

FAQ on OSH&WC Code, 2020

(As on 13.03.2026)

Sl. No.	Query	Clarification
1.	<p>Applicability of OSH&WC Code provisions for dock workers (other than major ports).</p> <p>As the State Govt. is the appropriate authority for ports other than major ports as defined in clause-8 of Indian Ports Act, 1908; whether the draft central rule for dock workers shall be applicable to the ports under the jurisdiction of State Govt. or the State has to frame separate rules?</p>	<p>The Central Government will prescribe the Rules under Section-23 & 24, of OSH and WC Code which will be applicable to all ports / docks across India. Further, OSH standards under Section-18 for dock work will also be prescribed by the Central Government. The code enables the state government to amend these standards with the prior approval of Central Government.</p> <p>As per Section-2(1) (d)(i) & (ii), the state government is the appropriate government in case of minor ports. Hence, the State Government is empowered to frame rules under Section 133, wherever applicable.</p>
2.	<p>Annual health examination of employees.</p> <p>The draft Occupational Safety, Health & Working Conditions (Central Rules) 2020 framed under Clause (c) of sub Section-1 of Section- 6 prescribes annual health check-up of employees, who has completed 40 years of age. Whether the workers below the age of 40 shall be exempted from annual health examination engaged in hazardous processes notified in first schedule under Section 2(za) and dangerous operations under Section 82 of the OSH & WC Code, 2020?</p>	<p>Free of cost pre-employment and periodic health examinations, irrespective of the age of the worker, would be arranged by the employer for workers employed in factories carrying out hazardous processes and dangerous operations.</p> <p>Under Section 82, the State government will frame rules to prescribe periodicity of periodical medical examination of employees in this regard.</p> <p>Further, under Section-85(c), the state government will prescribe rules to specify such intervals not exceeding 12 months for carrying out medical examination.</p>
3.	<p>Measures or standards prescribed by the State Government.</p> <p>Whereas Section 18 of the OSH & WC Code, 2020 prescribes that the Central Govt. shall declare standards on occupational safety and health for workplaces relating to factory, whether the State Govt. has to prescribe measures or standards for health and</p>	<p>OSH Standards will be prescribed by the Central Government as per Section 18 applicable to factories. Further, the code enables the state government to amend these standards with the prior approval of Central Government.[Section 18(4)]</p>

	safety under Section 86(1) of the OSH & WC Code, 2020?	
5.	Will replacing inspectors with inspector-cum-facilitators weaken the enforcement?	No. Inspector cum Facilitator will make aware about provisions of laws for compliance by employers and making aware workers of their rights in Codes. The new system of randomized web-based inspections ensures better compliance and protection to workers. Inspection can also be undertaken on complaint with the approval of competent authorities.
6.	Whether OSH & WC Code favours employers by reducing penalties for violations?	No. The penalties have been rationalized as well as increased. Only minor offences are compoundable, while serious safety violations attract severe penalties including imprisonment.
7.	Are contract workers covered for welfare facilities?	Yes, the Contract workers are covered for welfare facilities. It is the responsibility of the principal employer under Section-53 to provide the welfare facilities prescribed under Section-23 & 24 to the contract labours.
8.	Whether contract labour worker be issued an experience certificate?	Yes. As per Section-56 of OSH&WC Code, it is mandatory that the contractor will issue on demand, experience certificate to contract labours.

Disclaimer: The above FAQs are for information purposes only, to enable public to have quick and easy access to information, and do not purport to be legal documents. In case of any variance between what has been stated and what is contained in the relevant Labour Code, the latter shall prevail.