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## OVERVIEW OF THE OSH CODE

Government of India, Ministry of Labour and Employment (**Ministry**) has notified<sup>1</sup> that all provisions of the Occupational Safety, Health and Working Conditions Code, 2020 (**Code**) shall come into force effective November 21, 2025. However, since labour laws in the Concurrent List of the Constitution of India<sup>2</sup> and states have not yet released their respective Rules under the Code,<sup>3</sup> the Ministry has clarified that “..[T]he relevant provisions of the existing labour Acts and their respective rules, regulations, notifications, standards, schemes, etc. will continue to remain in force.”<sup>4</sup>

Below is a brief overview of the Code.

### I. Registration and Applicability (Chapters I & II).

It broadly applies to establishments where 10 or more workers are employed in any industry, trade, business, manufacturing, or occupation. It also applies to factories, mines, motor transport undertakings, plantations, and audio-visual productions, among others. Every employer of a new establishment must apply electronically for registration within 60 days. Establishments already registered under any law are deemed registered under the Code, provided the registration holder supplies the required details to the concerned registering officer.

### II. Core Duties and Compliance (Chapters III, V, and VI).

The Code places comprehensive responsibilities on employers, to ensure worker safety and welfare.

#### 1. General Duties of Employers: Employers must:

- a. Ensure the workplace is free from hazards that may cause injury or occupational disease.
- b. Comply with all safety standards, rules, and regulations under the Code.
- c. Provide and maintain safe working environment.
- d. Ensure disposal of hazardous and toxic waste (including electronic waste).
- e. Issue appointment letter to every employee containing prescribed information. For existing employees without such letters, issue within 3 months of the Code’s commencement.
- f. Ensure no charge is imposed on employees for safety and health maintenance, including for medical examinations.

<sup>1</sup> Notification S.O. 5321(E) dated November 21, 2025, available [here](#).

<sup>2</sup> In the Seventh Schedule to the Constitution of India.

<sup>3</sup> While many states had issued draft Rules, they are yet to be finally notified.

<sup>4</sup> As per the Press Bureau of India press release ‘Government Makes the Four Labour Codes effective to Simplify and Streamline Labour Laws’ dated November 21, 2025, available [here](#).

2. Reporting Accidents and Diseases:
  - a. Employers must report accident (causing death or bodily injury) and prohibits the injured person from working for 48 hours or more immediately following the accident.
  - b. Notice must be filed on dangerous occurrences.
  - c. When worker contracts a disease<sup>5</sup>, employer must notify the prescribed authorities. Qualified medical practitioners must also report such cases to the Chief Inspector-cum-Facilitators (**CICFs**).
3. Health, Safety and Welfare:
  - a. Employers must maintain prescribed standards for cleanliness, ventilation, potable drinking water, adequate space (preventing overcrowding), lighting, and separate toilet/urinal facilities, washing, bathing, and locker rooms separately for all genders.
  - b. Establishments employing 100 or more workers (including contract labourers) must provide canteen facilities.
  - c. Establishments employing more than 50 workers must provide crèche facilities.
  - d. Factories, mines, and construction sites employing more than 500 workers must maintain ambulance room.

### III. Working Conditions and Leave (Chapter VII).

1. Daily Working Hours: No worker can be required or allowed to work for more than 8 hours in a day.
2. Weekly Holidays: Work is prohibited for more than 6 days in any week, though exceptions exist (*e.g.*, motor transport undertakings to prevent service dislocation). Compensatory holidays of equal number must be provided if weekly holidays are deprived.
3. Overtime Pay: A worker is entitled to double wages for overtime work. Overtime pay calculation is based on daily or weekly limits, whichever is more favourable to the worker, and requires the consent of the worker.
4. Annual Leave: Workers are entitled to paid annual leave if they have worked 180 days or more in a calendar year. The accrual rate is 1 day of leave for every 20 days worked. Annual leave can generally be carried forward, up to a maximum of 30 days, to the succeeding year.

### IV. Special Categories of Workers (Chapters X & XI).

1. Employment of Women: Women can be employed in establishments for all types of work. They may also be employed in the night.<sup>6</sup> with their consent, and subject to conditions prescribed relating to safety, holidays, and working hours.
2. Prohibition of Contract Labour in Core Activities: Employment of contract labour in core activities of any establishment is prohibited. Exceptions are made if the activity is normally outsourced, does not require full-time workers for the major portion of the day, or involves a sudden increase of workload.
3. Contractor Licensing: Contractors employing 50 or more contract labourers must obtain a licence from the by the Central- or state-designated authority. A single license can be obtained for operations across states from the Central designated authority.
4. Inter-State Migrant Workers: Applies when 10 or more inter-state migrant workers are employed. Employer must pay lump-sum fare annually for the workers' to-and-fro journeys to their native place.

<sup>5</sup> Specified in the Third Schedule (*List of Notifiable Diseases*)

<sup>6</sup> Before 6 a.m. and beyond 7 p.m.

Government<sup>7</sup> must also devise schemes for the portability of benefits, such as public distribution system entitlements and construction cess funds.

## V. Enforcement, Monitoring, and Penalties (Chapters IX & XII).

1. Inspector-cum-Facilitators: Government must appoint Inspector-cum-Facilitators (ICFs) and CICFs. ICFs are authorized to conduct web-based inspections, and they have powers for entering and inspecting workplaces, inquiring into accidents, seizing documents, and issuing show-cause notices.
2. Safety Boards: Central Government must constitute the National Occupational Safety and Health Advisory Board to advise on policy, standards, and implementation. State Governments must constitute corresponding State Advisory Boards.
3. Offences & Penalties: Any general contravention of the Code or its rules/regulations may subject the employer or principal employer to a penalty ranging from INR 2-3 Lakh. Continuing contravention incurs further daily penalties. If non-compliance leads to an accident-causing death, the penalty includes imprisonment up to 2 years and a fine of not less than INR 5 lakh. If resulting in serious bodily injury, the penalty includes imprisonment up to 1 year and a fine of not less than INR 2 lakh. Courts may direct that at least 50% of the fine be given as compensation to the worker or their legal heirs.

## VI. Conclusion.

Although the Code has been brought into force, the current labour laws will continue to apply until states notify the Rules under the Code. Employers must review their existing policies and processes, especially concerning the issuance of appointment letters, working hours and days, consent for overtime, and the management of contract labour.

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<sup>7</sup> Appropriate government (Central or state), here and elsewhere in this *Connect*, depending on the nature of industry.