendure Solutions

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020 FOR INDIAN WORKSITES

Key Changes, Comparative Analysis & Applicability Status

Covering Construction | Manufacturing | Warehouses | Facility Management | Solar
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Developed based on international research, industry standards, and EHS field practices

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1. Executive Summary

This report provides a structured analysis of the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code), its key provisions, changes from existing legislation, and current implementation status. The following summarises the critical findings:

The OSH Code, 2020 consolidates 13 existing labour laws into a single legislative framework, significantly reducing compliance complexity for establishments covered under multiple Acts.

The Code has been enacted by Parliament and received Presidential assent; however, it has not yet been brought into force. Existing laws remain operative until the enforcement date is notified.

Key changes include revised applicability thresholds, unified registration and licensing, enhanced provisions for inter-state migrant workers, extended rights for women employees, and formalisation of fixed-term employment in the contract labour framework.

The role of the 'Inspector' has been redefined as 'Inspector-cum-Facilitator,' shifting the regulatory approach from purely punitive to compliance-oriented, incorporating a web-based inspection scheduling system.

Draft rules have been released by the Central Government and several State Governments; however, finalisation and enforcement notification are pending, creating a transitional compliance gap for organisations.

Organisations are advised to initiate readiness assessments and align internal EHS and HR policies with the expected provisions of the OSH Code to ensure seamless transition upon enforcement.



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2. Background

The Occupational Safety, Health and Working Conditions Code, 2020 is a landmark piece of legislation introduced by the Government of India as part of its broader initiative to simplify, rationalise, and modernise the country's labour law framework.

Prior to the enactment of the OSH Code, occupational safety and health compliance in India was governed by a complex and overlapping set of statutes, each with distinct applicability criteria, registration requirements, and enforcement mechanisms. The OSH Code consolidates the following 13 existing central labour laws into a unified statute:

- The Factories Act, 1948
- The Mines Act, 1952
- The Dock Workers (Safety, Health and Welfare) Act, 1986
- The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
- The Plantations Labour Act, 1951
- The Contract Labour (Regulation and Abolition) Act, 1970
- The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
- The Working Journalist and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955
- The Working Journalists (Fixation of Rates of Wages) Act, 1958
- The Motor Transport Workers Act, 1961
- The Sales Promotion Employees (Conditions of Service) Act, 1976
- The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- The Cine Workers and Cinema Theatre Workers Act, 1981

The consolidation is intended to create a uniform compliance framework that reduces administrative burden, promotes ease of doing business, and strengthens safety and health standards across diverse industries and sectors.



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3. Key Changes

3.1 Applicability Threshold Changes

The OSH Code revises and harmonises applicability thresholds that were previously fragmented across different laws:

- Establishments with 10 or more workers are covered under the OSH Code (manufacturing/factory sector), aligning with the Factories Act threshold.
- The Code extends coverage to establishments with 10 or more contract workers, replacing the 20-worker threshold under the Contract Labour Act in several contexts.
- Building and construction establishments with 10 or more workers are brought under coverage, replacing the earlier threshold of 10 under the BOCW Act.
- The single threshold framework eliminates the confusion arising from different numerical criteria under different statutes.

3.2 Single Registration, Licence & Return

One of the most significant administrative reforms introduced by the OSH Code is the consolidation of registration and compliance reporting:

- All establishments covered under the Code will be required to obtain a single registration certificate, replacing the need for separate registrations under different Acts (e.g., Factories Act, Contract Labour Act, BOCW Act).
- A single licence will replace multiple licences previously required for contractors, principal employers, and establishment operators under different laws.
- A combined single annual return is to be filed electronically through a unified digital portal, replacing multiple returns submitted to different authorities at different intervals.
- These changes are expected to substantially reduce administrative workload, paper-based compliance, and duplication of effort across HR and EHS functions.

3.3 Inter-State Migrant Workers

The OSH Code introduces revised provisions for the protection and welfare of inter-state migrant workers:

- The applicability threshold under the erstwhile Inter-State Migrant Workmen Act, 1979 (5 workers) has been raised to 10 workers under the OSH Code.
- Migrant workers now have the option to self-register through a portal, enabling portability of benefits across states regardless of employer-initiated registration.
- Benefits and entitlements — including journey allowance, displacement allowance, and suitable residential accommodation — are retained and enhanced.
- Database linkage with Aadhaar and other government platforms is envisaged to facilitate real-time tracking of migrant worker welfare.

3.4 Working Hours & Leave



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The OSH Code broadly retains working hour and leave norms while introducing certain flexibilities:

- The standard working day is capped at 8 hours; no worker is to be required to work more than defined daily limits without appropriate overtime compensation.
- The overtime threshold has been revised upward, permitting an enhanced number of overtime hours per quarter with mandatory wage premiums.
- Annual leave with wages is standardised at one day for every 20 days of work (factories); the Code seeks to harmonise leave entitlements across sectors.
- Flexibility provisions for certain industries and seasonal operations may be notified through rules, subject to prescribed worker safeguards.

3.6 Women Employment

The OSH Code progressively reforms provisions governing employment of women in covered establishments:

- The blanket prohibition on women working in night shifts (as existed under the Factories Act and certain State rules) has been removed.
- Women may be employed in all establishments at any hour, subject to adequate safety measures, necessary infrastructure, and the informed consent of the woman employee.
- Establishments are required to implement specific safety and security protocols for women employed in night-shift operations.
- The reform is aimed at promoting gender equity in the workforce while ensuring dignified and safe working conditions.

3.7 Contract Labour Flexibility

The OSH Code introduces key reforms to the contract labour framework with implications for workforce management:

- Fixed-Term Employment (FTE) is formally introduced, allowing employers to engage workers on fixed-term contracts with the same benefits (proportionate) as permanent workers, without going through contractors.
- The Code retains the prohibition on deployment of contract labour in core activities of establishments, except under conditions specified by the appropriate government through notification.
- Principal employers are made jointly liable with contractors for ensuring compliance with statutory obligations including wages, safety, and welfare.
- Self-certification and simplified licensing processes are introduced for small-scale contractors.

3.8 Inspector-cum-Facilitator

The OSH Code introduces a fundamental shift in the regulatory enforcement philosophy:

- The designation of 'Inspector' under various Acts is replaced by 'Inspector-cum-Facilitator,' reflecting a dual mandate of compliance promotion and enforcement.



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- Inspection visits are to be scheduled through a web-based, transparent system — reducing arbitrary or surprise inspections and enhancing accountability.
- Facilitators are empowered to advise establishments on compliance requirements and provide guidance prior to initiating enforcement action.
- The reform is designed to reduce inspector discretion, minimise corruption risk, and foster a collaborative compliance environment.

4. Comparative Overview: Existing Acts vs. OSH Code 2020

The following table summarises key changes across major provision areas:

| Provision Area | Existing Acts | OSH Code 2020 |
|-------------------------------------|---|--|
| Applicability Threshold | 10 workers (Factories Act); 20 workers (Contract Labour Act); varied thresholds across laws | Unified: 10 or more workers (manufacturing); 20 or more (contract labour); single threshold framework |
| Registration & Licensing | Separate registrations under each Act — Factories, Contract Labour, Building & Construction, etc. | Single unified registration and single licence under OSH Code |
| Annual Returns | Multiple returns to multiple authorities under different laws | Combined single annual return filed electronically through unified portal |
| Working Hours | Max 9 hrs/day, 48 hrs/week under Factories Act; varied under other legislation | Retained at 8 hrs/day; overtime threshold raised; daily limit with flexibility provisions for certain sectors |
| Inter-State Migrant Workers | Inter-State Migrant Workers Act, 1979 — applicable to contractors engaging 5+ migrant workers | Threshold raised to 10+ workers; self-registration option for workers; enhanced portability of benefits |
| Women Employment | Restrictions on night-shift employment; prior permission required | Night-shift permitted with adequate safety measures and consent; no blanket prohibition |
| Contract Labour | Contract Labour (Regulation and Abolition) Act, 1970 — state-specific rules on perennial work | Fixed-term employment introduced; prohibition on contract in core activities unless permitted |
| Inspection Mechanism | Inspector with enforcement-only mandate; physical inspections; multiple inspectors per law | Inspector-cum-Facilitator with dual role of compliance facilitation and enforcement; web-based inspection scheduling |



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5. Draft Rules & Applicability Status

The following reflects the current legislative and enforcement status of the OSH Code, 2020:

- The Occupational Safety, Health and Working Conditions Code, 2020 was passed by both Houses of Parliament and received Presidential assent on 28 September 2020.
- The Code has NOT yet been brought into force. The Central Government has not notified an enforcement date as of the date of this report. The existing 13 Acts consolidated under the Code continue to remain operative and applicable to all covered establishments.
- The Ministry of Labour and Employment released Draft Central OSH Rules for public consultation in 2020. Revised draft rules have been circulated but final rules have not been published in the Official Gazette.
- Several State Governments — including Uttar Pradesh, Madhya Pradesh, Rajasthan, Telangana, and others — have released State-level draft rules under the OSH Code for stakeholder consultation. These remain at draft stage.
- The enforcement date is subject to finalisation of both Central and State Rules, as labour is a Concurrent List subject under the Indian Constitution.
- Organisations must continue to comply with all existing applicable Acts (Factories Act, Contract Labour Act, BOCW Act, etc.) until the OSH Code is formally notified into force.
- Simultaneously, organisations are strongly advised to undertake internal gap assessments against OSH Code provisions to enable rapid compliance readiness upon enforcement.

6. Industry Impact

6.1 Compliance Simplification

- Consolidation of 13 laws eliminates duplication and conflicting requirements, reducing the number of compliance touchpoints for multi-state and multi-sector organisations.
- Unified registration, licensing, and return-filing significantly reduces the administrative burden on HR, legal, and EHS teams.
- Harmonised thresholds provide clarity to contractors and principal employers regarding respective obligation

6.2 Digitalisation

- Web-based inspection scheduling and digital return-filing platforms introduce transparency and reduce physical compliance documentation requirements.
- Centralised worker databases (linked to Aadhaar) and digital registration portals will streamline workforce management, especially for migrant labour.



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- Organisations will need to invest in digital compliance management tools and ensure ERP/HRMS systems are updated to align with OSH Code requirements.

6.3 HR and EHS Integration

- The OSH Code's coverage of diverse sectors — construction, factories, mines, plantations, transport — necessitates integrated HR and EHS compliance strategies.
- Fixed-Term Employment provisions require HR policies to be updated, with proportionate benefits structures aligned to the Code's requirements.
- Safety committee composition, officer appointment obligations, and health check-up mandates will require direct EHS–HR coordination.

6.4 Accountability Areas

- Principal employers face enhanced joint liability for contractor compliance — organisations must strengthen contractor management protocols and due diligence frameworks.
- Directors, managers, and designated officers of covered establishments may face personal liability under the Code for non-compliance with prescribed safety standards.
- The Inspector-cum-Facilitator mechanism increases transparency; organisations with non-compliant operations face heightened visibility and risk of enforcement action.

7. Action Points / Organisational Readiness Plan

The following checklist is recommended for organisations to assess and prepare for compliance under the OSH Code, 2020:

- Conduct a comprehensive legal compliance gap assessment comparing current obligations under existing Acts with provisions of the OSH Code, 2020.
- Identify all establishments, contractor engagements, and migrant worker deployments that will fall within the revised applicability thresholds under the Code.
- Review and update internal Safety Policy, EHS Management System, and Standard Operating Procedures in alignment with OSH Code requirements.
- Evaluate existing registration certificates and licences; prepare for transition to unified registration and licensing upon enforcement.
- Review contractor agreements and principal employer–contractor liability provisions; update Model Contractor Agreements to incorporate OSH Code obligations.
- Assess HR policies with respect to Fixed-Term Employment provisions, proportionate benefit structures, and night-shift employment protocols for women.
- Verify Safety Committee constitution, Safety Officer appointments, and Welfare Officer deployments against revised OSH Code thresholds.
- Map inter-state migrant worker engagement across operations; ensure updated welfare registers and portal-based documentation are maintained.



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- Engage with industry associations and legal counsel to monitor draft rule development at Central and State levels; track enforcement notification updates.
- Invest in digital compliance management infrastructure (HRMS updates, compliance portals, safety registers) to support OSH Code digital submission requirements.
- Train HR, EHS, and legal teams on OSH Code provisions, draft rules, and compliance transition requirements.
- Prepare a Board-level compliance transition report summarising OSH Code readiness status and action timelines.

8. Conclusion

The Occupational Safety, Health and Working Conditions Code, 2020 represents a transformative legislative development in India's labour and workplace safety framework. By consolidating 13 laws into a single Code, the Government of India has signalled a clear policy intent towards simplification, digital governance, and strengthened worker protection.

While the enforcement date remains pending — and existing laws continue to apply — the OSH Code's provisions are sufficiently advanced and its draft rules sufficiently detailed to enable meaningful organisational preparation. Organisations that proactively invest in compliance readiness will be better positioned to transition seamlessly upon enforcement, avoid exposure to legal and reputational risk, and demonstrate a commitment to responsible business practices.

Sahasendure Solutions recommends that all covered establishments treat the current pre-enforcement period as a strategic window for policy alignment, system upgrades, and workforce compliance awareness. Early preparation is not merely advisable — it is a competitive and governance imperative.



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14. Reference standards and legal norms used

| S. No. | Act Name | Year | Primary Coverage | Applicability |
|--------|--|------|---|-----------------------|
| 1 | The Factories Act | 1948 | Safety, health & welfare of workers in factories | Manufacturing |
| 2 | The Mines Act | 1952 | Safety, health & working conditions in mines | Mining |
| 3 | The Plantations Labour Act | 1951 | Working conditions & welfare of plantation workers | Plantations |
| 4 | The Contract Labour (Regulation and Abolition) Act | 1970 | Regulation of contract labour in establishments | All sectors |
| 5 | The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act | 1979 | Welfare & conditions of inter-state migrant workers | All sectors |
| 6 | The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act | 1996 | Safety, health & welfare of construction workers | Construction |
| 7 | The Dock Workers (Safety, Health and Welfare) Act | 1986 | Safety & welfare of dock workers | Ports & Docks |
| 8 | The Motor Transport Workers Act | 1961 | Welfare & working conditions of motor transport workers | Transport |
| 9 | The Beedi and Cigar Workers (Conditions of Employment) Act | 1966 | Employment conditions of beedi & cigar workers | Tobacco Industry |
| 10 | The Cine Workers and Cinema Theatre Workers Act | 1981 | Conditions of employment for cine & theatre workers | Entertainment |
| 11 | The Working Journalists and Other Newspaper Employees (Conditions of Service and Miscellaneous Provisions) Act | 1955 | Service conditions of journalists & newspaper employees | Media |
| 12 | The Working Journalists (Fixation of Rates of Wages) Act | 1958 | Wage fixation for working journalists | Media |
| 13 | The Sales Promotion Employees (Conditions of Service) Act | 1976 | Service conditions of sales promotion employees | Pharmaceutical / FMCG |



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