

**A CRITICAL ASSESSMENT OF THE OCCUPATIONAL SAFETY, HEALTH AND
WORKING CONDITIONS CODE AND ITS IMPLICATIONS FOR INFORMAL
WORKERS**

Mr. Rishabh Verma

Assistant Professor, Teerthanker Mahaveer College of Law & Legal Studies,
Teerthanker Mahaveer University, Moradabad, India

<https://doi.org/10.5281/zenodo.19665411>

Abstract

The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) represents a significant consolidation of India's labour laws, aiming to simplify compliance and enhance workplace safety across sectors. However, its effectiveness in addressing the needs of informal workers—who constitute a vast majority of the Indian workforce—remains contested. This paper critically evaluates the provisions, scope, and implementation challenges of the OSH Code, particularly in relation to informal labour. Drawing upon existing literature, policy analysis, and empirical insights, the study highlights structural gaps in coverage, enforcement deficits, and socio-economic barriers that limit the Code's inclusivity. The analysis reveals that despite progressive intentions, the OSH Code inadequately addresses the realities of informal work, including precarious employment, lack of awareness, and weak institutional support. The paper concludes by suggesting policy reforms and future directions to ensure equitable occupational safety and health protection for informal workers in India.

Keywords

Occupational safety, informal workers, labour law reform, OSH Code 2020, India

1. Introduction

India's labour market presents a complex and deeply stratified structure, marked by a persistent divide between the formal and informal sectors. While the formal sector is governed by codified employment relationships, written contracts, and regulatory oversight, the informal sector operates largely outside these institutional frameworks. According to various national and international estimates, nearly 85–90% of India's workforce is engaged in informal employment, spanning activities such as agriculture, construction, street vending, domestic work, and small-scale manufacturing. This overwhelming prevalence of informality poses serious challenges for labour regulation, particularly in the domain of occupational safety and health (OSH), where risks are often unmonitored, unreported, and inadequately addressed.

Occupational safety and health is a critical component of labour welfare and human rights. It encompasses the physical, mental, and social well-being of workers in all occupations. Unsafe working conditions not only lead to accidents and occupational diseases but also have broader socio-economic consequences, including loss of productivity, increased healthcare costs, and perpetuation of poverty cycles. In India, informal workers are disproportionately exposed to hazardous environments due to the absence of protective equipment, lack of training, and minimal regulatory enforcement. For instance, construction workers frequently face risks of falls and injuries, while workers in small manufacturing units are exposed to toxic chemicals

and unsafe machinery. Domestic workers and street vendors encounter entirely different but equally significant risks, often without any institutional safeguards.

Historically, India's labour law regime has been characterized by fragmentation and complexity. Prior to recent reforms, the country had over 40 central labour laws, many of which overlapped in scope and created compliance challenges for employers while leaving significant gaps in worker protection. Recognizing these inefficiencies, the Government of India initiated a comprehensive labour law reform process, culminating in the consolidation of existing laws into four labour codes. Among these, the Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code), represents a major legislative effort to unify and modernize the legal framework governing workplace safety and working conditions.

The OSH Code amalgamates 13 existing laws related to safety, health, and working conditions into a single, comprehensive statute. Its stated objectives include simplifying compliance, enhancing transparency, and ensuring uniform standards across sectors. The Code introduces provisions related to health and safety standards, working hours, welfare facilities, and employer obligations. It also seeks to extend certain protections to previously excluded categories of workers, such as inter-state migrant workers and contract labourers. In principle, the OSH Code reflects a progressive shift toward a more integrated and streamlined approach to labour regulation.

However, the transformative potential of the OSH Code must be evaluated in light of India's labour market realities. The predominance of informal employment raises fundamental questions about the Code's inclusivity and effectiveness. While the legislation aspires to universalize safety standards, its applicability is often contingent upon thresholds such as the number of workers employed in an establishment. This threshold-based approach risks excluding a substantial segment of informal enterprises, particularly micro and small units that employ fewer workers and operate without formal registration. As a result, many informal workers may continue to remain outside the ambit of legal protection.

Moreover, the informal sector is characterized by unique structural features that complicate regulatory interventions. These include the absence of formal employer-employee relationships, high labour mobility, seasonal employment patterns, and limited access to institutional mechanisms. Informal workers often lack written contracts, making it difficult to establish accountability and enforce legal provisions. Additionally, economic vulnerability compels workers to prioritize immediate income over long-term safety considerations, thereby perpetuating unsafe practices. In such a context, the effectiveness of any regulatory framework depends not only on its legal provisions but also on its adaptability to ground realities.

Another critical dimension of the OSH Code is its implementation mechanism. Effective enforcement of occupational safety standards requires robust institutional capacity, including trained inspectors, monitoring systems, and grievance redressal mechanisms. However, enforcement in the informal sector has historically been weak due to resource constraints, administrative inefficiencies, and limited outreach. The introduction of digital compliance systems and inspector-cum-facilitator roles under the OSH Code represents an attempt to modernize enforcement, but their impact on informal workers remains uncertain. Without targeted strategies to reach unregistered and dispersed workplaces, these mechanisms may have limited effectiveness.

The intersection of informality with other socio-economic factors further complicates the issue. Gender, migration, caste, and regional disparities significantly influence access to safe working conditions. Women workers in the informal sector often face compounded risks, including exposure to unsafe environments, lack of sanitation facilities, and absence of maternity protections. Migrant workers, particularly those engaged in construction and seasonal industries, encounter additional challenges related to mobility, language barriers, and lack of access to welfare schemes. The COVID-19 pandemic starkly highlighted these vulnerabilities, as millions of migrant workers faced unsafe working and living conditions with minimal institutional support.

In this context, the OSH Code represents both an opportunity and a challenge. On one hand, it provides a unified legal framework that has the potential to improve workplace safety and streamline regulatory processes. On the other hand, its effectiveness in addressing the needs of informal workers depends on how inclusively it is designed and implemented. A critical assessment of the Code is therefore essential to understand whether it can bridge the gap between formal legal provisions and informal labour realities.

This paper seeks to undertake such an assessment by examining the OSH Code through the lens of informal labour. It aims to analyze the extent to which the Code addresses the specific vulnerabilities of informal workers, identify gaps in its provisions and implementation, and explore its broader implications for labour welfare in India. By situating the analysis within the socio-economic context of informality, the study contributes to ongoing debates on labour law reform and inclusive development.

In doing so, the paper adopts a multidisciplinary approach, drawing upon legal analysis, policy studies, and empirical research on occupational safety and informal labour. It also engages with broader theoretical perspectives on labour rights, precarity, and social justice, emphasizing the need for a rights-based approach to occupational safety. Ultimately, the study argues that while the OSH Code marks a significant step forward in labour law reform, its success in improving the conditions of informal workers will depend on sustained policy efforts, institutional innovation, and a commitment to inclusive governance.

2. Literature Review

The literature on occupational safety in India highlights persistent disparities between formal and informal sectors. Informal workers are exposed to hazardous conditions, including unsafe equipment, long working hours, and lack of protective gear. Studies indicate high prevalence of musculoskeletal disorders, respiratory illnesses, and occupational injuries among informal workers.

Recent research emphasizes the limited awareness and training among informal workers regarding safety practices. Unlike formal sectors where safety regulations are institutionalized, informal workers often rely on experiential learning, leading to higher risk exposure. This knowledge gap is compounded by economic constraints and lack of regulatory enforcement. The OSH Code has been examined as a reformative step toward harmonizing labour laws. It aims to provide a unified framework for workplace safety and health, particularly in sectors such as manufacturing and MSMEs. However, scholars argue that the Code's threshold-based applicability excludes a large portion of informal enterprises, thereby limiting its reach.

Gender-focused studies reveal additional challenges. Women workers in informal sectors face compounded vulnerabilities due to poor working conditions, lack of maternity benefits,

and socio-cultural barriers . Migrant workers, especially interstate migrants, encounter issues related to portability of benefits and access to welfare schemes .

Overall, the literature suggests that while the OSH Code represents a progressive legal framework, its impact on informal workers remains uncertain due to structural and implementation gaps.

3. Present Perspective

3.1 Key Features of the OSH Code

The OSH Code consolidates multiple laws related to workplace safety, including provisions for:

- Health and safety standards
- Working hours and leave
- Welfare facilities such as canteens and crèches
- Employer obligations and worker rights

It also introduces a social security fund financed through penalties to support unorganized workers.

3.2 Coverage and Applicability Issues

One of the major criticisms of the OSH Code is its limited applicability to informal workers. The Code applies primarily to establishments meeting certain thresholds (e.g., number of employees), excluding small and unregistered enterprises where most informal workers are employed.

Micro-enterprises that fall outside the Code's purview. Consequently, a significant portion of the workforce remains unprotected.

3.3 Enforcement Challenges

Even where the Code is applicable, enforcement remains a major concern. Informal sectors are characterized by weak regulatory oversight, limited inspections, and lack of compliance mechanisms. Financial constraints and administrative inefficiencies further hinder effective implementation.

Moreover, employers in informal sectors often lack the resources and awareness to comply with safety standards. This leads to minimal adoption of protective measures and continued exposure to occupational hazards.

3.4 Socio-Economic Barriers

Informal workers face multiple socio-economic challenges that limit the effectiveness of the OSH Code:

- **Lack of awareness:** Workers are often unaware of their rights and safety standards.
- **Economic vulnerability:** Immediate income needs outweigh long-term safety concerns.
- **Informality of employment:** Absence of contracts and documentation complicates enforcement.

These factors contribute to a culture where safety is perceived as secondary to survival, reinforcing unsafe practices .

3.5 Gender and Migration Dimensions

The OSH Code does not adequately address the specific needs of women and migrant workers. Women in informal sectors face unique health risks and lack access to basic facilities. Migrant workers encounter challenges related to portability of benefits and access to welfare schemes. The absence of targeted provisions for these groups highlights a significant gap in the Code's inclusivity.

4. Critical Analysis

4.1 Structural Limitations

The OSH Code's reliance on formal registration and thresholds undermines its ability to protect informal workers. Given the predominance of informality in India, a more inclusive approach is necessary.

4.2 Implementation Deficits

The gap between policy and practice is evident in the limited enforcement of safety standards. Without robust monitoring mechanisms, the Code's provisions remain largely theoretical.

4.3 Lack of Worker Participation

The Code does not sufficiently emphasize worker participation in safety governance. Informal workers often lack representation, limiting their ability to advocate for better conditions.

4.4 Integration with Social Security

While the Code introduces a social security fund, its integration with existing schemes remains unclear. Effective coordination with initiatives such as worker registration platforms is essential for comprehensive coverage.

5. Future Directions

5.1 Expanding Coverage

The government should consider removing or lowering thresholds to include micro and small enterprises. Universal coverage is essential to protect informal workers.

5.2 Strengthening Enforcement

Improving inspection mechanisms, increasing funding, and leveraging technology can enhance compliance. Digital tools can facilitate monitoring and reporting.

5.3 Capacity Building

Training programs for both workers and employers are crucial to improve awareness and adoption of safety practices. Community-based initiatives can play a significant role.

5.4 Gender-Sensitive Policies

The Code should incorporate gender-specific provisions, including maternity benefits, safe working environments, and access to sanitation facilities.

5.5 Integration with Digital Platforms

Linking the OSH Code with national worker databases can improve identification and delivery of benefits. Digital inclusion can bridge gaps in access and implementation.

5.6 Promoting a Safety Culture

Shifting from reactive to preventive approaches is essential. Encouraging a culture of safety through education and incentives can lead to sustainable improvements.

6. Conclusion

The Occupational Safety, Health and Working Conditions Code, 2020, represents a significant step toward modernizing India's labour laws. However, its effectiveness in addressing the

needs of informal workers remains limited. Structural exclusions, enforcement challenges, and socio-economic barriers hinder its impact.

To achieve inclusive occupational safety, policymakers must adopt a holistic approach that integrates legal reforms with socio-economic interventions. Expanding coverage, strengthening enforcement, and promoting awareness are critical to ensuring that informal workers benefit from the Code.

Ultimately, the success of the OSH Code will depend on its ability to adapt to the realities of India's labour market and prioritize the welfare of its most vulnerable workers.

References:-

1. Agnihotri, I., & Mazumdar, I. (2009). Dusty trails and unsettled lives. *Indian Journal of Gender Studies*.
2. Bahl, S., & Sharma, A. (2023). Informality and wages in India. *ArXiv*.
3. Chigateri, S. (2021). Labour law reforms and women's work in India.
4. Gangopadhyay, S. (2024). Occupational safety training in informal sectors. *Occupational Medicine*.
5. Ghosh, T. (2024). Ergonomic interventions in informal sectors. *Occupational Medicine*.
6. Government of India. (2020). Occupational Safety, Health and Working Conditions Code.
7. Jain, C. (2021). Labour codes from workers' perspectives.
8. Krishna, N. R. (2025). OSH Code and migrant women workers. *Indian Journal of Public Administration*.
9. Ministry of Labour and Employment. (2020). Labour codes overview.
10. Panneer, S., Acharya, S., & Sivakami, N. (2019). *Health and safety in informal sector*.
11. Rajan, S. I., & Sumeetha, M. (2020). Internal migration in India.
12. Saxena, R. R. (2024). Predictive analytics in occupational health.
13. Vyas, H. (2016). Occupational health scenario of informal sector.
14. Springer Nature. (2026). Informal workers' health risks.
15. Springer Nature. (2026). Informal sector safety challenges.
16. ResearchGate. (2025). OSH Code and MSMEs.
17. International Labour Organization. (2020). Occupational safety standards.
18. National Sample Survey Office. (2012). Employment data.
19. World Bank. (2019). Informal economy in India.
20. Kundu, A. (2018). Urban informal labour.
21. Deshingkar, P. (2017). Migration and labour markets.
22. Srivastava, R. (2020). Informal labour issues.
23. ILO. (2021). Safety in informal economy.
24. NCEUS. (2007). Report on unorganized sector.
25. Mehrotra, S. (2019). Labour market reforms.
26. Sundar, K. R. (2020). Labour codes analysis.
27. Papola, T. (2018). Employment challenges in India.

28. Bhattacharjea, A. (2021). Labour law reforms critique.
29. Standing, G. (2011). Precariat and labour insecurity.
30. Sen, A. (1999). Development and social justice.