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SYNOPSIS OF RULES ON OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE:

Chapter II (Section-3):

- This Chapter deals with registration of establishments and registration can be applied in Form-I. Registration is to be made on Sharam Suvidha Portal.
- Certificate of Registration will be issued in Form-III. If registration of establishment is after 6 days, then, late fee can be charged after notification of the rules. If any amendment is required, then, it can be updated on the portal by the employer within 30 days.
- Information of closing of establishment is to be given by the employer in Form-II.
- Cancellation certificate of registration will be issued in Form-IV.
- Section-4: In respect of an establishment under Contract Labour or under BOCW intimation regarding commencement or cessation of the operation is to be given within 30 days on Form-VI to the Registering Officer.
- For giving intimation of cessation of work, a certificate is to be submitted that all the employees have been paid all their dues.

Chapter-III (Section 5):

- All employees who are working on building and other construction work, if the age of the worker is 40 years, then, the employer free of cost shall arrange to conduct a free medical examination for the employees.
- Section 5(2) provides that the employer can avail medical facility of ESI for medical examination.
- If the medical examination is through a medical practitioner, then, he will issue a certificate in Form-VIII having contacted the medical examination both employer and employees.

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- Section -6 deals with issuance of letter of appointment and proper format has been given for giving letter of appointment to the employees.
- Section-7 deals with notice of accident and dangerous occurrence in Form-XI to the Inspector-cum-Facilitator.
- Accident report should be submitted electronically within 48 hours.
- In death case, accident report should be submitted within 12 hours (BOCW).
- In any other case in 24 hours.
- Notice of disease is to be given under section-8.
- Section 9 deals with the duties of employees where the employee observes that working condition in the factory is un-safe then he shall intimate the safety officer and thereafter Safety Officer shall intimate his employer.
- Section 10: In case the employer does not take any action for unsafe working condition, then, the employee may report the matter to Inspector-cum-Facilitator, even electronically.
- Section-13: Section 13 deals with providing of statics of inter-state migrant workers on the portal regarding their occupational safety and health.
- Section 14 deals with Safety Committee.
- The Safety Committee applies to those factories where 500 or more workers are working.
- The tenure of Safety Committee shall be 3 years.
- The duty of Safety Committee shall be ensuring occupational safety.
- Section 15 deals with constitution of Safety Committee
- A senior official of organization shall be the Chairman. The Safety Officer of the company shall be the Secretary and there should be one representative from

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Production, Maintenance and Purchase Deptt. There shall be equal membership of employer and workers in the Safety Committee and total number shall not exceed 20 members and proper description has been given in Section 15.

- Section 18 deals with the requirement of Safety Officer.
- Section 18(1) (only for BOCW) and Dock Workers:
- Safety Officer is required for 500 workers. For Building and Construction work site Safety Officer is required for 250 workers.

Chapter-5: This Chapter deals with the Factories.

- Section -22 deals with cleanliness and hygienic of factories.
- Sector 30 deals with cleanliness and hygienic of BOCW
- Section 36 deals with cleanliness and hygienic of matter of transport workers.
- As per Section 44 every employer of a factory and other establishments will provide adequate supply of clean, wholesome and safe drinking water at all work places.
- Section 44(ii) provides that every vessel containing drinking water it should be written, "water is safe for drinking". Except where the water is delivered through rising jet for drinking in tumbler and cups.
- Section 45 deals with the matter of over-crowding at workplace. This section provides that there should be sufficient place that it is not crowded by machinery or manpower.
- Symbols and signs in the local language should be made that how many persons are allowed to work in the rook/place of work.
- Similarly, vehicles, pedestrians, both ways are kept separate using barriers.
- Deployment of vehicles be managed in such a manner that these can be managed effectively and over-crowding is avoided.
- As per Section 46, the employer shall arrange proper lighting at workplace, both of natural or artificial lighting which is required for work.

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Section 47 provides that adequate number of latrines and urinal accommodation should be provided by the factory, building construction labour and by an establishment.

Section 47(1) further provides that separate arrangement regarding providing of latrine and urinal accommodation should be made for male, female and transgenders and persons with disability.

Section 46(3) provides that one separate latrine accommodation for 25 males and 15 female employees.

- One separate latrine accommodation for person with special disability and for transgender employee (separately)
- One urinal for 15 male employees is also required.
- A sign-board should be kept for cleaning in process in English, Hindi and in local language.
- There should be adequate water supply in the above referred matter.
- There should be wash basin facility with tap water.
- In woman toilets sanitary napkins should be provided.
- Disposal bins with lid should be provided in women toilets
- The latrine facility should be covered and partitioned also. It should have proper doors and fastening and exhaust.
- A notice for men, women and transgenders and person with special disability should be mentioned against toilet facility.

Section-48: Treatment of wastage and effluent should be made in a proper manner.

Chapter-6:

Every factory should have a wash facility. Well-ventilated drainage system and proper hygienic conditions. It should be easily accessible with regular adequate supply of water,

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soaps, towels etc. separately for male, female and transgender employees and person with special disability.

Use of common towel will be prohibited.

Section-50 : There should be proper bathing place and locker rooms.

Section-51: This section provide for keeping of cloths not worn during working hours. There should be changing rook. The room should be separate from workshop.

- There should be individual lockers, adequate ventilation. Benches or other suitable sitting arrangement.
- The change room should be separate for male, female and transgender employees and person with special disability.

Section-52: This section provide for sitting arrangement for the persons where the employee working in standing position.

Section-53: Provisions for canteen

- Where 100 person are working including contract labour, a canteen facility is required in the factory in or adjacent to the precincts of the establishment with whole-some and healthy food for employees.
- There is a provision for coming canteen of nearby establishment
- Canteen should be at a distance from latrine and urinals. It should avoid dust, smoke and obnoxious fumes.
- Canteen should contain Dining Hall, Kitchen, Store Room, Pantry and Washing Place.
- There should be separate door for entry and exit.

Section 53(xi)(b): No person who is suffering from communicable diseases should be allowed to work as Food-handler.

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Section 53(xv): There should be a canteen committee who will manage quality and quantity of food to be served in the canteen, arrangement of menu, timings of meals in the canteen etc.

- The canteen committee should consist of equal number of representative of workers and employer.
- The tenure of canteen committee shall be determined mutually. 1/3rd of canteen committee members of workers and employer shall be retained after every two years.
- There should be a Canteen Manager also and entire matter shall be decided in consultation with him.

Section-54: First Aid and medical appliances

- In every establishment/factory First Aid Boxes are required.
- A notice containing first aid facility, contact details of person incharge and contact details of nearest hospital should be mentioned in it. A board should be placed conspicuously in English, Hindi or local language.
- The first aid box should be handled or supervised by a person who holds a certificate in the First Aid treatment.
- First aid box fully equipped or cup board in every department or section should be maintained properly at all times during working hours.

Section 54(ii): The number of first aid boxes be increased if the employment strength in department/section is more than 200.

Section 54(iv): At least 33% workers in every establishment should be trained in first aid procedure and refresher training be imparted in every 3 years.

Section 55: Ambulance room:

- In every establishment/factory/building employing more than 500 workers should have ambulance room or dispensary during around the clock working hours.

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Section 55(i): The employer of every factory/establishment mentioned above may also tie up with the hospital for emergency services.

Section 55(iv): The ambulance room should be under the charge of full time Medical Practitioner appointed directly by the employer. Para medical staff like one nurse and one General Duty Assistant-Healthcare or nursing staff is also required.

Section 55(v): The qualified medical practitioner should acquire a Diploma or degree in Industrial Occupational Health within one yer from his date of appointment.

- Nurse should have completed training of basic life support and having experience in emergency of not less than 6 months from a multi-speciality hospital.

Section 56: This section is regarding shelters or rest rooms. This section provide that in every factory wherein more than 50 workers are employed.

- The above facility should be separate for male, female, transgender employees.

Section: 57: Welfare Officer is required where ordinarily 250 to 500 workers have been appointed, one Welfare Officer is required and another Welfare Officer is required for every 500 workers.

Section 57(i)(b): For every 100 woman workers one Welfare Officer is required and in addition Welfare Officer is required for more than 1000 woman workers.

- Where more than one Welfare Officer is appointed, then, one of them is to be designated as Chief Welfare Officer.

Section 58: Creche Facility: Where more than 50 workers are employed a crèche facility should be provided for the use of children under the age of 6 years.

Section 59: Mock drills : Mock drills shall be conducted to check emergency preparedness to deal with various emergencies.

Section 62: This section deals with building and other construction worker i.e. living accommodation for every worker under BOCW for free of charge living accommodation who are working on the site remove from their home.

Chapter-7:

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Section 64 deals with the working hours wherein it has been mentioned that working hours will be 48 hours in a week.

Section 67: Weekly holidays. Weekly holiday will be mentioned on the notice board at a conspicuous place in the workshop of every establishment

- Where the weekly holiday is not on the same day for all the person employed, then, establishment will show the holidays allowed to each section/relay/ department or set of persons. The weekly holiday displayed in Hindi, English or local language on the notice board.

Section 68 compensatory holidays will be allowed to the workers due to technical reasons they are working continuously throughout the day. They will be allowed compensatory holiday but not more than 2 compensatory holidays are given in one week and list of compensatory holidays will also be displayed.

- If there is any change in the schedule of compensatory holidays, then, intimation should be given three days in advance.
- Compensatory holidays if due to a worker will be given to him before his dismissal or discharge and will not counted in his period of notice.

Section 69: Overtime wages

Section 69(3) provides that full time wages will be calculated by dividing the monthly in case of monthly rated person by 26.

Section 69(4) provides the conditions precedent for overtime. This section further provides that maximum number of hours of overtime in a quarter shall not exceed more than 144.

Section 71: The notice period of worker shall be displayed in Form No.11 in the notice board of electronic board.

Chapter – 8

Section 72: Following registers are to be maintained:-

- i) Employee register in Form XIII
- ii) Attendance register-cum-muster roll in Form XIV
- iii) Register for wages, over time and deduction in Form XV

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Section 72(1)(6): This section provides that all registers shall be preserved in original for a period of 5 calendar years.

Section 72(2): Provision for wage slip in Form XVI electronically should be sent to employee on or before the date of payment.

Section 72(5): Annual return on Form XVII and XVIII on or before 28th and 29th February. Above return should be sent electronically.

Section 72(6): Where the work of establishment is discontinued intimation on Form XVII and XVIII shall be submitted within 4 months after discontinuation of work.

Section 72(5): Entire record of returns shall be preserved for a period of 5 years.

Section 72(8): Self-declaration should be submitted by those factories where provisions of ESI Act and EPF Act are applicable in Form No.XVII.

Section 73: Display of notice board mentioning therein address of establishment, hours of work, off day, wage period, date of payment of wages and any accident and dangerous occurrence occurred during last 5 years.

Section 74: Annual return Form XVII.

- Last date of submission of annual return is February of each calendar year.

Section 75: Register of accident and dangerous occurrence on Form XIX.

Section 76: Leave with wages register Form XX.

- The above registers are also to be preserved for a period of maximum 5 years.

Section 81: is regarding payment of medical officer possessing any recognized medical qualification as per National Medical Commission 2019.

- He shall be trained in Occupational Health Code.

Chapter 10:

Section 83: is employment of women in establishment during night shift and conditions have been laid down.

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Chapter 11: Deals with contract labour

Section 86: deals with condition precedent for issuance of license.

Section 88: deals with a single license for the contractor who is working in more than one state in whole of India.

Section 93: deals with responsibility of contractor who is deploying its labour.

Section 98: is regarding responsibility for payment of wages to the contractor's employees.

- Half yearly return by contractor is on Form XVIII
- Annual return by contractor on Form XVII

Section 100: deals with experience certificate by the contractor on the demand of the worker.

Section 101: prescribes prohibition of engaging contract labour in core activities.

Section 102: deals with Inter-State Migrant Workers.

Section 183: deals with social security funds as per section 115 of code.

Section 185: deals with annual increments of regular workers of contractors.