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# OSHWC,2020: ANALYSIS OF REPORTING CHANGES

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BY

**Kaviraj Singh (SARALWEB), Ruchir Walia (SARALWEB)**

7 February 2022

## **ABSTRACT**

Labour Laws in India are expected to change this year; this impacts reporting requirements and routines of Industrial Relations (IR) practice. An analysis of the upcoming change in practice is presented by mapping existing reports to the new ones. As evident from the mapping presented, a much larger and complex set of reports is replaced by a smaller and simpler version.

## **1 Introduction**

The Occupational Safety,Health and Working Conditions Code,2020 (OSHWC), popularly known as OSH is one of the four new labour codes that were introduced by government of India to bring uniformity to the labour laws implementation. The code emphasises on health, safety and welfare of workers employed in various sectors. The code had received President's assent in September,2020 and subsumes the following existing laws:

1. The Factories Act, 1948
2. The Contract Labour (Regulation and Abolition) Act, 1970
3. The Mines Act, 1952
4. The Dock Workers (Safety, Health and Welfare) Act, 1986
5. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996
6. The Plantations Labour Act, 1951
7. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979
8. The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955
9. The Working Journalist (Fixation of rates of wages) Act, 1958
10. The Cine Workers and Cinema Theatre Workers Act, 1981
11. The Motor Transport Workers Act, 1961
12. The Sales Promotion Employees (Conditions of Service) Act, 1976
13. The Beedi and Cigar Workers (Conditions of Employment) Act, 1966

## **2 Reports**

This unification is expected to ease the work of IR practitioners, with less number of reports to be filed. OSH rules defines 16 reports that are expected to replace the reports that were filed under various labour laws. After categorising these 16 reports they are expected to replace the following:

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form I	Application of Registration	Rule 3	The Contract Labour (Regulation and Abolition) Act, 1970	Application for Registration	Form 1
			The Factories Act, 1948	Application for temporary registration	Form 8
			The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Application for Registration and Grant of Amendment of Licence And notice of occupation Application for registration of establishment employing migrant worker	Form 2 Form 1
Form II	Certificate of Registration	Rule 3(1)	The Contract Labour (Regulation and Abolition) Act, 1970	Certificate of Registration	Form 2
			The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Certificate of Temporary registration	Form 9
				Certificate of Registration	Form 2

Table 1: Registration

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form III	Register of Establishment	Rule 3(8)	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Application for registration of establishment employing building workers	Form 1
			The Contract Labour (Regulation and Abolition) Act, 1970	Register of building workers employed by the employer	Form 15
				Register of contract workers	Form 13
				Register of contractor	Form 12
				Register of Establishments	Form 3
			The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Form for furnishing particulars of workers under sub section 2 of section 12 of Inter state Migrant (Regulation of Employment and Condition of Service) Act 1979	Form 10
Form IV	Notice of Commencement/ Cesion of Establishment	Rule 3(5) and Rule-5	The Mines Act, 1952	Register of workers employed by contractor	Form 13
			The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Registration of Establishment	Form 3
				Register of person employed above ground	Form- E
			The Contract Labour (Regulation and Abolition) Act, 1948	Notice of commencement/completion of building or other construction work	Form 4
				Notice of commencement-Details of nature of contract work	Form 6A Form 6B Form No. 32 Form- A
			The Mines Act, 1952	Notice of commencement and end of work	

Table 2: Notice of Commencement/Cesation

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form V	Performa for Medical Examination	Rule 6	<p>The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996</p> <p>The Factories Act, 1948</p> <p>The Motor Transport Workers Act, 1961</p>	<p>Health Register</p> <p>Register of periodical test- examination of lifting appliance and gears etc</p> <p>Certificate of Fitness</p> <p>Certificate of fitness for dangerous operations</p> <p>Certificate of fitness for employment in hazardous processes and operations</p> <p>Certificate of fitness for employment in hazardous processes/dangerous operations</p> <p>Certificate of fitness for young person</p> <p>Health Register</p> <p>Certificate of Fitness</p>	<p>Form 11</p> <p>Form 26</p> <p>Form No. 42</p> <p>Form No. 39</p> <p>Form No. 29</p> <p>Form 27</p> <p>Form 5</p> <p>Form No. 17</p> <p>Form 3</p>

Table 3: Fitness

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form VI	Notice of Accident or Dangerous Occurrence	Rule 8	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Notice of poisoning or occupational notifiable diseases	Form 13
Form X	Register of Accidents and Dangerous Occurrences	Rule 61	The Factories Act, 1948	Notice of poisoning or disease	Form 19
			The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Report of accidents and dangerous occurrences	Form 14
			The Factories Act, 1948	Register of accidents, major accidents dangerous occurrences	Form 26
				Report of accident including dangerous occurrence resulting in death or bodily injury	Form 18
				Report of dangerous occurrence which does not result in bodily injury	Form 18 A
		The Mines Act, 1952	Return of reportable accident	Form J	

Table 4: Accidents

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form VIII	Register of Workers Employed in an Establishment, Wages, Overtime, Fine, Deduction for Damage or Loss	Rule 58	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Form of Register of Wages-cum-Muster Roll	Rule 18
				Register of advances	Form 21
				Register of Deductions for Damage or Loss	Form 19
				Register of Fines	Form 20
				Register of Overtime	Form 22
			The Contract Labour (Regulation and Abolition) Act, 1970 Reg of Advances	Register of Wages	Form 17
				Wage Book	Form 23
				Form 22	
				Reg of Damages and loss	Form 20
				Reg of Fines	Form 21
			The Factories Act, 1948	Reg of Over time	Form 23
				Reg Workers wage cum muster roll	Form 18
				Reg Workers Wage Register	Form 17
				Reg workers Wage slip	Form 19
				Muster Roll	Form 25
The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Register of adult workers	Form 12			
	Register of child Workers	Form 14			
	Register of workers employed for work on or near moving machine	Form 34			
	Overtime, register for exempted workers	Form 10			
	Register of advance	Form 21			
The Mines Act, 1952	Register of damage and loss	Form 19			
	Register of Fines	Form 20			
	Register of Overtime	Form 22			
	Register of wages	Form 18			
	Details of employee in open cast working	Form- B			
	Register of overtime wages	Form- I			
	Register of persons employed above the ground	Form- D			
	Register of persons employed below ground during the work	Form- C			

Table 5: Register of Employees/Wages

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form IX	Annual Return	Rule 60	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 The Contract Labour (Regulation and Abolition) Act, 1970  The Factories Act, 1948          The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act The Motor Transport Workers Act, 1961	Annual Return of employer to be sent to the registering officer	Form 25
				Form of Half year returns	Form 24
				Form of Year/Annual Returns	Form 25
				Abstract of the factories act,1948 and factories rules,1957	Form 20
				Annual Return	Form 21
				Half Yearly Return	Form 22
				Register containing particulars of monitoring of working environment required under Section 7-A	Form 31
				Register of examination of gasholders	Form 37
				Report of examination of water-sealed gasholder	Form 38
				Annual Return by Principal Employer	Form 24
				Register of contractor	Form 12
				Annual Returns	Form 13

Table 6: Annual Return

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form XI	Register of Leaves with Wages	Rule 62	The The Factories Act, 1948  The Mines Act, 1952  The Motor Transport Workers Act, 1961	Leave Book  Register of leave with wages  Leave with wages due for every employee Register of compensation day of rest Form- F Register of leave account during the calendar year Registration of leave with wages	Form No. 16 Form No. 15 Form-L  Form-G Form 7

Table 7: Leaves

New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form XIII	Application of License	Rule 71, Rule 72 and Rule 119	The Contract Labour (Regulation and Abolition) Act, 1970  The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Application for labour license Application for Renewal Application for temporary license Application for renewal of License Application of License for employment Application of License for recruitment	Form 4 Form 7 Form 10 Form 9 Form 5 Form 4
Form XIV	Performa of License	Rule 73	The Contract Labour (Regulation and Abolition) Act, 1970  The Factories Act, 1948  The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service)	Certificate for Temporary license certificate of license Licence to work a factory Form of certificate by Principal Employer License	Form 11 Form 6 Form 5 Form 6 Form 8

Table 8: License



New Form No.	New Name	OSH Rule	Existing Act	Existing Name	Existing Form No
Form XV	Experience Certificate of Contract Labour	Rule 83	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 The Contract Labour (Regulation and Abolition) Act, 1970 The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979	Service Certificate  Reg workers employment cards Reg workers service certificate Service Certificate	Form 24  Form 14 Form 15 Form 14
Form VII	Notice of Period of Work	Rule 57	The Factories Act, 1948	Notice of periods of work for adult workers Notice of periods of work for child workers	Form 11  Form No. 13

Table 9: Work Period

### 3 Summary

The OSH,2020 subsumes the maximum number of existing labour laws and thus will impact the most on working patterns of IR practitioners. The practical issues that one might face while adopting the new laws will be highlighted as the familiarising process takes its course, but the initial indicator point towards ease of working along with greater transparency.

### 4 Acknowledgements

Naveen Wadwani, SARALWEB for his valuable and constructive suggestions and support during throughout the period. Mr.Sanjay Rane, Sanjay Rane & Associates, HR Outsourcing for their thorough review to document contents in context of current industry practice Their willingness to give their time so generously has been very much appreciated.

### Revision History

Revision	Date	Author(s)	Description
v0.1	17.01.2022	Ruchir Walia	First release