

**GOVERNMENT OF INDIA
MINISTRY OF LABOUR AND EMPLOYMENT
LOK SABHA
UNSTARRED QUESTION NO. 22
TO BE ANSWERED ON 18.07.2022**

IMPLEMENTATION OF LABOUR CODES

- 22. SHRI MANOJ TIWARI:
SHRI RAVI KISHAN:
SHRI RAVINDRA KUSHWAHA:
SHRI SUBRAT PATHAK:
SHRI BIDYUT BARAN MAHATO:
SHRI SANJAY SADASHIVRAO MANDLIK:
SHRI VIJAYAKUMAR (ALIAS) VIJAY VASANTH:
SHRI PRATAPRAO JADHAV:
SHRI RAJU BISTA:
SHRI SANGAM LAL GUPTA:
SHRI DHAIRYASHEEL SAMBHAJIRAO MANE:
SHRIMATI SANGEETA KUMARI SINGH DEO:
SHRI MANICKAM TAGORE B.:
SHRI PATEL HASMUKHBHAI SOMABHAI:
DR. JAYANTA KUMAR ROY:
SHRI SHRIRANG APPA BARNE:
SHRI SUDHEER GUPTA:**

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

- (a) whether the Government has implemented the new four labour codes, subsuming existing 29 central labour regulations to rationalise and simplify the complex labour legislations and if so, the details thereof;**
- (b) whether the said codes have been notified by the Government and if so, the details thereof including the States which have drafted their own rules for implementation of Code on Wages, Industrial Relations Code etc. under the said codes during the last one year, State-wise;**

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- (c) the details of likely impact of new four labour codes on the labourers as retrial benefits of employees are expected to rise upon the implementation of these Codes, particularly on unorganised sector and the manner in which the said Codes are beneficial to the labourers with regard to their working hours, salary, PF, leave, etc., particularly for women and children; and**
- (d) whether the new Codes could have significant financial impact on organisations, especially in respect of gratuity and if so, the details thereof and the response of organisations in this regard; and**
- (e) whether the Government to merge all existing social security schemes under the social security code and if so, the details of Occupational Safety, Health and working conditions?**

ANSWER

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

(a) & (b): The Government has enacted the four Labour Codes, namely, the Code on Wages, 2019; the Industrial Relations Code, 2020 (IR Code); the Code on Social Security, 2020 (SS Code) and the Occupational Safety, Heath and Working Conditions Code, 2020 (OSH Code).

“Labour” as a subject is in the Concurrent List of the Constitution of India and under the Codes, the power to make rules has been entrusted to Central Government as well as State Governments. As a step towards implementation of the four Labour Codes, the Central Government has pre-published the draft Rules, inviting comments of all stakeholders. The details of the State/Union Territories(UTs) which have pre-published the draft Rules, inviting comments of all stakeholders, are as under:-

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Name of Code	Name of State/UT
The Code on Wages, 2019	Andhara Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Mizoram, Odisha, Punjab, Rajasthan, Sikkim, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh, UTs of Andaman & Nicobar Islands, Chandigarh, Jammu & Kashmir, Ladakh, NCT of Delhi and Puducherry (31)
The Industrial Relations Code, 2020	Andhara Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh, UTs of Chandigarh, Jammu & Kashmir, Ladakh and Puducherry (26)
The Code on Social Security, 2020	Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Odisha, Punjab, Telangana, Tripura, Uttarakhand, Uttar Pradesh, UTs of Andaman & Nicobar Islands, Chandigarh, Jammu & Kashmir, Ladakh and Puducherry (25)
The Occupational Safety Health and working Conditions Code, 2020	Andhara Pradesh, Arunachal Pradesh, Assam, Bihar, Chhattisgarh, Goa, Gujarat, Haryana, Himachal Pradesh, Jharkhand, Karnataka, Kerala, Madhya Pradesh, Manipur, Odisha, Punjab, Tamil Nadu, Telangana, Tripura, Uttarakhand, Uttar Pradesh, UTs of Chandigarh, Jammu & Kashmir and Ladakh (24)

(c): The Labour Codes strengthen the protection available to workers, including unorganized workers, in terms of statutory minimum wage, social security, working hours, healthcare, etc. The SS Code, 2020, provides for social security benefits for all workers including in unorganized sectors as well as gig and platform workers. Some of the new provisions envisaged in the Codes are as under:

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- (i) Setting up of Social Security Fund for formulating schemes for welfare of the unorganised workers, gig workers and platform workers.**
- (ii) Extension of coverage under Employees' State Insurance Corporation (ESIC) to pan-India, i.e., in all districts in the country.**
- (iii) ESIC coverage on voluntary basis for establishments having less than 10 employees has been introduced.**
- (iv) Benefits under ESIC can also be made applicable through notification to an establishment which carries on hazardous or life threatening occupation in which even a single employee is employed.**
- (v) Extension of benefits to unorganised workers, gig workers and platform workers and the members of their families through ESIC or Employees' Provident Fund Organization (EPFO).**
- (vi) For the persons engaged in Fixed Term Employment (FTE), the proportionate benefit of service has been extended without requirement of minimum service of 5 years for gratuity. The person having a contract for one year under FTE will also be eligible for gratuity.**

(d): In line with the Payment of Gratuity Act, 1972, the SS Code, 2020 also provides for payment of gratuity to workers on the rate of wages last drawn. Further, as provided under the Payment of Gratuity Act, 1972, the SS Code, 2020 also provides that the amount of gratuity payable to an employee shall not exceed such amount as may be notified by the Central Government. However, the said Code has not come into effect so far.

(e): In order to maintain continuity, the SS Code, 2020 envisages administration of social security schemes under the Code by the respective social security organisations.

Further, the OSH Code, 2020 consolidates and amends the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment. It inter alia provides for free annual health check-up of employees and provision for formal appointment letter. Women have been empowered for employment in all establishments covering all types of works. Women are now entitled to work in the night, subject to their consent, with provisions of safety.