

OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS CODE, 2020: KEY PROVISIONS AND COMPLIANCE IMPLICATIONS

Introduction

The Occupational Safety, Health and Working Conditions Code, 2020 (“OSHWC Code” or “Code”) is an important legislative measure aimed at consolidating and simplifying laws relating to occupational safety, health and working conditions. The Code brings together provisions governing various sectors, including factories, mines, construction establishments, plantations, contract labour and inter-State migrant workers, under a unified framework.

The Code seeks to establish clearer responsibilities for employers and workers, improve workplace safety, strengthen welfare measures and simplify registration and compliance procedures. Its implementation requires organisations to review their existing policies, employment practices, safety procedures and statutory records to ensure compliance with the applicable provisions.

Legislative Background and Implementation

The OSHWC Code was enacted on 28 September 2020 and, was brought into force on 21 November 2025. Subsequent clarifications and implementation-related developments during 2026 have further highlighted the need for organisations to monitor applicable rules, notifications and standards.

The Code consolidates 13 central labour enactments relating to occupational safety, health and working conditions. This consolidation is intended to reduce fragmentation in the regulatory framework and provide a more consistent approach to workplace compliance.

However, organisations should distinguish between the enactment of the Code, its commencement and the operational requirements prescribed under the applicable Central and State rules. Businesses operating across multiple States should particularly monitor State-specific notifications and ensure that their compliance practices reflect the requirements applicable to each establishment.

Applicability of the Code

The Code has a broad scope and is not restricted to manufacturing establishments alone. Depending on the nature of the activity and the relevant statutory conditions, it may apply to factories, shops and commercial establishments, mines, construction work, plantations and other specified establishments.

The general framework refers to establishments employing 10 or more workers for important coverage and registration requirements. However, different provisions may prescribe different thresholds, and special requirements may apply to hazardous activities even where the workforce is smaller.

Accordingly, organisations should determine applicability by examining the nature of their operations, number of workers, type of establishment and relevant statutory definitions. The

mere classification of an entity as an office or commercial establishment should not be treated as sufficient to conclude that the Code is inapplicable.

Duties of Employers and Workers

The Code places significant responsibility on employers to provide a safe and healthy working environment. Employers are required to comply with applicable occupational safety standards, provide prescribed welfare facilities, arrange medical examinations wherever required and maintain relevant employment and safety records.

Employers must also ensure that appointment letters are issued in the prescribed manner and that accidents, dangerous occurrences and specified occupational diseases are reported in accordance with the applicable requirements. Employees should not be charged for safety measures or facilities that the employer is legally required to provide.

Workers also have responsibilities under the Code. They are expected to take reasonable care of their own safety and that of others, follow workplace safety instructions, use protective equipment correctly and report unsafe conditions. The framework also provides for raising concerns where workers reasonably believe that an immediate threat to life or health exists.

Workplace safety should therefore be treated as a shared responsibility involving management, human resources, operations, administration and environment, health and safety teams, rather than being confined to the safety department alone.

Occupational Health and Safety Requirements

The Code emphasises preventive measures to reduce occupational risks and workplace accidents. Establishments must identify hazards associated with their operations and implement the safety measures prescribed for the relevant industry and activity. Safety committees and safety officers may also be required in specified establishments, depending on the applicable provisions.

Particular attention is required where workers are engaged in hazardous processes or dangerous operations. The relevant schedules and statutory requirements should be examined to determine whether an establishment's activities fall within these categories.

Medical examinations must be arranged wherever prescribed, taking into account the nature of the work and occupational exposure. A general employee wellness programme may not, by itself, satisfy statutory medical surveillance requirements for workers exposed to hazardous substances or dangerous processes. Organisations should maintain a suitable medical surveillance framework identifying relevant job roles, occupational risks, examinations and applicable frequency.

Working Hours, Leave and Employment of Women

The Code contains provisions relating to working hours, overtime, annual leave and other conditions of employment. Organisations should review their attendance systems, shift arrangements, leave policies and payroll processes to ensure that statutory requirements are reflected in actual workplace practices.

For example, where attendance records indicate overtime, the corresponding payroll records should demonstrate that applicable overtime payments have been calculated and made correctly. Inconsistent attendance and wage records may create compliance risks during an inspection.

The Code also permits women to be employed in all establishments and in specified types of work, subject to applicable conditions. Women may work before 6 a.m. and beyond 7 p.m. with their consent and subject to prescribed safeguards. Employers should ensure that consent alone is not treated as sufficient and should review applicable requirements relating to safety, security, transportation where prescribed, emergency response and other protective arrangements.

Contract Labour and Principal Employer Responsibilities

The Code revises the framework governing contract labour, including the threshold for the application of relevant provisions. As discussed during the webinar, the threshold under the relevant contract labour provisions has increased from 20 to 50 contract workers, subject to the statutory conditions.

The Code also rationalises the registration framework by providing for establishment-level registration under the Code, while contractor licensing continues to apply wherever required. The applicable requirements should be examined before concluding that a separate licence or registration is unnecessary.

Principal employers should exercise appropriate oversight over contractors engaged at their establishments. This includes verifying applicable licences, maintaining worker details, reviewing wage-payment evidence, checking welfare facilities and ensuring compliance with safety requirements. Organisations should also examine whether contract labour is being engaged in activities for which restrictions apply, taking into account the exceptions prescribed under the Code.

Contractor compliance should be coordinated between human resources, procurement, operations and the safety department. It should not be treated merely as a vendor-management or payment-related activity.

Inter-State Migrant Workers

The Code addresses the conditions and welfare of inter-State migrant workers, including qualifying workers who migrate independently for employment, subject to the applicable statutory criteria. Eligible workers may also be entitled to journey allowance once in a period of 12 months, in accordance with the prescribed conditions.

Organisations engaging migrant workers should review their workforce records, employment arrangements and applicable welfare obligations. They should also ensure that contractors supplying such workers maintain appropriate documentation and comply with the relevant requirements.

Registration, Records and Inspections

The Code seeks to simplify registration and compliance procedures and provides for an Inspector-cum-Facilitator framework. Nevertheless, simplified procedures do not remove the need to maintain accurate records or demonstrate compliance with statutory obligations.

Organisations should maintain updated employment records, appointment letters, attendance and overtime details, wage-payment evidence, contractor documentation, medical examination records, safety reports and accident-related documentation, as applicable. Records should be readily accessible and consistent across human resources, payroll, operations and safety functions.

Businesses operating in multiple States should prepare a State-wise compliance matrix identifying the applicable provision, responsible department, compliance frequency and supporting documentation. They should also distinguish between draft rules and final notified rules and monitor relevant notifications issued by the appropriate government.

Compliance Implications and Role of Company Secretaries

The OSHWC Code has implications beyond the human resources and factory-management functions. The Board of Directors and senior management should ensure that appropriate systems are established to identify applicable obligations, allocate responsibility and monitor compliance.

Company Secretaries can support this process by coordinating with HR, legal, operations and safety teams, reviewing compliance reports, identifying gaps and ensuring that material non-compliance is escalated to management. Where the organisation operates manufacturing facilities or other higher-risk establishments, visits to operational sites can help improve understanding of the processes and related statutory risks.

A practical compliance review should include an assessment of applicability, registration and licensing, employment documentation, working hours, overtime payments, health examinations, safety arrangements, contractor compliance and accident-reporting procedures. The review should also include a mechanism for monitoring changes in applicable Central and State requirements.

Conclusion

The OSHWC Code, 2020 represents a significant step towards consolidating workplace safety, health and working-condition requirements within a unified legislative framework. Its effective implementation requires organisations to move beyond a documentation-based approach and establish practical systems that protect workers, prevent workplace hazards and support statutory compliance.

Employers, management and Company Secretaries should work collaboratively to assess applicability, monitor notifications, maintain reliable records and periodically review internal controls. A proactive approach will help organisations strengthen workplace safety, reduce compliance risks and promote responsible corporate governance.

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