

Bill No. 10 of 2025

THE OCCUPATIONAL SAFETY, HEALTH AND WORKING
CONDITIONS CODE (AMENDMENT) BILL, 2025

By

DR. SHASHI THAROOR, M.P.

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BILL

*to amend the Occupational Safety, Health and
Working Conditions Code, 2020.*

BE it enacted by Parliament in the Seventy-sixth Year of the Republic of India as follows:—

1. (1) This Act may be called the Occupational Safety, Health and Working Conditions Code (Amendment) Act, 2025.

Short title,
extent and
commencement.

5 (2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

10 2. In section 2 of the Occupational Safety, Health and Working Conditions Code, 2020 (hereinafter referred to as the Code) in sub-section (1) after clause (f), in sub-clause (i), for the words “employed on wages”, the words “employed on wages, or on the basis of a contract,” shall be substituted.

Amendment of
section 2.

Insertion of new
Chapter IVA.

3. After Chapter IV of the Code, the following chapter and sections shall be inserted, namely,—

“CHAPTER IVA

SENSITISATION

Sensitisation
Workshop.

22A. The appropriate Government shall ensure that every establishment conduct sensitisation workshop on ‘the importance of work-life balance for the physical and mental well-being of workers and employees’, for the management and the workers or employees, biannually in accordance with the rules as may be prescribed.

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Efficacy
measuring
mechanism.

22B. The appropriate Government shall develop a mechanism to measure the efficacy of the workshop conducted by the establishment under section 22A in accordance with the rules as may be prescribed.

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Annual Report.

22C. All establishments shall annually submit a report of the workshops held, to the appropriate government, or any other body, in accordance with the rules as may be prescribed.”.

Insertion of new
sections 24A
and 24B.

4. The following sections shall be inserted, in Chapter VII, before section 25, namely:—

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“24A. Whenever, the word “worker” or “workers” occur in this Chapter, they shall also mean to include “employee” or “employees”, respectively, under its ambit, unless expressly prohibited.

24B. This chapter shall also apply to any workplace, which employs less than ten workers.”

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Insertion of new
section 25A.

5. After section 25 of the Code, the following section shall be inserted, namely:—

Right to
disconnect.

“25A. (1) Every worker shall have the right to disconnect out of work hours.

Explanation.— For the purposes of this sub-section “right to disconnect out of work hours” shall mean the right to refuse to monitor, read or respond to contact, or attempted contact, from the employer or a third party if the contact or attempted contact relates to their work and is outside of the worker’s working hours.

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(2) A worker shall not be subjected to any disciplinary action, termination of employment or discrimination including discrimination in promotion and appraisal based on his exercise of the right to disconnect.”.

Insertion of new
Chapter VIIA.

6. After Chapter VII of the principal Act, the following chapter shall be inserted, namely:—

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“CHAPTER VIIA

INTERNAL WORKPLACE WELLBEING BODY

Internal
Workplace
Wellbeing Body.

32A. (1) Every employer of an establishment shall, by an order in writing, constitute a body to be known as the Internal Workplace Wellbeing Body (hereinafter referred to as the “IWWB”) to receive complaints of violation of the rights provided under Chapter VII:

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Provided that where the offices or administrative units of the workplace are located at different places or divisional or sub-divisional level, the “IWWB”, shall be constituted at all administrative units or offices.

(2) It shall be the duty of the “IWWB” to establish internal policies, in accordance with the rules as may be prescribed, relating to bullying practices, mental health support programmes, employee assistance programmes, and human rights violations at the workplace, and to establish access to mental health support services, including counseling and psychological support, as part of their employee wellness programmes, in line with the National Mental Health Programme (NMHP) guidelines;

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(3) The IWWB shall consist of the following members to be nominated by the employer, namely:—

(a) a Presiding Officer, employed at a senior level at workplace from amongst the employees;

5 (b) not less than two Members from amongst employees or workers preferably committed to the cause of workplace and labour rights or who have had experience in social work or have legal knowledge;

(c) one member from amongst non-Governmental organisations or associations committed to the cause of workplace and labour rights:

10 Provided that at least one-half of the total Members so nominated shall be women.

(4) The Presiding Officer and every Member of the IWWB shall hold office for such period, not exceeding three years, from the date of their nomination as may be specified by the employer.

15 (5) The Member appointed from amongst the non-Governmental organisations or associations shall be paid such fees or allowances for holding the proceedings of the IWWB, by the employer, as may be prescribed.

(6) Where the Presiding Officer or any Member of the IWWB,—

(a) contravenes the provisions of Chapter VII; or

20 (b) has been convicted for an offence or an inquiry into an offence under any law for the time being in force is pending against him; or

(c) he has been found guilty in any disciplinary proceedings or a disciplinary proceeding is pending against him; or

(d) has so abused his position as to render his continuance in office prejudicial to the public interest,

25 such Presiding Officer or Member, as the case may be, shall be removed from the IWWB and the vacancy so created or any casual vacancy shall be filled by fresh nomination in accordance with the provisions of this section.

30 32B. The appropriate Government may notify a District Magistrate or Additional District Magistrate or the Collector or Deputy Collector as a District Officer for every District to exercise powers or discharge functions under this Chapter.

Notification of District Officer.

32C. (1) Any aggrieved worker or employee, as the case may be, may make, in writing, a complaint for violation of the rights provided under Chapter VII, to the IWWB within a period of three months from the date of incident and in case of a series of incidents, within a period of three months from the date of last incident:

Complaint for violation of the rights under Chapter VII.

35 Provided that where such complaint cannot be made in writing, the Presiding Officer or any Member of the IWWB shall render all reasonable assistance to the worker or the employee for making the complaint in writing.

40 (2) Where the aggrieved worker or employee is unable to make a complaint on account of their physical or mental incapacity or death or otherwise, their legal heir or such other person as may be prescribed may make a complaint under this section.

32D. 'SAMADHAN Portal', created by the Ministry of Labour & Employment, shall be facilitated to receive complaints for violation of rights under Chapter VII of this Code, in accordance with the rules as may be prescribed.

Complaints on SAMADHAN Portal.

45 32E. (1) The IWWB may, before initiating an inquiry under section 32F and at the request of the aggrieved worker or employee, as the case may be, take steps to settle the matter between the worker or the employee, and the respondent through conciliation:

Conciliation.

Provided that if the settlement has been arrived at, through the 'SAMADHAN Portal', such settlement, shall be considered by the IWWB for its further proceedings, under this Chapter.

(2) Where settlement has been arrived at under sub-section (1), the IWWB shall record the settlement so arrived and forward the same to the employer to take action as specified in the recommendation. 5

(3) The IWWB shall provide copies of the settlement as recorded under sub-section (2) to the aggrieved worker or employee, as the case may be, and to the respondent.

(4) Where a settlement is arrived at under sub-section (1), no further inquiry shall be conducted by the IWWB. 10

Inquiry into the complaint.

32F. (1) Subject to the provisions of section 32E, the IWWB shall, proceed to make inquiry into the complaint received under section 32C, in such manner as may be prescribed:

Provided that where the aggrieved worker or employee informs the IWWB that any term or condition of the settlement arrived at under sub-section (2) of section 32E has not been complied with by the respondent, the IWWB shall proceed to make an inquiry into the complaint. 15

(2) For the purpose of making an inquiry under sub-section (1), the IWWB shall have the same powers as are vested in a civil court the Code of Civil Procedure, 1908 (5 of 1908) when trying a suit in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath; 20

(b) requiring the discovery and production of documents; and

(c) any other matter which may be prescribed.

(3) The inquiry under sub-section (1) shall be completed within a period of ninety days.

(4) Where any inquiry under sub-section (1) could not be completed within the period of ninety days, the IWWB shall record its reasons in writing for not completing the inquiry within that period. 25

Inquiry report.

32G. (1) On the completion of an inquiry under this Act, the IWWB shall provide a report of its findings to the employer, within a period of ten days from the date of completion of the inquiry and such report be made available to the concerned parties. 30

(2) Where the IWWB arrives at the conclusion that the allegation against the respondent has not been proved, it shall recommend to the employer and the District Officer that no action is required to be taken in the matter.

(3) Where the IWWB arrives at the conclusion that the allegation against the respondent has been proved, it shall recommend to the employer or the District Officer, as the case may be to take action for violation of any or more than one of the rights under Chapter VII, in accordance with the penalty prescribed from time to time: 35

Provided further that in case the respondent fails to pay the penalty referred to in clause (3), the IWWB may forward the order for recovery of the sum as an arrear of land revenue to the concerned District Officer. 40

(4) The employer or the District Officer shall act upon the recommendation within sixty days of its receipt by him.”.

STATEMENT OF OBJECTS AND REASONS

According to the International Labour Organization (ILO), 51% of India's workforce works more than 49 hours per week, placing the country second globally for extended working hours. Additionally, another study found that 78% of employees in India experience some form of job burnout, leading to physical and emotional exhaustion. The lack of a proper work-life balance, combined with exacting working hours, is a significant contributor to stress. Left unchecked, this can lead to severe health conditions such as hypertension, diabetes, anxiety, depression, and burnout, impacting both individual well-being and organisational productivity.

The relentless pursuit of career growth at the cost of personal well-being has become a troubling trend, contributing to a culture of overwork. While the Occupational Safety, Health, and Working Conditions Code, 2020, sets a maximum limit on working hours for "workers", it does not extend the same protection to "employees", including contractual employees. This gap in the legal framework leaves a large portion of India's workforce vulnerable to crushing working hours, against which they do not have adequate protections. It is crucial that the code is amended clearly to define and limit working hours for all employees; to enshrine the "right to disconnect" in law, ensuring that employees cannot be penalised or discriminated against for refusing to work beyond their working hours; and to provide a grievance redressal mechanism when the rights of workers or employees are infringed.

The "right to disconnect" is essential in promoting a healthy work-life balance, enabling employees to recharge and maintain their physical and mental well-being. Without this protection, employees may be compelled to remain available beyond their regular working hours, thereby blurring the lines between their personal and professional lives and exacerbating stress and burnout.

However, laws alone are not enough to facilitate meaningful change. For any legislation to be effective, it must be supported by comprehensive awareness programs, advocacy, and sensitisation workshops. Sensitisation, of both employees and management for a better work-life balance, is especially important, as it addresses the cultural and organisational norms that perpetuate toxic work cultures. The provision for mental health support services, including counselling and psychological support for workers and employees also becomes relevant in the current scenario, where work-related stress is one of the significant contributors to mental health issues, with 10-12 per cent according to the report of the National Mental Health Survey (2015-16).

Incorporating legal protections for work-life balance, the "right to disconnect", and limiting working hours will together constitute a holistic and vigorous approach towards improving the workplace environment in India. By focusing on the well-being of employees, both their physical and mental health will improve, creating a more sustainable and productive workforce for the future of India.

Hence this Bill.

NEW DELHI;
November 11, 2024

SHASHI THAROOR

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the constitution of the Internal Workplace Well-being Body.

The Bill, if enacted, will involve additional expenditure, either recurring or non-recurring, from the Consolidated Fund of India. However, at this stage, it is difficult to make any estimate of the expenditure.

ANNEXURE

[EXTRACT FROM THE OCCUPATIONAL SAFETY, HEALTH AND
WORKING CONDITIONS CODE, 2020]

(No. 37 of 2020)

* * * * *

Definitions.

2. (I) In this Code, unless the context otherwise requires,—

* * * * *

(i) “employee” means,—

(i) 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

(ii) a person declared to be an employee by the appropriate Government, but does not include any member of the Armed Forces of the Union:

Provided that notwithstanding anything contained in this clause, in case of a mine a person is said to be “employed” in a mine who works as the manager or who works under appointment by the owner, agent or manager of the mine or with the knowledge of the manager, whether for wages or not—

(a) in any mining operation (including the concomitant operations of handling and transport of minerals up to the point of dispatch and of gathering sand and transport thereof to the mine);

(b) in operations or services relating to the development of the mine including construction of plant therein but excluding construction of buildings, roads, wells and any building work not directly connected with any existing or future mining operations;

(c) in operating, servicing, maintaining or repairing any part of any machinery used in or about the mine;

(d) in operations, within the premises of the mine, of loading for dispatch of minerals;

(e) in any office of mine;

(f) in any welfare, health, sanitary or conservancy services required to be provided under this Code relating to mine, or watch and ward, within the premises of the mine excluding residential area; or

(g) in any kind of work, whatsoever, which is preparatory or incidental to, or connected with, mining operations;

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Daily and
weekly working
hours, leave, etc.

25. (I) No worker shall be required or allowed to work, in any establishment or class of establishment for more than—

(a) eight hours in a day; and

(b) the period of work in each day under clause (a) shall be so fixed, as not to exceed such hours, with such intervals and spread overs, as may be notified by the appropriate Government:

Provided that subject to clause (a) in the case of mines,—

(i) the persons employed below ground in a mine shall not be allowed to work for more than such hours as may be notified by the Central Government in any day;

(ii) no work shall be carried on below ground in any mine except by a system of shifts so arranged that the period of work for each shift is not spread over more than the daily maximum hours as notified under clause (i);

(iii) no person employed in a mine shall be allowed to be present in any part of a mine below ground except during the periods of work shown in respect of him in the register maintained under clause (a) of section 33:

Provided further that subject to clause (a) that the hours of work in case of motor transport worker shall include—

(i) the time spent in work done during the running time of the transport vehicle;

(ii) the time spent in subsidiary work; and

(iii) period of mere attendance at terminals of less than fifteen minutes.

Explanation.— For the purposes of this sub-section—

(a) “running time” in relation to a working day means the time from the moment a transport vehicle starts functioning at the beginning of the working day until the moment when the transport vehicle ceases to function at the end of the working day, excluding any time during which the running of the transport vehicle is interrupted for a period exceeding such duration as may be prescribed by the Central Government during which period the persons who drive, or perform any other work in connection with the transport vehicle are free to dispose of their time as they please or are engaged in subsidiary work;

(b) “subsidiary work” means the work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle, including in particular—

(i) the work in connection with accounts, paying of cash, signing of registers, handover of service sheets, the checking of tickets and other similar work;

(ii) taking over and garaging of the transport vehicles;

(iii) travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;

(iv) work in connection with the upkeep and repair of the transport vehicle; and

(v) the loading and unloading of the transport vehicle;

(c) “period of mere attendance” means the period during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the duty schedule.

(2) Notwithstanding anything contained in sub-section (1), the hours of work for working journalist shall, subject to a maximum of one hundred and forty-four hours of work during any period of four consecutive weeks and a period of not less than twenty-four consecutive hours of rest during any period of seven consecutive days, be such as may be prescribed by the Central Government.

(3) Notwithstanding anything contained in sub-sections (1) and (2), a sales promotion employee or the working journalist,—

(i) in addition to such holidays, casual leave or other kinds of leave as may be prescribed by the Central Government, shall be granted, if requested for—

(a) earned leave on full wages for not less than one-eleventh of the period spent on duty;

(b) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service;

(ii) may accumulate earned leave up to such maximum limit as may be prescribed by the Central Government;

(iii) shall be entitled for the limit up to which the earned leave may be either encashed or availed of at a time by him and the reasons for which such limit may be exceeded shall be such as may be prescribed by the Central Government;

(iv) shall,—

(a) when he voluntarily relinquishes his post or retires from service; or

(b) when his services are terminated for any reason whatsoever (not being termination as punishment), be entitled to cash compensation, subject to such conditions and restrictions as may be prescribed by the Central Government (including conditions by way of specifying the maximum period for which such cash compensation shall be payable), in respect of the earned leave earned by him and not availed of;

(v) who dies while in service, his heirs shall be entitled to cash compensation for the earned leave earned by him and not availed of his heirs shall be paid the cash compensation in respect of any period of earned leave for which he or his heirs, is or are entitled to cash compensation under clause (iv) or clause (v), which shall be an amount equal to the wages due to him for such period.

(4) Notwithstanding anything contained in this section, the working hours of an adolescent worker shall be regulated in accordance with the provisions of the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.

Weekly and
compensatory
holidays.

26. (1) No worker shall be allowed to work in an establishment for more than six days in any one week:

Provided that in any motor transport undertaking, an employer may, in order to prevent any dislocation of a motor transport service, require a worker to work on any day of weekly holiday which is not a holiday so arranged that the worker does not work for more than ten days consecutively without a holiday for a whole day intervening.

(2) The appropriate Government may, by notification, exempt such workers as it thinks fit from the provisions of sub-section (1), subject to such conditions as may be prescribed.

(3) Where, as a result of the passing of an order or the making of a rule under the provisions of this Code exempting an establishment or the workers therein from the provisions of sub-section (1), a worker is deprived of any of the weekly holidays, the worker shall be allowed, within the month in which the holidays were due or within the two months immediately following that month, compensatory holidays of equal number to the holidays, so deprived.

Extra wages for
overtime.

27. There shall be paid wages at the rate of twice the rate of wages in respect of overtime work, where a worker works in an establishment or class of establishment for more than such hours of work in any day or in any week as may be prescribed by the appropriate Government and the period of overtime work shall be calculated on a daily basis or weekly basis, whichever is more favourable to such worker:

Provided that a worker shall be required to work overtime by the employer subject to the consent of such worker for such work:

Provided further that the appropriate Government may prescribe the total number of hours of overtime.

28. Where a worker in an establishment works on a shift which extends beyond midnight,—

(a) for the purposes of section 26, a weekly holiday for a whole day shall mean in his case a period of twenty-four consecutive hours beginning when his shift ends;

(b) the following day for him shall be deemed to be the period of twenty-four hours beginning when such shift ends, and the hours he has worked after midnight shall be counted in the previous day.

29. (1) The work shall not be carried on in any establishment by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

(2) The appropriate Government or subject to the approval of the appropriate Government, the Chief Inspector-cum-Facilitator, may, by written order and for the reasons specified therein, exempt on such conditions as may be deemed expedient, any establishment or class of establishments or any department or section of an establishment or any category or description of workers therein from the provisions of sub-section (1):

Provided that the provisions of this sub-section shall not apply to mines.

30. No worker shall be required or allowed to work in a mine or factory if he has already been working in any other such similar establishment within the preceding twelve hours, save in such circumstances as may be prescribed by the appropriate Government.

31. (1) There shall be displayed and correctly maintained in every establishment a notice of periods of work, showing clearly for every day the periods during which workers may be required to work in accordance with the provisions of this Code.

(2) The form of notice required by sub-section (1), the manner of display of such notice and the manner in which such notice shall be sent to the Inspector-cum-Facilitator shall be such as may be prescribed by the appropriate Government.

(3) Any proposed change in the system of work in any establishment which will necessitate a change in the notice referred to in sub-section (1) shall be intimated to the Inspector-cum-Facilitator before the change is made, and except with the previous sanction of the Inspector-cum-Facilitator, no such change shall be made until one week has elapsed since that last change.

32. (1) Every worker employed in an establishment shall be entitled for leave in a calendar year with wages subject to the following conditions, namely:—

(i) that he has worked one hundred and eighty days or more in such calendar year;

(ii) that he shall be entitled for one-day leave for every twenty days of his work, in the case of adolescent worker for fifteen days of his work, and in case of worker employed below ground mine, at the rate of one day for every fifteen days of his work, in such calendar year;

(iii) any period of layoff, maternity leave or annual leave availed by such worker in such calendar year shall be counted for calculating the period of one hundred and eighty days or more under clause (i), but he shall not earn leave for the period so counted;

(iv) any holidays falling between the leave availed by such worker (in a calendar year or prefixed or suffixed holiday) shall be excluded from the period of leave so availed;

(v) in case of such worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate specified in clause (ii), if he has worked for one-fourth of the total number of days in the remainder of the calendar year;

(vi) in case such worker is discharged or dismissed from service or quits employment or is superannuated or dies while in service, during the course of the calendar year, such

Night shifts.

Prohibition of overlapping shifts.

Restriction on double employment in factory and mine.

Notice of periods of work.

Annual leave with wages, etc.

worker or his heir or nominee, shall be entitled to wages *in lieu* of the quantum of leave to which such worker was entitled immediately before his discharge, dismissal, quitting of employment, superannuation or death, calculated as specified in preceding clauses, even if such worker has not worked for the required period under this sub-section making such worker eligible to avail such leave, and such payment shall be made—

(a) where such worker is discharged or dismissed or quits employment before the expiry of the second working day from the date of such discharge, dismissal or quitting; and

(b) where such worker is superannuated or dies while in service, before the expiry of two months from the date of such superannuation or death;

(vii) if such worker does not in any one calendar year take the whole of the leave allowed to him under this sub-section and the rules made thereunder, then, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year so that—

(a) the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty days; and

(b) such worker, who has applied for leave with wages but has not been given such leave in accordance with this sub-section and the rules made thereunder shall be entitled to carry forward the leave refused without any limit;

(viii) without prejudice to clause (vi) such worker shall be entitled on his demand for encashment of leave at the end of calendar year; and

(ix) such worker shall be entitled, where his total number of leave exceeds thirty days under sub-clause (a) of clause (vii), to encash such exceeded leave.

(2) The appropriate Government may, by notification, extend the provisions of sub-section (1) to any other establishment except railway establishment.

(3) The provisions of sub-section (1) shall not operate to the prejudice of any right to which a person employed in a mine may be entitled under any other law or under the terms of any award, agreement or contract of service:

Provided that if such award, agreement or contract of service, provides for longer annual leave with wages than that provided in sub-section (1), the quantum of leave, which the person employed shall be entitled to, shall be in accordance with such award, agreement or contract of service but leave shall be regulated in accordance with the provisions of sub-section (1) with respect of matters not provided for in such award, agreement or contract of service:

Provided further that where the Central Government is satisfied that the leave rules applicable to persons employed in any mine provide benefits which in its opinion are not less favourable than those provided for in sub-section (1) it may, by order in writing and subject to such conditions as may be specified therein exempt the mine from all or any of the provisions of sub-section (1).

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LOK SABHA

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BILL

to amend the Occupational Safety, Health and
Working Conditions Code, 2020.

(Dr. Shashi Tharoor, M.P.)