

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 286
TO BE ANSWERED ON 05.02.2024**

**INCLUSION OF UNORGANISED SECTOR WOMEN IN SOCIAL
SECURITY CODE**

286. SHRI SANJAY KAKA PATIL:

Will the Minister of LABOUR AND EMPLOYMENT be pleased to state:

- (a) whether it is a fact that under the Social Security Code, the provisions of maternity benefits are not universal;**
- (b) whether it is a fact that maternity benefits are presently applicable for establishments employing 10 workers or more;**
- (c) whether it is a fact that in the SS Code, the definition of 'Establishment' does not include the unorganised sector;**
- (d) the reasons for not inclusion of unorganised sector in the definition despite the fact that the majority of India is employed in the unorganized sector; and**
- (e) the steps proposed to be taken by the Government to redress this loophole?**

ANSWER

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

(a) to (e): The Code on Social Security, 2020 (CoSS) has been passed by the Parliament on 28.09.2020. The Code has not come into force. The Code has subsumed various existing social security legislations including the Maternity Benefit Act, 1961.

The Maternity Benefit Act, 1961 applies to every shop or establishment within the meaning of any law for the time being in force in relation to shops and establishment in a state, in which ten or more persons are employed or where employed, on any day of the preceding 12 months.

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The Code on Social Security, 2020 also provides for the maternity benefits to women workers who are covered under the provisions of Employees' State Insurance (ESI) Act, 1948, which has also been subsumed in the Code. The ESI scheme is applicable to every establishment in which ten or more persons are employed other than a seasonal factory.

The Code on Social Security, 2020 already has provisions inter-alia for providing health and maternity benefits to women workers under unorganised sector. Section 45 and Section 109(1) of the Code on Social Security, 2020 already provides for provision regarding framing of welfare scheme(s) including health and maternity benefits for these workers. It also provides for voluntary coverage of an establishment to enable it to obtain benefits of the Employees' State Insurance (ESI) Corporation.
