

New Labour Codes of India

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Lecture 46

Occupational Safety Health and Working Conditions Code, 2020 -Introduction, Definitions

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Dear students, from this class onwards we are going to deal with the last code, the fourth code that is, the Occupational Safety Health and Working Conditions Code of 2020. And this class is dedicated to the important definitions in the Occupational Safety Health and Working Conditions Code, because in the coming classes we have to discuss about the important definitions, so we have to understand. So, this code of Occupation Safety Health and the Working Conditions Code has repealed many legislations, around 13 legislations and it is incorporated into this particular code. All health-related and safety-related aspects are included in this particular code.

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So, we will see these, the Safety and Health Working Conditions Code 2020 as well as the important provisions of the draft rules.

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So, here the occupational safety, the name itself says that of occupational safety health and working conditions code which talks about the occupational safety, health and working conditions .

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This slide provides details about the Occupational Safety Health and Working Conditions Code, 2020. It features a list of bullet points:

- ❑ The Occupational Safety, Health And Working Conditions Code, 2020 is a code to consolidate and amend the laws regulating the Occupational safety and health and working conditions of the persons employed in an establishment.
- ❑ **The Act Replaces 13 old central labour laws.**
- ❑ The bill was passed by the Lok Sabha on 22 September 2020.
- ❑ The bill was passed by the Rajya Sabha on 23 September 2020.
- ❑ The bill received the presidential assent on 28 September 2020.

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Here 13 legislations, central labour legislations are repealed by this single legislation. That is the importance of this particular Occupation Safety Health and Working Conditions Code of 2020.

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Repealed Enactments

1. The Factories Act, 1948;
2. The Plantations Labour Act, 1951;
3. The Mines Act, 1952;
4. The Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955;
5. The Working Journalists (Fixation of Rates of Wages) Act, 1958;
6. The Motor Transport Workers Act, 1961;
7. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966;
8. The Contract Labour (Regulation and Abolition) Act, 1970;
9. The Sales Promotion Employees (Conditions of Service) Act, 1976;
10. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;



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Thirteen legislations include The Factories Act of 1948, The Plantation Labour Act of 1951, The Mines Act, of 1952, The Working Journalists and Newspaper Employees Conditions of Service and Miscellaneous Provisions Act of 1955, the Working Journalist Fixation of Rates of Wages Act of 1958, The Motor Transport Workers Act of 1961, The Beedi and Cigar Workers Conditions of Employment Act of 1966, The Contract Labour Regulation and Abolition Act of 1970, The Sale Promotion Employees Conditions of Service Act of 1976, The Inter-State Migrant Workers Regulation of Employment and Conditions of Service Act of 1979.

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Repealed Enactments

11. The Cine-Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981;
12. The Dock Workers (Safety, Health and Welfare) Act, 1986;
13. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996.

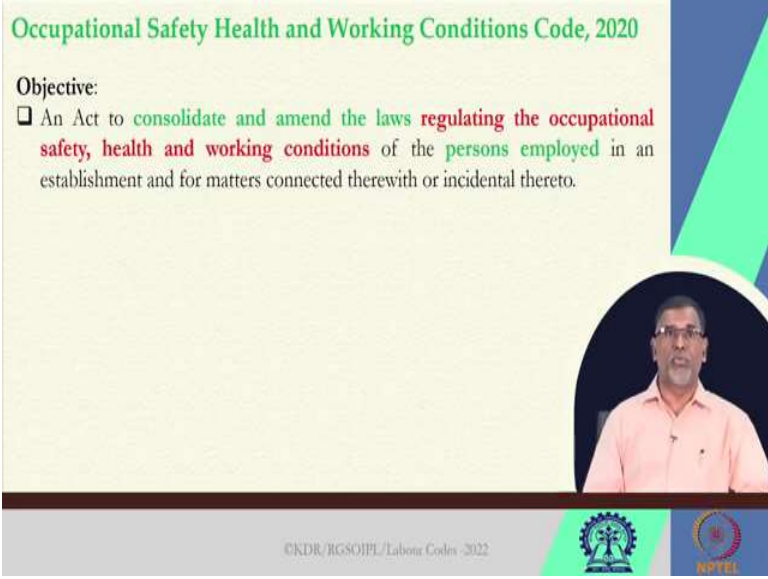


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And also, it includes The Cine-Workers and Cinema Theatre Workers Regulation of Employment Act, 1981, The Dock Workers Safety Health and Welfare Act, 1986, and The Building and Other Construction Workers Regulation of Employment and Conditions of Service Act, 1996. So, in total, 13 central legislations are repealed by this single code.

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Occupational Safety Health and Working Conditions Code, 2020

Objective:

- ❑ An Act to consolidate and amend the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment and for matters connected therewith or incidental thereto.

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So, the objective of the code very clearly says that is to regulate occupational safety, health and working conditions of the persons employed in an establishment. So, it repealed 13 legislations relating to occupational safety health and working conditions.

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Occupational Safety Health and Working Conditions Code, 2020

Highlights

- ❑ Applicability of the definition of the factory from 10 -20 to 20-40 people working.
- ❑ Mandates the issuance of appointment letters to the employees and workers.
- ❑ Prohibition of contract labours.
- ❑ **Expands** the list of benefits to the inter-state migrant workman such as the benefits of the insurance and provident fund benefits either in the native state or the state of employment,
- ❑ portability of benefits of the inter-state migrant worker.
- ❑ Mandates free **health check-ups** for those who attained the age of forty-five years for prescribed industries such as factories, mines, plantations, and workers employed in the hazardous process.



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Here the applicability of the number of people who are employed has been increased from the earlier Factories Act of 1948. So, the 10 is increased to 20 and that is without the use of power, and 20 has been increased to 40 working people.

So, 10 to 20 and 20 to 40 people without the aid of the power and with the aid of the power. So, now people who are working 20 to 40, this is applicable. So, the higher number is included by this amendment or repeal in the new code. So, it mandates appointment letters to every employee or worker.

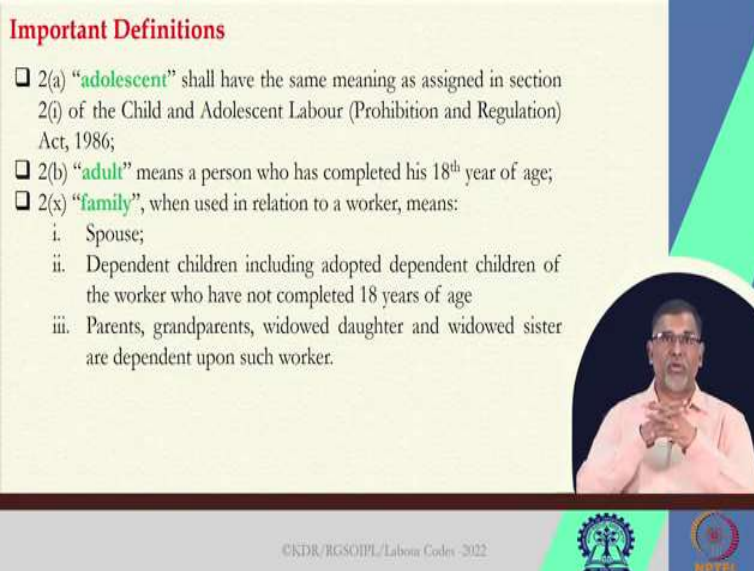
And the new code prohibits contract labours. And it expands the benefit of inter-state migrant workers. So, expands the benefits in terms of insurance, provident funds and other benefits which are provided by the state governments. And more importantly, you can see the portability of benefits for migrant workers, especially those who are working in the construction sector.

Because the cess is collected by the state governments, so, they move from one state to the other state. Usually, now they are permitted to take their particular benefits and transfer from one board to another state board. And also the new code mandates free health check-ups for all workers who attained the age of 45 years in factories, mines, plantations and workers who are employed in the hazardous process.

A mandatory health check-up beyond 45 years. And also some of the other benefits for every migrant worker, the inter-state migrant worker should get transport allowances to visit their home

once a year. So, these are the new provisions included in the Occupational Safety Health and Working Conditions Code.

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Important Definitions

- ❑ 2(a) “**adolescent**” shall have the same meaning as assigned in section 2(i) of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986;
- ❑ 2(b) “**adult**” means a person who has completed his 18th year of age;
- ❑ 2(x) “**family**”, when used in relation to a worker, means:
 - i. Spouse;
 - ii. Dependent children including adopted dependent children of the worker who have not completed 18 years of age
 - iii. Parents, grandparents, widowed daughter and widowed sister are dependent upon such worker.

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And here are the definitions of the adolescent, which clearly says that the definition is in accordance with the Child and Adolescent Labour Prohibition and Regulation Act of 1986. So, we said the age of 16 to 18 is considered as an adolescent. And adult means those who have completed 18 years of age, and family includes a spouse and dependent children and also those who have, workers who have not completed the age of 18, parents, grandparents, widowed daughter widowed sister and dependent upon such worker. So, this includes the family members, so that they will get the benefits under different schemes.

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Important Definitions

□ 2(v) “**establishment**” means—

- A place where any **industry, trade, business, manufacturing** or occupation is carried on in which **10 or more** workers are employed; or
- Motor transport undertaking, newspaper establishment, audio-video production, building and other construction work or plantation**, in which **10 or more** workers are employed; or
- Factory** in which **10 or more** workers are employed
- A **mine or port or vicinity of port where dock work is carried out**



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We saw the definition of establishment and also the motor transporting undertakings, and factories. So, we already said that the numbers now increase, and a higher number is prescribed under the new provisions.

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Important Definitions

□ 2(p) “**core activity of an establishment**” means any activity **for which the establishment is set up and includes** any activity which is **essential or necessary to such activity**;

□ Provided that the **following shall not be considered as essential or necessary activity**, if the establishment is not set up for such activity, namely:—

- sanitation works, including sweeping, cleaning, dusting and collection and disposal of all kinds of waste;
- watch and ward services including security services;
- canteen and catering services;
- loading and unloading operations;
- running of hospitals, educational and training Institutions, guest houses, clubs and the like where they are in the nature of support services of an establishment;



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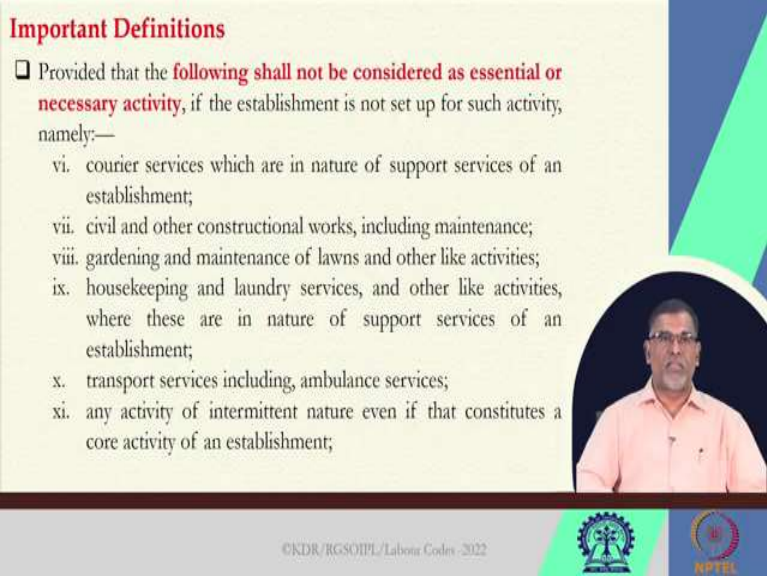

And the core activity of an establishment is defined. So, core activity means any activity for which the establishment is set up and includes any activity which is essential or necessary to such activity of the existence of such kind of factories or the establishment.

So, some of the activities are considered to be not essential, especially if this is applicable to the factories. So, people who are working in a factory for sanitation, doing sanitation work, sweeping, cleaning, dusting and collecting and disposing of waste, are not considered to be an employee of a factory.

So, if the core activity is if a person is not connected with the core activity of a factory, then he is not considered to be an employee of the factory. So, now watch and ward, security services and canteen services, catering services, loading-unloading operations related to the factory, running of hospitals, education institutions, guest houses, clubs and supporting services are not going to be considered to be the essential activity or core activity of an establishment.

So, the result of this definition is that the people who are cleaning the factory or those who are working in a factory, or hospital, those who are working in educational institutions run by the factory or training institutions and the guest houses run by the factory, they are not going to get any benefits under this particular code, they are excluded from the purview of this particular code.

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Important Definitions

❑ Provided that the **following shall not be considered as essential or necessary activity**, if the establishment is not set up for such activity, namely:—

- vi. courier services which are in nature of support services of an establishment;
- vii. civil and other constructional works, including maintenance;
- viii. gardening and maintenance of lawns and other like activities;
- ix. housekeeping and laundry services, and other like activities, where these are in nature of support services of an establishment;
- x. transport services including, ambulance services;
- xi. any activity of intermittent nature even if that constitutes a core activity of an establishment;

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And also, you can see that, so we can see other definitions, specifically important definitions, we will look into.

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Important Definitions

- 2(zd) “industry” means any systematic activity carried on by co-operation between an employer and worker (whether such worker is employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services with a view to satisfy human wants or wishes (not being wants or wishes which are merely spiritual or religious in nature), whether or not,—
- Any capital has been invested for the purpose of carrying on such activity; or
 - Such activity is carried on with a motive to make any gain or profit,

but does not include:



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So, the industry is also in the background of the earlier former Factories Act. So, industry means any systemic activity carried down by cooperation between the employer and worker. And so, if the worker can be employed directly or through a contractor for the production, supply or distribution of goods or services.

And so, the goods or services, so, we saw this definition in the earlier, some of the earlier classes also, not being used for spiritual or religious purposes in nature. And capital has been invested for the purpose of carrying out any such activity. And also mainly, such activities are carried out to make or gain profit.

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Important Definitions

but does not include:

- a) Institutions owned or managed by organisations wholly or substantially engaged in any **charitable, social or philanthropic** services; or
- b) Any activity of the appropriate Government relating to the **sovereign functions** of the appropriate Government including all the activities carried on by the Departments of the Central Government dealing with **defence research, atomic energy and space**; or
- c) Any **domestic service**; or
- d) Any other activity as may be notified by the Central Government;



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And also we saw the definition of industry and also the Bangalore water supply severance case in the earlier classes. So, it does not include charitable and social and philanthropic services and the sovereign functions do not include research, defence research, atomic energy, etc domestic services and also any other services notified by the central government are not going to come into the purview of industry.

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Important Definitions

- ❑ 2(zc) “**industrial premises**” means any **place or premises** (not being a private dwelling house), including the precincts thereof, in which or in any part of which **any industry, trade, business, occupation or manufacturing is being ordinarily carried on** with or without the aid of power and **includes a godown** attached thereto;
- ❑ 2(y) “**godown**” means any **warehouse or other place**, by whatever name called, **used for the storage of any article or substance required for any manufacturing process** which means any process for, or incidental to, **making, finishing or packing or otherwise treating** any article or substance with a view to its **use, sale, transport, delivery or disposal as finished products**;



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And industrial premises, and we already talked about industrial premises and the notional extension in the course of employment, in one of the previous classes. And the definition, the

godown is also defined. It is a warehouse used for the purposes, storage purposes, and any articles or substances are stored for the purpose of manufacturing. And making, even finishing or packaging. So, even packaging of the finished products.

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Important Definitions

□ 2(w) “factory” means any premises including the precincts thereof—

- i. whereon **20 or more workers** are working, or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on with the aid of power, or is ordinarily so carried on; or
- ii. whereon **40 or more workers** are working, or were working on any day of the preceding 12 months, and in any part of which a manufacturing process is being carried on without the aid of power, or is ordinarily so carried on, but **does not include** a mobile unit belonging to the armed forces of the Union, railways running shed or a hotel, restaurant or eating place:

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So, here in the factory, now 20 or more workers are working usually the without the aid of power. And with the aid of power, its number is increased to 40 number. But a mobile unit belonging to the armed forces of the union, railways, hotels, restaurants, eating places, etc have been excluded. So, now the factory, the minimum number is increased from 10 to 20 and 20 to 40. So, the numbers are increased.

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Important Definitions

- 2(z) “**manufacturing process**” means any process for—
- Making, altering, repairing, ornamenting, finishing, packing, oiling, washing, cleaning, breaking up, demolishing, or otherwise treating or adapting any article or substance with a view to its use, sale, transport, delivery or disposal; or
 - Pumping oil, water, sewage or any other substance; or
 - Generating, transforming or transmitting power; or
 - Composing, printing, printing by letter press, lithography, offset, photogravure screen printing, three Dimensional or four Dimensional printing, prototyping, flexography or other types of printing process or book binding; or
 - Constructing, reconstructing, repairing, refitting, finishing or breaking up ships or vessels; or
 - Preserving or storing any article in cold storage; or
 - Such other processes as the Central Government may notify;



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So, I think we have discussed elaborately with regard to the manufacturing process, what do you mean by exactly the manufacturing process. And also, the manufacturing process includes a series of activities mentioned in the definition.

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Important Definitions

- 2(zg) “**machinery**” means any **article or combination of articles assembled, arranged or connected** and which is **used or intended to be used for converting any form of energy to perform work**, or which is used or intended to be used, whether incidental thereto or not, **for developing, receiving, storing, containing, confining, transforming, transmitting, transferring or controlling any form of energy**;



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And also, the machinery has been defined as an article or combination of articles assembled or arranged or connected and is used or intended to be used for converting any form of energy to perform work. And also for developing, receiving, storing, containing, confining, transforming,

transmitting, transferring or controlling any form of energy. So, it can be also known as a machinery.

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Important Definitions

- ❑ 2(z) “**hazardous**” means involving **danger or potential danger**;
- ❑ 2(za) “**hazardous process**” means any process or activity in relation to an industry or plantation specified in the 1st Schedule where, unless special care is taken, raw materials used therein or the intermediate or finished products, bye-products, hazardous substances, wastes or effluents thereof or spraying of any pesticides, insecticides or chemicals used therein, as the case may be, would—
 - i. **Cause material impairment to the health of the persons** engaged in or connected therewith, or
 - ii. **Result in the pollution of the general environment**;
- ❑ 2(zb) “**hazardous substance**” means any substance or such quantity of the substance as may be prescribed by the appropriate Government or preparation of which by reason of its **chemical or physio-chemical properties** or **handling** is liable to cause **physical or health hazards to human being** or may cause **harm to other living creatures, plants, micro-organisms, property or the environment**;

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So, hazardous processes are defined. So, for any process or activity which is the relation to a particular industry, even plantation in the first schedule, special care is to be taken. And raw materials used therein or intermediate or finished products, by-products, certain substances, waste or effluents or spraying any pesticides, insecticides or chemicals used, such materials would cause material impairment to the health of persons.

In the plantation, in the provisions also, we saw the definition of a hazardous process. A hazardous substance which includes any chemical or physiochemical properties or handling is liable to cause physical or health hazards to human beings. So, such kind of materials is known as hazardous substance as well for the purpose of this particular Act.

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Important Definitions

- 2(zzg) “**serious bodily injury**” means any injury which involves, or in all probability will involve, the permanent loss of any part or section of a body or the use of any part or section of a body, or the permanent loss of or injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or 1 or more joints or bones of any phalanges of hand or foot;



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Then serious bodily injury which means any injury involves any permanent loss of any part or section of a body or the use of any part section of a body or the permanent loss of injury to the sight or hearing or any permanent physical incapacity or the fracture of any bone or more joints or bones of any hand or foot. So, all this can be considered as a serious injury for the purpose of the Act.

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Important Definitions

- 2(u) “**employer**” means a person who **employs**, whether directly or through any person, or on his behalf, or on behalf of any person, 1 or more employees in his establishment and where the establishment is carried on by Central/State Government authority specified or the HoD, and in relation to an establishment carried on by a local authority, the CEO and includes,—
- In relation to an establishment which is a **factory**, the **occupier** of the factory;
 - In relation to **mine**, the **owner** of the mine, **agent** or **manager**;
 - In relation to any other establishment, the person who, or the authority which has **ultimate control over the affairs of the establishment** and where said affairs are entrusted to a manager or managing director, such manager or managing director;
 - Contractor**; and
 - Legal representative** of a deceased employer;



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So, here we saw the definition of an employer many times. So, ultimately, the employer is the person who is the ultimate affair, ultimate control over the affairs of the establishment. It can be a

manager, it can be a director, it can be, in the case of public sector undertakings it can be the HODs and it can be a contractor. Legal representatives also can be the employer.

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Important Definitions

□ 2(zz) “**principal employer**”, where the contract labour is employed or engaged, means

- In relation to any office or department of the Government or a local authority, **the head of that office or department** or **such other officer as the Government or the local authority, may specify**;
- In a **factory**, the **owner** or **occupier** of the factory and where a person has been named as the **manager** of the factory, the person so named;
- In a **mine**, the **owner** or **agent** of the mine;
- In relation to any other establishment, **any person responsible for the supervision and control of the establishment**;

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And the principal employer is a person who is a contract labour is employed or engaged. So, there can be a contractor as well as a principal employer. So, in the factory, we already said that the occupier of the factory or the manager of the factory is considered to be the principal employer. In the case of mines, the owner or agent of mine in relation to any other establishments, the person responsible for supervision and control of the establishment will be considered as the principal employer.

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Important Definitions

- ❑ 2(zw) “owner”, in relation to a mine, means any person who is the immediate proprietor or lessee or occupier of the mine or of any part thereof and in case of a mine the business whereof is being carried on by a liquidator or receiver, such liquidator or receiver;
- ❑ but does not include
 - ❑ a person who merely receives a royalty, rent or fine from the mine, or
 - ❑ is merely the proprietor of the mine, subject to any lease grant or licence for the working thereof, or
 - ❑ is merely the owner of the soil and not interested in the minerals of the mine;



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So, in the case of the owner, we can see who is the immediate proprietor or lessee or occupier of the mine, but it does not include a series of people. So, for example, if somebody is getting a royalty, rent or fine from the mine, he is not going to be the owner. And merely the proprietor of the mine or any lease or grant or working thereof is given to that particular person. So, the owner of that piece of land and not interested, he is not at all interested in the minerals, so he cannot be considered as also the owner of the land.

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Important Definitions

- ❑ 2(zs) “occupier” of a factory means the person who has ultimate control over the affairs of the factory:
- ❑ Provided that—
 - i. In the case of a firm or other association of individuals, any one of the individual partners or members thereof;
 - ii. In the case of a company, any one of the directors;
 - iii. In the case of a factory owned or controlled by the Central Government or any State Government, or any local authority, the person or persons appointed to manage the affairs of the factory, shall be deemed to be the occupier



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So, the occupier which we already mentioned that the occupier is related to a factory, the person who has the ultimate control over the affairs of the factory is considered as an occupier.

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Important Definitions

□ 2(t) “employee” means,

- In respect of an establishment, a person (other than an apprentice engaged under the Apprentices Act, 1961) employed on wages by an establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical, clerical or any other work, whether the terms of employment be express or implied; and
- A person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union

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The slide features a video inset of a man in a pink shirt speaking. At the bottom, there are logos for the Ministry of Labour and Employment, Government of India, and the National Institute for Labour Education (NILE).

And definitions of employees many times we discussed. The employee is a wider ambit of persons who includes even supervisory and managerial administrative activities, except the armed forces. So, employee, which considers a large number of people included, that is, skilled, semi-skilled or unskilled, manual operational or supervisory and managerial and administrative, will include under the scope of the definition of employee.

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Important Definitions

- 2(zzl) “**worker**” means **any person employed** in any establishment to do any **manual, unskilled, skilled, technical, operational, clerical or supervisory** work for **hire or reward**, whether the terms of employment be **express or implied**, and includes **working journalists and sales promotion employees**, **but does not include**:
- who is subject to the **Air Force Act, 1950**, or the **Army Act, 1950**, or the **Navy Act, 1957**; or
 - who is employed in the **police service** or as an officer or other employee of a **prison**; or
 - who is employed mainly in a **managerial or administrative capacity**; or
 - who is employed in a **supervisory capacity** drawing wage exceeding **18,000/- per month** or an amount as notified



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And workers and workmen, we discussed it many times, and now, the worker does not include worker who is in a supervisory capacity drawing his salary exceeding of 18,000 rupees per month. If he does not drawing salary exceeding rs.18000 then he will be considered as worker.

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Important Definitions

- 2(n) “**contractor**”, in relation to an establishment, **means a person**, who—
- 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
 - Supplies contract labour for any work of the establishment as mere human resource**, and includes a sub-contractor;



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And the contractor is very clear, whoever undertakes to produce a given result for the establishment, is the contractor. So, the principal employer can be who gives the contract. And there can be a subcontractor as well who will come into the purview of the definition of the contractor.


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Important Definitions

- ❑ 2(m) “contract labour” means a worker who shall be deemed to be employed in or in connection with the work of an establishment when he is hired in or in connection with such work by or through a contractor, with or without the knowledge of the principal employer and includes inter-State migrant worker
- ❑ but does not include a worker who is regularly employed by the contractor for any activity of his establishment and his employment is governed by mutually accepted standards of the conditions of employment (including engagement on permanent basis), and gets periodical increment in the pay, social security coverage and other welfare benefits in accordance with the law for the time being in force in such employment;



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So, contract labour includes the worker who has been deemed to be employed in contract work or through a contractor or without the knowledge of the principal employer. So the knowledge of the principal employer is not required and also includes an inter-state migrant worker. All regular employees are excluded from the purview of the definition of contract labour. So, that means if periodically somebody is getting an increment, social security measures and all other benefits will not come under the purview of contract labour.


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Important Definitions

- ❑ 2(zv) “ordinarily employed” with reference to any establishment or part thereof, means the average number of persons employed per day in the establishment or part thereof during the preceding calendar year obtained by dividing the number of man days worked by the number of working days excluding rest days and other non-working days;

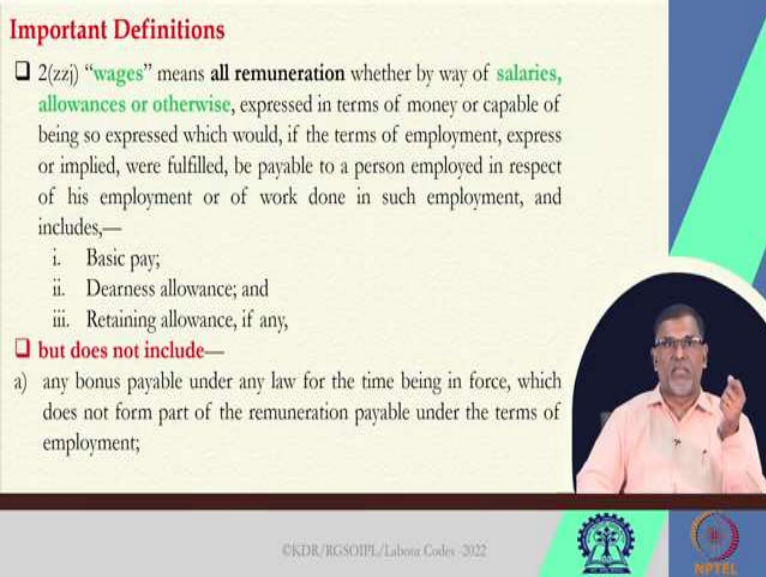


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And we know that people are ordinarily employed, so the average number of people employed per day in a particular establishment in a calendar year, and so you can say that who is ordinarily employed.

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Important Definitions

❑ 2(zzi) “wages” means **all remuneration** whether by way of **salaries, allowances or otherwise**, expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes,—

- i. Basic pay;
- ii. Dearness allowance; and
- iii. Retaining allowance, if any,

❑ **but does not include—**

- a) any bonus payable under any law for the time being in force, which does not form part of the remuneration payable under the terms of employment;

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The slide features a circular inset on the right showing a man in a pink shirt speaking. At the bottom, there are logos for the Ministry of Labour and Employment and the National Technical Institute for Research and Development (NTDI).


So, many times we saw the definition of wages also, it is same as that of the other codes like the Social security Code. So, the wages include basic wage, dearness elements and retaining allowances. But bonus and other payments are excluded from the purview of wages for the purpose of the Health and Safety Code also.

(Refer Slide Time: 20:24)



Important Definitions

❑ but does not include—

- b) the value of any house-accommodation, or of the supply of light, water, medical attendance or other amenity or of any service excluded from the computation of wages by a general or special order of the appropriate Government;
- c) any contribution paid by the employer to any pension or provident fund, and the interest which may have accrued thereon;
- d) any conveyance allowance or the value of any travelling concession;
- e) any sum paid to the employed person to defray special expenses entailed on him by the nature of his employment;
- f) house rent allowance;
- g) remuneration payable under any award or settlement between the parties or order of a court or Tribunal;
- h) any overtime allowance;
- i) any commission payable to the employee;
- j) any gratuity payable on the termination of employment;
- k) any retrenchment compensation or other retirement benefit payable to the employee or any ex gratia payment made to him on the termination of employment



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And we can see exceptions which are provided under this code as well.

(Refer Slide Time: 20:37)


Important Definitions

❑ 2(zf) “inter-State migrant worker” means a person who is employed in an establishment and who—

- i. has been recruited directly by the employer or indirectly through contractor in one State for employment in such establishment situated in another State; or
- ii. has come on his own from one State and obtained employment in an establishment of another State (destination State) or has subsequently changed the establishment within the destination State, under an agreement or other arrangement for such employment and draws wages not exceeding 18,000/month or such higher amount as notified



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And interstate migrant worker is defined. So, he is the person who is recruited directly by the employer or indirectly through a contractor in one state for employing him in an establishment situated in another state. So, he must come on his own will from one state to the other state for avail of the services. And also, such employed persons draw wages not exceeding 18,000 rupees. So, this applicable, this Act is applicable to people who are getting a salary to the tune of 18,000

rupees per month. So exceeding 18,000 rupees is not considered to be under the purview of this particular code.

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Important Definitions

□ 2(c) “**audio-visual production**” means audio-visual produced wholly or partly in **India** and includes—

- i. Animation, cartoon depiction, audio-visual advertisement;
- ii. Digital production or any of the activities in respect of making thereof; and
- iii. Features films, non-feature films, television, web-based serials, talk shows, reality shows and sport shows;

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The slide features a circular inset image of a man in a pink shirt speaking. The bottom of the slide contains two logos: the Indian Labour Union (ILU) on the left and the RGSOIPL logo on the right.

And the new definitions like audio-visual production is defined as if anybody makes animations, cartoon depictions, audio-visual advertisements, digital production and also the feature films, non-feature films, television, web-based series, talk shows, reality shows and sports shows, all this will come under the definition of audio-visual production.

(Refer Slide Time: 22:13)

Important Definitions

- 2(f) “audio-visual worker” means a person, who is employed, directly or through any contractor, in or in connection with the audio-visual production to work as an artist including actor, musician, singer, anchor, news reader, dancer, dubbing artist or stunt person or to do any work, skilled, unskilled, manual, supervisory, technical, artistic or otherwise, and his remuneration with respect to such employment in or in connection with the production of audio-visual does not exceed, where remuneration is by way of monthly wages or where such remuneration is by way of lump sum, in each case, such amount as may be notified by the Central Government;



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An audio-visual worker includes those who are employed directly or indirectly in this audio-visual, the audio-visual worker is an artist, actor, musician, singer or anchor, news reader, dancer, an artist, stunt person or do any kind of skilled, non-skilled or supervisory even, supervisory work for remuneration will come under the definition of audio-visual worker. An audio-visual worker is also eligible for availing of the provisions of this particular code.

(Refer Slide Time: 22:55)

Important Definitions

- 2(zza) “producer”, in relation to audio-visual production, means the company, firm or other person by whom the arrangements necessary for producing such audio-visual (including the raising of finances and engaging audio-visual workers for producing audio-visual) are undertaken.



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And so these are some of the additions to the definition of this particular code. So, here we can see the producer with regard to a particular program and producer with regard to production or film.

So, here the arrangement is necessary for producing such audio-visual equipment. So, who is the person who is raising the finances or engaging audio-visual workers for producing audio-visual materials and undertakings or simply want to say who is spending money for the production of these activities, are, come under the definition of a producer.

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Important Definitions

□ 2(s) “**dock work**” means any **work in or within the vicinity of any port** in connection with, or required for, or incidental to, the **loading, unloading, movement or storage of cargoes into or from ship or other vessel, port, dock, storage place or landing place**, and includes—

- i. Work in connection with the **preparation of ships** or other vessels for receipt or discharge of cargoes or leaving port;
- ii. **All repairing and maintenance processes** connected with any hold, tank structure or lifting machinery or any other storage area on board the ship or in the docks; and
- iii. **Chipping, painting or cleaning** of any hold, tank, structure or lifting machinery or any other storage area on board the ship or in the docks;

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And dock worker is also included under the purview of this particular code. So, dock workers are defined people those who are loading in the dock, unloading, movement or storage of cargo into ships by sales ports, etc. And definitely for the preparation, people who are engaged in the preparation of ships for vessels or discharge or cargoes and all repairing and maintenance process or chipping, painting and cleaning or do other work with tanks or lifting your machinery, they can also come under the purposes of dock work.

(Refer Slide Time: 24:23)

Important Definitions

□ 2(zl) “mine” means any excavation where any operation for the purpose of searching for or obtaining minerals has been or is being carried on and includes—

- i. All borings, bore holes, oil wells and accessory crude conditioning plants, including the pipe conveying mineral oil within the oilfields;
- ii. All shafts, in or adjacent to and belonging to a mine, whether in the course of being sunk or not;
- iii. All levels and inclined planes in the course of being driven;
- iv. All open cast workings;
- v. All conveyors or aerial ropeways provided for bringing into or removal from a mine of minerals or other articles or for the removal of refuse therefrom;
- vi. All adits, levels, planes, machinery, works, railways, tramways and sidings in or adjacent to and belonging to a mine;



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And mine is any kind of excavation. Earlier there was a Mines Act, and now these provisions are included in this particular code. So, mine is any kind of excavation for the purpose of searching for obtaining minerals. So, there can be borings, there can be boreholes, oil wells and shafts. So, all this will come under the purview of mine.

And also conveyors, people those are working conveyor belts, and aerial ropeways for transporting these materials or removing or refusing, so they also come under the purview of mine workers. And the people who are working in any other part of mine also can come under the purview of this particular Act.

(Refer Slide Time: 25:19)

Important Definitions

□ 2(z0) “motor transport worker” means a person who is employed in a motor transport undertaking directly or through an agency, whether for wages or not, to work in a professional capacity on a transport vehicle or to attend the duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, conductor, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk, time-keeper, watchman or attendant, but does not include any such person—

- i. who is employed in a factory;
- ii. to whom the provisions of any other law for the time being in force regulating the conditions of service of persons employed in shops or commercial establishments apply;



Then another category which is included in the purview of this code is motor transport works. So, motor transport includes work in any professional capacity on the transport vehicle. So, he is attending the duties in connection with the arrival, departure, loading, and unloading of any transport vehicle. And he can include the drivers, conductors, cleaners, station staff, any other checking, booking or cash clerk or timekeeper, watchman, and attendant, all these people will come under the definition of motor transport worker. So, a new category of people has been included, that is, motor transport workers.

(Refer Slide Time: 26:10)

Important Definitions

□ 2(zp) “newspaper” means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government;



And another category is the newspaper. And newspaper means printed periodical work containing public news or comments on public news, newspaper.

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Important Definitions

□ 2(zq) “**newspaper establishment**” means an establishment under the control of any person or body of persons, whether incorporated or not, **for the production or publication of 1 or more newspapers** or for **conducting any news agency or syndicate** and **includes** following newspaper establishments which shall be deemed to be 1 establishment, namely:—

- 2 or more newspaper establishments **under common control**;
- 2 or more newspaper establishments **owned by an individual and his or her spouse** unless it is shown that such spouse is a sole proprietor or partner or a shareholder of a corporate body on the basis of his or her own individual funds;
- 2 or more newspaper establishments publishing newspapers **bearing the same or similar title and in the same language in any place in India or bearing the same or similar title but in different languages in the same State or Union territory.**

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And also newspaper establishment is also defined. So, this establishment includes especially the production or publication of one or more newspapers and conducting any news agency or syndicate of the news agency. And also we can see that establishments, two or more newspapers establishments or common control owned by individuals and their spouses, so the related people, and or then also this can come under the newspaper, considered as newspaper establishment.

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Important Definitions

- 2(zze) “sales promotion employees” means any person by whatever name called employed or engaged in any establishment for hire or reward to do any work relating to promotion of sales or business, or both, but does not include any such person who,—
- being employed or engaged in a supervisory capacity, draws wages exceeding 18,000/month or an amount as notified; or
 - is employed or engaged mainly in a managerial or administrative capacity.



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And then we can see sales promotion employees which include the person who is employed or engaged in establishment for hire or getting remuneration to do any work relating to the promotion of sales or business but does not include any such person being employed supervisory category. So, the supervisory category is excluded from the purview of sales promotion employees and also has a salary ceiling of 18,000 rupees per month. And the people who are engaged in or employed in managerial and administrative capacities are deleted from the purview of sales promotion employees.

(Refer Slide Time: 27:52)

Important Definitions

- 2(zzm) “Working Journalist” means a person whose principal avocation is that of a journalist and who is employed as such, either whole-time or part-time, in, or in relation to, 1 or more newspaper establishment, or other establishment relating to any electronic media or digital media such as newspaper or radio or other like media and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy tester, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who is employed mainly in a managerial, supervisory or administrative capacity;



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And a working journalist has been included in the code from the previous legislation. So, a working journalist includes all kinds of journalism works those who do like editors and leader-writers, news editors, sub-editors and feature writers, copywriters, testers, reporters, correspondents, cartoonists, photographers, proofreaders, and all these people come under the purview of the definition of working journalists. And the exclusion is managerial and supervisory and administrative capacity is excluded from the definition of a working journalist.

(Refer Slide Time: 28:32)

Important Definitions

□ 2(zx) “**Plantation**” means—

- a) Any land used or intended to be used for—
 - i. Growing **tea, coffee, rubber, cinchona** or **cardamom** which admeasures **5 hectares or more**;
 - ii. Growing **any other plant**, which admeasures **5 hectares or more** and in which **persons are/were employed on any day of the preceding 12 months**.
- b) Any land, used or intended to be used for growing any plant admeasuring **less than 5 hectares**, which the **State Government** may notify.
- c) **Offices, hospitals, dispensaries, schools** and **any other premises** used for any purpose connected with any plantation but does not include factory on the premises.


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And plantation, we already saw the definition in the Plantation Labour Act.


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CONCLUSIONS

- ❑ The multiplicity of definition of the term “wages” has been removed through the 4 labour codes.
- ❑ Specific definition of Employee, Employer, Principal Employer and Worker, Contractor, Contract Labour, owner, occupier, agent clarifies the role and status of law for these people.



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So, these are the main definitions, important definitions with regard to the new code. That new code is going to see all these areas. So, Occupational Health and Safety Code is trying to include the different areas including the migrant workers, and we saw that some of the new areas and new provisions are also included for the purposes of being beneficial to this unorganized sector. So, these definitions are very comprehensive in nature. And also, for the people who are working through the contractor or the principal employer, there is no difference.

(Refer Slide Time: 29:30)

REFERENCES

- ❑ Occupational Safety Health and Working Conditions Code, 2020
- ❑ Occupational Safety, Health and Working Conditions (Central) Rules, 2020 (Draft)



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So, the code, in terms of definitions, is very comprehensive with regard to Occupational Safety Health and Working Conditions and the rules which are made there with regard to these particular provisions. Thank you.