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To

Shri Ravi Shankar Nirala

Under Secretary to the Govt of India

Ministry of Labour and Employment

Room No 17, Shram Skakti Bhawan, Rafi Marg

New Delhi

Subject: Objections and suggestions for the Occupational Safety, Health and Working Conditions (Central) Rules, 2025 & Occupational Safety, Health and Working Conditions Code, 2020

The undersigned are making this representation on behalf of Amazon India Workers Union (AIWU). Our objections/suggestions to the Occupational Safety, Health and Working Conditions Code, 2020 (OSHWC) and Rules 2025 are restricted to the failure of the Code and the Rules to address heat-related hazards faced by indoor workers, in violation of the Constitution of India and international law.

A. Worsening heat wave conditions

1. Around the world, heat waves are worsening, and their toll on occupational safety and health is increasing. This issue is especially salient in India; last year, record-breaking heat waves hit the country, and temperatures soared higher than 50° Celsius

in some areas.[1] In 2024, more than 44,000 cases of heat stroke were recorded in the country.[2] This is likely to be underreported as most cases in rural areas are unrecorded. Prolonged exposure to temperatures above 30° Celsius is associated with increased health risks. These risks include heat exhaustion, heat stroke, increased workplace accidents, and even death; long-term consequences are also possible from prolonged and continuous work in high temperatures. These long-term effects can have cardiovascular, respiratory and reproductive consequences, leading to chronic illnesses and increased mortality.[3]

2. Recognizing the increasing heat and its impact on health, the 16th Finance Commission has recommended adding heatwaves and lightning to India's national disaster list. Though a welcome step, the mere inclusion of heat in the national disaster list is not sufficient, as it fails to deal with heat stress at the workplace, both indoors and outdoors. The inclusion of heatwaves in the disaster list and the allocation of Rs.1.4 Lakh Crores to States for the year 2026-2027 only confirms the magnitude of the problem that the states are confronted with. Unfortunately, neither the Code nor the Rules provide for safeguards and preventive measures to deal with heat and heat-induced hazards at the workplace.

B. Lack of protection against extreme heat inside warehouses.

1. Warehouse workers are particularly vulnerable to heat stress given the physical demands of their jobs.[4] Workers are often required to move and load boxes at rapid speeds. This is classified as a "high metabolic rate activity" as it requires actions such as carrying heavy material and pushing or pulling heavily loaded carts. High metabolic rate activities elevate internal body temperature, making workers more

[1] NDTV, *Red Alert in Delhi as Heat Index Hits 51.9 Degrees, Relief Likely After June 13* (June 12, 2025), https://www.ndtv.com/india-news/red-alert-in-delhi-as-heat-index-hits-51-9-degrees-relief-likely-after-june-13-8645593.
[2] Nature India, *Heatwaves deepen India's economic divide* (October 25 2025), https://www.nature.com/articles/d44151-025-00193-0.

[3] *See* ILO, *Heat at work: Implications for Safety and health – A global review of the science, policy, and practice* (July 2024), https://www.ilo.org/sites/default/files/2024-07/ILO_OSH_Heatstress-R16.pdf [hereinafter ILO Heat at work].
[4] Independent, *Amazon workers 'made to pledge not to take water or bathroom breaks' during 50C heatwave* (June 11, 2024), https://www.independent.co.uk/asia/india/amazon-warehouse-india-heatwave-no-breaks-b2559976.html.

susceptible to heat stress as their bodies' cooling needs increase. Warehouses, being physically enormous, are difficult to keep cool even when outside temperatures are not abnormally elevated. As a result, cooling and ventilation systems are often incapable of helping to cool workers' body temperature to safe levels, given their physical exertion during times of excessive heat.[5]

2. It is therefore imperative that the Code and the Rules have specific provisions relating to the requirement of minimum/maximum standards of heat, along with protective and preventive measures to safeguard against heat exposure. The protection of the health and vigour of a worker has been held to be a fundamental right under the Constitution of India and therefore requires to be specifically provided for under the Code and Rules. Furthermore, the courts have held in a number of cases that unmitigated exposure to extreme heat as a result of climate change violates the right to health and equality enshrined in the Constitution of India. Climate change disproportionately affects marginalized workers and failure to provide preventive measures violates Article 14, which guarantees the right to equality. Article 21 secures a right to life which includes a right to health. Article 39(e) of the Constitution of India sets state policy to guarantee, among other things "that the health and strength of workers are not abused". Article 41 and 43 require that the State protect workers' right to work and "secure conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities", respectively. To ensure that workers are protected against heat exposure, the Code and the Rules require well-defined standards of exposure, preventive measures, and ensure regular and transparent monitoring by qualified independent staff. The Code and the Rules fail to promulgate binding heat safety standards for indoor workers, and has removed the entire Chapter on the "inspectorate staff" that had existed in the previous legislation.

C. <u>International Instruments</u>

1. In 2022, the ILO constituents agreed to elevate "a safe and healthy working environment" to a Fundamental Principle and Right at Work. Accordingly, all

[5] ILO, Heat at Work, *supra* note 3.

member states, regardless of the ratification of the underlying convention, namely ILO Conventions No. 155 and 187, have a constitutional obligation to "to respect, to promote and to realize, in good faith and in accordance with the Constitution, the principles concerning the fundamental rights which are the subject of those Conventions"[6]. India is therefore required to address hazards like excessive heat at the workplace through enforceable laws.

2. ILO Convention 155[7] obliges States to regulate occupational heat exposure through law, policy, and enforcement, and obliges employers to anticipate, prevent, and control heat-related risks at the workplace. ILO Convention 155 applies to "all branches of economic activity" and to "all aspects of work" that may affect safety and health. The convention does not define hazards exhaustively; instead, it adopts an open-ended conception of occupational risk tied to conditions that "may affect the safety and health of workers." Heat exposure, whether from climate conditions, indoor processes, or a combination of the two, is plainly a physical hazard arising in the working environment. Importantly, C155 does not merely regulate State action. It allocates primary preventive responsibility to employers, subject to national law as enacted by member states. Employers must ensure that workplaces, processes, equipment, and the organization of work do not endanger workers' safety or health. National laws must impose specific responsibilities on employers. Unfortunately, the OSHWC Code and the Rules do not deal with heat-related hazards, or preventive measures to be taken both by the State and the employers.

3. Convention 187[8] builds upon and extends the normative framework of Convention 155 by transforming core preventive duties into a dynamic system of OSH governance. Whereas Convention 155 establishes what States and employers must do, Convention 187 addresses how those obligations must be operationalized and sustained over time. Its central innovation is the imposition of legally binding duties to create, maintain, and progressively develop a national occupational safety and

[6] ILO Declaration on Fundamental Principles and Rights at Work (2022), Article 2, https://www.ilo.org/sites/default/files/2024-04/ILO_1998_Declaration_EN.pdf

[7] https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312300:NO

[8] https://normlex.ilo.org/dyn/nrmlx_en/f?p=NORMLEXPUB:12100:0::NO:12100:P12100_INSTRUMENT_ID:312332:NO

health system, supported by a national OSH program with defined priorities, objectives, indicators, and mechanisms for periodic evaluation. This programmatic architecture enables hazards such as occupational heat stress to be formally prioritized, planned for, resourced, and monitored, rather than addressed episodically or left to discretionary enforcement.

3. C187 places a binding obligation of continuous improvement. In the context of climate change, this means that static or outdated regulatory approaches to heat exposure are no longer sufficient. States must therefore reassess and update standards, enforcement practices, and institutional capacities as scientific knowledge and climatic conditions evolve. In a steadily increasing warming climate, regulatory inertia and a failure to integrate heat stress into the national OSH system and programs constitute non-compliances with both conventions.

4. Employers bear the primary operational responsibility for preventing heat stress. Employers must ensure exposure does not exceed prescribed limits, paying particular attention to reproductive and long-term health risks. In order to ensure compliance, it is necessary that safety standards be prescribed, with specific provisions for prevention.

5. The ILO's most direct "regulatory" OSH guidance specifically on heat is its Code of Practice: *Ambient factors in the workplace* (2001),[9] which includes a dedicated section on heat and cold. The Code was drafted in accordance with the decision taken by the Governing Body in March 1998, and a tripartite meeting of experts was subsequently convened in 1999 to draw up a code of practice on ambient factors at the workplace. While this Code is not binding, it is used as an authoritative reference for drafting or updating national OSH rules, labour inspection guidance, and employer duties in "general duty" systems. Sections 2, 3 and 8 are particularly relevant.

    a. **Section 2 — General Obligations.** Section 2 establishes the governance architecture for controlling hazardous ambient factors by allocating

[9] ILO, *Ambient factors in the workplace* (2001), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40ed_protect/%40protrav/%40safework/documents/normativeinstrument/wcms_107729.pdf.

differentiated responsibilities among competent authorities, employers, workers, and upstream actors. States must adopt and periodically review a coherent national OSH policy, supported by enforceable legislation, inspection systems, exposure limits grounded in scientific evidence, and effective sanctions, in consultation with representative employers' and workers' organizations. Employers bear primary operational responsibility: they must identify, assess, and control risks through written OSH programs applying a strict hierarchy of controls—elimination and engineering measures first, organizational controls next, and PPE only as a last resort—while ensuring training, environmental and health surveillance, emergency preparedness, and non-discrimination. Workers' duties to comply and cooperate are paired with rights to information, consultation, participation, protection against retaliation, removal from imminent danger, and access to medical care and compensation, with heightened protections for pregnant and nursing workers.

b. **Section 3 — Prevention and Control Framework.** Section 3 operationalizes the obligations in Section 2 through a continuous prevention cycle based on systematic risk assessment, control, surveillance, and training. Employers must conduct systematic, periodic hazard and risk assessments for all workplaces before exposure occurs and whenever conditions change. These assessments must identify ambient factors present, exposure levels, affected tasks and workers, applicable exposure limits, and appropriate control measures. Assessments must be carried out by competent persons, in consultation with workers, documented, retained, and made available to authorities and worker representatives. Where risks are identified, employers must determine whether hazards can be eliminated entirely. If not, risks must be reduced to the lowest level that is reasonably practicable and consistent with contemporary scientific knowledge.

c. **Section 8 — Heat and Cold.** Chapter 8 of the Code applies to heat and to cold, and specifically to conditions in which: (a) temperatures and/or humidity are unusually high; (b) workers are exposed to high radiant heat; and

(c) high temperature and/or humidity occur in combination with protective clothing or high work rate. Section 8 applies the general obligations and preventive framework to thermal stress, recognizing heat and cold as ambient factors capable of causing acute injury, chronic illness, and exacerbation of other workplace hazards. Employers are required to assess risks arising from exposure to extreme temperatures and humidity, taking into account workload, clothing, metabolic heat, environmental conditions, duration of exposure, and individual susceptibility. Risk assessments must identify tasks and groups at heightened risk, including new workers, older workers, and those with pre-existing health conditions. In hot environments, employers must implement measures to prevent heat strain and heat-related illness. Obligations include engineering controls (such as insulation, shielding, ventilation, and cooling systems), organizational measures (work-rest cycles, task rotation, scheduling to avoid peak heat), and access to potable drinking water and shaded or cooled rest areas. Acclimatization procedures are required for workers newly exposed to heat, and emergency plans must address heat exhaustion and heat stroke. PPE must be adapted to minimize thermal burden where its use is unavoidable. Section 8 also mandates health surveillance where thermal exposure poses significant risk, particularly for workers with cardiovascular or other conditions aggravated by temperature extremes. Training obligations include educating workers on early warning signs of heat stress, safe work practices, hydration and nutrition, and emergency response. Overall, Section 8 frames thermal risk management as an integral part of OSH governance, requiring anticipatory planning rather than reactive responses to extreme conditions.

6. The ILO has also undertaken highly credible and widely-cited research on the impact of heat on occupational safety and health. For example, *Working on a warmer planet: The impact/effect of heat stress on labor productivity and decent work (2019)*[10] is the ILO's most-cited global assessment of how rising heat affects working time, productivity, and decent work outcomes, with a strong climate-change framing and projections across regions and sectors. As the report explains, "*Heat is an*

[10] ILO, *Working on a warmer planet: The effect of heat stress on productivity and decent work* (2019), https://www.ilo.org/sites/default/files/wcmsp5/groups/public/%40dgreports/%40dcomm/%40publ/documents/publication/wcms_711919.pdf.

occupational safety and health hazard. Excessive heat during work creates occupational health risks; it restricts a worker's physical functions and capabilities, work capacity and productivity. Temperatures above 24–26°C are associated with reduced labor productivity. At 33–34°C, a worker operating at moderate work intensity loses 50 per cent of his or her work capacity. Exposure to excessive heat levels can lead to heatstroke, sometimes even with a fatal outcome. Workers in all sectors are affected, but certain occupations are especially at risk because they involve more physical effort and/or take place outdoors. Such jobs are typically found in agriculture, environmental goods and services (natural resource management), construction, refuse collection, emergency repair work, transport, tourism and sports. ***Industrial workers in indoor settings are also at risk if temperature levels inside factories and workshops are not regulated properly. At high heat levels, performing even basic office and desk tasks becomes difficult as mental fatigue sets in."***[11] (emphasis added)

7. *Heat at work: Implications for safety and health* (2024)[12] is the ILO's most comprehensive publication to date on the issue of heat. It provides a global review of science, policy and practice and—crucially—includes an analysis of national legislation addressing heat stress across 21 countries, including India. Indoor workers are explicitly identified as a higher-risk group, particularly those working in poorly ventilated indoor environments, facilities with heat-emitting machinery, and production processes requiring sustained physical exertion or impermeable PPE. Unlike outdoor work, factory heat exposure is often continuous, cumulative, and underestimated, because it may not be visibly associated with extreme weather events. The report emphasizes that nine out of ten heat exposures and eight out of ten heat-related occupational injuries occur outside formal heatwaves, meaning that routine factory operations in "normal" hot conditions account for most harm.

8. For indoor workers, heat stress typically arises from the combined interaction of ambient temperature and humidity, often exacerbated by climate change; radiant heat from machinery, limited air movement, sealed buildings, or energy-efficient designs that restrict ventilation; metabolic heat generated by physical work, including lifting,

[11] Id, p. 13.
[12] ILO Heat at work, *supra* note 3.

repetitive tasks, and sustained standing; which can significantly reduce the body's ability to dissipate heat, particularly in workplaces such as warehouses.

9. The report highlights that indoor heat stress can be as severe as, or worse than, outdoor exposure. Women workers in factory settings—especially in the garment sector and in warehouses - are singled out as facing disproportionate risks due to physiological factors, job segregation, pregnancy, and limited access to sanitation and rest.

10. The report documents a wide spectrum of heat-related health effects, many of which are directly relevant to factory environments, from a*cute effects* like heat fatigue, heat exhaustion, and heatstroke, which can occur rapidly during physically demanding shifts or when ventilation fails, to c*hronic effects* like cardiovascular strain, respiratory aggravation, and a growing body of evidence linking occupational heat exposure to chronic kidney disease. In addition, heat can also lead to indirect risks from *c*ognitive impairment and reduced concentration, increasing the risk of machinery-related accidents, and mental health impacts, including fatigue, irritability, anxiety, and reduced morale, which further degrade safety performance.

11. These conditions fall squarely within the "working environment" and "organization of work" regulated by Convention No. 155. As such, heat stress is not an emerging risk external to the Convention's scope but rather a core occupational hazard that activates the Convention's preventive obligations in full, and must be incorporated in the national law.

12. The report concludes that heat must be regulated explicitly as an occupational safety and health hazard. Many countries' OSH laws address heat only in vague or outdated terms, which are inadequate given rising temperatures and industrial heat loads. The Code and Rules have completely obliterated any reference to hazardous work. Best regulatory practices identified include:

    - Explicit legal recognition of excessive heat and heat-related diseases (including heat exhaustion, heatstroke, and, in some jurisdictions, heat-related kidney disease) as occupational hazards and occupational diseases;

- Clear employer duties to assess and control heat risks in indoor workplaces, including factories;
- Application of protections during all periods of excessive heat, not only during officially declared heatwaves.

All of these are lacking in the Code and the Rules.

13. The report stresses that OSH regulation must be dynamic, requiring periodic review as climate conditions and industrial processes evolve. Importantly, effective regulation requires worker-centric systems, including health monitoring, training and awareness on recognizing symptoms, responding to emergencies, and understanding rights and worker participation and social dialogue as essential components of heat-stress governance.

D. The Occupational Safety, Health and Working Conditions Code and Rules 2025

1. Though Factories Act, 1948 and other Sector specific Acts are repealed, the OSH Code does not incorporate detailed provisions relating to safety and welfare that were contained in the Factories Act. Chapter II of the Factories Act dealt with the Inspecting Staff. It gave powers to the State Government to appoint such persons with the prescribed qualification. Wide powers were given to the inspectors to visit, inspect, and examine any place which is used as a factory and to enforce production of necessary documents. The State Government was also empowered to appoint certifying surgeons. All these provisions have been eliminated in the Code and the Rules. Without an enforcement machinery, it would become well-nigh impossible to ensure the safety and protection of workers, hence these provisions should be restored.

2. The protected indoor industrial regulation that existed through the Factories Act and other sector-specific Acts has been done away with, leaving the workers at the mercy of the employers. Chapter III of the Factories Act dealt with cleanliness, disposal of wastes and effluents, ventilation, temperature and safety inside the workplace, with Section 13 specifically dealing with ventilation and temperature. Section 13 (2)

enabled the State Government to prescribe "*a standard of adequate ventilation and reasonable temperature for any factory or class or description of factories or parts thereof and direct that proper measuring instruments, at such places and in such position as may be specified, shall be provided and such records, as may be prescribed, shall be maintained*." The Model Factories Rules and various Factories Rules framed by States accordingly prescribed these standards. Section 13 of the Factories Act requires that every factory maintain "effective and suitable provision" for adequate ventilation and a "reasonable temperature" to prevent injury to health. The Factories Act mandated that the walls and roofs of workrooms be designed such that temperatures are kept as low as "practicable".

As it existed under the Factories Act:

Feature of Section 13	**Statutory Mandate**	**Implementation Mechanism**
Ventilation	Section 13(1)(a)	Circulation of fresh air; minimum 15% opening of floor area.
Temperature	Section 13(1)(b)	Securing reasonable comfort and preventing injury to health.
Thermal Insulation	Section 13(1)(i)	Use of materials designed to reflect or resist heat absorption.
Hot Process Separation	Section 13(1)(ii)	Partitioning high-heat processes from the general workroom.
State Standards	Section 13(2)	Empowering state governments to prescribe specific dry/wet bulb limits.
Monitoring	Section 13(2)	Mandatory provision of measuring instruments (hygrometers) and record-

		keeping.

The "Model Factories Rules" adopted by many states provide more specific technical requirements, typically setting a maximum wet-bulb temperature of 30 degrees at a height of 1.5 meters above the floor. In regions where temperatures exceed 35 degrees during the summer, inspectors may order additional mechanical ventilation equivalent to six times the cubic capacity of the room per hour. However, this entire chapter does not find a place in the code and the Rules and must be restored and amended to account for present occupational health and safety harms. The power given to the Chief Inspector to reduce excessively high temperatures and to suggest suitable measures has been removed and should be restored.

3. Instead, in the present Code, Section 23 takes away the power of the States to impose heat standards and protective measures, and leaves it to the Central Government to prescribe for matters as listed in the Code which include amongst others, cleanliness and hygiene, ventilation, temperature and humidity, leaving it to the discretion of the Central Government to issue notifications at its discretion. It is therefore necessary to set standards for ventilation, temperature and humidity, giving power to the State Government to prescribe Standards and prescriptions to deal with the specific conditions and peculiarities of the State. This power needs to be returned to the State Governments to be able ot accurately establish rules and procedures for their workers based on the conditions in their state.

4. Section 23(1) of the OSH Code stipulates that the employer shall be responsible to maintain in his establishment such health, safety and working conditions for the employees “as may be prescribed” by the Central Government. No rules have been framed for placing specific responsibility on the employer to maintain standards for health, safety and working conditions. Though Chapter III of the Code deals with responsibilities of the employer, no specific responsibilities are set out in the Rules, leaving it to the discretion of the Central government to issue necessary notifications, with no minimum requirement. Section 23(2) states as under– *“the Central Government may prescribe for providing all or any of the following matters in the establishment or class of establishments.”* Essential components of health, safety and working conditions can now be omitted, and the components that do make the cut

from the Central Government could be selectively applied / exempted establishment-wise. Ventilation, humidity, temperature and adequate standard of humidification (artificially increasing the humidity of the air, ventilation and cooling of the air in work rooms) are merely listed under Section 23(2). Section 18 (1) of the OSH Code merely states that standards on occupational safety and health for workplaces relating to factories are to be declared *"by notification"* of the Central Government. Section 18 (2) makes it clear that *"such standards shall relate to"* physical, chemical, biological and any other hazards to be dealt with for the working life of employee; monitoring and measuring exposure of employees to hazards; medical examination and other tests which shall be made available; and hazard evaluation procedures like safety audit, hazard and operability study, fault free analysis, and event free analysis. Thus, the Central Government must frame appropriate rules as soon as possible in consultation with workers and unions, and provide State Governments the power to create State specific rules to complement the Central Government's rule making.

5. Section 23 clubs all provision of health, safety and working conditions enabling the Central Government to prescribe standards. Though these Sections are general in nature, the Rules do not clarify or expand on the contents of Section 23. Chapter III dealing with health, Chapter IV dealing with safety, Chapter IV A dealing with hazardous processes, Chapter V dealing with welfare have all been deleted, and need to be restored. The Rules are silent on what would constitute "occupational safety" and "health" at the workplace. Finally, Chapter V of the Factories Act which deals with "welfare" has been completely done away with and needs to be restored, particularly since, toilets, drinking water, cooling facilities, first aid appliances, etc., are basic requirements. The lack of clarity and specificity in these sections will lead to more worker injury, accident, and deaths if not clarified, enforced, and regulated at both the Central and State government level with appropriate consultation with workers and unions.

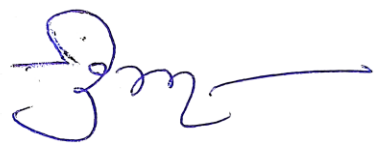
E. Other Rules which need to be deleted and/or modified

1. Rule 3: The provision relating to "deemed registration" should be removed as it dispenses with physical verification of establishments and can result in false or fraudulent registration. It also excludes any role for workers or the Unions in the

registration process, and legitimizes self-declaration as the sole basis of compliance.

2. Rule 25: The threshold for mandatory safety committees is extremely high and should be lowered depending on the nature of activities. Safety Committees must be given statutory powers, with active worker / trade union participation under the Code / Rules. At present it is purely advisory in nature, dependent on management discretion and vulnerable to employer control.
3. Rule 26(4): The functions and duties should include the duty to act on reports received from workers under section 89 of the Code.
4. A provision should be inserted in the Rules stating that no employer shall dismiss, discharge, suspend, reduce the wages of, transfer or otherwise victimise any employee or worker for reporting, in good faith, any incident dealing with working conditions.
5. Rule 10: A duty should be cast on the employer to ensure safe and healthy working conditions.
6. Rule 10 and 11: These Rules leave complete control of accident reporting in the hands of the employers with no role on the part of the workers. Workers must be permitted and allowed to independently report cases of unsafe working conditions without any retaliation from the employers, and while reporting such incidents, fatal or non-fatal, workers should be protected from victimisation.
7. Insert a provision that regular medical examination be conducted, and must include necessary medical care free of cost.

Sincerely,



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