

The Second Draft Code on Social Security (2018) Vs The Third Draft Code on Social Security (2019)–

A Comparison From the Perspective of Unorganised Sector Workers

Provision	Second Draft (2018)	Third Draft (2019)	Remark/Change
Definitions			
Social Security (No change)	Old code: “social security” means the measures of protection afforded to worker to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights enshrined and schemes framed under the Code	“social security” means the measures of protection afforded to worker to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights enshrined and schemes framed under the Code	No change.
Employee (changed)	2.42 employee as any person who is employed for wages by the entity in accordance with the terms of contract of employment, whether written or oral and whether expressed or implied, in or in connection with the work of the entity Explicitly mentioned outworkers, home-based workers, domestic workers, drivers, mechanics	2 (xx) (a) in respect of an establishment, a person, including an apprentice engaged under the Apprentices Act, 1961, employed on wages by such establishment to do any skilled, semi-skilled, unskilled, manual, operational, supervisory, managerial, administrative, technical or clerical work for hire or reward, whether the terms of employment be express or implied; and	less inclusive definition in the new code, introduces the clause of recognising someone as an employee if “declared to be employee by appropriate government”

		<p>(b) a person declared to be an employee by the appropriate Government;</p> <p>New definition does not mention any examples.</p>	
<p>Contribution (changed)</p>	<p>2.32 “contribution” means the sum or money payable under this Code to the State Board –</p> <p>(a) by the principal employer or contractor in respect of an employee; or</p> <p>(b) by the worker himself in case of a non-employee</p> <p>and includes the employers’ contribution and the employees’ contribution;</p>	<p>2 (xv) Contribution means the sum of money payable by the Principal Employer to the Central Board of Trustees referred to in section 3 and to the Corporation, as the case may be, in respect of an employee and includes any amount payable by or on behalf of the employee in accordance with the provisions of this Code;</p>	<p>The new definition only refers to “employees” which as per this code, refers to only organised sector workers.</p> <p>This removes unorganised workers from the scope of centralised, contribution-based schemes – the Second Draft definition had more broadly referred to “workers”</p>

<p>Employer (changed)</p>	<p>2.43 Explanation 1– “employer” includes, (i) owner, occupier or any body of persons (whether incorporated or not)</p> <p>(ii) any person appointed or acting as the representative of such owner, occupier or any body of persons for the purpose of carrying on their trade or business, but does not include an individual manager subordinate to an employer,</p> <p>(iii) the legal representative of a deceased employer, and,</p> <p>(iv) when the services of an employee are temporarily lent or let on hire to another person by the person with whom the employee has entered into a contract of service or apprenticeship, means such other person while the employee is working for him;</p> <p>(v) any land-owner who allows a tenant to use his land on sharecropping basis.</p>	<p>2 (xxi) employer means a person who employs, whether directly or through any person, or on his behalf, or on behalf of any person, one or more employees in his establishment and where the establishment is carried on by any department of the Central Government or the State Government, the authority specified, by the head of such department, in this behalf or where no authority, is so specified the head of the department and in relation to an establishment carried on by a local authority, the chief executive of that authority, and includes, –</p> <p>(a) in relation to an establishment which is a factory, the occupier of the factory;</p> <p>(b) in relation to mine, the owner of the mine or agent or manager having requisite qualification under the law for the time being in force and appointed by the owner or agent of the mine as such;</p> <p>(c) in relation to any other establishment, the person who, or the authority which has ultimate control over the affairs of the establishment and where said affairs are entrusted to a manager or managing director, such manager or managing director;</p>	<p>-The ambit of informal workers is taken away from the Third Draft definition: clause (d) “In case of household or an enterprise undertaken by an household , the head of the household will be the employer” has been removed. -Aspect of agricultural workers has also been removed (land owner)</p>
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		<p>(d) Contractor; and</p> <p>(e) legal representative of a deceased employer;</p>	
<p>Enterprise (Removed)</p>	<p>2.45 any project, business or undertaking carried out by a variety of institutions, included trade unions, societies, cooperatives as well</p>	-	<p>The term “enterprise” had been used in the third draft code while defining unorganised sector and organised sector, however this term is not not defined.</p>
<p>Worker – (changed)</p>	<p>2.140 “worker” means any person who –</p> <p>(i) performs a work (intellectual, mental or physical) for an entity; or</p> <p>(ii) provide services, whether regular or part-time to an entity,</p> <p>whether directly or through an agency,</p>	<p>2 (xxxxxxiii)</p> <p>"worker" means any person (except an apprentice as defined under clause (aa) of section 2 of the Apprentices Act, 1961) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be</p>	<p>Old definition referred to both “employees” and “non employees”, but the new Definition of worker now refers only to formal sector employees. (informal sector workers have been covered in Wage Worker definition but not comprehensively)</p> <p>It excludes supervisory/ managerial employees drawing wages exceeding</p>

	<p>for wage, profit or gain, in cash or kind, whether under a contract of employment, or other contract where an individual undertakes to do or to provide personally the work or services, whether the contract is expressed or implied; and includes-</p> <p>(a) an employee;</p> <p>(b) a non-employee</p> <p>(c) an international worker</p> <p>Explanation 1: All employees of an entity shall be workers irrespective of nature of work performed by them.</p> <p>Explanation 2: Apprentices shall be deemed to be workers, unless they are engaged in accordance with the provisions of Apprentices Act 1961 or the standing orders of the establishments.</p> <p>Explanation 3: persons performing voluntary services for an entity and receiving remuneration or fee whether in form of honorarium or otherwise shall be deemed to be workers.</p>	<p>express or implied, and includes—</p> <p>(i) working journalists as defined in clause (f) of section 2 of the Working Journalists and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act, 1955; and</p> <p>(ii) sales promotion employees as defined in clause (d) of section 2 of the Sales Promotion Employees (Conditions of Service) Act, 1976, and for the purposes of any proceeding under this Code in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched or otherwise terminated in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute;</p>	<p>Rs. 15000 per month or as notified by govt.</p> <p>Explanation 3 Was an important clause for Asha and Anganwadi workers who have been demanding recognition as workers – this is now removed.</p> <p>The New code has removed the term non-employee, refers to “industry” (instead of “entity”)</p>
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<p>Wage Worker (changed)</p>	<p>2.139 “Wage Worker” means a person employed for remuneration in an entity, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind whether as a home-based worker, or as a temporary worker.</p> <p>Explanation – any worker undertaking tenancy of land on sharecropping basis shall be treated as a wage worker.</p>	<p>2 (xxxxxxxi) Wage Worker means a person employed for remuneration in the unorganised sector, directly by an employer or through any contractor, irrespective of place of work, whether exclusively for one employer or for one or more employers, whether in cash or in kind, whether as a home-based worker, or as a temporary or casual worker, or as a migrant worker, or workers employed by households including domestic workers, with a monthly wage of an amount as may be notified by the Central Government and State Government, as the case may be;</p>	<p>Old definition was broad, overlapped with ‘worker’ definition. New definition refers specifically to unorganised sector workers. It is unclear if categories mentioned in the definition are examples, or a finite list “wage worker” used as a term for unorganised worker is anomalous- (Srivastava)</p>
<p>Self Employed Worker (added)</p>		<p>2 xxxxxviii Self-employed worker means any person who is not employed by an employer, but engages himself in any occupation in the unorganised sector subject to a monthly earning of an amount as may be notified by the Central Government or the State Government from time to time or holds cultivable land subject to such ceiling as may be notified by the State Government;</p>	<p>Compared to the definition of own account worker in the old code, this definition refers to a monthly earning threshold, and a cultivable land ownership threshold, to be defined by the government, which will decide which self-employed workers come under the purview of this definition. This was not the case earlier.</p>
<p>Own Account</p>	<p>2.84 “Own account worker” means any person who is not employed by an</p>		

<p>Worker (removed)</p>	<p>employer for wages, but engages himself or herself in any occupation in an own account enterprise for profit or family gain, in cash or in kind, or holds cultivable land which he tills using his own or family members’ labour, including a person who takes land on share cropping or any other form of rent, and tills the same using his own or family members’ labour , and includes a casual worker.</p>		
<p>Unorganised Worker (changed)</p>	<p>2.134 “unorganised worker” means</p> <p>(a) a worker (including home-based worker, own account worker, owner-cum-worker or a wage worker) working in the unorganised sector; or</p> <p>(b) a person who gets employed by any entity through an informal contract or in absence of any written contract.</p>	<p>2 xxxxxvii Unorganised worker means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act, 1947 or Chapter III to VII;</p>	<p>New definition indicates that “home-based worker, self-employed worker or a wage worker in the unorganised sector” is an exhaustive list, and links it to wage worker definition – where the categories of informal workers are unclear and narrow</p> <p>New definition is linked with Industrial Disputes Code definition of worker – some attempt at streamlining of codes.</p> <p>The definition is problematic in the context of the current scope of labour legislation and social security legislations (particularly the EPFO and ESIC Acts) (Srivastava)</p>

Organised Sector (added)		2 xxxxi Organised sector means an enterprise which is not an unorganised sector;	
Unorganised Sector (changed)	“Unorganized sector” includes – (a) Establishments which employ workers, and the number of such workers is less than the threshold; (b) Own account enterprise; (c) Households that employ domestic workers for carrying out the activities of the household.	Unorganised sector means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten;	-Threshold now defined, earlier it wasn't. -Households employing domestic workers removed from scope of this definition -“Enterprise” is not defined in new code
Gig worker (added)		2 (xxvii) -means a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship;	-It is a starting point in terms of recognition of gig economy and platform economy Unclear what “traditional employer-employee relationship” means
Platform Work (added)		2 (xxxxvii) is an employment form in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services in exchange for payment;	-Definition overlaps with gig economy workers

Home-based worker (no change)		2 (xxviii): means a person engaged in the production of goods or services for an employer in his home or other premises of his choice other than the workplace of the employer, for remuneration, irrespective of whether or not the employer provides the equipment, materials or other inputs;	-No change -this definition does not include self-employed home-based workers, however self-employed workers has been separately defined
Entity (removed)	“Entity” means – (a) An enterprise; or (b) A household;		In the new code, the term “entity” has been replaced with other terms such as industry and enterprise.

Social Security Organisations (SSO)			
Provision	Second Draft (2018)	Third Draft (2019)	Remark/Change
Definition of SSO	<p>2.120</p> <p>“Social Security Organisations” mean the organisations established under this Code, that is to say-</p> <p>(a) The National Council,</p> <p>(b) The Central Board and</p> <p>(c) the State Boards;</p> <p>and the term ‘Social Security Organisation’ shall be construed as the concerned National Council, Central Board or State Boards as the context may imply.</p>	<p>2(xxxxxxxi)</p> <p>Social Security Organisation means any of the following organisations established under this Code, namely:-</p> <p>(a)The Central Board of Trustees for Employees Provident Fund constituted under section 3;</p> <p>(b)The Employees State Insurance Corporation constituted under section 4;</p> <p>(c)The Unorganised Workers National Social Security Board constituted under section 5;</p> <p>(d)The State Unorganised Workers Social Security Board constituted under section 5; and</p> <p>(e)The State Building Workers Welfare Boards constituted under section 6;</p> <p><i>In Chapter 2, there is also the provision of creating State Boards for each state, though this is not listed in the list of SSOs mentioned in the code.</i></p>	<p>-No. of SSOs has been increased from 3 to 5:</p> <p>Deletions: National Council</p> <p>Additions: ESIC, National Board for Unorganised Workers SS, State Board for Unorganised Workers Social Security, State Building Workers Welfare Board</p>
Reservation in appointments of SSOs	<p>Reservations for appointment of women in the SSOs. Example:</p> <ul style="list-style-type: none"> • At least 6 members out of total 26 members in Central Board to be women • At least 5 members out of total 27 members of the State board 	<p>No reservations for appointment of women in any SSO except Building and Construction Workers’ Welfare Board, which provides for appointment of at least one woman on the board. (provision taken directly from the Building and Construction Workers’ Act)</p>	<p>No affirmative action, regressive change in the code.</p>

	to be women		
National Council - removed	Section 3.1	-	Was a heavily centralised committee with very little worker representation
Central Board of Trustees	<p>3.6 No. of Members – 30</p> <p>3.5 Functions: 20 functions defined, for example: (a) To administer the Scheme funds vested in it in such manner as may be specified in the respective Scheme. (c) to design and manage the Centralized system of Registration of workers and entities. (h) establishing mechanism for redressal of grievances of scheme members; (s) regulating intermediate agencies for implementation of social security schemes;</p>	<p>3.1 No. of Members – 43</p> <p>3.6 List of functions completely removed from code, to be defined by later notification</p> <p>Mention of Central Board’s function of handling the EPF is mentioned in chapter III</p>	<p>More representation of workers in new code (10, compared to 7), however the total number of members has also gone up.</p> <p>Removal of functions has made the code ambiguous</p>
ESIC Corporation (added)	Not mentioned at all. Provisions of the ESIC act were included in the chapter on “Sickness and Medical Benefit”	ESIC corporation to be a separate SSO. Separate chapter on ESIC in the new code	
Building and Construction Workers’ Board (added)	Was not present in the earlier code	6.(1) Every State Government shall, with effect from such date as it may, by notification, appoint, constitute a Board to be known as the.....(name of the State) Building and	Gives clarity on the status of building and construction workers’ fund and provisions for their welfare.

		Other Construction Workers' Welfare Board (hereinafter referred to as Building Workers' Welfare Board) to exercise the powers conferred on, and perform the functions assigned to, it under this Code.	
Committees (As per chapter 2)			
Executive Committee (EC) (changed)	5.1 The Central Government may, by notification in the Official Gazette, constitute, with effect from such date as may be specified therein, an Executive Committee to assist the National Council in the performance of its functions.	3 (3) The Central Government may, by notification, constitute, with effect from such date as may be specified therein, an Executive Committee from amongst the members of the Central Board to assist the Central Board in performance of its functions in such manner as may be prescribed by the Central Government.	EC will be formed to assist Central Board, not National Council (National Council has been removed in the new code)
Composition of Executive Committee	5.2 The Executive Committee shall consist of the following persons as members, namely:- (a) Minister of Labour as Chairperson; (b) one persons representing the employers elected by the National Council from amongst the persons representing employers; (c) one persons representing the workers elected by the National Council from amongst the persons representing workers; (d) one person representing own account worker elected by the National Council from amongst the persons representing	3(3) Ccomposition of the committee not mentioned	Makes the act ambiguous

	<p>own account workers;</p> <p>(e) One person nominated by the Central Government from amongst members of the National Council who are officials;</p> <p>(f) Three persons nominated by the Central Government from amongst persons who are experts.</p> <p>(g) The Regulator General, ex-officio: Provided further that at least two persons from amongst persons nominated by the Central Government shall be women.</p>		
<p>Composition of Medical Benefit Committee</p>	<p>5.5. The State Government shall constitute a Medical Benefit Council consisting of —</p> <p>(a) the Commissioner, ex-officio as Chairperson ;</p> <p>(b) the Director General, Health Services, of the State ex-officio as Co-Chairperson ;</p> <p>(c) the Medical Commissioner of the State Board, ex-officio ;</p> <p>(d) two members from amongst the persons representing employers to be appointed by the State Government in consultation with such organisations of employers as may be recognised for the purpose by the State Government;</p> <p>(e) two members from amongst the persons representing workers to be appointed by the State Government in consultation with such organisations of workers as may be recognised for the purpose by the State Government ; and</p>	<p>Composition clause removed</p>	<p>Makes the act ambiguous</p>

	<p>(f) two members representing the medical profession, to be appointed by the State Government in consultation with such organisations of medical practitioners as may be recognised for the purpose by the State Government:</p> <p>Provided that no person (except in respect of clause (f)) shall be appointed to the Medical Benefit Council unless he is a member of the State Board:</p> <p>Provided further that at least one third of total persons appointed under the clause (d), (e) and (f) shall be women.</p>		
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Unorganised Workers' Social Security			
Provision	Second Draft (2018)	Third Draft (2019)	Remark/Change
Social Security for Unorganised Sector Workers	Inclusion of informal workers in broader definitions of “workers” Code did not have threshold or clear definitions to distinguish between organised and unorganised sector	-New code gives separate definitions for organised and unorganised sector -Inclusion of separate chapter titled “Social Security for Unorganised Workers” (Chapter IX)	
Central Government's Mandate for Social Security of Unorganised Workers		106.(1)The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matter relating to- (i) life and disability cover; (ii) health and maternity benefits; (iii) old age protection; and	-“suitable welfare schemes” not defined in detail. -Subsection (2) creates possibility for no new schemes or work to be done for unorganised workers, as existing schemes will be counted as fulfilment of subsection (1)

		(iv) any other benefit as may be determined by the Central Government. (2)The schemes included in the Seventh Schedule shall be deemed to be the welfare schemes under sub-section (1).	-this chapter does not propose anything out of the ordinary to be done for informal workers
Mandate for Social Security of Unorganised Workers – State Government	-	(4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to- (i) provident fund; (ii) employment injury benefit; (iii) housing; (iv) educational schemes for children; (v) skill up gradation of workers; (vi) funeral assistance; and (vii) Old age homes	The language used is “may formulate” and not “shall formulate”, which indicates that there is no mandated requirement. Attempt to divide the responsibilities of centre and state. Some overlap – old age protection and old age homes An attempt has been made to divide the responsibilities of centre and state on this concurrent subject
Registration of Unorganised Workers	The State Boards, in coordination with the Central Board shall provide a unique Aadhar-based registration service for registration of workers and provide a portable Social Security account, to be named as Vishwakarma Karmik Suraksha Khata (hereinafter referred to as ‘VIKAS’), which shall be linked to Aadhar Number of the worker. 11.6. A non-employee shall, within such time as may be stipulated, submit to the	110. (1)Every unorganised worker shall be eligible for registration, for the purposes of this Chapter, subject to the fulfilment of the following conditions, namely:- (a) he has completed sixteen years of age or such age as may be prescribed by the Central Government; (b) He meets such socio economic criteria as may be prescribed by the Central Government; and (c) he has submitted a self-declaration electronically or otherwise in such form, in such manner and to such authority containing such information as may be prescribed by the Central Government.	1. Registration of unorganised worker now separately mentioned; old code mentioned registration of all workers together. 2. The VIKAS terminology removed but the concept still there. 3. An age threshold has now been mentioned – 16 years 4. Self-declaration of worker now recognised, and the process of registration seems to have been simplified. Although with lack of clarity in definition of

	<p>Registering Authority, in the manner specified in the bye-laws, an application for registration, providing such details about himself and his occupation and such other particulars as may be specified in the bye-laws.</p> <p>11.11. Where a worker undertakes part time work in two or more entities and is not employed through any contractor, agency or placement agency, the worker may choose the employer through whom he wishes to get registered: Provided that it shall be the duty of the worker to inform the other employers about his choice of employer for getting himself registered and provide them his VIKAS number.</p>	<p>110 (2) (2) Every eligible unorganised worker under sub-section (1) shall make an application for registration in such form accompanied with such documents, to such registering authority as may be prescribed by the Central Government and such unorganised worker shall be registered by such registering authority by assigning a distinguishable number to his application or by linking the application to the Aadhaar number.</p>	<p>unorganised workers, which workers will require employer approval for registering and which won't, is not clear.</p> <p>5. Certain socio economic criteria to be defined by govt as threshold – not defined.</p> <p>Leaves ambiguity about how many workers will be able to benefit from social security schemes.</p> <p>Details of Classification of Workers removed, left to government to define.</p> <p>The purpose of this classification has not been made clear</p>
<p>Classification of Workers</p>	<p>11A.2 the Central government may prescribe classification if the workers on the basis of</p> <ul style="list-style-type: none"> (a) Socio-Economic Status, (b) Occupation, (c) Nature of employment, (d) Citizenship 	<p>This section removed from the new code, and criteria/details of socio-economic category classification also removed. They will be notified by the government later</p>	<p>Makes the act ambiguous</p>

<p>National Social Security Board for Unorganised Workers</p>		<p>5. (1) The Central Government shall, by notification, constitute a National Social Security Board for unorganised workers (hereinafter referred to as National Social Security Board) to exercise the powers conferred on, and to perform the functions assigned to, it under this Code, in such manner as may be prescribed by the Central Government.</p>	<p>Functions and powers not defined, therefore ambiguous. No mention of this board in Chapter IX that deals with Social Security for Unorganised Sector Workers</p>
<p>Composition of National Social Security Board</p>	<p>-</p>	<p>(2). The Unorganized Workers' National Board shall consist of the following members, namely;- (a) Union Minister for Labour and Employment as Chairperson; (b) Secretary, Ministry of Labour and Employment as Vice Chairperson; (c) thirty-five members to be nominated by the Central Government, out of whom- (i) seven members representing unorganised sector workers; (ii) seven members representing employers of unorganised sector; (iii) seven members representing eminent persons from civil society; (iv) two members representing the Lok Sabha and one from Rajya Sabha; (v) five members representing Central Government Ministries and Departments concerned; (vi) Five members representing State</p>	<p>Ambiguity: "eminent persons" not defined</p>

		<p>Governments; and</p> <p>(vii) One member representing the union territories; and</p> <p>(d) Member Secretary as notified by the Central Government.</p>	
<p>State Social Security Board for Unorganised Workers (added)</p>		<p>Section (3)</p> <p>Every State Government shall, by notification, constitute a State Board to be known as (name of the State) Unorganized Workers' Board (hereinafter referred to as State Unorganised Workers' Board) to exercise the powers conferred on, and to perform the functions assigned to it, under this Code, in such manner as may be prescribed by the State Government.</p>	<p>Functions and powers not defined, therefore ambiguous.</p> <p>No mention of this board in Chapter IX that deals with Social Security for Unorganised Sector Workers</p>
<p>Composition of State Social Security Board for Unorganised Workers</p>	-	<p>(4) Every State Unorganised Workers' Board shall consist of the following members, namely:-</p> <p>(a) Minister of Labour and Employment of the concerned State- Chairperson, ex officio;</p> <p>(b) Principal Secretary or Secretary (Labour) as Vice Chairperson;</p> <p>(c) twenty-eight members to be nominated by the State Government, out of whom-</p> <p>(i) seven representing the unorganised workers;</p> <p>(ii) seven representing employers of unorganised workers;</p> <p>(iii) two members representing the Legislative Assembly of the concerned State;</p> <p>(iv) five members representing eminent persons from civil society; and</p>	<p>Vague – “eminent persons” not defined</p>

		(v) seven members representing State Government Departments concerned; (d) one member to be nominated by the Central Government; and (e) Member Secretary as notified by the State Government.	
Functions of NSSB and SSSB	-	Not defined in the act	Keeps significance of the boards under question. No connection drawn between these boards and Social Security for Unorganised Workers Chapter IX

Miscellaneous:

Provision	Second Draft (2018)	Third Draft (2019)	Remark/Change
Intermediate Agencies (removed)	The Director General may, by granting a License under this Code, permit any organization or person to act as an intermediate agency for all or any of the following purposes – - management of accumulations in a social security fund in accordance with the regulations; - receiving contributions and instructions and transmitting them to the Trustee Bank or Record keeping agency; - providing any service to the scheme member;	Chapter on intermediate agencies completely removed	Indicates a change of approach – The government may not rely on private agencies for disbursement and management of social security benefits

	<ul style="list-style-type: none"> - paying out benefits to the scheme members; - Receiving instructions from scheme members, transmitting instructions to board and fund managers - To augment the registration process, dissemination of information to the stakeholders, increase public awareness and outreach 		
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Social Security for Building and Construction Workers – BOCW Act vs Third Draft Code			
Provision	Building and Other Construction Workers Act 1996	Third Draft (2019)	Remark/Change
Definition		The draft Code has used the definition of building and other construction work from the BoCW Act and has included the threshold limit of ten workers for any building or construction work, except for residential buildings for which a separate threshold limit may be notified by the Central government from time to time.	
Composition of the Board	(3) The Board shall consist of a chairperson, a person to be nominated by the Central Government and such number of other members, not exceeding fifteen, as may be appointed to it by	(3) The Building Workers‘ Welfare Board shall consist of - a chairperson to be nominated by the State Government - one member to be nominated by the Central Government and	No difference

	<p>the State Government: Provided that the Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman:</p>	<p>-such number of other members, not exceeding fifteen, as may be appointed to it by the State Government: Provided that the Building Workers' Welfare Board shall include an equal number of members representing the State Government, the employers and the building workers and that at least one member of the Board shall be a woman.</p>	
<p>Registration of workers and establishments</p>		<p>The Draft provides a generic definition of establishment in (xxiii) and of registration of establishments in 2A. There are no specific provisions in the Code for the registration of construction sector establishments and/or registration of workers. ((Srivastava))</p>	
<p>Functions of the Board (some removed)</p>		<p>The following functions, though mentioned in the Act, have been removed from the code: Section 22(1) (a) provide immediate assistance to a beneficiary in case of accident; 22(1) (c) sanction loans and advances to a beneficiary for construction of a house not exceeding such amount and on such terms and conditions as may be prescribed; have been removed, 22(2) may grant loan or subsidy to a local authority or an employer in aid of any scheme approved by the State Government for the purpose connected with the welfare of building workers in any establishment</p> <p>22(3) (3) The Board may pay annually grants-in-aid to a local authority or to an employer</p>	

		<p>who provides to the satisfaction of the Board welfare measures and facilities of the standard specified by the Board for the benefit of the building workers and the members of their family, so, however, that the amount payable as grants-in-aid to any local authority or employer shall not exceed-</p> <p>(a) the amount spent in providing welfare measures and facilities as determined by the State Government or any person specified by it in this behalf, or</p> <p>(b) such amount as may be prescribed, whichever is less:</p>	
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References:

- Recommendations on Draft Code on Social Security (NASS, 2019)
- Review of Third Draft Code (Srivastava, unpublished)
- Social Security Code 2.0 (MoLE, 2018)
- The Code on Social Security (MoLE, 2019)

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