



An Examination of the Impact of the New Labour Codes on Shaping a New Paradigm for the Next Generation

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Abstract

More than 200 state laws and 40 central laws create collaborating jurisdictions; thus, reforms were necessary to put them all under a unified framework for the protection of a few of the mother law codes. Disputed termination of employment is addressed in several new sections added to the code. In a first in the history of labour law, social security rights have been extended to workers in the unorganised sector, including Migrant Workers, Platform Workers, etc. The Central Government would establish a "Social Security Fund" for Unorganised workers, as stated in this code. Workers from other states have also been given access to the benefits of the Public Distribution System. In addition, we must ensure that migrant workers have access to adequate housing and financial services. A statute that secures the employment rights of women in both the city and the country. As per the cultivation of the paper, it is explored that Labour Reform desperately needed. Working hours need to be changed, and a new work culture needs to be established in light of the current climate. Additional protections need to be defined for migrant workers, and particular legislation needs to be adopted to secure the safety and security of women in the workplace.

Keywords: *Labour Reforms; Migrant Worker; Grievances; Unorganized Sector; Social Security; Interstate Migrants; Labour Laws*

Introduction:

One of the current Socio-Legal Reforms taking place in India is an effort to simplify the country's employment laws and change them so that they may coexist with the perspective of the country's Constitutional Rights and Human Rights. More than forty separate work laws exist in India. Increased clarity, simplified regulations, and reduced complexity are all potential benefits of proposed changes to the nation's labour laws (Mitchell, Petra & Gahan, 2014). The new industrial relations law appears to have adopted some policies from international labour laws. The new employment law measures included in this act represent a major victory because of the deregulation and accelerated transformation they introduce (Bhattacharjee, 2006). The minimum wage, paid holidays, and classification of workers are just some of the areas of labour law that have been modernised by this act. If your factory employs more than 300 people, this clause applies to you. Reductions in force, layoffs, closures, and similar measures are also included. It also acknowledges the need for 14-day advance notice for a strike and the prohibition of strikes under certain conditions (Sarkar & Deakin, 2011). As a result, it can give workers in the informal economy full access to social protections. Employees now include interstate migrant workers, platform workers, Gig economy workers, film industry workers, etc., according to the Code of Social Security (Kulshrestha, 2019). It also includes

options for lowering employees' contributions in the event of emergencies or natural catastrophes. Workplace Health and Safety Laws and Regulations for the Year 2020. Manpower restrictions due to danger have been lifted. For contractors with more than 50 workers, compliance with this code is now mandatory. As a result, everyone is now required to work no more than eight hours a day.

Review of Literature

In ancient India, there was no codified system for the regulation of employment. With the advent of British colonialism, the area of Civil Law known as "Labour Law" in India began to mature. The original intent of British Raj labour laws was to safeguard the rights and privileges of British businesses.

The Trade Dispute Act, 1929 (Act 7 of 1929) which included restrictions restricting the rights of the strike in the factories and the lockout, is the earliest example of the Law addressing employer and workmen interaction in India. However, British India lacked the necessary mechanisms at the time to settle the disputes that arose throughout these crises.

The Industrial Disputes Act, 1947 was the first major piece of India's post-independence labour legal system. Fair wages, safe working conditions, and the capital's ability to rely on the labour force's harmonic cooperation to maintain and improve productivity were all topics discussed at subsequent conferences on labour and capital partnerships, which were intended to spur national economic growth.

India had over forty different Labour Laws before the recent legal amendments. The following are examples of some of the more significant laws and the clauses they contain:

Workers (both skilled and unskilled) are required to be paid at least the minimum wage per the terms of the Minimum Wages Act of 1948.

The Employment State Insurance Act ensures workers' rights to a safe workplace and offers insurance in the event of injury or illness, as well as maternity leave and other benefits.

The Child Labour (Prohibition) Act makes it illegal to use children younger than 14 for hazardous labour and establishes penalties for doing so.

India's labour policies have always been flexible, evolving and adapting to meet the country's changing needs as they seek to foster national unity, equal opportunity, and economic growth. Since the 1990s, there has been a steady and troubling decline in the percentage of women in the labour force, with a large and unprecedented exodus of women from rural labour indicating a grave and continuing agrarian and highly gendered unemployment crisis under liberalization-led growth (Mazumdar & Neetha, 2011). 'Work-life balance' and 'reconciliation of work and family duties' are concepts that continue to be the focus of legislative and regulatory initiatives. These concepts highlight the interconnectivity of paid and unpaid labour, as well as the domains of work and family (Conaghan 2018). Twenty-five more statutes are merged into the Health and Working Conditions Act. Despite opposition boycotting parliament and large protests, including a recent nationwide general strike in which an estimated 250 million employees across the country called for the repeal of the Codes, these laws were passed (Rajalakshmi, 2020). State governments' controversial changes to labour laws were a key part of this reform agenda. These changes included suspending most labour laws in the states of Uttar Pradesh, Gujarat, and Madhya Pradesh; increasing the workweek from 8 to 10 or 12 hours; and prohibiting strikes for varying periods of time and in different sectors (Sundar, 2020; Gopalakrishnan, 2020; Ghosh, 2018). The recent Periodic Labour Force Survey (PLFS) data for 2017–18 confirms this downward trend with a further dramatic drop in women's work participation rates to 16.5 percent at the all-India level, its lowest since independence (Chakraborty & Chatterjee, 2020). The Fundamental Rights of the right to equality (Article 14), protection from discrimination (Article 15), equality of opportunity for all citizens for public employment (Article 15), the rights to freedom of speech, assembly and association (Article 19), the rights to life and personal liberty (Article 21), prohibition of traffic in human beings and forced labour (Article 23), prohibition of employment of children in hazardous employment (Article 24) as well as

several Directive Principles of State Policy such as Articles 38, 39, 39A, 41, 42, 43, 43A and 47 which require the state to promote the welfare of the people, to make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement, and to secure just and humane conditions of work and maternity relief, as well as a living wage and ensuring a decent standard of life, amongst other things, form the bedrock of the Constitutional framework of labour rights in the country.

An Analysis on Labour law reforms in India

As a subject included in the Constitution's Concurrent List, "Labour" can be legislated on by either the Central or State governments in India. As a result, the complexity of those acts has increased. Simplifying and harmonising the previous Labour Laws led to the creation of the new Labour Law Codes. It is evident that the legal loopholes and bribery opportunities that result from overly complicated procedures are a direct result of the exploitation of labour. Simplifying processes has the potential to close security gaps and boost economic safety. There was an issue with Contract labourers not having enough temporary work, so new policies had to be implemented. Weak provisions for collective bargaining by employees were written into the bylaws and other policies. Due to these fundamental problems, the Second National Commission on Labour (2002) recommended legal reforms and a codification of labour regulations.

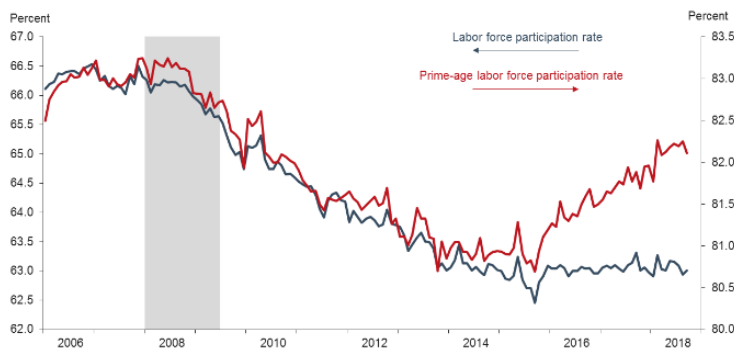


Figure 1: Prime Age Participation Rate Increased Since 2015 (Richter, Atkinson & Russell, 2019)

The Workplace Relations Act of 2020

Disputed termination of employment is addressed in several new sections added to the code. The legislative reform granted in this legislation is crucial, as it encourages new employment facilities without the administration's or government's approval, allowing for the hiring of 300 additional workers. Employers are pleased with the new legislation since it allows them to hire up to 300 workers without requiring lengthy and difficult government clearance before laying anyone off. The law has been simplified and made more user-friendly, saving businesses time and energy. It's possible that this new regulation won't be helpful to smaller unions, whose voices may be drowned out by the overwhelming influence of larger businesses. However, the code presumes that they will use the additional time before granting permission to strike to talk things out and find a way to resolve the disagreement outside of a strike.

The Social Security Act of 2020 Code

The companies' management teams will chip in to this pot. They are referred to as aggregators. A minimum of 1–2% of their gross annual revenue must be set aside for this fund. The greatest number of amendments are found in this Code. The agricultural labour force was also included. Additionally,

the minimum period of service needed to get a gratuity has been lowered from five years to one. Despite the changes, the rules may still be difficult to enforce in certain situations. Employer and employee contributions are necessary for a social security plan to be effective and for workers to reap its benefits. The code did not make this provision necessary for disorganised businesses; rather, it retained its optional nature. It's possible that the social security system won't have enough money if everyone doesn't pay into it. Since the federal government will now be responsible, there could be political tensions.

The Occupational Health and Safety Act Amendments of 2020

Migrant employees from other states now have the legal right to participate in the Social Security and Medicare systems. This is available in either their home state or the place where they are currently working. If employees work more than eight hours a day, they must be paid double their regular rate. This time frame now complies with the International Labour Organisation Convention. Contract work for 'non-core' duties has been capped at 11 in an effort to increase mass safety. As a precaution against potential dangers, this may be too costly (Singhania, Goel & Kumar, 2021). The self-declaration principle underlies the state-by-state database developed for record-keeping purposes regarding migratory labour (Adhikary & Banerjee, 2022).

Issues with the Implementation of Labour Laws

Concerns have been raised about the manner in which labour law regards the work that women perform, even when it falls within its purview, in addition to the exclusionary characteristics of labour law in relation to women's work, as stated above. The Minimum Wages Act of 1948 and the Equal Remuneration Act of 1976 are two examples where the content of the law and the ways in which the law has been used to fix minimum wages for work performed by women have exacerbated gendered occupational segregation and the undervaluing of women's work. Feminist scholars have pointed to the effects of caste-based and gender-based occupational segregation in domestic work (Vasanthi, 2011; Neetha, 2013; Sankaran & Madhav, 2013) on the classification of domestic work as unskilled and undervalued in minimum wage notifications. Furthermore, the minimum wage notifications do not adequately address the issues of whether time-rated or piece-rated fixation of wages works better for different categories of domestic workers and the challenges of prescribing minimum working time and rest periods for 'part-time workers' (Neetha, 2013).

Discussion

The success of the new labour law, which has both immediate and long-term repercussions, has to be seen. The necessity for such a change in India's employment laws is particularly pressing given the country's status as a developing nation. The International Labour Organisation (ILO) issued guidelines for labour policies after the epidemic, with the following four pillars of action as their basis: In Pillar 1, it is suggested that the economy be stimulated and new jobs be made by having an active fiscal policy, a flexible monetary policy, targeted loans, and financial support for certain industries, such as the health care industry (Chigater, 2021). The second pillar proposes easing businesses' financial burdens through measures like tax breaks and other forms of relief, as well as bolstering their ability to create and sustain jobs. Workplace safety, flexible scheduling (including telecommuting), protection from discrimination and exclusion, health insurance, and more time off work are all proposed under Pillar 3. The fourth pillar suggests bolstering social dialogue, collective bargaining, and labour relations institutions and processes to assist with the implementation of a solution to the issue of informal settlements. Here are some instances of the steps taken and reactions given by other countries to the workers following the Covid Pandemic: UK government workers who were laid off received 80 percent of their regular pay for four months. All employees and self-employed people in Canada who were threatened with financial hardship were given a payment of \$1400. Additionally, critical low-income workers received \$2.1. In an effort to avoid layoffs and salary reductions, the government will increase

its wage subsidy to businesses. All laid-off workers in Bangladesh were given \$89 million in compensation, while medical professionals in the country received a bonus package of \$11.77 million (Nizami, 2017). There is balance and harmony between the new India vision, the country's budget, and the legal reforms of the Labour Code (Adhikary & Banerjee, 2022). It encourages initiative and creates opportunities for the near and distant future. However, a middle ground must be sought during the ongoing pandemic scenario in order to reduce the dangers for all parties. Therefore, the directive principles of the constitution are crucial if the long-term aims of economic regeneration are to be achieved.

Recommendations

1. A special commission to handle worker compensation in order to guarantee fair wages and other payments needs to be established.
2. The orthodox mentality of society needs to shift, and social security for women workforce needs to be strengthened.
3. A law needs to be enacted to protect women in the workplace.
4. A law needs to be enacted mandating the provision of banking services to migrant and foreign workers to prevent fraud involving these groups.
5. Ending the politically-motivated, unsanitary work environment in order to boost global industrial output is the demand of hour.
7. The right to labour must be protected by law.
8. A specialised law protecting rural India's working women is urgently required.
9. Accommodation for migrant workers is important to have additional employment-providing organisations in addition to MGNREGA.

Conclusion

Due to India's rapidly expanding population and the fact that most employees in the country are employed in the informal sector, the Labour Reform Act of 2020 was long overdue. In light of the current climate, it is imperative that additional protections be codified for migrant workers, that special legislation be enacted to ensure the safety and security of women in the workplace, that working hours be restructured, and that a new work culture be established. Support for rural women in the workplace, including measures to ensure they are paid on time and receive equal compensation to men who perform equivalent work.

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Conflict of Interest:

The authors declare that they have no conflict of interests.

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