

OVERVIEW & IMPACT ANALYSIS

DRAFT RULES 2020 (CENTRAL) UNDER LABOUR CODES

www.cquel.com

info@cquel.com

DEC 2020

01

Wage Code Rules

WORK HOURS: WORKING DAY WILL CONSTITUTE A MAXIMUM OF NINE HOURS OF WORK PER DAY, WITH A MAXIMUM SPREAD OVER OF 12 HOURS INCLUDING REST INTERVALS. THE SPREAD OVER MAY BE INCREASED TO 16 HOURS IN CERTAIN CASES, SUCH AS AN UNFORESEEN EMERGENCY. FURTHER, EVERY EMPLOYEE WILL BE ALLOWED ONE REST DAY PER WEEK. THE EMPLOYER MAY SUBSTITUTE THE REST DAY FOR ANY OTHER DAY OF THE WEEK, WHICH MAY FALL WITHIN FIVE DAYS BEFORE OR AFTER THE SCHEDULED REST DAY. SUBSTITUTED REST DAYS WILL BE ELIGIBLE FOR OVERTIME WAGES.

INSPECTION SCHEME: WEB-BASED INSPECTION AND CALLING FOR INSPECTION-RELATED INFORMATION UNDER THE CODE ELECTRONICALLY.



01

Wage Code Rules

THE DRAFT RULES LAY DOWN THE CRITERIA FOR FIXING THE **MINIMUM RATE OF WAGES** PER DAY FOR CENTRAL SECTOR EMPLOYEES. THESE CRITERIA INCLUDE **10% EXPENDITURE ON RENT**.

THE MINIMUM WAGES WILL BE FIXED AFTER TAKING INTO ACCOUNT THE TYPE OF AREA (**METROPOLITAN, NON-METROPOLITAN AND RURAL AREAS**) AND THE SKILL CATEGORY OF THE EMPLOYEE (**UNSKILLED, SEMI-SKILLED, SKILLED AND HIGHLY SKILLED EMPLOYEES**).

AN ENDEAVOUR WILL BE MADE **TO REVISE THE DEARNESS ALLOWANCE TWICE A YEAR, BEFORE APRIL 1 AND OCTOBER 1**.

THE DRAFT RULES ALSO ALLOW THE CENTRAL GOVERNMENT TO DECIDE THE FLOOR WAGE.
THE FLOOR WAGE WILL BE REVISED EVERY FIVE YEARS



**Social Security
Code Rules**

PROVISION HAS ALSO BEEN MADE IN THE RULES REGARDING **GRATUITY TO AN EMPLOYEE WHO IS ON FIXED-TERM EMPLOYMENT.**

THE RULES ALSO PROVIDE FOR **SINGLE ELECTRONIC REGISTRATION OF AN ESTABLISHMENT INCLUDING CANCELLATION OF THE REGISTRATION** IN CASE OF CLOSURE OF BUSINESS ACTIVITIES.

PROVISION HAS ALSO BEEN MADE REGARDING **MANNER AND CONDITIONS FOR EXITING OF AN ESTABLISHMENT FROM EPFO AND ESIC COVERAGE.**

FOR THE PURPOSE OF SELF-ASSESSMENT AND PAYMENT OF BOCW CESS, THE EMPLOYER SHALL CALCULATE THE COST OF CONSTRUCTION AS PER THE RATES SPECIFIED BY THE STATE PUBLIC WORKS DEPARTMENT OR CENTRAL PUBLIC WORKS DEPARTMENT OR ON THE BASIS OF RETURN OR DOCUMENTS SUBMITTED TO THE REAL ESTATE REGULATORY AUTHORITY.

**C-Quel**TM*Sampada tava Sripada*

Social Security Code Rules

THE DRAFT RULES PROVIDE FOR **AADHAAR BASED REGISTRATION** INCLUDING SELF-REGISTRATION BY UNORGANISED WORKERS, GIG WORKERS AND PLATFORM WORKERS ON THE PORTAL OF THE CENTRAL GOVERNMENT.

MINISTRY OF LABOUR AND EMPLOYMENT HAS ALREADY INITIATED ACTION FOR THE **DEVELOPMENT OF SUCH PORTAL. FOR AVAILING ANY BENEFIT UNDER ANY OF THE SOCIAL SECURITY SCHEMES** FRAMED UNDER THE CODE, AN UNORGANISED WORKER OR A GIG WORKER OR PLATFORM WORKER SHALL BE REQUIRED TO BE REGISTERED ON THE PORTAL WITH DETAILS AS MAY BE SPECIFIED IN THE SCHEME.



03

IR Code Rules

THE MANNER OF CHOOSING MEMBERS FROM THE EMPLOYERS AND THE WORKERS FOR CONSTITUTION OF THE GRIEVANCE REDRESSAL COMMITTEE (“**GRC**”).

THE PARTICULARS REQUIRED TO BE INCLUDED IN AN APPLICATION FILED (ELECTRONICALLY OR OTHERWISE) BY AN AGGRIEVED WORKER BEFORE THE GRC IN RESPECT OF ANY DISPUTE/ GRIEVANCE.

FILING OF APPLICATION FOR CONCILIATION BY AGGRIEVED WORKER AGAINST GRC’S DECISION OR FOR NON-RESOLUTION OF GRIEVANCE BY GRC ON THE **MOLE’S SAMADHAN PORTAL**, EITHER THROUGH THE TRADE UNION OF WHICH HE IS A MEMBER OR OTHERWISE.



DUTY TO INTIMATE THE CONCERNED CERTIFYING OFFICER ELECTRONICALLY IF AN EMPLOYER ADOPTS THE MODEL STANDING ORDER.

REQUIREMENT TO MAINTAIN CERTIFIED OR DEEMED TO BE CERTIFIED OR ADOPTED MODEL STANDING ORDER IN HINDI AND IN THE OFFICIAL LANGUAGE OF THE STATE .

ELECTRONIC INTIMATION OF PRESCRIBED NOTICES FOR RETRENCHMENT OF WORKERS, RE-EMPLOYMENT OF RETRENCHED WORKERS AND CLOSURE OF INDUSTRIAL ESTABLISHMENTS.



IR
Code Rules

ELECTRONIC APPLICATIONS FOR GRANT OF PERMISSION TO LAY-OFF/ RETRENCH WORKERS OR CLOSE DOWN INDUSTRIAL ESTABLISHMENT.

PRESCRIPTION OF TIME-LIMIT FOR ELECTRONIC TRANSFER OF CONTRIBUTIONS BY EMPLOYERS TO THE WORKER RESKILLING FUND OF EACH WORKER RETRENCHED.

15 DAYS' LAST DRAWN WAGES OF EACH SUCH WORKER ALONG WITH THEIR BANK ACCOUNT DETAILS TO THE CENTRAL GOVERNMENT.

04

OSH Code Rules

THE QUALIFICATION AND CRITERIA PRESCRIBED FOR GRANT OF CONTRACTOR LICENCE REQUIRES AN APPLICANT TO NOT BE AN UNDISCHARGED INSOLVENT OR CONVICTED IN THE LAST 2 YEARS FOR A CRIMINAL OFFENCE LIABLE FOR PUNISHMENT WITH IMPRISONMENT FOR MORE THAN 3 MONTHS.

CONTRACTORS NEED TO APPLY FOR A CONTRACTOR LICENCE ON THE SS PORTAL AND COMPLY WITH CONDITIONS OF SUCH LICENSE INCLUDING ADHERENCE TO HOURS OF WORK AS PRESCRIBED UNDER THE OSH CODE, PAYMENT OF WAGES AS PER THE CODE ON WAGES, 2019 AND PROVISION OF PRESCRIBED FACILITIES AND AMENITIES TO THE CONTRACT WORKERS



04

OSH Code Rules

EMPLOYERS NEED TO ELECTRONICALLY INTIMATE THE COMMENCEMENT AND COMPLETION OF ANY WORK INCLUDING CONTRACT WORK TO THE CONCERNED INSPECTOR- WITHIN 30 DAYS OF SUCH COMMENCEMENT/ COMPLETION, WHICH WOULD BE AUTO-SHARED WITH THE EMPLOYEES' PROVIDENT FUND ORGANISATION AND EMPLOYEES' STATE INSURANCE CORPORATION

EMPLOYERS ARE PERMITTED TO EMPLOY WOMEN BEFORE 6.00 A.M. AND BEYOND 7.00 P.M. ON ANY DAY SUBJECT TO FULFILLMENT OF CERTAIN CONDITIONS SUCH AS EMPLOYEE CONSENT, PROVISION OF ADEQUATE TRANSPORT FACILITIES AND COMPLIANCE WITH MATERNITY BENEFIT REQUIREMENTS & THE POSH ACT, 2013.



04

OSH Code Rules

MANDATORY ISSUANCE OF APPOINTMENT LETTERS IN THE PRESCRIBED FORMAT TO NEW JOINEES AND EMPLOYEES WHOSE APPOINTMENT LETTERS DID NOT CONTAIN THE PRESCRIBED PARTICULARS.

EMPLOYERS NEED TO TAKE IMMEDIATE REMEDIAL ACTION ON RECEIPT OF INFORMATION FROM EMPLOYEES ABOUT ANY IMMINENT DANGER TO THEIR SAFETY AND HEALTH AND TO SEND A REPORT OF ACTION TAKEN TO THE INSPECTOR-CUM-FACILITATOR ELECTRONICALLY OR BY REGISTERED POST OR SPEED POST.

MANDATORY REQUIREMENT FOR CERTAIN ESTABLISHMENTS TO CONSTITUTE SAFETY COMMITTEE CONSISTING OF REPRESENTATIVES OF EMPLOYERS AND WORKERS AND APPOINT SAFETY OFFICERS.



CONCLUSION

01

Multiple
E-Reporting Portals
for Compliance viz
SS Portal, Samadhan,
Contract Labour

02

Enhanced Contractor
Compliance Obligations
on Employer including
Migrant Labour
compliance , gig workers
& construction workers

03

Changes in working
hours, spread over,
standing orders, safety
and grievance redressal