

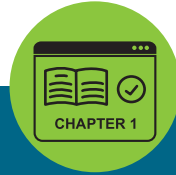
# Suggested Amendments to Draft Occupational Safety, Health and Working Conditions Rules-2020

December 2020





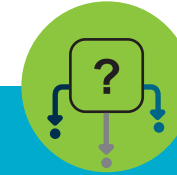
Name and Address of Organization and Sr. No. of Suggested Change



Chapter - Rule  
Sub-Rule proposed to be modified



Revised Rule  
Sub-Rule



Reasons

1. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)

Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016

**Chapter III, Rule 7**

Letter of appointment to employee under clause (f) of sub-section (1) of Section 6. No employee shall be employed in any establishment unless he has been issued a letter of appointment in the prescribed format as appended to this Rule.

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

**Format**

- (i) Name of employee:
- (ii) Father's name:
- (iii) Aadhar number:
- (iv) Labour Identification Number (LIN) of the establishment:
- (v) Universal Account Number (UAN)/ Insurance Number (ESIC):
- (vi) Designation:
- (vii) Category of skill:

Letter of appointment to employee under clause (f) of sub-section (1) of Section 6.-No employee shall be employed in any establishment unless he has been issued a letter of appointment in the prescribed format as appended to this Rule.

Provided that, an employee who has not been issued an appointment letter containing the required particulars, shall be issued an appointment letter within three months of coming into force of this rule.

**Format**

- (i) Name of employee:
- (ii) Father's/Mother's name:
- (iii) Aadhar number:
- (iv) Labour Identification Number (LIN) of the establishment:
- (v) Universal Account Number (UAN)/Insurance Number (ESIC):

The appointment letter should allow for the mother's name in the interest of gender equality.

Research shows that women feel more ostracised and less motivated when they are subject to gender exclusive language at the workplace. In a study conducted by Harvard University, women felt a lower sense of belonging when exposed to a gender exclusive language, which received a mean score of 4.78 out of 7, as compared to a more gender inclusive language which received a mean score of 5.6 out of 7.

Women also reported less identification with the job when a gender exclusive language was used.<sup>1</sup>

<sup>1</sup> <https://gap.hks.harvard.edu/when-he-doesn%E2%80%99t-mean-you-gender-exclusive-language-ostracism> last visited on December 28, 2020.

<p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>(viii) Date of joining:          (ix) Wages, Basic Pay &amp; Dearness Allowance:          (x) Other allowance including accommodation whichever is/are applicable:          (xi) Avenue for achieving higher wages/ higher position:          (xii) Applicability of social security EPFO and ESIC benefits applicable:          (xiii) Health check-up:          (xiv) Broad Nature of duties to be performed:          (xv) Any other information: Signature           Occupier/employer/owner/agent/ manager</p>	<p>(vi) Designation:          (vii) Category of skill:          (viii) Date of joining:          (ix) Wages, Basic Pay &amp; Dearness Allowance:          (x) Other allowance including accommodation whichever is/are applicable:          (xi) Avenue for achieving higher wages/ higher position:          (xii) Applicability of social security EPFO and ESIC benefits applicable:          (xiii) Health check-up:          (xiv) Broad Nature of duties to be performed:          (xv) Any other information: Signature           Occupier/employer/owner/agent/ manager</p>	
<p>2. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p>	<p><b>Chapter IV , Rule 19</b>          Safety Committee and Safety officers under Section 22 -           (1) Every establishment employing 500 or more workers except for the establishment prescribed under sub-section (1) of Section 22 shall constitute a safety committee consisting of representatives of employers and workers.</p>	<p>Safety Committee and Safety officers under Section 22           (1) Every establishment employing 500 or more workers except for the establishment prescribed under sub-section (1) of Section 22 shall constitute a safety committee consisting of representatives of employers and workers.</p>	<p>Research shows that reservation for women helps furthering their interests and demands.<sup>2</sup> In the case of a Safety Committee, women may have unique interests and needs differing from men, and having women on the Safety Committee to represent such unique interests is necessary.</p>

<sup>2</sup><https://www.ideasforindia.in/topics/social-identity/political-reservations-for-women-and-policy-influence-of-low-castes-in-india1.html> last visited on December 28, 2020.

<p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p>(2) The tenure of the safety committee shall be for three years. The safety committee shall meet at least once in every quarter. In case of mines, the safety committee shall meet at least once in a month.</p> <p>(3) The representative of the workers shall be chosen by the registered trade Union. In case where there is no registered trade union the members may be chosen by the workers of the establishment.</p> <p>Provided that there shall be adequate representation of the women workers in the committee.</p> <p>(4) Safety Committee shall have the right to be adequately and suitably informed of</p> <p>(a) potential safety and health hazards to which the workers may be exposed at workplace;</p> <p>(b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments.</p> <p>(5) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations</p>	<p>2) The tenure of the safety committee shall be for three years. The safety committee shall meet at least once in every quarter. In case of mines, the safety committee shall meet at least once in a month.</p> <p>(3) The representative of the workers shall be chosen by the registered trade Union. In case where there is no registered trade union the members may be chosen by the workers of the establishment.</p> <p>Provided that there shall be proportionate representation of the women workers in the committee, as per the total number of women workers in the establishment.</p> <p>(4) Safety Committee shall have the right to be adequately and suitably informed of</p> <p>(a) potential safety and health hazards to which the workers may be exposed at workplace;</p> <p>(b) data on accidents as well as data resulting from surveillance of the working environment and of the health of employees, conducted at such establishments.</p> <p>(c) quality, safety and appropriateness of the crèche facility, and of the bathrooms for women on site at the establishment.</p>	<p>Also, trends suggest that industrial accidents have been on the rise during the lockdown induced by the pandemic which adds to the need for women to have a representative committee to support their interests.<sup>3</sup></p> <p>Evidence also shows that when appropriate and safe infrastructure, such as crèches and bathrooms, are made available to women, they are more willing to participate in the labourforce.<sup>4</sup></p>
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<sup>3</sup> <https://www.businesstoday.in/current/economy-politics/unions-raise-alarm-as-industrial-accidents-rise-in-india-post-lockdown/story/409197.html> last visited on December 28, 2020.

<sup>4</sup> <http://documents1.worldbank.org/curated/en/417411489495483028/pdf/WPS8004.pdf> last visited 30 Dec 2020

		(5) The owner, employer, occupier, agent or manager shall, within a period of 15 days from the date of receipt of the recommendations of the Safety Committee shall take action to implement the recommendations	
<p>3. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019</p>	<p>Chapter VII, Rule 67</p> <p>(1) The following conditions shall be met for employment of women during night or before 6.00 a.m. and beyond 7.00 p.m in any day, namely:-</p> <p>(a) the consent of women employ shall be taken;</p> <p>(b) No women shall be employed against the maternity benefit provisions laid down under the Social Security Code, 2020 (36 f 2020); (c) adequate transportation facilities shall be provided to women employee to pick-up and drop such employee at her residence; (d) the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit;</p> <p>e) the toilet, washroom and drinking facilities should be near the workplace where such women employee are employed; and</p>	<p>1) The following conditions shall be met for employment of women during night or any time period before 6.00 a.m. and beyond 7.00 p.m, as determined by the local authority, namely:-</p> <p>(a) the consent of women employ shall be taken;</p> <p>(b) No women shall be employed against the maternity benefit provisions laid down under the Social Security Code, 2020 (36 of 2020);</p> <p>(c) adequate transportation facilities shall be provided to women employee to pick-up and drop such employee at her residence or any other place of her choice;</p> <p>(d) the workplace including passage towards conveniences or facilities concerning toilet, washrooms, drinking water, entry and exit of women employee should be well-lit;</p> <p>(e) the toilet, washroom and drinking facilities should be near the workplace where such women employee are employed; and</p>	<p>1. The accepted timings of work vary widely between urban and rural areas, metro and non-metro cities, regionally between states etc. Therefore, we suggest giving the power of deciding the cut off times for these additional obligations, to local authorities, who can consider various local factors before prescribing these cut off times. This will ensure that the cut off times are in line with local expectations and the additional obligations regarding the safety of women on employers do not end up being a disincentive for them to be hired for certain roles.</p>

	<p>(f) Provide safe, secure and healthy working condition such that no women employee is disadvantaged in connection with her employment.</p> <p>(g) in case of below ground mine not less than 3 women employees shall be on duty at any place.</p> <p>(h) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.</p>	<p>(f) Provide safe, secure and healthy working conditions such that no women employee is disadvantaged in connection with her employment.</p> <p>(g) in case of below ground mine not less than 3 women employees shall be on duty at any place.</p> <p>(h) The provisions of the Sexual Harassment of Women at workplace (Prevention, Prohibition and Redressal) Act, 2013 (14 of 2013), as applicable to the establishments, shall be complied with.</p>	<p>2. With the possibility of women choosing to stay at friends/family's place closer to the place of work on days they are working late, it would be more convenient for women to have the option of being provided transport options to any place of her choosing rather than her residence only, an amendment has been suggested accordingly.</p>
<p>4. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p><b>Chapter VII, Rule 68</b></p> <p>The central government may declare by notification the class of establishments and the scheme, and standards for safeguarding of women in hazardous and dangerous processes.</p>	<p>The appropriate government may declare by notification the class of establishments and the scheme, and standards for safeguarding of women in hazardous and dangerous processes.</p>	<p>The parent Act provides the power of declaration of establishments/ class of establishments which are dangerous for the health and safety of women to the appropriate government.</p> <p>Allowing the state governments to also exercise power would be preferable as a variety of local conditions have to be taken into consideration before declaring establishments/class of establishments dangerous for the health and safety of women.</p>

<p>5. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p><b>Chapter IX, Rule 87</b></p> <p>The Central Government may identify the studies to be carried out to promote safety, health and welfare of inter-state migrant workers. Wherever required the Central Government may also consult the State Government or expert organizations involved in the safety, health and welfare of inter-state migrant workers.</p>	<p>The Central Government may identify the studies to be carried out to promote safety, health and welfare of inter-state migrant workers, including studies specifically emphasizing on promotion of safety, health and welfare of women inter-state migrant workers. Wherever required the Central Government may also consult the State Government or expert organizations involved in the safety, health and welfare of inter-state migrant workers.</p>	<p>As per Census 2011, over 64 lakh women were internal migrants for reasons of work/employment. This number is likely to have increased substantially since then, and it is imperative that the government conducts studies to ensure adequate safety, health and welfare for the large numbers of women who migrate on account of work.</p>
<p>6. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p><b>Chapter XI, Rule 98</b></p> <p>The examining authority shall record the Aadhaar number and signature of every candidate appearing before it for medical examination on the copies of the medical certificate.</p>	<p>The examining authority shall record the signature, and verify the identity through government authorized documents, of every candidate appearing before it for medical examination, and on the copies of the medical certificate.</p>	<p>There is no explicit rationale for relying upon Aadhaar number, especially as the coverage is not universal. It is instead suggested that the candidate's identity be verified using any authorised government document, including Aadhaar.</p>

<p>7. a) Initiative for What Works to Advance Women and Girls in the Economy (IWWAGE)</p> <p>Block M 6, Second Floor, Kharera Hauz Khas, New Delhi, Delhi 110016</p> <p>b) The Quantum Hub Private Ltd.</p> <p>D-44, Ground Floor, Kalkaji, New Delhi-110019.</p>	<p><b>Chapter XI, Rule 99</b></p> <p>A woman employee shall preferably be examined by a female medical practitioner. In case a female qualified medical practitioner is not available, the woman employee shall be medically examined by a male qualified medical practitioner only in the presence of another woman.</p>	<p>A woman employee shall preferably be examined by a female medical practitioner. In case a female qualified medical practitioner is not available, the woman employee shall be medically examined by a male qualified medical practitioner only in the presence of another woman, provided that the woman employee has given her consent for such medical examination by a male qualified medical practitioner.</p>	<p>Given the chances of intrusion in privacy of a female employee while being examined by a male qualified medical practitioner, it is imperative that the woman employee explicitly provides her consent for such examination, so that the woman employee retains her agency and is not forced into any uncomfortable situations.</p>
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# IWWAGE

INITIATIVE FOR WHAT WORKS TO ADVANCE WOMEN AND GIRLS IN THE ECONOMY

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