

**GOVERNMENT OF INDIA  
MINISTRY OF LABOUR AND EMPLOYMENT  
RAJYA SABHA  
UNSTARRED QUESTION NO. 249  
TO BE ANSWERED ON 08.12.2022**

**POLICY FOR LABOUR WELFARE AND SOCIAL SECURITY**

**249. SHRI JOSE K. MANI:**

**Will the Minister of Labour and Employment be pleased to state:**

- (a) whether Government has formulated any new Labour Policy;**
- (b) if so, the details thereof with the relevant policy papers;**
- (c) whether Government has taken any initiative to bring labourers in the unorganized sector under the umbrella of the social security system;**
- (d) if so, details thereof; and**
- (e) the details of protocols made by Government to ensure the in-migration and out-migration of labourers from one State to another without compromising with their safety and security?**

**ANSWER**

**MINISTER OF STATE FOR LABOUR AND EMPLOYMENT  
(SHRI RAMESWAR TELI)**

**(a) & (b):** The Government has formulated four Labour Codes, namely, the Code on Wages, 2019, the Industrial Relations Code, 2020, the Code on Social Security, 2020 and the Occupational Safety, Health and Working Conditions Code, 2020. The four Labour Codes strengthen the protection available to workers, including unorganized workers in terms of statutory minimum wage, social security and healthcare of workers. In addition, the Codes also ease compliance mechanism aiming to promote ease of doing business/setting up of enterprises and catalyze creation of employment opportunities while ensuring safety, health and social security of every worker.

**(c) & (d):** The Code on Social Security, 2020 (SS Code) aims to extend social security to all workers both in the organised and unorganised sectors. The provisions introduced in SS Code to enhance coverage of social security including for the unorganized sector are as follows:-

**Contd..2/-**

- i. The coverage of Employees' State Insurance Corporation (ESIC) has been extended pan-India as against notified districts/areas. Further, ESIC coverage on voluntary basis for establishments having less than 10 employees has been introduced. The benefits under ESIC can also be made applicable to an establishment which carries on hazardous or life threatening occupation as notified by the Central Government, in which even a single employee is employed.**
- ii. The gig worker and the platform worker have been defined for the purpose of formulating schemes to provide social security benefits.**
- iii. A Social Security Fund is envisaged for formulating schemes for welfare of the unorganized workers, gig workers and platform workers.**
- iv. The Central Government has been empowered to extend benefits to unorganized workers, gig workers and platform workers and the members of their families through ESIC or Employees' Provident Fund Organization.**

**(e): In order to regulate the employment of inter-State migrant workers (ISMW) and safeguard their conditions and other interests of service, the Inter-state Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (ISMW Act) is enforced through a well-established mechanism in the Central Sphere by Central Industrial Relations Machinery (CIRM) under the Chief Labour Commissioner (Central). The enforcement authorities under CIRM conduct regular inspections of the registered establishments and licensed contractors. The State Governments are mandated to enforce the ISMW Act in the State Sphere.**

**The Occupational Safety, Health and the Working Conditions (OSH) Code, notified on 29th September, 2020, inter-alia subsumes ISMW Act and has made a number of provisions for ISMW which are as follows:-**

- **the definition of ISMW has been widened to include a person who is (a) indirectly recruited through contractor; (b) directly recruited by the employer; and (c) comes on his own for employment in another State**
- **the information relating to the employment of inter-State migrant workers has to be made available at the time of registration by establishment**
- **portability of benefits introduced for ration and for availing benefits under building and other construction cess fund**
- **journey allowance to visit his native place, once in a year**
- **dedicated portal with facility of Aadhaar based self-registration.**
- **facility of toll free helpline to the inter-State migrant workers**
- **the Central Government and the State Governments shall maintain the data base or record, for ISMW, electronically or otherwise.**
- **provision for the study of ISMW by appropriate Government.**

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