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KARNATAKA EMPLOYERS' ASSOCIATION

NO.74, 2nd FLOOR, SHANKARA ARCADE, VANIVILAS ROAD, BASAVANAGUDI

BENGALURU - 560 004

Reg. No. TU 507 / 20-3-1962

Date : 18.08.2018

CIRCULAR No.55/2018

To
All Members of the Association

The draft Labour Code on Occupational Safety, Health and Working Conditions 2018.

1. Ministry of Labour & Employment has placed on its website the draft Labour Code on Occupational Safety, health and Working Conditions, 2018 on 23rd March, 2018/https://labour.gov.in/sites/default/files/OSH_23-03-2018.pdf) inviting comments/suggestions of various stakeholders including general public.
2. The Members, who are interested, may submit their Comments and Suggestions, to the Under Secretary (LRC), Ministry of Labour & Employment, Room No.17A, Shram Shakti Bhawan, Rafi Marg, New Delhi - 110 001 before 31.8.2018 with a copy to KEA. The office Memorandum dated: 23.3.2018 of the Ministry of Labour and Employment is enclosed.

for KARNATAKA EMPLOYERS' ASSOCIATION

sd/-
(B.C. PRABHAKAR)
PRESIDENT

Z-13025/12/2015-LRC
Government of India
Ministry of Labour and Employment

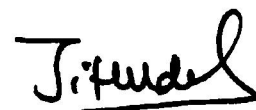
Shram Shakti Bhawan, Rafi Marg,
New Delhi dated, the 23rd April, 2018

Note

Subject: The draft Labour Code on Occupational Safety, Health and Working Conditions, 2018 - regarding .

Ministry of Labour & Employment has placed on its website the draft Labour Code on Occupational Safety, Health and Working Conditions, 2018 on 23rd March, 2018 [https://labour.gov.in/sites/default/files/OSH_23-03-2018.pdf], inviting comments/suggestions of various stakeholders including general public.

2. Now, it has been decided to extend the last date for giving comments/suggestions on the Draft Code on Occupational Safety, Health and Working Conditions, 2018 to 31st May, 2018.



(J. K. Singh)

Under Secretary to the Govt. of India
Tel. No-2376 6937
e-mail-jk.singh68@nic.in

To,
All the Stakeholders

F. No. Z-13025/12/2015-LRC
Government of India
Ministry of Labour and Employment

Shram Shakti Bhawan, New Delhi
Dated: 23rd March, 2018

OFFICE MEMORANDUM

Sub:- The draft Labour Code on Occupational Safety, Health and Working Conditions, 2018. – inviting comments/suggestions/inputs Reg.

The undersigned is directed to say that the Ministry of Labour & Employment has been taking steps for simplification, amalgamation and rationalization of Central Labour Laws which is also in tandem with recommendations of 2nd National Commission on Labour. The various existing Acts are being proposed to be subsumed in four major Labour Codes viz., Code on Wages, Code on Industrial Relations, Code of Social Security and Code on Occupational Safety, Health and Working Conditions.

2. Now, the Ministry has prepared a preliminary draft on Code on Occupational Safety, Health and Working Conditions, 2018, by amalgamating 13 labour laws relating to safety and health standards, health and working conditions, welfare provisions for the employees and leave and hours of work. The following Acts have been merged.

- i. The Factories Act, 1948 (Act no. 63 of 1948)
- ii. The Mines Act, 1952 (Act no. 35 of 1952)
- iii. The Dock Workers (Safety, Health and Welfare) Act, 1986 (Act no. 54 of 1986)
- iv. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (Act No. 27 of 1996)
- v. The Plantations Labour Act, 1951 (Act No. 69 of 1951)
- vi. The Contract Labour (Regulation and Abolition) Act, 1970
- vii. The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979

- viii. The Working Journalist and other News Paper Employees (Conditions of Service and Misc. Provision) Act, 1955
- ix. The Working Journalist (Fixation of rates of wages) Act, 1958
- x. The Motor Transport Workers Act, 1961
- xi. Sales Promotion Employees (Condition of Service) Act, 1976
- xii. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966
- xiii. The Cine Workers and Cinema Theatre Workers Act, 1981

3. Your specific inputs/suggestions are requested on the various aspects of the code including threshold/applicability, the registration/ licensing and processes there of, National/State Occupational Safety & Health Boards, the broad aspects on working and health conditions, safety standards, welfare measures, enforcement mechanism, penalties, rule making powers of the Central and State Governments and the various items incorporated in the three schedules.

4. The preliminary draft is enclosed for inviting comments/suggestions of the various stakeholders including general public. It is requested that the comments/suggestions may be sent to this Ministry by 22.04.2018 on the address, i.e. Under Secretary (LRC), Ministry of Labour & Employment, Room No. 17A, Shram Shakti Bhawan, Rafi Marg, New Delhi – 110 001 or through email: jk.singh68@nic.in. The suggestions/comments should be in the following format:

Format			
Section/Sub-section/Clause/Proviso of the code	Issue/problem identified in the relevant clause	Proposed change/correction that is suggested	Reason for the proposed change

A. Tripathi
22/3/18
(Anita Tripathi)

Deputy Secretary to the Government of India
Ph: 23711354

Encl: 65 pages of the Code

To

All stakeholders.

of Clauses:

Chapter I: Preliminary

1. Short title, extent and commencement
2. Definitions

Chapter II: Registration

3. Registration of certain establishments
4. Appeal
5. Notice by employer of commencement and cessation of operation

Chapter III: Duties of Employer and Employees, etc.

6. Duties of employer
7. Duties and responsibilities of owners, agents and managers in relation to mine
8. Duties of manufacturers
9. Duties of architects, project engineers and designers
10. Notice of certain accident
11. Notice of certain dangerous occurrences
12. Notice of certain diseases
13. Duties of employees
14. Rights of employee
15. Duty not to interfere with or misuse things

Chapter IV: Occupational Safety and Health

16. National Occupational Safety and Health Advisory Board
17. State Occupational Safety and Health Advisory Board
18. Occupational Safety and Health Standards
19. Research related activities
20. Safety and occupational health surveys
21. Statistics
22. Safety Committee and Safety Officers

Chapter V: Health and Working Conditions

23. Responsibility of employer for maintaining health and working conditions

Chapter VI: Welfare Provisions

24. Washing facilities in the establishment, etc.

Chapter VII: Hours of Work and Annual Leave with Wages 25.

Weekly and daily working hours, etc.

26. Weekly and compensatory holidays
27. Extra wages for overtime
28. Night shifts
29. Prohibition of overlapping shifts
30. Restriction on double employment in factory and mine
31. Notice of periods of work 32. Annual leave with wages, etc.

Chapter VIII: Maintenance of Registers, Records and Returns etc.

33. Maintenance of registers and records and filing of returns

Chapter IX: Facilitators and other Authority

34. Appointment of Facilitators
35. Powers of Facilitators
36. Special powers of Facilitator in respect of factory, mines and dock work and building and other construction work
37. Secrecy of information by Chief Facilitator or Facilitator, etc.
38. Facilities to be afforded to the Facilitator
39. Powers of Special Officer to enter, measure, etc. in relation to mine
40. Medical Officer

Chapter X: Special Provision relating to Employment of Women

41. Applicability of the chapter
42. Restriction on employment of women
43. Prohibition on employment of women in dangerous operation

Chapter XI - Special Provisions for Contract Labour and Inter State Migrant Worker, etc.

PART-I Contract Labour and Inter State Migrant Worker

44. Applicability of this Part
45. Appointment of licensing officers
46. Licensing of contractors
47. Grant of licence
48. No fees or Commission or any cost to workers
49. Information regarding work order to be given to the appropriate Government
50. Revocation, suspension and amendment of license
51. Appeal
52. Liability of Principal Employer for welfare facilities
53. Effect of employing contract labour from a non-licensed Contractor
54. Responsibility of Payment of wages
55. Experience Certificate
56. Prohibition of employment of contract labour
57. Power to exempt in special cases
58. Facilities to Inter- State Migrant workers 59. Displacement allowance
60. Journey allowance etc.
61. Past liabilities

PART- II Audio-Visual Workers

62. Prohibition of employment of audio-visual worker without agreement **PART- III Mines**
63. Managers
64. Code not to apply in certain cases
65. Exemption from provision regarding employment
66. Decision of question whether a mine is under this Code

PART- IV Beedi and Cigar Workers

67. Licence to industrial premises and person
68. Appeals
69. Permission to work by employees outside industrial premises
70. Part not to apply to self employed persons in private dwelling houses **PART -V Building and other Construction Worker**
71. Prohibition of employment of certain persons in certain building or other construction work **PART- VI Factory**
72. Approval, licensing and registration of factories

73. Liability of owner of premises in certain circumstances
74. Power to apply the Code to certain premises
75. Dangerous operations
76. Constitution of Site Appraisal Committee
77. Compulsory disclosure of information by the occupier
78. Specific responsibility of the occupier in relation to hazardous processes
79. Power of Central Government to appoint Inquiry Committee
80. Emergency standards
81. Permissible limits of exposure of chemicals and toxic substances
82. Workers' participation in safety management
83. Right of workers to warn about imminent danger
84. Power to direct inquiry into cases of accident or disease in a factory
85. Appeal against the order of facilitator in case of factory
86. Power to make exempting rules and order

Chapter XII: Offences, Penalties and Procedure

87. General penalty for offences
88. Causing obstruction to deter Chief Facilitator or Facilitator from duty, etc.
89. Non-maintenance of register and records and non-filing of returns, etc. etc.
90. Contravention of provisions regarding employment of worker including women, audio-visual worker and contract labour, etc
91. Falsification of records, etc.
92. Penalty on disclosure of information
93. Penalty for wrongfully disclosing results of analysis of a sample of substance used or intended to be used
94. Penalty for contravention of the provisions of duties relating to hazardous processes
95. Penalty for contravention of the provisions of duties relating to safety provisions resulting in an accident
96. Failure to appoint manager in a mine
97. Offences by employees
98. Prosecution of owner, agent or manager of a mine
99. Exemption of owner, agent or manager of a mine or occupier of a factory from liability in certain cases
100. Offences by companies, etc.
101. Limitation of Prosecution and cognizance of offence
102. Jurisdiction of a court for entertaining proceedings, etc., for offence
103. Power of Court to make orders
104. Compounding of offences

Chapter XIII: Miscellaneous

105. Delegation of powers
106. Onus as to age
107. Onus of proving limits of what is practicable, etc.
108. Effect of law and agreements inconsistent with this Code
109. Power of the appropriate Government to direct inquiry in certain cases
110. Publication of reports
111. Powers of Central Government to give directions
112. General restriction on disclosure of information
113. Jurisdiction of civil courts barred
114. Protection of action taken in good faith

115. Power to exempt in special cases
116. Power to exempt during public emergency
117. Power to exempt public institution
118. Persons required to give notice, etc., legally bound to do so
119. Power to remove difficulties
120. Power of the appropriate Government to make rules
121. Power of the Central Government to make rules
122. Power of the State Government to make rules
123. Power of Central Government to make regulations in relation to mines and dock work
124. Prior publication of regulation and rules in relation to mine and dock work
125. Power to make regulation without previous publication
126. Bye-laws
127. Laying regulations, rules and bye laws before parliament
128. Laying of rules made by State Government
129. Repeal and Savings **The First Schedule**

