

# MAHARASHTRA OCCUPATIONAL SAFETY, HEALTH & WORKING CONDITIONS CODE

## EMPLOYER'S REFERENCE GUIDE

*A Comprehensive Analysis of Key Changes, Compliances & Obligations*

### Draft OSH Code — State Rules (Maharashtra)

*Prepared for Employer Reference | May 2026*

The OSH Code and Maharashtra Rules are yet to be formally notified and enforced in Maharashtra. Employers should proactively prepare for compliance based on the draft provisions.

## 1. INTRODUCTION TO THE OSH CODE

### 1.1 Background & Context

The Government of India, as part of its landmark Labour Law Consolidation Initiative, has subsumed 29 Central Labour Laws into 4 comprehensive Labour Codes. The Occupational Safety, Health and Working Conditions Code, 2020 (OSH Code) is one of these four Codes, enacted by Parliament on 28 September 2020. It received Presidential assent and was published in the Gazette of India on 28 September 2020.

While the Central OSH Code is in place, implementation rests with States, which are required to frame their own Rules under the Code. The State of Maharashtra has released its Draft Maharashtra Occupational Safety, Health and Working Conditions Rules (Draft Maharashtra OSH Rules) for public consultation. These rules, once finalised and notified, will replace the existing multiplicity of labour safety laws in the State.

### 1.2 The Current Legal Landscape in Maharashtra

Currently, employers in Maharashtra are required to comply with a patchwork of separate Central and State labour legislation dealing with safety, health, and working conditions. Each statute has its own registration requirements, return formats, record-keeping obligations, Inspector regimes, and penalty structures. This multiplicity creates significant administrative burden and compliance complexity.

The principal statutes currently governing workplaces in Maharashtra include:

- ▶ The Factories Act, 1948 — governing factories employing 10+ workers (with power) or 20+ workers (without power).
- ▶ The Mines Act, 1952 — governing mining operations.
- ▶ The Dock Workers (Safety, Health and Welfare) Act, 1986.
- ▶ The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996 (BOCW Act).
- ▶ The Contract Labour (Regulation and Abolition) Act, 1970 (CLRA).
- ▶ The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979 (ISMW Act).
- ▶ The Plantations Labour Act, 1951.
- ▶ The Working Journalists and Other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955.
- ▶ The Motor Transport Workers Act, 1961.
- ▶ The Beedi and Cigar Workers (Conditions of Employment) Act, 1966.
- ▶ The Cinema Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981.
- ▶ The Sales Promotion Employees (Conditions of Service) Act, 1976.
- ▶ The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981.

Each of these statutes carries separate registrations, separate licensing requirements, separate inspection regimes, and separate penalty structures. The OSH Code consolidates all of these into a single unified framework.

### **1.3 Objective of the OSH Code**

The OSH Code aims to:

- ▶ Consolidate and simplify labour laws relating to occupational safety, health, and working conditions.
- ▶ Extend coverage to a larger class of establishments including those in the services sector.
- ▶ Introduce a single unified registration system for all covered establishments.
- ▶ Strengthen obligations of employers relating to welfare, health surveillance, and accident reporting.
- ▶ Introduce a single digital compliance portal and reduce inspector raj through web-based, risk-based inspections.
- ▶ Enhance penalties commensurate with the gravity of offences to ensure deterrence.
- ▶ Create a structured regime for contract labour, inter-state migrant workers, and fixed-term employment.

## 2. ACTS SUBSUMED UNDER THE OSH CODE

Once the OSH Code is brought into force in Maharashtra, the following 13 Central statutes and their State-level counterparts/rules will stand repealed and replaced by the unified OSH Code framework:

S.No.	Act Repealed/Subsumed	Sector Covered	Key Impact
1	The Factories Act, 1948	Factories, manufacturing establishments	Core provisions on safety, health, welfare in factories fully absorbed
2	The Mines Act, 1952	Mining and quarrying operations	Mining safety now governed under OSH Code with sector-specific schedules
3	The Dock Workers (Safety, Health and Welfare) Act, 1986	Port & dock establishments	Dock worker safety, health, and welfare absorbed
4	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Construction sites	BOCW welfare provisions now under OSH Code; BOCW Cess Act remains separate
5	The Contract Labour (Regulation and Abolition) Act, 1970	Establishments engaging contract labour	CL licensing, registration, welfare obligations absorbed
6	The Inter-State Migrant Workmen (RECS) Act, 1979	Establishments engaging inter-state migrants	ISMW obligations, registration, welfare absorbed
7	The Plantations Labour Act, 1951	Tea/coffee/rubber plantations	Plantation labour safety, health, welfare absorbed
8	The Working Journalists & Other Newspaper Employees Act, 1955	Newspaper/media establishments	Working conditions for journalists absorbed
9	The Motor Transport Workers Act, 1961	Motor transport undertakings	Health, welfare, working hours for motor transport workers absorbed
10	The Beedi and Cigar Workers (Conditions of Employment) Act, 1966	Beedi/cigar manufacturing	Working conditions, safety, welfare absorbed
11	The Sales Promotion Employees (Conditions of Service) Act, 1976	FMCG/pharma sales employees	Service conditions absorbed into OSH Code
12	The Cine Workers and Cinema Theatre Workers (Regulation of Employment) Act, 1981	Film/cinema industry	Working conditions for cine workers absorbed
13	The Cinema Workers and Cinema Theatre Workers Act, 1981	Cinema theatres	Theatre worker conditions absorbed

### 3. APPLICABILITY — ESTABLISHMENTS & THRESHOLD LIMITS

#### 3.1 General Principle of Applicability

The OSH Code applies to all establishments — factories, mines, docks, construction sites, plantations, and specified other establishments — as defined in the Code. The definitions are substantially wider than under the legacy acts, and the Code seeks to bring a larger number of workplaces under regulated coverage.

Importantly, the Central Government and State Governments retain the power to extend the Code to other classes of establishments by notification. Maharashtra may, in its rules, extend coverage to IT/ITeS, logistics, e-commerce, and other service-sector establishments.

#### 3.2 Threshold Limits by Type of Establishment

Type of Establishment	Sector	Threshold (Workers)	Key Change vs. Old Law
Factory (with power)	Manufacturing / Processing	10 or more workers	No distinction — single factory registration
Factory (without power)	Manufacturing / Processing	20 or more workers	No distinction — single factory registration
Mines	Mining & Quarrying	All mines (no minimum threshold)	Sector-specific schedule applies
Construction / BOCW	Building & Other Construction	10 or more workers	Replaces BOCW Act registration
Plantations	Tea / Coffee / Rubber / Cardamom	5 or more workers	Replaces Plantations Labour Act
Motor Transport Undertakings	Goods & Passenger Transport	5 or more workers	Replaces Motor Transport Workers Act
Beedi & Cigar	Beedi / Cigar Manufacturing	All industrial premises	Replaces Beedi Workers Act
Dock / Port	Port & Dock Operations	All dock establishments	Replaces Dock Workers Act
Newspaper / Working Journalists	Print / Electronic Media	All establishments	Replaces Working Journalists Act
Sales Promotion Employees	FMCG / Pharma / Consumer Products	All employers	Replaces Sales Promotion Employees Act
Contract Labour — Principal Employer	Any establishment	20 or more contract workers on any day in preceding 12 months	Registration as Principal Employer mandatory
Contract Labour — Contractor	Any sector	20 or more contract workers on any day in preceding 12 months	Licence as Contractor mandatory
Inter-State Migrant Workers	Any establishment	5 or more inter-state migrant workers	ISMW-specific obligations triggered

### 3.3 Definition of 'Worker' under OSH Code

The OSH Code adopts a broader definition of 'worker' which includes:

- ▶ Any person employed directly or through a contractor in any manufacturing process or in any work incidental to or connected with manufacturing, cleaning, or other work in the establishment.
- ▶ Contract workers, inter-state migrant workers, and fixed-term employees are expressly included within the definition of 'worker.'
- ▶ Working journalists and sales promotion employees engaged under contracts are covered.

*✎ Trainees and apprentices engaged under the Apprentices Act, 1961 are generally excluded from the threshold count for factory applicability but specific provisions may apply.*

### 3.4 Fixed Term Employment — New Category

The OSH Code gives statutory recognition to 'Fixed Term Employment' (FTE) — a new category of employment not recognized under prior OSH laws. Key features:

- ▶ FTE workers are entitled to all statutory benefits on pro-rata basis (including gratuity if employed for at least one year).
- ▶ FTE cannot be used as a device to deny permanent status — repeated renewals may attract scrutiny.
- ▶ Maharashtra Rules are expected to prescribe sectoral FTE norms.

## 4. REGISTRATION REQUIREMENTS UNDER THE OSH CODE

### 4.1 Unified Registration — Key Principle

One of the most significant procedural changes under the OSH Code is the move toward a unified, single-window, digital registration system. Instead of obtaining multiple registrations under separate statutes, an employer is expected to register once on a centralised portal (Shram Suvidha Portal / Unified Labour Portal), which will cover all OSH Code obligations.

*✎ Maharashtra Rules are expected to prescribe a State-specific portal or integration with the national Shram Suvidha Portal for unified OSH registration and compliance.*

### 4.2 Registration Requirements by Type

Establishment Type	Registration Licence Type	Timing	Responsible Person	Authority
Factory	Registration Certificate (Form 1)	Before commencement of manufacturing	Occupier / Manager	Inspector of Factories (via OSH Portal)
Building & Construction Site	Registration under BOCW	Before commencement of work	Principal Employer (Builder/Developer)	Inspector (BOCW)
Plantation	Registration Certificate	Before commencement	Owner/Manager	Inspector of Plantations

Mine	Notice of Intention / Registration	Before commencement of mining	Owner/Agent/Manager	DGMS / Inspector of Mines
Contract Labour — Principal Employer	Registration Certificate (Form II)	Before engaging contract labour	Principal Employer	Registering Officer (via portal)
Contract Labour — Contractor	Licence (Form V)	Before deployment of contract workers	Contractor	Licensing Officer (via portal)
Inter-State Migrant Workmen	Registration (combined with PE/Contractor licence)	Before deployment of ISMW workers	Contractor / Principal Employer	Registering Officer
Motor Transport Undertaking	Registration Certificate	Before commencement of operations	Owner/Employer	Regional Transport Authority / Inspector

### 4.3 Combined Licence for Contract Labour — New Provision

Under the current CLRA, a principal employer obtains a Registration Certificate while the contractor obtains a Licence — these are completely separate processes. Under the OSH Code, the framework integrates both requirements:

- ▶ A single digital form is proposed for combined registration-cum-licence for principal employers and contractors.
- ▶ The licence remains worker-specific — the contractor must specify the number, category, and nature of work of contract workers to be deployed.
- ▶ Licences are valid for 5 years (enhanced from 1 year under CLRA) and are renewable digitally.

### 4.4 Deemed Registration / Self-Certification

The OSH Code introduces a self-certification mechanism for specified categories of establishments. Under this:

- ▶ An employer may submit a self-declaration of compliance in lieu of routine inspections.
- ▶ Establishments opting for self-certification are subject to third-party audits rather than government inspections.
- ▶ Maharashtra Rules may specify eligible categories of establishments for self-certification.

### 4.5 Display of Registration & Notices

Every employer is required to display, in a conspicuous place at the establishment:

- ▶ The Registration Certificate / Licence number and validity.
- ▶ Name and address of the Inspector / Authority having jurisdiction.
- ▶ Abstract of OSH Code provisions in local language (Marathi in Maharashtra).
- ▶ Health and safety policy of the establishment.

## **5. NEW PROVISIONS INTRODUCED BY THE OSH CODE**

The OSH Code introduces several provisions that either did not exist under the prior laws or were limited in scope. These represent significant new obligations and rights for employers and workers alike.

### **5.1 Annual Health Check-up for Workers**

The OSH Code mandates annual health examinations for workers employed in notified hazardous processes and operations. Previously, such requirements were limited to specific hazardous processes under the Factories Act and were not uniformly applied.

- ▶ The Central Government, in consultation with NSAB, will notify the list of hazardous processes.
- ▶ Health records must be maintained for each worker covered and be made available to the Inspector and to the worker on request.
- ▶ Employers bear the cost of the health examination.

### **5.2 Safety Committee — Extended Applicability**

Under the Factories Act, safety committees were required only in hazardous process factories. Under the OSH Code, the requirement is extended to:

- ▶ All factories with 250 or more workers.
- ▶ Construction sites with 250 or more workers.
- ▶ The committee must include equal representation of workers and management.
- ▶ Meetings of safety committees must be held at least once every quarter.

### **5.3 Right of Workers to Refuse Unsafe Work**

The OSH Code explicitly provides workers the right to refuse work in conditions which they reasonably believe pose imminent and serious danger to their life or health. Workers exercising this right in good faith shall not be subjected to any disciplinary action, dismissal, or penalisation. This is a new statutory right with no clear counterpart in prior legislation.

### **5.4 Free Protective Equipment — Statutory Obligation**

Employers are now statutorily obligated to provide Personal Protective Equipment (PPE) free of cost to all workers engaged in notified hazardous operations. Under the Factories Act, PPE obligations existed but were less explicitly defined for all notified hazards across all sectors.

### **5.5 Occupational Health Centres (OHCs)**

The OSH Code mandates the establishment of Occupational Health Centres in establishments with a specified number of workers (thresholds to be prescribed by Maharashtra Rules). These are:

- ▶ Staffed by qualified occupational health physicians.
- ▶ Equipped for first-aid, emergency treatment, and occupational disease screening.
- ▶ Required to maintain health records linked to the digital OSH compliance portal.

### **5.6 Recognition of Occupational Diseases**

The OSH Code includes a broader list of occupational diseases (Schedule III) compared to the Factories Act. This is

significant because:

- ▶ Employers are obligated to report any case of occupational disease to the Inspector immediately.
- ▶ The worker affected by an occupational disease is entitled to compensation under the Employees' Compensation Act (now Code on Social Security, 2020).
- ▶ The extended list includes diseases arising from chemical exposure, noise-induced hearing loss, radiation sickness, and musculoskeletal disorders.

## **5.7 Mandatory Safety Officer — Extended Scope**

Under the OSH Code, the obligation to appoint a Safety Officer is extended beyond hazardous process factories:

- ▶ Construction sites with 500 or more workers must have a Safety Officer.
- ▶ Mines above a specified size must have qualified Safety Officers.
- ▶ The OSH Code prescribes minimum qualifications for Safety Officers by sector (Schedules).

## **5.8 Welfare Officer — Threshold Rationalised**

The OSH Code requires appointment of a Welfare Officer for establishments employing 500 or more workers (previously 500 workers under Factories Act, but the OSH Code standardises this across all covered establishment types including construction and plantations).

## **5.9 Inter-State Migrant Workers — Enhanced Protections**

A significant set of new obligations apply specifically to inter-state migrant workers — triggered where 5 or more such workers are employed:

- ▶ Journey allowance for travel to and from the home state, to be borne by the employer.
- ▶ Displacement allowance (not less than 50% of monthly wages) payable once at the time of recruitment.
- ▶ Suitable accommodation — the employer or contractor must arrange accommodation that meets prescribed minimum standards.
- ▶ Home travel allowance — annually or on completion of the contract period, whichever is earlier.
- ▶ Access to ration card facilities at the work location state (portability).
- ▶ Registration of ISMW workers on the national ISMW portal (Aadhaar-linked) by the contractor.

## **5.10 Fixed-Term Employment — New Statutory Recognition**

The OSH Code provides statutory recognition to Fixed-Term Employment contracts for the first time in OSH legislation. This allows employers to hire workers for a fixed term with full statutory benefits including proportionate gratuity.

## **5.11 Joint Responsibility of Principal Employer & Contractor**

The OSH Code introduces stronger provisions on joint liability:

- ▶ The principal employer is jointly responsible with the contractor for compliance with OSH provisions for contract workers.
- ▶ If the contractor fails to provide welfare facilities, the principal employer is obligated to provide them and recover costs from the contractor.
- ▶ Non-registration of contractor workers or failure to maintain registers attracts liability on both contractor and principal employer.

## 5.12 Risk-Based Inspection System

The OSH Code replaces discretionary inspections with a web-based, risk-based inspection system:

- ▶ Inspections are to be conducted based on a risk profile of the establishment computed from reported data on the digital portal.
- ▶ High-risk establishments face more frequent inspections; low-risk, self-certified establishments may be inspected less frequently.
- ▶ Inspection reports must be shared with the employer within 48 hours.
- ▶ Surprise inspections remain permissible in case of accident reports or complaint

## 6. OLD vs. NEW — KEY COMPARATIVE CHANGES

The table below sets out the significant changes introduced by the OSH Code in comparison with the existing provisions under prior statutes applicable to establishments in Maharashtra. Employers should review each change against their current practices.

Topic / Provision	Old Law & Section	Old Position	New Position under OSH Code
Definition of 'Worker'	Factories Act, 1948 — S.2(l)	Narrow definition, excluded supervisory & managerial staff; contract workers not always covered	OSH Code S.2(z) — Wider definition; expressly includes contract workers, ISMW workers, fixed-term workers
Threshold for Factories Act	Factories Act, 1948 — S.2(m)	10 workers (with power), 20 workers (without power)	OSH Code — Same thresholds retained but now applies uniformly; no power-based distinction for compliance purposes
Annual Leave with Wages	Factories Act, 1948 — S.79	1 day leave for every 20 days worked (adults); 1 day per 15 days (adolescents)	OSH Code — 1 day for every 20 days worked retained; accumulated leave encashment on separation made mandatory
Working Hours — Adults	Factories Act, 1948 — S.51	Max 48 hours/week; max 9 hours/day	OSH Code — 48 hours/week retained; daily hours may be extended by State Rules subject to weekly cap
Overtime Rate	Factories Act, 1948 — S.59	Twice the ordinary rate of wages for overtime beyond 9 hours/day or 48 hours/week	OSH Code — Twice the ordinary rate retained; quarterly overtime limit raised from 50 to 125 hours in certain sectors by State notification
Night Shift for Women	Factories Act, 1948 — S.66 (prior to 2023 amendment)	Prohibition on women working between 7 PM and 6 AM (with limited exceptions)	OSH Code — Women can now work in night shifts subject to employer ensuring safety, consent of worker, and prescribed precautions including transportation and CCTV
Hazardous Process — Employer's Obligation	Factories Act, 1948 — S.41B	Disclose information on hazards; health records; medical examinations for hazardous process workers	OSH Code — Extended to additional scheduled hazardous processes; Mandatory OSH Policy covering all hazards; digital health records linked to national OSH portal
Safety Officer Appointment	Factories Act, 1948 — S.40B	Required only in hazardous process factories	OSH Code — Extended to construction sites (500+ workers), all mines above threshold, and other specified establishments
Welfare Officer Appointment	Factories Act, 1948 — S.49	Factories employing 500+ workers	OSH Code — 500+ workers threshold standardised across all covered establishment types (construction, plantation, etc.)
Contract	CLRA, 1970 —	Licence valid for 1 year; annual	OSH Code — Licence valid for 5 years; digital

Labour Licence Validity —	S.12	renewal required	renewal; contractor must update changes within 30 days
Contract Labour Welfare Facilities —	CLRA, 1970 — S.16 to S.19	Canteen, rest rooms, first aid, drinking water — contractor's duty; PE's liability only if contractor defaults	OSH Code — Joint and several liability of PE and contractor from the outset; automatic cost recovery mechanism for PE
Inter-State Migrant Workers Registration	ISMW Act, 1979 — S.3 & S.8	Triggered at 5 or more ISMW workers; contractor registration and PE registration both required	OSH Code — Threshold of 5 ISMW workers retained; Aadhaar-linked national ISMW portal registration; portability of ration card and benefits
Accident Reporting Fatal —	Factories Act, 1948 — S.88	Immediate notice to Inspector; written report within stipulated time	OSH Code — Immediate digital reporting on OSH portal within 4 hours for fatal accidents; investigation framework enhanced
Accident Reporting Non-Fatal / Dangerous Occurrence —	Factories Act, 1948 — S.88A	Written notice within 3 days; prescribed form	OSH Code — Digital notice on portal within 24 hours; prescribed categories of dangerous occurrences expanded
Occupational Disease Reporting	Factories Act, 1948 — S.89	Report to Inspector on noticing occupational disease; limited list under Schedule III	OSH Code — Expanded schedule of occupational diseases; immediate reporting obligation; employer must arrange health investigation
Canteen Applicability —	Factories Act, 1948 — S.46	250 or more workers — canteen mandatory	OSH Code — Same threshold (250 workers) but extended to construction sites and other establishments as notified by State
Crèche / Day Care Facility	Factories Act, 1948 — S.48	30 or more women workers — crèche mandatory	OSH Code — 50 or more women workers (threshold raised); crèche standards enhanced; employer may provide common crèche for multiple establishments in a locality
Annual Return	Factories Act — Rule, CLRA — Rule	Separate annual returns under each Act; different formats; paper filing	OSH Code — Unified annual return on digital portal; single combined return covering factory, CL, ISMW, and other applicable provisions
Inspector's Powers Inspection —	Factories Act, 1948 — S.9	Inspector may enter at any time; discretionary inspections; no formal protocol	OSH Code — Web-based, risk-based inspection scheduling; Inspector's visit pre-communicated (except in emergency); inspection report shared within 48 hours
Compounding of Offences	Factories Act, 1948 — S.101A	Limited compounding provisions; offences often led to prosecution	OSH Code — Expanded compounding framework; specified offences compoundable on payment of prescribed sum; reduces litigation burden

## **7. KEY EMPLOYER COMPLIANCES UNDER THE OSH CODE**

Employer compliances under the OSH Code can be organised into three broad categories: (A) Operational & Policy compliances, (B) Administrative & Regulatory compliances (registration, records, returns), and (C) Changes in Penalties. Each category is detailed below.

### **7A. CATEGORY A — OPERATIONAL & POLICY COMPLIANCES**

#### **7A.1 OSH Policy — Mandatory Formulation & Display**

Every employer covered under the OSH Code must frame, display, and implement a written Occupational Safety, Health and Working Conditions Policy (OSH Policy). The policy must:

- ▶ State the employer's commitment to worker safety and health.
- ▶ Identify major hazards at the workplace and mitigation measures.
- ▶ Assign safety responsibilities at all levels of management.
- ▶ Be reviewed annually or on any significant change in the establishment.
- ▶ Be displayed in Marathi (and in the language understood by workers) at prominent locations.
- ▶ Be communicated to all workers including contract workers.

#### **7A.2 Risk Assessment & Hazard Communication**

Employers must conduct a formal risk assessment of all processes, activities, and operations. The outcome of the risk assessment must be:

- ▶ Documented in writing.
- ▶ Used to determine PPE requirements, engineering controls, and administrative safeguards.
- ▶ Communicated to all affected workers, supervisors, and contractors.
- ▶ Updated on any change in process, equipment, or work environment.

#### **7A.3 Personal Protective Equipment (PPE) Compliance**

- ▶ Identify all notified hazardous processes/operations where PPE is required.
- ▶ Procure and issue appropriate PPE free of cost to every worker in such operations.
- ▶ Train workers in correct use, maintenance, and storage of PPE.
- ▶ Maintain PPE issuance registers.
- ▶ Ensure contractor workers are also provided PPE (joint liability with contractor).

#### **7A.4 Welfare Facilities — Operational Requirements**

Employers must ensure the following welfare facilities are operational and compliant:

- ▶ Canteen (250+ workers): Managed and subsidised as per State Rules. Quality, hygiene, and pricing norms to be complied with.
- ▶ Restrooms & Lunchrooms: Adequate facilities with separate sections for male and female workers.
- ▶ Crèche (50+ women workers): Properly staffed, equipped, and hygienic facility; common crèche allowed in clustered establishments.
- ▶ First Aid Boxes: One first aid box per 150 workers; stocked as per Schedule VI of OSH Code; at least one trained first-aid person per shift per box.
- ▶ Drinking Water: Clean, safe drinking water at accessible points; cold water provisions where required.
- ▶ Washing Facilities: Adequate washing facilities with soap; separate for male and female workers.

### **7A.5 Night Shift Compliance for Women Workers**

Since the OSH Code permits employment of women in night shifts (7 PM to 6 AM), employers permitting such work must comply with:

- ▶ Obtain written consent of the woman worker before scheduling night shifts.
- ▶ Ensure safe transportation arrangement to and from the workplace.
- ▶ Provide adequate lighting in all areas including washrooms.
- ▶ Install CCTV cameras at entry/exit and common areas (not in private spaces).
- ▶ Designate a woman supervisor or safety representative for each night shift batch.
- ▶ Maintain records of women employed in night shifts.

### **7A.6 Working Hours & Overtime Management**

- ▶ Ensure workers do not work beyond 48 hours per week or 9 hours per day without overtime payment.
- ▶ Maintain shift registers and time-keeping records.
- ▶ Pay overtime at twice the ordinary rate; overtime registers must reflect actual hours.
- ▶ Observe spread-over limits (not more than 10.5 hours including rest intervals).
- ▶ Ensure workers are given a rest interval of at least 30 minutes after 5 hours of continuous work.

### **7A.7 Safety Drills, Emergency Preparedness & Accident Management**

- ▶ Prepare and maintain an Emergency Response Plan (ERP) for all notified hazardous establishments.
- ▶ Conduct mock drills at least twice a year (four times/year for hazardous process establishments).
- ▶ Report fatal accidents digitally within 4 hours; non-fatal serious accidents within 24 hours.
- ▶ Investigate every accident through an internal committee and submit investigation report within 30 days.
- ▶ Implement corrective actions from accident investigations and document them.

### **7A.8 Contract Worker Management — Operational**

- ▶ Maintain a register of all contractors engaged and their worker deployments (updated real-time on portal).
- ▶ Ensure contractors hold a valid OSH Code Licence before deploying workers.
- ▶ Verify that contract workers are covered by ESIC and EPFO; take joint steps if contractor defaults.
- ▶ Ensure contract workers receive wages through bank transfer; verify wage compliance before paying bills.
- ▶ Provide equal access to welfare facilities (canteen, restrooms, first aid) to contract workers.

### **7A.9 Inter-State Migrant Worker — Operational**

- ▶ Ensure contractor obtains ISMW registration on national portal for workers numbering 5 or more.
- ▶ Arrange suitable accommodation meeting prescribed standards for ISMW workers.
- ▶ Pay displacement allowance (50%+ of monthly wages) at the time of recruitment.
- ▶ Arrange and bear the cost of home travel (to and from home state) annually or on contract completion.
- ▶ Facilitate ration card portability — assist ISMW workers in accessing ration at work state.

## **7B. CATEGORY B — ADMINISTRATIVE, REGISTRATION, RECORDS & RETURNS**

### **7B.1 Unified Registration on Digital Portal**

- ▶ Register the establishment on the Shram Suvidha / unified OSH portal before commencement of operations.
- ▶ Ensure the Registration Certificate is displayed at the establishment.
- ▶ Update registration details within 30 days of any change (e.g., change in ownership, category, number of workers).
- ▶ Renewal of Registration — process as prescribed under Maharashtra Rules.

### 7B.2 Contract Labour — Licences & Compliance

- ▶ Principal Employer: Register as PE on OSH portal; obtain Registration Certificate showing number and category of contract workers permitted.
- ▶ Contractor: Obtain Licence specifying name, nature of work, number, and category of workers; Licence valid for 5 years.
- ▶ Both PE and Contractor must maintain updated registers of contract workers on digital portal.

### 7B.3 Registers and Records — Key Registers to Maintain

Register / Record	Who Maintains	Period of Retention
Register of Workers (adult, adolescent, women)	Employer / Occupier	5 years from last entry
Register of Wages (Form prescribed)	Employer / Contractor	5 years from last entry
Register of Overtime	Employer	5 years
Register of Leave with Wages	Employer	3 years
Register of Contract Workers	Principal Contractor    Employer    +	5 years
Register of Accidents and Dangerous Occurrences	Employer / Safety Officer	5 years
Register of Occupational Diseases	Employer / OHC	10 years
Health Record of Workers (Hazardous Processes)	OHC / Employer	40 years (lifelong for certain diseases)
PPE Issuance Register	Safety Officer / Employer	3 years
Visitor Log / Inspection Register	Employer / Safety Officer	3 years
Register of Inter-State Migrant Workers	Contractor / PE	5 years
Register of Fixed-Term Employees	Employer	5 years

### 7B.4 Notices to be Displayed

- ▶ Registration Certificate or Licence (original or authenticated copy).
- ▶ Abstract of the OSH Code in Marathi and in the language of the majority of workers.
- ▶ Name and address of the Inspector / Certifying Surgeon having jurisdiction.
- ▶ OSH Policy of the establishment.
- ▶ Emergency contact numbers, ERP summary, evacuation routes.
- ▶ Crèche notice (where applicable) — location, timing, and staff name.

### 7B.5 Returns to be Filed — Filing Calendar

Return	Frequency	Mode	Due Date
Annual Return (unified — factory, CL, ISMW, plantation as applicable)	Annual	Digital Portal	31st January of following year
Accident Report — Fatal	On occurrence	Digital Portal	Within 4 hours of accident
Accident Report — Non-fatal / Dangerous Occurrence	On occurrence	Digital Portal	Within 24 hours
Occupational Disease Report	On occurrence	Digital Portal	Immediately
Contract Labour Quarterly Return (if prescribed by Maharashtra Rules)	Quarterly	Digital Portal	Within 30 days of end of quarter
Notice of Commencement / Completion (Construction)	On event	Digital Portal	Before commencement; within 30 days of completion
ISMW Worker Registration / Update	On engagement	National ISMW Portal	Before deployment

### 7B.6 Certifying Surgeon (Factory)


- ▶ Employers of factories must get workers in hazardous processes examined by the Certifying Surgeon annually.
- ▶ Maintain health examination records as prescribed; link to OSH portal.
- ▶ Certifying Surgeon's examination certificate to be retained for each worker for the prescribed period.


## 8. CHANGES IN PENALTIES — OLD vs. NEW

The OSH Code significantly enhances the penalty structure compared to the legacy legislation. The aim is to make penalties commensurate with the size of businesses and the gravity of safety violations, thereby strengthening deterrence.

Offence / Default	Old Law & Section	Old Penalty	OSH Code Section	New Penalty
General contravention of provisions of the Code / Rules	Factories Act, 1948 — S.92	Fine up to ₹1 lakh; imprisonment up to 2 years for repeat offences	OSH Code — S.87	Fine up to ₹2 lakhs for first contravention; up to ₹3 lakhs for repeat within 3 years; imprisonment up to 3 years for repeat
Contravention causing death or serious bodily injury	Factories Act, 1948 — S.92	Fine up to ₹1 lakh; imprisonment up to 2 years	OSH Code — S.87(3)	Fine up to ₹3 lakhs; imprisonment up to 2 years; or both
Obstructing Inspector in discharge of duties	Factories Act, 1948 — S.93	Fine up to ₹1,000; imprisonment up to 6 months	OSH Code — S.88	Fine up to ₹2 lakhs; imprisonment up to 6 months

Failure to furnish information / returns	Factories Act — S.92; CLRA — S.36	Fine up to ₹1,000	OSH Code — S.87	Fine up to ₹50,000 per default; escalates on continuation
Employing contract workers in prohibited establishments	CLRA, 1970 — S.23	Fine up to ₹1,000; imprisonment up to 3 months	OSH Code	Fine up to ₹50,000; imprisonment up to 3 months
Failure to pay wages to contract workers or migrant workers	CLRA — S.23; ISMW Act — S.25	Fine up to ₹1,000; imprisonment up to 6 months	OSH Code	Fine up to ₹50,000; imprisonment up to 1 year
Failure to maintain prescribed registers / records	Factories Act — S.92	Fine up to ₹1,000	OSH Code — S.87	Fine up to ₹50,000 per register; escalates for continued default
Worker contravention of safety rules (worker's offence)	Factories Act, 1948 — S.97	Fine up to ₹500	OSH Code — S.92	Fine up to ₹10,000
Offence by company (corporate liability)	Factories Act, 1948 — S.101	Occupier and manager liable; directors liable only if proved complicit	OSH Code — S.94	Company, every director, manager, secretary, or officer in default is jointly liable; burden to show absence of knowledge
Compounding of offences	Factories Act, 1948 — S.101A	Limited; only minor offences compoundable; no clear digital mechanism	OSH Code — S.89	Broader compounding; specified offences compoundable on payment of 50% of maximum fine; digital compounding application on portal

 *Corporate Liability: Under the OSH Code, the burden is on directors/officers to prove they had no knowledge of and exercised due diligence to prevent the offence. This reverses the practical burden of proof compared to old legislation.*

 *Compounding: Employers are advised to explore compounding for minor defaults rather than contesting prosecution, as the OSH Code provides a streamlined digital compounding mechanism that reduces litigation costs.*

## 9. EXECUTIVE SUMMARY & KEY TAKEAWAYS FOR EMPLOYERS

The Maharashtra Draft OSH Code represents the most significant overhaul of workplace safety and health legislation in the State in over 75 years. This section provides a concise executive summary and the 15 most critical takeaways for employers.

### 9.1 Executive Summary

The Occupational Safety, Health and Working Conditions Code, 2020, enacted by the Parliament of India, consolidates 13 Central labour statutes into a single, comprehensive framework. The State of Maharashtra has released Draft Rules under the OSH Code for public consultation. Once notified and enforced, the Code will fundamentally change how employers in Maharashtra manage workplace safety, health, and working conditions across factories, construction sites, plantations, mines, and other covered establishments.

The Code introduces a unified digital registration, single annual return, risk-based inspection regime, enhanced welfare and health obligations, stronger protections for contract workers and inter-state migrants, statutory recognition of fixed-term employment, and significantly higher penalties. Employers who proactively align their policies, practices, and systems with the OSH Code will be better positioned for seamless compliance once the Code is notified.

### 9.2 15 Critical Takeaways for Employers

#	Takeaway Area	Key Action Point
1	Unified Framework	13 central labour statutes are being subsumed into a single OSH Code — employers must transition from multi-law compliance to a unified Code framework.
2	Wider Coverage	The OSH Code casts a wider net — IT/ITeS, logistics, and service sector may be brought under coverage by State notification. Review your sector's applicability proactively.
3	Single Digital Registration	Replace multiple registrations and licences with a single digital registration on the OSH portal. Update within 30 days of any change.
4	Contractor Licence Validity Extended	Contractor licences are now valid for 5 years (from 1 year) — significant reduction in renewal burden; however, compliance obligations remain continuous.
5	Night Shifts for Women — Now Permitted	Women can be deployed in night shifts subject to consent, transportation, CCTV, and other prescribed safety conditions. Update HR policies and establishment practices.
6	OSH Policy — Mandatory	Every employer must draft, display, and implement a written OSH Policy in local language. Non-compliance attracts enhanced penalties.
7	PPE — Free of Cost	Personal Protective Equipment must be provided free of cost to all workers in notified hazardous operations. No cost recovery from worker wages permitted.
8	Joint Liability — Principal Employer & Contractor	Principal Employers are jointly and severally liable for contract worker welfare and safety. Ensure vendor due diligence and contract clauses protect the PE.
9	ISMW Worker Protections Significantly Enhanced	Journey allowance, displacement allowance, home travel, accommodation, and Aadhaar-linked registration obligations arise upon engagement of 5 or more inter-state migrants.
10	Accident Reporting Goes	Fatal accidents must be reported digitally within 4 hours; serious accidents within 24

	Digital & Faster	hours. Invest in systems and trained personnel for immediate reporting.
11	Health Check-ups & OHCs Mandatory	Annual health check-ups for hazardous process workers and Occupational Health Centres for specified establishments are now mandatory. Budget for healthcare infrastructure.
12	Fixed-Term Employment — Plan Carefully	FTE has statutory recognition — benefits (including proportionate gratuity) apply. Use FTE purposefully; avoid repeated renewals for what is essentially permanent work.
13	Right to Refuse Unsafe Work	Workers have an explicit statutory right to refuse work in conditions of imminent danger without fear of disciplinary action. Ensure robust grievance and safety reporting mechanisms.
14	Penalties Doubled & Corporate Liability Strengthened	Maximum fines increased 2-3x; corporate liability now extends to all officers in default with reversed burden of proof. Board-level oversight of OSH compliance is essential.
15	Risk-Based Inspections	Establishments maintaining good digital compliance records face fewer inspections. Invest in digital portal compliance to build a favourable risk profile.

### 9.3 Recommended Employer Action Plan

Employers in Maharashtra are advised to undertake the following steps immediately:

- ▶ Step 1 — Applicability Audit: Conduct a full applicability review to determine which provisions of the OSH Code apply to your establishment(s), including sector, worker count, and engagement of contract/ISMW workers.
- ▶ Step 2 — Gap Analysis: Compare current practices (registrations, records, welfare facilities, safety measures, policies) against OSH Code requirements and prepare a compliance gap report.
- ▶ Step 3 — Policy & Documentation Upgrade: Draft or update the OSH Policy, Emergency Response Plan, and all HR/safety policies to align with OSH Code provisions (especially night shift for women, FTE, ISMW worker protections).
- ▶ Step 4 — Digital Readiness: Onboard digital systems for payroll, leave management, accident reporting, and contractor management that can integrate with the OSH portal once notified.
- ▶ Step 5 — Training: Train HR, safety, and operations teams on OSH Code obligations, worker rights (including right to refuse unsafe work), and new penalty framework.
- ▶ Step 6 — Contractor Compliance: Review all contractor agreements; insert OSH Code compliance obligations; establish PE-level oversight mechanisms for contract worker welfare and safety.
- ▶ Step 7 — Legal Counsel Engagement: Engage qualified labour law counsel to review final Rules once notified by Maharashtra and advise on transition from existing registrations and compliance programmes.

*This document was prepared for employer reference purposes only and does not constitute legal advice.*

*Consult qualified legal counsel before taking action based on any provision of this document.*

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### IMPORTANT DISCLAIMER

*This document is prepared solely for reference and general informational purposes for employers. It is based on the Draft Occupational Safety, Health and Working Conditions Code (OSH Code) issued under the four Labour Codes framework and the Draft Maharashtra State Rules thereunder. The OSH Code and Maharashtra Rules are yet to be formally notified and brought into force in the State of Maharashtra. Provisions, thresholds, penalties, and timelines mentioned herein are based on available draft texts and may be subject to change before final notification. This document does not constitute legal advice. Employers are advised to consult qualified legal counsel before taking any action.*