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**CENTRE FOR LABOUR LAW
RESEARCH AND ADVOCACY**



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The Centre for Labour Law Research and Advocacy (CLLRA) was established in August 2022 at the National Law University Delhi (NLUD), to reinvigorate Labour Law research in the context of debates on new work and new legal frameworks on labour. The Centre aims to focus on 'livelihood' discourse through a 'bottom-up' approach. The special mandate of the Centre is to promote social change and quality of life concerning the most neglected sections of 'working people' in India, through the 'Rule of Law'. Recently there has been increasing and widespread cynicism that we have an excellent collection of laws, but they all fail when it comes to implementation. This Centre focuses on the creation and promotion of "perfect obligations", i.e., to revisit all labour and relevant social justice laws, such that they become capable of implementation.

Constitution of the Centre

CLLRA has a three-tiered Structure:

a. Advisory Board

The Advisory Board consists of members from International and Indian academia.

The following scholars are from the international academia:

- Prof. Guy Davidov, Professor of Law and Elias Lieberman Chair on Labour Law, The Hebrew University of Jerusalem.
- Prof. Luisa Steur, Associate Professor of Anthropology, University of Amsterdam.

Indian Scholars are as follows:

- Prof. Babu Mathew, Professor & MPP Faculty, NLSIU Bangalore
- Prof. B.T. Kaul, Rtd. Professor & Former Chairman, Delhi Judicial Academy, Delhi

b. Institutional Patrons

CLLRA functions as a research unit in the University. The Vice-Chancellor, Prof. (Dr.) G.S. Bajpai acts as its Chief-Patron and the Registrar, Prof. (Dr.) Ruhi Paul acts as its Patron of the Centre.

c. Centre Management

Centre Management is the core functionary of the CLLRA. Both the academic and advocacy initiatives are designed, planned and executed by the Centre management. It consists of Dr. Sophy K.J., Associate Professor, NLUD, Ms. Saumya P., Full-bright Scholar (2023-2024) (Researcher, CLLRA), Mr. Dev Dhar Dubey (Researcher, CLLRA), Ms. Akanksha Yadav (Researcher, CLLRA) and research interns.

The Pedagogy of the Centre

The Centre will begin by using three pedagogic tools, in addition to promoting a "Rights based Approach", with transparency and accountability as key elements:

1. The first pedagogy, will be the use of "Praxis" i.e., that is the use of "Theory' and "Practice", always ensuring that one informs the other. Hence there will always be special efforts to listen to problems and insights that emerge from the grass roots, and to specialised scholars from relevant social sciences with an open and critical mind and to keep on updating ones understanding and remaining dynamic to the learning and implementation process.
2. The Centre will always be open to learning and using lessons derived from International standards, comparative jurisprudence, constitutional law, statutory law, case law and experiential learning.
3. The Centre will remain particularly sensitive to derive insights from the 'feminist movement' in the struggle against patriarchy, the movement of 'persons with disabilities', the 'child rights movement', and especially the social movements of the excluded and marginalised people, so as to seriously internalise different perspectives and contribute substantially to the realisation of an inclusive society.

This Newsletter, titled 'Labour Law Insights', started as there is a need for renewed thinking to reinvigorate Labour Law in the context of debates on new work, new employment relations and new legal frameworks. The lack of exchange and sharing of information on labour law and policy updates through a consistent medium has created a vacuum in the assimilation of knowledge around the discipline. This Newsletter attempts to fill in this gap by bringing forth important judicial discourse, legislative updates, scholarly discussions and information on labour, to the readers. It aims to reach a wider audience, both students and researchers and therefore, opportunities for career/future learning are also included in the Newsletter.

At the very outset it is necessary to clarify that when we use the expression 'labour' in the present context it means much more than the old popular connotation of workers in the 'organised sector'. In today's context when we say 'labour' we must take it to mean the entire 'workforce' in our society. There is an increasing need to study various anti-poverty and social justice measures with labour-related entitlements such that the workforce can access a package of measures which contributes to their enhanced quality of life.

In short, we note the objectives of the Newsletter as follows:

1. **Dissemination of Legal Acumen:** The primary objective of this newsletter is to act as a conduit for the erudition of our discerning readership, by methodically conveying the latest developments, nuanced amendments, and intricate updates in the multifaceted realm of Indian labour laws. It shall serve as a platform for the propagation of knowledge concerning the legal scaffolding that underpins labour relations and obligations within the Indian milieu.
2. **Exposition of Precedent:** A salient facet of this publication is the meticulous curation of seminal case laws germane to labor jurisprudence in India. By elucidating judicial interpretations and discerning their reverberations on matters pertaining to labor, it aspires to furnish our readership with profound insights into the intricate labyrinth of legal adjudication.
3. **Cultivation of Awareness:** An overarching aim of this periodical is the cultivation of heightened consciousness amongst the labour force with respect to their legal prerogatives, the tenets of occupational safety, and the panoply of social security benefits enshrined within the contours of Indian labour laws. Such knowledge empowerment is envisaged to facilitate the assertion of their lawful entitlements.
4. **Fostering Discourse and Deliberation:** In the spirit of scholarly engagement, this newsletter shall provide an intellectual forum for the pedagogic elucidation and dialectical dissection of labour law topics. It shall serve as a fulcrum for legal luminaries, erudite scholars, and seasoned practitioners to proffer their sagacious perspectives, thereby nurturing an environment conducive to thoughtful discourse.

With these objectives, we bespeak our commitment to delivering an informative newsletter, one that enriches the comprehension of labour laws and their profound impact on the tapestry of the Indian labour landscape.

Hope you will read and write to us at cllra@nludelhi.ac.in with your feedback.

Best regards,

Sophy

Associate Professor, NLU Delhi & Director, CLLRA

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Right to Legal Representation under Industrial Dispute Act

THYSSEN KRUPP INDUSTRIES INDIA PRIVATE LIMITED & ORS V. SURESH MARUTI CHOUGULE & ORS.

Court: Supreme Court of India

Citation: Civil Appeal No. 6586/2019

Facts: Challenge was laid to S. 36(4) of the Industrial Disputes Act, 1947, which states that any workman who is a party to a dispute can be represented by a legal practitioner. The issue arose whether an advocate could claim the right to legal representation.

Judgement: The Court held that an advocate could not claim the right to legal representation when it pertained to matters under the Industrial Disputes Act, and S. 30 of the Advocates Act, 1961 would not come into force. The Court asserted that in these cases, the primary consideration was the rights and restrictions imposed on the parties (employers and workmen) rather than the rights of legal practitioners.

Conclusion: The Court answered the reference and reaffirmed that advocates cannot claim right of legal representation when issues pertain to IDA.

ADVOCATE COULD NOT CLAIM THE RIGHT TO LEGAL REPRESENTATION WHEN IT PERTAINED TO MATTERS UNDER THE INDUSTRIAL DISPUTES ACT

DR. BALRAM SINGH V. UNION OF INDIA & ORS.

Court: Supreme Court of India

Citation: Writ Petition (Civil) No(S). 324 Of 2020

Facts: In the present writ petition, the petitioner sought relief from the Court to direct the State to implement provisions for pollution control, water safety and proper sewage facilities, as well as to provide rights to the persons working as manual scavengers.

Judgment: The Apex Court issued 14 directions on the topic of manual scavengers, including directing the Union to issue directions to eradicate manual scavenging in a phased manner, rehabilitation of sewage workers, compensation for sewer deaths to be increased to 30 lakhs, create model contracts and set up state and district level committees and commissions.

Compensation on death of sewage workers

COMPLETELY ERADICATE MANUAL SCAVENGING & INCREASES COMPENSATION FOR SEWER DEATHS TO RS 30 LAKH

High Court

Reinstatement

COURT UNDERSCORES THE IMPORTANCE OF ADDRESSING WORKPLACE STRESS AND EMPLOYEE MENTAL HEALTH AND PROMOTING EMPATHY

KARNATAKA POWER TRANSMISSION CORPORATION LIMITED V. S KIRAN

Court: High Court of Karnataka

Citation: Writ Petition No.31883 Of 2019

Facts: The respondent had commenced work as a permanent employee with the petitioner but began unauthorizedly absenting himself from work for a total period of 632 days. Eventually, he was dismissed from service. He opposed the termination on the ground that he was suffering from medical depression and was on constant medication.

Judgment: The Court held that if the absence of a worker was the result of compelling circumstance under which it was impossible to report or perform duty, such absence cannot be held to be willful, which included depression and other mental conditions. Absence of duty without permission may not always amount to willful absence. The Court upheld the labour court's order reinstating the worker and dismissed the appeal.

SUDHEER KUMAR SHARMA V. THE STATE OF MADHYA PRADESH THROUGH THE PRINCIPAL SECRETARY PANCHAYAT AND RURAL DEVELOPMENT DEPARTMENT & ORS.

Court: Madhya Pradesh High Court

Citation: Writ Petition No. 14808 of 2022

Facts: The petitioner was appointed by the State Government as a 'Samooch Prerak'. Subsequently, he was transferred to another district, which was challenged by the petitioner in the High Court. The Court dismissed his plea, and later when the petitioner tried to rejoin the service as per the transfer order, the respondents refused to allow him the same due to unexplained absence.

Judgment: The Court stated that when the terms of employment are governed purely by the terms of the contract without any element of statutory governance, such contracts are not specifically enforceable, therefore the petitioner cannot ask for continuation of service or several other benefits but only for damages due to non-performance. In this case, considering that the petitioner could not explain his prolonged absence, the Court held that the State was free to terminate his services. The Court, therefore, dismissed the appeal.

Reinstatement

CONTRACT ARE UNENFORCEABLE WHEN TERMS OF EMPLOYMENT ARE GOVERNED PURELY BY THE TERMS OF THE CONTRACT WITHOUT STATUTORY GOVERNANCE

Reinstatement

MERE REGISTRATION OF A CRIMINAL CASE WILL NOT ENABLE THE GOVERNMENT TO DISQUALIFY SUCH A PERSON FROM BECOMING PART OF THE SERVICE

STATE OF KERALA & ORS. V. DURGADAS & ORS.

Court: High Court of Kerala

Citation: OP(KAT) NO. 267 OF 2021

Facts: The respondent had sought to join in the service of the State as a police constable following his acquittal in a criminal case filed by his estranged wife. He was not allowed to join citing his criminal antecedents, after which he approached the Kerala Administrative Tribunal challenging this refusal, which passed an order allowing him to join the service. The State then sought an appeal against the order in the High Court.

Judgment: The Court held that the Government must conduct a separate investigation into the character antecedents in criminal cases that result in an acquittal if it is unable to form an opinion based on the criminal court's finding regarding the person's character. However, the Government cannot conduct this investigation solely on the basis of allegations made by the prosecution. A person cannot be excluded from the Government's service simply by registering a criminal complaint against them. The Court dismissed the appeal and allowed the person to join the service.

Maternity Benefits

NEELAM KUMARI V. THE UNIVERSITY OF DELHI & ORS.

Court: High Court of Delhi

Citation: W.P.(C) 2959/2023

Facts: The petitioner, who was employed on a contractual basis with the respondents, filed a petition for the respondents to reinstate her contending that she was discharged in an arbitrary manner during her maternity leave without any opportunity of being heard.

Judgment: The Court held that maternity benefits cannot be denied to a female employee merely because the nature of employment is contractual and observed that the denial of maternity benefits was inhumane as maternity rights were an integral part of a woman's identity. The Court directed the authorities to reinstate the woman on her previous post and deemed fit to grant compensation.

DENIAL OF MATERNITY BENEFITS IS INHUMANE & MATERNITY RIGHTS ARE INTEGRAL PART OF A WOMAN'S IDENTITY.

REHMAT FATIMA V. STATE (NCT OF DELHI)

Court: High Court of Delhi

Citation: 2023 SCC Online Del 6307

Facts: The petitioner was appointed as a stenographer on a contractual basis for a period of one year. The petitioner subsequently submitted a letter to the Respondent for maternity leave but when she joined back service, she was not allowed to resume her duties as her contract had expired. The petitioner contended that her contract should have been duly extended.

Judgment: The Court held that because she was being paid remuneration and had to work on fixed hours, she fell within the Maternity Benefits Act, 1961, despite the fact that she was on a contractual basis. Considering a legal fiction on the basis of which she had to be treated as an employee rather than a contractual worker, she was entitled to maternity benefits despite the fact that her contract ended during her pregnancy. The Court partially allowed the petition and directed the State to release all medical, monetary and other benefits, but disallowed her continuation of service as the post had been abolished.

Maternity Benefits

DENIAL OF MATERNITY BENEFITS IS INHUMANE & MATERNITY RIGHTS ARE INTEGRAL PART OF A WOMAN'S IDENTITY

State as Model employer in Contractual employment

CHAMAN LAL & ORS. V. STATE OF HP & ORS.

Court: High Court of Himachal Pradesh

Citation: CWPOA No. 1745 of 2020

Facts: The petitioners were appointed as Tehsil Welfare Officers on a contractual basis by the Government of Himachal Pradesh, and the State chose to offer only contractual appointments for an initial five-year period, depriving these employees of regular benefits and seniority. The petitioners approached the Court seeking that their contract service be counted for annual increments, seniority and pensionary benefits.

Judgment: The Court criticized the state government for its employment practices, holding that the state was a model employer and should not offer contractual appointments purely to withhold rightful benefits from employees. Observing that there was no logical explanation to opt for contractual appointments rather than regular employment, the Court held that such practices were in violation of Article 14 of the Constitution. The Court ruled in favour of the petitioners, allowing them to count their contract service from the initial appointment for all employee benefits.

STATE SHOULD NOT OFFER CONTRACTUAL APPOINTMENTS PURELY TO WITHHOLD RIGHTFUL BENEFITS FROM EMPLOYEES

Compassionate employment

DIPALI MITRA & ORS. V. COAL INDIA LTD. & ORS.

Court: High Court of Calcutta

Citation: WPA 14349/2018

Facts: The wife of the deceased had applied for compassionate employment for her son-in-law, as her direct son was not residing in the country. The Respondents rejected the claim but did not consider the case of the deceased employee's married daughter. The daughter and son-in-law prayed for compassionate employment for either of them, and stated that the exclusion of married daughters was discriminatory.

Judgment: The Court noted that compassionate employment was not a vested right but an exception carved out against the rule of merit-based recruitment, however it was still applicable to Article 14 and 15 of the Constitution. The Court held that the belief that women are objects and their identity is constructed around men is preposterous, and merely by being married does not exclude her of benefits as a dependant. However, in the present case, the Court dismissed the petition since the son-in-law was earning and was living independently of the deceased employee, and the daughter did not never prove that she was dependent upon the deceased.

COMPASSIONATE EMPLOYMENT WAS NOT A VESTED RIGHT BUT AN EXCEPTION CARVED OUT AGAINST THE RULE OF MERIT-BASED RECRUITMENT

BELDIH CLUB JAMSHEDPUR V. THE STATE OF JHARKHAND & ORS.

Court: High Court of Jharkhand

Citation: L.P.A. No. 187 of 2023

Facts: The petitioner was served with a notice by the State specifying that the petitioner fell under the Employees' State Insurance Act, 1948, and according to this, all its workers earning below the limit were included in the Act. The petitioners contended that since they provided medical benefits to the employees and bore the expense of the same, they should be discharged of their liability under the ESI.

Judgment: The Court held that the Act was designed as a beneficial legislation to workers, in cases of sickness, maternity, employment injury and related matters. By not making contributions under the ESI Act, the intended benefits could not be realized by the workers, which went against the purpose of the Act. The Court also held since the funds intended for ESI use were being utilized by the petitioner for its own benefit, there was a clear liability to pay interest. The Court dismissed the appeal and directed the petitioner to pay funds into the ESI.

Non Payment of ESI Contribution

BY NOT MAKING CONTRIBUTIONS UNDER THE ESI ACT, THE INTENDED BENEFITS COULD NOT BE REALIZED BY THE WORKERS



International Cases

Discrimination against Unionized workforce

**STARBUCKS
MANIPULATED ITS
EMPLOYEES' FREE
CHOICE BY
CONDITIONING
THEIR PAY AND
BENEFITS ON
THEIR
WILLINGNESS TO
FORGO
UNIONIZING.**

STARBUCKS CORPORATION V. WORKERS UNITED LABOUR UNION (USA)

Court: National Labour Relations Board, USA

Citation: Starbucks Corp., N.L.R.B. A.L.J., Case 19-CA-294579, 9/28/23

Facts: Starbucks Corporation was alleged to be breaking federal law when it boosted wages and benefits only for workers in non-unionized stores.

Judgment: The Court held that the company had launched a corporate-wide effort to manipulate its employees' free choice by conditioning their pay and benefits on their willingness to forgo unionizing. It had used marketing to instill the idea that nonunion employees had 'collaborated' their way into raises and improved benefits, including posting anti-union news on its website and hosting 'listening sessions' to discourage unionization.

Conclusion: The Court held that Starbucks discriminated against unionized workers and ordered Starbucks to compensate thousands of unionized workers for their wages and benefits that they were unlawfully denied.

MID & SOUTH ESSEX NHS FOUNDATION TRUST V. STEVENSON & ORS.

Court: United Kingdom Employment Appeal Tribunal **Citation:** [2023] EAT 115

Facts: Three claimants had each been employed as 'Head of Human Resources', but when their roles were made redundant, they were offered the alternative role of 'Senior HR Lead', which they refused. They were subsequently denied a redundancy payment and challenged this decision.

Judgment: The Court held that redundant employees can be denied a statutory redundancy payment if they have been unreasonably refused suitable alternative employment. But in this case, they were held to be suitable, they were considered to have a lower status with less autonomy which was objectively untrue, but their subjective perception was relevant to the issue.

Conclusion: The Court held that they were entitled to redundancy payment.

Redundancy Payments

**EMPLOYEES CAN BE
DENIED A
STATUTORY
REDUNDANCY
PAYMENT IF THEY
HAVE BEEN
UNREASONABLY
REFUSED SUITABLE
ALTERNATIVE
EMPLOYMENT**

Reasonableness in Dismissal

**DISMISSAL
DURING
DISCIPLINARY
PROCEEDINGS
IS UNFAIR: UK
EMPLOYMENT
TRIBUNAL**

BORG-NEAL V. LLOYDS BANKING GROUP (UK)

Court: UK Employment Tribunal

Citation: 2202667/22

Facts: The claimant had asked an external trainer during an equality training meeting how to handle a situation when they heard an offensive word, giving an example of the use of the 'N' word, using the word in full. Following a complaint and given the employer's zero toleration approach to discrimination, he was dismissed.

Judgment: While the employer has a right to invoke disciplinary proceedings, the decision to dismiss was outside the range of reasonable responses in the circumstances. Considering the context and the claimant's immediate apology, the Employment Tribunal concluded that the decision to dismiss was not reasonable.

International Cases

Direct discrimination against her Identity

MANAGEMENT'S DECISION TO REMOVE SOME OF HER JOB RESPONSIBILITIES WAS AN ACT OF DIRECT DISCRIMINATION

AB V. ROYAL BOROUGH OF KINGSTON UPON THAMES

Court: UK Employment Tribunal

Citation: ET/2303616/2021

Facts: The claimant contended that on several occasions while employed she was 'deadnamed', the term for using a trans-person by the name they had before they had transitioned. The council used Miss AB's deadname on her office door pass, her pension records, the staff directory, the internal complaints system and her parking pass.

Judgment: The tribunal held that these instances amounted to 'less favourable treatment' and were 'because of the claimant's protected characteristic', thus stating that the employer had committed several acts of direct discrimination against its employee. It also held that the management's decision to remove some of her job responsibilities was an act of direct discrimination.

Conclusion: The tribunal upheld her claims and awarded her damages.

LYNSKEY V. DIRECT LINE INSURANCE SERVICES

Court: UK Employment Tribunal

Citation: 802204/2022

Facts: An employee after menopause was given a low appraisal rating and a written warning about her performance, and her sick pay was withdrawn when she was subsequently off work.

Judgment: The tribunal found the employer liable for discrimination arising from disability, as the actions taken were not a proportionate way to achieve their legitimate aims and less discriminatory alternatives could and should have been explored. Menopause was considered a disability and the employer was held liable for not being aware of the disturbances in work performance around menopause.

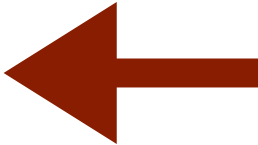
Conclusion: The claimant received an award for aggravated damages arising from the employer's unreasonable refusal to concede disability at an earlier stage.

Menopause: A Disability

MENOPAUSE WAS CONSIDERED A DISABILITY AND THE EMPLOYER WAS HELD LIABLE FOR NOT BEING AWARE OF THE DISTURBANCES IN WORK PERFORMANCE AROUND MENOPAUSE



Previous Edition's



POLICY AND LEGISLATIVE UPDATES

KARNATAKA GOVERNMENT ISSUES ORDER ON GIGWORKERS' WELFARE

Karnataka is the second state government to offer gig workers in the state social security totaling Rs 4 lakh, comprising of Rs 2 lakh for accidental insurance and Rs 1 lakh for life protection. Regarding the projected number of gig workers in the state, the Karnataka government has depended on the NITI Ayog Report 2022. According to the GO, gig workers who have worked for a year and are between the ages of 18 and 60 are eligible for the social security programme. The cost of hospitalisation for a gig worker will be covered up to Rs 1 lakh. The gig workers must register for this plan on the Seva Sindhu portal by providing their information, which includes a passport-size photo, an E-Shramik card, proof of address, and bank account information. This scheme won't be eligible for gig workers with a provident fund, ESI, or income tax payees. There are certain exceptions regarding the system provided to gig workers.

EPFO HAS EXTENDED THE DEADLINE FOR COMPANIES TO UPLOAD DETAILS BY EMPLOYERS FOR PENSION ON HIGHER EARNINGS BY 3-MONTHS TILL DECEMBER 31

Following the receipt of comments from employers and employers' associations, Employees' Provident Fund Organisation (EPFO) has extended the deadline for companies to enter wage details pertaining to pension on higher earnings by three months. The deadline was originally scheduled for September 30, 2023, and now has been shifted to December 31, 2023.

EXTENSION OF ESIC SCHEME TO THE CASUAL/CONTRACTUAL WORKERS UNDER MUNICIPAL CORPORATIONS/MUNICIPAL BODIES UNDER THE CONTROL OF STATE GOVERNMENT/UT ADMINISTRATION

The Maharashtra government released a notification on July 27, 2023, which expanded the scope of the Employees' State Insurance Corporation (ESIC) Scheme to cover casual and contractual workers employed by municipal bodies. These bodies include Municipal Corporation (Nagar Nigam), Municipal councils, Nagar Palika, and other Urban Local Bodies under the authority of the Maharashtra State Government. The notification also applies to ten or more individuals who are employed or were employed on any day during the previous year on a contractual, casual, or both types of basis. According to Section 1(5) of the ESI Act, 1948, this coverage extension will take effect on August 1, 2023.

EPFO ALLOWS OFFLINE PROCESSING OF JOINT DECLARATIONS FOR MEMBER PROFILE UPDATION

Since the software programme is currently under development, EPFO has made it possible to take joint declarations offline. Strict adherence is necessary to the guidelines outlined in the relevant SOP, which cover things like timeframes for finishing the joint declaration, documentation requirements to be submitted by members for member profile correction, classification of changes, competent authority for approval of changes, monitoring mechanism, and frequency of changes.

EXTENSION OF ESIC TO CASUAL/CONTRACT EMPLOYEES UNDER MUNICIPAL BODIES AND STATE GOVERNMENT OF TAMIL-NADU, ODISHA AND MEGHALAYA

The coverage of the Employees State Insurance has been extended to municipal bodies, such as municipal corporations, municipal councils, and other entities established by the relevant state government, in cases where ten or more individuals have worked for wages on a contract, casual, or both basis, or in the previous twelve months. The aforementioned prolongation has taken effect as a result of a notification from the relevant State administrations.

LADAKH RIGHTS OF PERSONS WITH DISABILITIES RULES 2023

A draft of the Ladakh Rights of Persons with Disabilities Rules, 2023 has been released by the Department of Social & Tribal Welfare, Ladakh. It proposes to implement several important provisions, including protections against discrimination, guardianship restrictions, employment opportunities for individuals with benchmark disabilities, accessibility, and disability certificates. After thirty days from the date the public copies of the gazette announcement are made available, it will be taken into consideration.

GOVERNMENT OF PUNJAB EXEMPTED ALL FACTORIES FROM CERTAIN PROVISIONS OF THE FACTORIES ACT, 1948

In order to address the extraordinary work strain in the industry, the Punjab Government has issued a notification dated September 20, 2023, which supersedes an earlier ruling and grants temporary exemptions to all factories from certain sections of the Factories Act, 1948. These exemptions are subject to certain limitations, though: a worker's weekly work hours, including overtime, cannot exceed sixty hours; daily work hours cannot exceed twelve; the spread over cannot exceed thirteen hours per day; and a worker's overtime cannot exceed seven days in a row with a quarterly cap of 115 hours.

Labour Department officers are required to inspect the overtime logbooks that factories are required to keep. The overtime facility will be removed in the event that these terms or other Act and Rule requirements are broken. Factories are also required to pay minimum wages for overtime as per the Factories Act, 1948, and wages fixed for overtime under the Minimum Wages Act, 1948, and Punjab Minimum Wages Rules, 1950.

EPFO ISSUES GUIDELINES FOR INSPECTION OF ESTABLISHMENTS WITH EXISTING IT TOOLS

On September 4, 2023, the EPFO released guidelines aimed at optimising the inspection procedure and enhancing its efficacy. According to the guidelines, establishments will be periodically nudged by SMS, emails, or letters for a period of three months. Reactions will be recorded in an electronic file, and if an establishment's response is deemed inadequate, a physical inspection will be requested. Guidelines for establishments that have been reported for closure include updating employee contributions and departure dates, confirming documentation of closure, and conducting an optional physical inspection. When a matter needs immediate processing or resolution, physical inspections without coercion are permitted. Physical inspections classified as urgent or emergency are done without authorization or prodding in situations that call for quick action. The recommendations also address general physical inspections and place a strong emphasis on the calibre of inspection reports and the effective use of IT resources and capabilities.

MAHARASHTRA STATE RIGHTS OF PERSONS WITH DISABILITIES RULE 2023

A draft of the Maharashtra State Rights of Persons with Disabilities Rules, 2023 has been created by the department responsible for the welfare of people with disabilities in Maharashtra. Important clauses including limited guardianship, the establishment of a state committee for disability research, and disability certificates are included. After thirty days from the day the notification was published in the Maharashtra state government gazette, it will be taken into consideration.

UP GOVERNMENT EXEMPTS IT & ITES ESTABLISHMENTS FROM CERTAIN PROVISIONS OF UTTAR PRADESH DOOKAN AUR VANIJYA ADHISTHAN ADHINIYAM

Due to public interest, Uttar Pradesh has placed Information Technology and Information Technologies Enabled Services establishments in Schedule II, exempting them from the regulations regarding business hours and closing day outlined in the Uttar Pradesh Dookan aur Vanijya Adhistan Adhiniyam, 1962.

EXTENSION OF ATAL BEEMIT VYAKTI KALYAN YOJANA: ENHANCED RELIEF AND RELAXED ELIGIBILITY UNTIL 2024

The Employees' State Insurance Corporation's Atal Beemit Vyakti Kalyan Yojana, a jobless programme, has been extended for an extra two years, ending on June 30, 2024. This is the third extension for the plan; the other two were approved in 2020 and 2021. In 2018, the programme was first implemented as a pilot project with a two-year timeline. But because of the COVID outbreak and the subsequent lockdown, the government decided to prolong the unemployment programme past its original expiration date. For workers covered by the ESI Act of 1948, this programme acts as a welfare effort by providing them with relief payments in the case of unemployment.

WEST BENGAL ISSUES GUIDELINES FOR PAYMENT OF BONUS IN VIEW OF DURGA PUJA

The West Bengal governor released recommendations and an appeal to companies and workers on September 15, 2023, highlighting the significance of preserving industrial peace and harmony in the state. Employers are encouraged to take a flexible approach while still following the 2015 amendments to the Payment of Bonus Act, 1965. They are urged to make sure that this year's bonus rate is not less than that of the prior year and, if appropriate, to take ex-gratia payments into consideration. A bonus should be awarded to every employee who worked for at least thirty days in a given year. Employers who have previously neglected to pay bonuses are encouraged to do so in addition to the bonus for the current year. Trade unions and employers' organizations are called upon to cooperate in maintaining industrial peace and help settle bonus-related disputes without disrupting work.

Bonuses are to be distributed this year to workers in the IT, hotels and restaurants, shops and establishments, security workers, and some jute mill workers who did not earn bonuses in previous years. Prior to the start of Durga Puja on October 6, 2023, all bonus payments must be made. All employers, including those in the public sector, are expected by the government to abide by this appeal. It is anticipated that employer associations will counsel their members to heed this call. By October 6, 2023, employers in the unorganised sector who are not subject to the Payment of Bonus Act, 1965, must give their employees bonuses or ex-gratia.

SUPREME COURT EXPRESSES SERIOUS CONCERN ABOUT THE USE OF EXCESSIVE CONTRACTUAL STAFF

Serious reservations concerning the National Law University, Jodhpur's use of mostly contract teachers have been voiced by the Supreme Court. The Court stressed how unsatisfactory this arrangement is and how it violates University Grants Commission rules, which permit just 10% of employees to be contractual. The NLU recently changed its regulations to require a 50% contractual and 50% permanent personnel ratio; however, this change has not yet been put into effect. The NLU requires a permanent Registrar and a Vice Chancellor, the Court further stated. The Court emphasised the necessity for quality in such institutions, notwithstanding the university's argument that it is self-financed and does not receive government funding. It asked the university to resolve the matter without intervention from the courts. As a result, the Court granted an adjournment, and the matter will be considered again on October 31, 2023. The case involves a Special Leave Petition filed by NLU-J against a Rajasthan High Court judgment that struck down some service regulations and expressed concerns about the excessive use of contractual staff.

MEDICAL COLLEGES NOT PAYING STIPENDS TO MBBS INTERNS- SUPREME COURT SEEKS NATIONAL MEDICAL COMMISSION'S RESPONSE

The National Medical Commission (NMC) has been ordered by the Supreme Court to address a case alleging that 70% of medical colleges are required to provide MBBS interns with the minimum stipend. This instruction was given during a hearing on a petition submitted by medical interns to the Army College of Medical Sciences (ACMS) asking for stipend payments. The ACMS contended that it has limited funding and serves children of armed people in a non-profit capacity. The Court issued an interim judgement against the college directing it to provide its medical interns with a stipend of at least Rs 25,000 per month, emphasising that the current state of the economy cannot be used as an excuse to deny students stipends. Additionally, the Court acknowledged that 70% of colleges are not paying stipends and directed the NMC to respond to this claim and file an affidavit.

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Marxist Perspective on Care Work

Tejas Misra, Research Intern, CLLRA

Care-work is an essential feature of our modern neoliberal world model, it as unseen yet intrinsically important part of the economy that ensures its functioning and efficiency. It involves the deeply emotional, back-end, tedious and strenuous work of connecting to people, caring for children, the sick and elderly and working for the needy.

Women and girls undertake more than three-quarters of unpaid care work in the world and make up two-thirds of the paid care workforce. They carry out 12.5 billion hours of unpaid care work every day. When valued at minimum wage this would represent a contribution to the global economy of at least \$10.8 trillion a year, more than three times the size of the global tech industry.

Despite proven economic benefits and strong arguments to categorize the unpaid care-work of wives, mothers and fiancées as 'labour', and accurately assessing the work of paid care-labourers such as nurses and childcare workers, care-work remains woefully unrecognized in the capitalist system. Furthermore, this work is almost entirely done by women, and thus represents a broader scenario where a tremendous amount of women's contribution to the world remains unremunerated.

Marxist theory provides a critical insight to several questions of labour, however, the issue that is raised is whether traditional Marxism can take care-work into its theory of labour, and if not, then what are some viewpoints on how these perspectives could be reconciled?

How did Marx view labour?

Marx viewed work primarily as the

labour-power required to produce some economic output, for example, the minimum amount of wages to ensure the labourer came to back to work the next day. Thus, for care work, for example in the household, it is the labour-power invested in child-rearing, washing, cleaning, cooking, and other such activities leading to the output such as child socialization, familial bonds, effective running of the family and so on. In Marxist terms, wages are how labour-power is estimated, and thus it is argued that the 'wages' provided to mothers for their care work seems to be much lower than what the actual output they produce.

Feminist scholars have argued that simply equating labour value to wages does not take into account a large amount of work that does not get translated into wages, such as unpaid labour such as in housework. In as much as Marx focuses on the division of labour taking place on the market, his account of labour value ignores the gender division of labour. It undervalues much of women's labour as this labour is uncompensated. The notion that care work involves a unique labour process embedded in emotional connection builds on a feminist tradition in philosophy, psychology, sociology, and economics that identified care as the "feminine" antithesis to the "masculine" values of individualism, competition, and rationality that pervade capitalist society.

Not only that, but for paid care labourers, such as nurses, midwives, hospice nurses, childcare workers, nannies, domestic labourers and even professions such as air-hostesses and baristas, Marxist terminology does not accurately measure productivity, as what they produce is not goods but rather services. These services do not

merely include the physical acts done, but also the emotional labour and effort they put in furtherance of their services, such as the obligation to smile, remaining polite and keeping patience with consumer demands, and that value is hard to establish and measure. This means that a large variety of women's labour is devalued and considered inferior to that of men, for example, the care-work of nurses, primarily done by women, is frequently considered subsidiary to that of doctors, mainly done by men, despite the fact that nursing is an established and distinct discipline from that of doctors and serves and equally important an essential purpose.

Thus, several feminist scholars have critiqued the Marxist paradigm of labour-wage equivalence, and further put forward arguments in various fields of women's care work at how Marxist ideas can be used to reimagine the idea with which we view care-work.

Feminist Critiques

i. Reproduction of Labour

A broad Marxist-feminist debate ensued in the late 1960s and early 1970s on the sexual division of labour, and particularly on the issue of unpaid care work (reproductive work, housework), which remains crucial to theorizations of care work today. Several theoretical perspectives emerged that viewed household labour in a variety of ways, from labour power that domestic labour helps reproduce labour power, what Friedrich Engels called 'reproductive labour', or in other ways domestic labour reduces the power of labour and increases the profit of companies. 'Reproductive labour', such as the one done by domestic labourers (wives, mothers, domestic helps), increase the

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labour power of both themselves and the workers they support, she transfers its entire value while also enhancing their counterpart's value.

While domestic labour does not produce commodities, it does produce many different use-values, which form a substantial component of the individual consumption of all the members of the family. Labour-power, or the ability to work, is something that must continually be produced. It is used up or consumed every day and ceases to exist without the replenishment of individual consumption.

For this reason, Marx, and other writers since, talked of the production and reproduction of labour-power. But there is another sense in which labour-power must be reproduced. Labour-power exists only as the ability to work of a particular person, the labourer. But labourers grow old and die, and society's stock of labour-power cannot then be replenished without the birth of potential new labourers. From the point of view of capital, housework is concerned with the reproduction of labour-power both on a daily and on a generational basis.

However, without the adequate remuneration of the work that domestic labourers do, this value of the reproduction of labour gets undermined as it represents the majority part of the political economy of women, and adversely impacts the labour structure as a whole.

i. Gender Differentiation

Why is it that care-work in both the public and private spheres is primarily done by women all around the globe? Why is there such a stark and vast gender differentiation in this workspace?

Women continue to perform the bulk of routine housework and child care and to feel more responsible than

men for this work regardless of income, time constraints, or ideology. This is in addition to their paid activities, thus creating the "double burden" of work for women. Further, the amount of unpaid household labour done by women is negatively correlated to time spent working in their professional life. Through the fact that an disproportionate amount of care-work and non-market work is put on women due to their conditioned traditional gender roles as wives and mothers, this leaves less time working in a professional capacity. Furthermore, some theorists have postulated that the gender difference in the household and in the public sphere is not merely a rational choice of time availability, but rather a conscious effort at the segregation of gender roles which helps define the ideational and appropriate roles for different genders.[2] In other words, men and women do their 'proper' gendered roles when doing their duties as husband and wife, father and mother, daughter and son, when they allocate the division of work.

i. Public vs. Private Sphere

The private sphere and public sphere in care work contrast in important ways. While in the public sphere, care labourers are remunerated in wages, though not fully taking into account their contributions, in the private sphere where mothers and wives work is neither evaluated into the paradigm that equates labour with wages, where at the same time does not fall cleanly under the category of 'reproduction of labour'.

Key to many of the feminist ideas was that the family structure was intrinsically 'alienating', a concept distinct from oppression and domination, though they might overlap. Originally propounded by Marx, alienation means a system where producers eventually become distinct from their work, they become abstract and dynamic and eventually take on a life on their own and oppress the producers themselves. In the family, the woman works under the duty and

obligations imposed on her as a housewife, where she neither has any choice nor autonomy over her labour, but are subsumed into the larger maintenance of the patriarchal family and the continuation of the male-dominated family system. Accordingly, the work of a mother and a wife is invisible and unappreciated. Interestingly, Marx himself did not view motherhood under a system of alienation. In his view, the 'patriarchal family' represented one of the four types of labour where alienation did not happen, because within a family, there was no exchange of goods as on a market but rather all members of the family produce goods as one unit.

However, feminist scholars have argued that actually the family structure involves a whole variety of relationships of exchange, from services to labor, cash and sex in the family.

However, this does not mean that family work, is per se, as some scholars have put forth, an entirely alienating activity full of tedious and monotonous work. The Marxist paradigm remains limited to viewing familial labour in this way, however several feminist sociologists have argued that household labour is not intrinsically alienating, as it can be a deeply emotionally and psychologically fulfilling activity. They view child rearing not merely as an obligation, but as part of the enriching experience of parenthood. Women play an important role in the continuation and sustenance of the family and labour as a whole. For this, they are structurally conditioned into behaving that care-work for women is a duty or an obligation, and not as voluntarily work taken up for love and respect. It only becomes alienating when the woman does not control her own production and has no ownership over the commodities she produces, i.e. when it is forced upon her as a duty, because of domination by the male. Women's independence, autonomy and self-respect are the key components that transform an alienating experience into a deliberate, self-willed and

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personal care work.

As Simone de Beauvoir puts it, "Marriage is obscene in principle in so far as it transforms into rights and duties those mutual relations which should be founded on spontaneous urge". (de Beauvoir 1961). Thus, scholars argue that rather than viewing women's role in in the family as a destined role, and neither like an economic exchange that demands wages, but rather as a sort of open, emotional situation exchanging love for love, and respect for respect. In this case, an equitable distribution and exchange of mutual relations develops.

i. Emotional Labour

What happens when emotional labour becomes a commodity, and is it a fair burden to put on individuals? It represents a complex situation whereby women in paid care-work must 'act' and parcel out emotional commodities, for example in nursing and childcare, where workers are required to express only positive emotions such as warmth and empathy.

Whereas outside of work, emotional exchanges are guided by social norms, a unique stress is put on workers because they must partition their emotions into sellable commodities while maintaining the ability to have and express 'genuine' feelings outside of work, which makes emotional labour a type of intensely skilled and personal work.

Some feminist scholars have pointed out that emotional labour is intrinsically an alienating variant of wage labour that puts emotional labourers in a struggle for recognition and a sense of self. The commodification of emotional labour in the service sector, thus, becomes a core feature of 'consumer-capitalism', where even 'smiles and laughs' become products and commodities.

i. Care as creating public goods

All work is of some benefit to someone, or it would not be done. But some scholars have argued that both paid and unpaid care work have more indirect social benefits than other kinds of work. [1] As such, they are defined as creating 'public goods', or commodities and services that benefit all members of society, and no consumption of that good lead to diminishing other people's capacity to enjoy it as well.

Care work, whether paid or unpaid, often includes investment in the capabilities of recipients. Receiving care also helps recipients develop skills, values, and habits that benefit themselves and others. Care helps recipients develop capabilities for labour market success as well as for healthy relationships as a parent, friend, or spouse. Care contributes to the intellectual, physical, and emotional capabilities of recipients. These capabilities contribute to recipients' own and others' development and happiness. For example, if children are brought up with care and patience, they turn out to be better spouses, and their spouses benefit. Similarly, if they are better parents, their children benefit and so on.

In this view, care-work represents a crucial factor linking other aspects of labour, and advances both societal and personal interests. However, this type of value-addition to society remains unrecognized and unappreciated, and sometimes even works as a detriment, as some studies have indicated, for example that women with young children have a harder time finding employment than those without[2], or that nurses, teachers etc. have a harder time leaving their employment for better paid work, due to the emotional investment that a nurse might have in her patients or teacher might have in her students, or would rather take lower wages because of the emotional fulfilment of the job, also called the 'prisoner of love' theory.

New Perspectives

In conclusion, several Marxist feminist scholars have pointed out the lacunae that exist in traditional Marxist evaluations of labour, that equates labour only with wages, and furthermore does not take emotional and public-goods care accurately into account. This makes it so that a large amount, if not the majority of women's contribution to labour productivity, the economy and society at large remains unrecognized and devalued. However, utilization of Marxist categories can better help us understand and establish a new paradigm by which we not only view care-work but women's labour in general, which is the first step towards establishing legal frameworks that help protect the work of women.

Endnote

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A Holistic Understanding of Women's Role in Labour Market: 2023 Economics Nobel Prize

Ananya Deshpandde

The 2023 Nobel Prize in Economics was awarded to Claudia Goldin, a professor at Harvard University. Her thesis was a novel and thorough analysis of an argument not only crucial to the field of economics but to the field of labour law and empowerment mechanisms in our market.

Goldin became only the third woman to become a Nobel laureate in the field of economics (after Elinor Ostrom and Esther Duflo) since its conception in 1969. It is interesting to note her achievement among the very few women to achieve this landmark prize, when Goldin's research focuses on the "understanding of women's labour market outcomes". Her achievement was a novel and special one not only for women in the field of economics but could push boundaries for all women participating in the labour market.

Women are conspicuously underrepresented in the global labour market, and when they do participate, they frequently earn less than their male counterparts, according to economics and labour law. Claudia Goldin's research, which spans more than two centuries of data collection in the United States, provides a comprehensive analysis of how and why wage and employment disparities between genders have evolved over time.

U-Shaped Curve of Women's Employment

According to Goldin's research, female labour force participation did not follow a consistent upward trajectory over this long period, but

rather followed a U-shaped pattern. Initially, married women's involvement declined during the transition from an agrarian to an industrial society in the early nineteenth century, only to rise again with the expansion of the service sector in the early twentieth century. This phenomenon, according to Goldin, is the result of the interaction of structural transformations and changing societal norms regarding women's roles in the home and family.

A graph provided provides this fresh outlook at the percentage of married women involved in the labour market. The advent of agriculture and industry lead to a decline in the percentage of married women engaged in the labour market leading to an all-time low around the 1910s. A surprising finding here, was that prior to the rise of industrialisation, women were far more likely to participate in the labour market. This was due to the fact that industrialization made it harder for married women to work from home, and combine their work and home lives.

At the turn of the twentieth century, there was a significant disparity in employment rates between married and unmarried women, with only 5% of married women working compared to approximately 20% of all women. This era saw the start of an upward trend in female labour force participation, which was influenced by technological advancements and the expansion of the service sector, but was hampered by societal norms, legal restrictions such as marriage bars and institutional barriers. Goldin's study highlighted the previously underappreciated role of marriage in this disparity. She observed that, despite rising labour demand, married women were frequently

excluded from certain job sectors due to these factors, with marriage bars; peaking during the Great Depression. Women's own career expectations were also a significant factor in the gradual narrowing of the gender employment gap.

Upward Movement of Women's Labour Force Participation

The catalyst for the increase in the percentage of women engaged in the labour market was the expansion of the sphere of education. Further catalysts for the upward trajectory of working women include groundbreaking social phenomena such as changing expectations vis-à-vis working married women and the promulgation of the contraceptive pill. This led to the formation of a U-shaped curve in this market over the years, according to data analysed by Goldin.

Goldin stressed upon the importance of expectation laid down upon women with respect to their role as mothers and wives as well as their role in the market. She also analyzed the disparities in the labour market conditions of the men and women in a marriage after the birth of your child. A clever illustration provided by the Nobel Prize website shows how men remain on an upward work trajectory, with respect to money earned after the birth of their child, while women fall behind, hence, strengthening such disparity. This further emphasizes the importance of the contraceptive pill, in preventing unplanned pregnancies and as a result, in ameliorating the married woman's position in the labour market.

Women's educational attainment steadily increased throughout the twentieth century, often surpassing that

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of men in many high-income countries. Goldin emphasizes the critical role that the availability of contraceptive methods, such as the contraceptive pill, has played in facilitating this transformative shift by providing new opportunities for career planning.

Challenges and the Way Forward

Despite economic modernization, overall growth, and an increasing proportion of women entering the workforce in the twentieth century, the gender pay gap persisted for a long time. According to Goldin, a portion of this perseverance can be attributed to the fact that critical educational decisions, which have a profound impact on one's career opportunities over a lifetime, are frequently made at a young age. When young women's expectations are shaped by the experiences of previous generations, such as their mothers, who may not have returned to work until their children were older,

progress in closing the gender gap is slow. Variations in education and career choices could explain a significant portion of the earnings disparity between genders in historical context. Nonetheless, Goldin's research shows that the majority of this wage disparity now exists between men and women in the same occupations, and it primarily manifests itself with the birth of a woman's first child.

Goldin's research emphasizes that gender disparities in the labour market are the result of a complex interplay of factors spanning multiple societal periods. To address these disparities, policymakers must first understand what is causing them. Investing in information, education, and removing institutional barriers can have a significant impact, especially when women's career expectations and education levels lag behind men's. However, in societies where women already outnumber men in terms of employment and education, these investments may have limited impact.

Gender equality in education alone will not close the earnings gap. Instead, it is critical to provide opportunities for women to plan and finance their return to the labour force after childbirth or to work flexibly. Goldin's research also emphasizes the gradual nature of change, as career choices based on previous expectations take time to evolve. This phenomenon, which has been observed in the United States and other high-income countries, demonstrates that significant changes in the labour force occur when those who adopted new behaviours reach middle age, influencing the choices of younger women. Goldin's work transcends borders, providing valuable insights into labour markets across time and space.

This Nobel Prize win is a moment of pride for women, not only because a third woman has joined the ranks of those awarded this prestigious prize, but also because her groundbreaking win can help to pave the way for women in all spheres of the workforce.



DOMESTIC LABOUR LAW NEWS

ESIC EXTENDS THE BENEFITS UNDER THE ATAL BEEMIT VYAKTI KALYAN YOJANA

Employees' State Insurance Corporation (ESIC) has extended the benefits under the "Atal Beemit Vyakti Kalyan Yojana" for a period of time from July 1, 2022, to June 30, 2024. The notification dated September 1, 2023, also relaxes the eligibility requirements for the scheme, the date of relief, and the process of filing a claim for relief. The main goal of the aforementioned scheme was to offer financial assistance to individuals who were unemployed during the COVID-19 pandemic. Under the said scheme, unemployment benefits are paid to workers covered under the various ESIC schemes. Unemployment benefit is paid in the form of cash compensation for up to 90 (Ninety) days, once in a lifetime, to be claimed after 90 (Ninety) days in one or more spells for being rendered unemployed...[Scan QR to read more](#)



COMPENSATION WITH INTEREST TO THE LEGAL HEIR OF THE DECEASED EMPLOYEE IS TO BE AWARDED

In Jugal Kishor Ray v. Ashok Prasad Yadav, the Jharkhand High Court declared by ruling dated September 5, 2023, that the rightful successor of a deceased employee must receive compensation with interest. Section 4(A) of the Workmen's Compensation Act, 1923 mandates that the trial court grant the appellant, who is the employee's legal heir, the full sum of compensation without any interest. This order was issued. Through its order, the High Court overturned the trial court's decision and mandated the payment of simple interest at a rate of 12% (twelve percent) annually from the deceased's date of death on January 28, 2009, until the date on which the original award amount is actually paid.....[Scan QR to read more.](#)



MUNICIPAL CORPORATIONS IN TAMIL NADU AND ODISHA COVERAGE EXTENDED ESIC FOR THE CASUAL/ CONTRACTUAL WORKERS

ESIC, vide notification dated September 18, 2023, extended the coverage under Section 1(5) of the Employees' State Insurance Act, 1948 ("ESI Act") to casual or contractual workers of municipal corporations or municipal bodies in the states of Tamil Nadu and Odisha. The scheme has been extended for the workers of the following class of establishments:

- (i) Municipal bodies like municipal corporations and municipal councils; and
- (ii) Urban local bodies constituted by the state government wherein ten or more persons on a casual or contractual basis or both are employed for wages on any day of the preceding 12 (Twelve) months.....[Scan QR to read more.](#)



WORKING FOR A LONG PERIOD ON A CONTRACTUAL BASIS DOES NOT CREATE A RIGHT FOR REGULARIZATION

In the case of Ganesh Digamber Jambhrunkar v. The State of Maharashtra & Ors., the Supreme Court of India ruled by ruling dated September 12, 2023, that working for a long time on a contractual basis does not confer any vested legal right for regularisation in service. The appellant's claim was previously dismissed by the Bombay High Court, primarily on the grounds that they lacked the authority to request regularisation of their service. In the current case, the Apex Court issued an order dismissing the appellant's claim and declaring that long-term employment does not give rise to a legitimate claim for regularisation of services.....[Scan QR to read more.](#)



GOVERNMENT OF WEST BENGAL ISSUES GUIDELINES FOR BONUS DUES TO WORKERS FOR DURGA PUJA

The Labour Department of the Government of West Bengal, vide notification dated September 15, 2023, issued guidelines under the Payment of Bonus Act, 1965 for bonus dues to workers for Durga Puja, 2023. The aforementioned notification states:

- (i) The rate of bonus payable shall not be less than the bonus paid last year. Employers may also consider payment of an amount of ex-gratia in lieu of bonus as is admissible at the maximum stage, to workmen and employees who have crossed the eligibility limit.
- (ii) All employees that have worked for at least 30 (Thirty) days in the previous year should be paid bonus and employers that have defaulted in the payment of bonus in the previous years, may make these payments in the present year along with the bonus for this year.
- (iii) Trade unions and employers' organisations are requested to cooperate in the peaceful and effective settlement of disputes concerning the payment of bonuses to avoid disruption of work.
- (iv) All payments of bonuses should be completed by October 6, 2023, and employers are expected to pay bonuses to persons who are employed in the unorganized sector and not covered under the Payment of Bonus Act, 1965.....[Scan QR to read more.](#)



APPEAL FROM THE WORKER'S COMPENSATION COMMISSION CAN BE ENTERTAINED ONLY IF THERE IS A SUBSTANTIAL QUESTION OF LAW

In the Fulmati Dhram dev Yadav v. New India Assurance Co. case, the Supreme Court of India observed, among other things, that an appeal under the Workmen's Compensation Act, 1923 is only permitted to address important legal issues in its ruling dated September 4, 2023. In that instance, an employee passed away as a result of an accident while performing their job. The commissioner, who was appointed in Bhuj, Uttar Pradesh, in accordance with the Workmen's Compensation Act of 1923, has instructed the insurer, or respondent, to provide INR 3,94,120 (Rupees Three Lakhs Ninety-Four Thousand One Hundred Twenty) as compensation. Nevertheless, the Gujarat High Court overturned the Commissioner's order, citing the fact that the deceased had neither been employed by the employer nor suffered any injuries at the time of the incident. The mother and wife of the employee appealed to the Indian Supreme Court.



The Supreme Court of India acknowledged that some elements indicate the deceased individual was listed on the employer's roster even though it granted the appeal. Additionally, it stated that laws must be construed favourably in order to promote social welfare and that appeals under the Workmen's Compensation Act of 1923 should only address significant legal issues. As a result, the Gujarat High Court's ruling was overturned, and the appellants received compensation.....[Scan QR to read more.](#)

THE PUNJAB GOVERNMENT EXEMPTS ALL FACTORIES FROM CERTAIN PROVISIONS OF THE FACTORIES ACT, 1948

The Department of Labour, Punjab Government, vide notification dated September 20, 2023, has exempted all the factories from the application of multiple provisions under the Factories Act, 1948. The aforesaid notification exempts the application of Section 51 (weekly hours), Section 52 (weekly holidays), Section 54 (daily hours) and Section 56 (spread over) of the aforesaid act, subject to certain conditions described herein: (i) The total number of hours in a day shall not exceed 12 (Twelve), and the spread over inclusive of intervals shall not exceed 13 (Thirteen) hours in a day. (ii) The total number of hours in a week shall not exceed 60 (Sixty). (iii) No worker shall work overtime at a stretch for more than 7 (Seven) days, and total overtime hours shall not exceed 115 (One Hundred Fifteen). (iv) Minimum wages for overtime shall be paid to workers as per Section 59 of the Factories Act, 1948 along with the wages under the Minimum Wages Act, 1948 and the Punjab Minimum Wages Rules, 1950.....[Scan QR to read more.](#)



INTERNATIONAL LABOUR LAW NEWS

ILO MYANMAR COMMISSION OF INQUIRY FINDS FAR-REACHING VIOLATIONS OF FREEDOM OF ASSOCIATION AND FORCED LABOUR CONVENTIONS

The International Labour Organization's Commission of Inquiry for Myanmar, has concluded that the actions taken by the military authorities since February 2021 have resulted in far-reaching restrictions on the exercise of basic civil liberties and trade union rights, as well as in the incapacity of trade unionists to engage in trade union activities. Such actions violate Myanmar's obligations under the Freedom of Association and Protection of the Right to Organise Convention, 1948. The Commission also found that Myanmar did not comply with its obligations under the Forced Labour Convention, 1930. Since the military continues to exact different types of forced labour in the context of armed conflict. It also said there is a lack of adequate enforcement of the prohibition of forced or compulsory labour. Report urged the Myanmar military authorities to take "immediate action, so as to stop egregious violations of the two Conventions and prevent further abuses.....[Scan QR to Read more.](#)



ITALY RENEWS ITS COMMITMENT TO THE PROMOTION OF OCCUPATIONAL SAFETY AND HEALTH

Italy is the 79th country in the world to have ratified Convention No. 155, the 19th country to have ratified the 2002 Protocol to Convention No. 155, and the 62nd country to have ratified Convention No. 187. In depositing the instruments of ratification, Ambassador Vincenzo Grassi, Permanent Representative of Italy in Geneva, stated: "These conventions, which are the result of significant tripartite efforts, are fully consistent with our national commitment to ensuring that every worker, in our country and beyond our borders, enjoys safe and healthy working conditions, thereby contributing to the overall development of the global society. By ratifying these conventions, Italy reaffirms its dedication to ILO values and to international labour standards and principles. I would like to express Italy's gratitude to the International Labour Organization for its tireless efforts in promoting social dialogue and in shaping a future where decent work and social justice are a shared achievement. We look forward to the continued cooperation, in the spirit of social dialogue, in the pursuit of safer and healthier workplaces for all.....[Scan QR to read more.](#)



ILO DIRECTOR-GENERAL CALLS FOR GREATER INTERNATIONAL FINANCIAL SUPPORT FOR CRITICAL SOCIAL NEEDS IN DEVELOPING COUNTRIES UNDER FISCAL STRESS

In statements to the World Bank and International Monetary Fund Annual Meetings, the ILO's Director-General underlined the importance of helping debt-distressed developing countries to support social protection and decent work. Gilbert F. Houngbo, stressed that more needs to be done to address developing countries' limited financial resources by pursuing additional debt restructuring and relief and global financial system reform. He added that in low- and middle-income countries the ILO does not foresee rapid improvements in employment before 2025. "The fiscal position of low-income countries requires particular attention as the tightening of monetary policies in advanced economies is severely impacting their external balances and increasing their debt vulnerabilities. This, combined with surges in food and energy prices, considerably narrows the scope for governments' spending in sustainable investments and in social protection," Houngbo told the World Bank Development Committee.....[Scan QR to read more.](#)



NORWAY RATIFIES THE ILO CONVENTION ON VIOLENCE AND HARASSMENT

On 6 October 2023, Norway deposited the instrument of ratification of the Violence and Harassment Convention, 2019 with the Director-General of the ILO. By submitting the instrument of ratification, Norway becomes the 33rd country in the world to ratify Convention No. 190. It is a landmark instrument. It is the first international labour standard to address violence and harassment in the world of work. Together with Recommendation No. 206, it provides a common framework for action and a unique opportunity to shape a future of work based on dignity and respect.....[Scan QR to read more.](#)



ILO WELCOMES NEW GLOBAL MEASURES ADDRESSING WORKPLACE HAZARDOUS CHEMICALS

The International Labour Organization (ILO) has welcomed the adoption of a new Global Framework, created to reduce environmental and health risks from chemicals and waste. The Global Framework on Chemicals , which is backed up by a High-Level Declaration, sets concrete targets and guidelines across the lifecycle of chemicals, including the phasing out of some of the most harmful.



Since 2006, the ILO, and its constituents – workers' and employers' organizations as well as governments – have played a part in shaping the Global Framework and have worked to manage the use of hazardous chemicals in the working environment. Twenty-two international labour standards cover the management of these hazards.....[Scan QR to read more.](#)

ILO PROMOTES GENDER MAINSTREAMING IN TRADE AGREEMENTS BEFORE THE EUROPEAN PARLIAMENT

The ILO Deputy Regional Director for Africa addressed the European Parliament's Committee on International Trade (INTA) to discuss the impact of horizontal trade policies on gender. He suggested initiatives to reconcile international trade agreements and women's economic empowerment. According to an estimate by the African Development Bank, in 2019, the Africa Gender Index (AGI) averaged 48.62% on the continent. This index combines economic, social, and political-institutional participation dimensions on a scale of 0 to 1, with 100% being parity between women and men. The low equality score indicates the urgent nature of considering gender equality as a fundamental issue in development initiatives. In the context of its Gender Equality Week, the Parliament called for concrete recommendations to integrate the gender dimension into all EU trade agreements. During the debate, the ILO highlighted the multiplication of job opportunities in Africa thanks to international trade agreements. However, as the Parliament's own studies have shown, the effects of these agreements have a differentiated impact on men and women.



On the African continent, women face serious systemic problems that international trade agreements fail to reverse. Indeed, the informal economy accounts for 80% of employment in most African countries, a sector in which the majority of women work. Furthermore, women lack training, have limited access to resources and decision-making processes (financing, information, time, negotiations, etc.), and are often employed in jobs with precarious working conditions. Women also represent an important share of migrants, refugees, displaced persons and asylum seekers. Moreover, many children on the continent are forced to work.

Agossou also highlighted international initiatives like the ILO's Better Work and VZF (Vision Zero Fund) programs which have had many positive effects on strengthening women's ability to control their incomes and make their voices heard within the household in countries such as Madagascar, Ethiopia, Kenya and Lesotho.

Based on the synergy between EU and ILO objectives, the Deputy Regional Director recommended that the EU encourage capacity-building for women to participate in the formulation of trade policies and agreements, and the creation of cooperatives aimed at empowering women.....[Scan QR to read more.](#)

STATISTICIANS ADOPT NEW STANDARDS ON MEASURING INFORMAL EMPLOYMENT

The 21st International Conference of Labour Statisticians (ICLS) has adopted new standards on the informal economy that will enable countries to collect better data and make better policies for workers employed in the informal economy. The resolution was passed at the centennial ICLS, held at the headquarters of the International Labour Organization (ILO) in Geneva, Switzerland, between 11-20 October. Two billion people worldwide work in the informal economy, often with no labour protections or social security coverage and in poor working conditions. Yet, little is known about these workers and their circumstances, hampering the ability of governments to develop targeted policies or track policy effectiveness.



The new standards will provide an extensive range of definitions of key concepts, enabling the generation of high-quality information while allowing some flexibility to reflect different realities in the systems and laws of countries. The standards cover working conditions and other characteristics of work. They will also be relevant to unpaid work other than employment, such as volunteer work and subsistence farming.....[Scan QR to read more](#)

NORTH MACEDONIA RATIFIES THE LABOUR STATISTICS CONVENTION AND THE VIOLENCE AND HARASSMENT CONVENTION

On 20 October 2023, the Republic of North Macedonia deposited the instruments of ratification of the Labour Statistics Convention, 1985 (No. 160) and the Violence and Harassment Convention, 2019 (No. 190) with the Director-General of the ILO. By submitting these instruments of ratification, the Republic of North Macedonia becomes the 52nd ILO member State to ratify Convention No. 160, and the 35th to ratify Convention No. 190.

Convention No. 160 is a landmark instrument for the establishment of modern and integrated systems of labour statistics. Together with its accompanying Recommendation No. 170, Convention No. 160 provides the elements necessary to describe, understand, analyse and plan the many and complex dimensions of the modern economy and of society in general. The Convention addresses the needs of both developed and developing countries and incorporates principles of flexibility and progressivity, permitting member States to accept its provisions incrementally. Importantly, ratifying States commit to sharing labour statistics collected under the Convention with the ILO, thus allowing for the compilation of world-scale data and identification of global trends.



Convention No. 190, together with Recommendation No. 206, is the first international labour standard to address violence and harassment in the world of work. It provides a common framework for action and a unique opportunity to shape a future of work based on dignity and respect. These instruments will be key to achieve the objectives set by the ILO Centenary Declaration on the Future of Work, adopted in 2019, that clearly commits to a world of work free from violence and harassment, and more recently, and by the ILO's Global call to action for a human-centred recovery from the COVID-19 crisis that is inclusive, sustainable and resilient.....[Scan QR to read more.](#)

UZBEKISTAN IDENTIFIES NATIONAL PRIORITIES FOR THE IMPLEMENTATION OF THE GLOBAL ACCELERATOR

Following a series of high-level meetings between ten government ministries, social partners, civil society and key national stakeholders, the strong consensus was that the Global Accelerator is timely and relevant and has a strong potential to accelerate Uzbekistan's strategy 2030 to create decent work for all, extend social protection and promote just transitions. The government of Uzbekistan identified several preliminary priority areas, including job creation and the extension of social protection to workers and their families in rural areas, capacity building of national social protection and employment institutions, digitalization, investments in the energy sector in the context of the green transition, the transition to formality and investment in the care economy, among others.....[Scan QR to read more.](#)



PUBLICATIONS: ARTICLES

Fertility and Labor Supply Responses to Child Allowances: The Introduction of Means-Tested Benefits in France

-Nelly Elmallakh



This article examines fertility and labor supply responses to a 2014 French policy reform that consisted of conditioning the amount of child allowances on household income. Employing regression discontinuity design and French administrative income data, I find that restricting family allowance eligibility criteria decreases fertility among the richest households. The results also highlight that receiving half the amount of the allowances or none leads to an increase in both male and female labor supply through an increase in overtime work. The implied change in earned income, due to an increase in weekly working hours, is found to be comparable to the euro value reduction in benefits. Auxiliary regression analyses show that the fertility decline reflects a decrease in the probability of having an additional child for parents rather than in the probability of becoming parents for households without children....[Scan QR to read more.](#)

Source: *JSTOR*

Redundancy – Suitable Alternative Employment?

-Liz Stevens



The EAT has dismissed the Trust's appeal, upholding the tribunal's decision. The question of whether an employee is reasonable in refusing an offer of suitable alternative employment must be considered from the employee's point of view. It is a subjective test. The employees had genuinely perceived that the new roles had involved a loss of status, even though they were mistaken. This meant that their refusal of the alternative employment was not unreasonable, so they were entitled to receive a redundancy payment.

The Birketts view

The legislation requires a two-stage test: (1) is the new job (objectively) a suitable alternative, and if so, (2) has the employee (subjectively) unreasonably refused it? If the answer to both is yes, the employee will lose their entitlement to a statutory redundancy payment. It may also have implications for the employee's entitlement to receive any enhanced redundancy payment if this is dependent on receipt of a statutory payment....[Scan QR to read more.](#)

Source: *Mondaq*

Implementing The 'Transparent And Predictable Working Conditions' Directive Across Europe

-Alexander Ulrich



EU Member States had until 1 August 2022 to implement the EU Transparent and Predictable Working Conditions Directive. Our quick-view map shows the status of implementation of the Directive across EU jurisdictions, plus some others that are not in the EU, but geographically close by.....[Scan QR to read more.](#)

Source: *Mondaq*

Implementing The Work-Life Balance Directive Across Europe

-Alexander Ulrich



EU Member States had until 2 August 2022 to implement the EU Work-Life Balance for Parents and Carers Directive. Our quick-view map shows the status of implementation of the Directive across EU jurisdictions, plus some others that are not in the EU, but geographically close by....[Scan QR to read more.](#)

Source: *Mondaq*





Secret Recordings Revealed At Hearing Gave Employer Just Cause To Terminate -Mike MacLellan



Two key principles emerged from the British Columbia Court of Appeal in one recent wrongful dismissal decision.

1. Surreptitious recording of conversations in the workplace can lead to just cause for termination; and
2. Evidence that only came to light post-termination, can be relied on to establish just cause to terminate employment if the misconduct discovered discloses a basis for just cause that existed at the time of the termination. This is known as "after-acquired cause".

This is a rarely argued position, but in *Shalagin v. Mercer Celgar Limited Partnership*, the British Columbia Court of Appeal upheld the trial judge's decision that the employer had established after-acquired cause for termination when it was revealed that the employee had been making surreptitious recordings of private meetings during his employment.....[Scan QR to read more.](#)

Source: [Mondaq](#)

What Is Equal Employment Opportunity? -John Bui



Equal employment opportunity is a concept that states everyone should have equal access to employment opportunities. This means that employers must not discriminate against the job applicant based on any of their personal attributes. Attributes may include race, sexual orientation, gender or ethnicity, for instance. Even sexual harassment in the workplace is a serious issue that needs to be addressed.

This is an extremely important concept as it ensures that everybody has the access to same opportunities. It is an important principal in any egalitarian society. In this article, we will explore some key points in relation to equal employment opportunity in Australia.

Within the context of employment law, there are important legislations across various states of Australia that ensure equal employment opportunity policy for employment. Anti-discrimination laws also protect people from facing ill-treatment in workplaces due to some personal attributes. These includes laws like Australian Human Rights Commission Act (1986), and Sex Discrimination Act (1984).....[Scan QR to read more.](#)

Source: [Mondaq](#)

How To Prepare For California's New Workplace Violence Prevention Law

- Michele H. Gehrke , Benjamin H. Patton , Mary M. Balaster



On September 30, 2023, California Governor Gavin Newsom signed SB-553 into law. SB-553 is the nation's first workplace violence prevention law. The law adds a new section 6401.9 to the California Labor Code, which will be implemented by Cal/OSHA. The new law requires that employers an effective plan aimed at preventing workplace violence in place by July 1, 2024. The plan may be incorporated into an existing Injury, Illness, and Prevention Plan and does not apply to workers teleworking form a location of the employee's choice or employers already regulated by existing standards for the healthcare industry. California Code of Civil Procedure section 527.8 was also amended to allow employers to seek restraining orders to prevent workplace violence where necessary.....[Scan QR to read more.](#)

Source: [Mondaq](#)



Why the Lewis Model on labour and industrialisation has worked in China, not in India

-Mike MacLellan



In 1954, the Saint Lucian economist William Arthur Lewis wrote on the enormous industrialisation possibilities for underdeveloped countries having an unlimited supply of labour available at subsistence wages. The marginal productivity of such labour, engaged in sectors such as agriculture, was “negligible, zero, or even negative”: Their withdrawal from farms would, far from reducing agricultural output, make the existing holdings more viable and amenable to productivity-enhancing mechanisation.

Lewis’ influential essay (‘Economic Development with Unlimited Supplies of Labour’) argued that an expanding manufacturing (“capitalist”) sector could absorb much of the surplus labour in agriculture and other “subsistence” sectors. All it had to do was pay wages just high enough to make men leave the family farm. So long as the higher subsistence wage levels matched the value of the additional output that was produced, the factories would keep hiring workers. In this situation, “new industries can be created, or old industries expanded, without limit”.

For Lewis – his work won him the Economics Nobel Prize in 1979 – industrialisation was a virtual inevitability for countries with surplus labour populations; he specifically mentioned India. The only bottlenecks to this seamless transfer of labour from farms to factories were “capital and natural resources”, which these countries lacked relative to their populations.....[Scan QR to read more.](#)

Source: [Indian Express](#)

Mental health and the floundering informal worker

-Neethi P



The theme of World Mental Health Day (October 10) this year is ‘mental health as a universal human right’. A segment often overlooked when it concerns mental health is the informal worker. A study by the International Labour Organization (ILO) says that 15% of working-age adults, globally, live with a mental disorder. On one hand, decent work influences mental health in a positive way while on the other, unemployment, or unstable or precarious employment, workplace discrimination, or poor and particularly unsafe working environments, can all pose a risk to a worker’s mental health. Workers in low-paid, unrewarding or insecure jobs, or working in isolation, are more likely to be exposed to psychosocial risks, thus compromising their mental health.

India’s informal workforce accounts for more than 90% of the working population. These workers often operate without regulatory protection, work in unsafe working environments, endure long hours, have little access to social or financial protections, suffer high uncertainty and deep precarity, and face discrimination — all of which further undermine mental health and limit access to mental health care.

Gender disparities are also stark, with over 95% of India’s working women engaged in informal, low-paying, and precarious employment, often without social protection, in addition to suffering patriarchal structures and practices in their social and familial spaces.....[Scan QR to read more.](#)

Source: [Mondaq](#)



Termination Of Employment In India

-Kumar Panda



In India, workforce is technically categorised as 'workmen' and 'non-workmen/employees'. Workmen are typically those who work on the shopfloor in a manufacturing set-up and do not involve someone who are undertaking supervisory or managerial function. With a view to avoid exploitation of workmen, certain statutory protections under the Indian labour laws have been provided concerning termination and conditions of work of workmen. The conditions for employment of non-workmen/ employees are generally governed by the employment contract and the policies adopted by the employer.

Termination of employees/ workmen is of two types:

- termination simpliciter or termination for convenience.
- termination as a punitive action on account of misconduct.

A person qualifying as a workman can be terminated for convenience only in accordance with the procedure laid down under the Industrial Disputes Act, 1947 ('ID Act'). The ID Act specifies the notice requirement of at least a month or pay in lieu thereof to terminate a workman who has completed a service of at least one year (i.e., 240 days) of service along with payment of retrenchment compensation which is 15 days' pay for every completed year of service.....[Scan QR to read more.](#)

Source: [Mondaq](#)

National Workshop On Development In Labour Laws On Social Security, Occupational Safety, Health And Working Conditions

-Frances Flanagan



The National Law Institute University, Bhopal (NLIU), was established by the Rashtriya Vidhi Sansthan Vishwavidyalaya Adhinyam, by Act No. 41 of 1997 enacted by the Madhya Pradesh State Legislature. NLIU is recognized by the University Grants Commission and the Bar Council of India. The university was established to fill the gap and provide modern legal education through.....[Scan QR to read more.](#)

Source: [Live Law](#)

Can employers pay their employees a commission or piece rates in NZ?

-Louise Miao



As an employer, you would know that rewarding your employees for their work while maximising their productivity is a constant balance. Providing commission or piece rates is one method of ensuring that your employees stay motivated. Put simply, a piece rate is a form of commission where you pay an employee for the 'pieces' they have worked on. Nevertheless, you must pay your workers adequately to avoid underpayment. It summarises whether piece rates or commissions suit your business and your employees....[Scan QR to read more.](#)

Source: [Mondaq](#)

Washington State To Raise Minimum Wage And Exempt Salary Threshold In 2024

-Adam T. Pankratz , Kathryn P. Fletcher and Emma A. Healey



Effective January 1, 2024, the minimum wage rate in Washington State will increase to \$16.28 per hour for employees sixteen years of age and older, the Washington State Department of Labor and Industries announced on September 29, 2023. Employees fourteen to fifteen years of age must earn at least \$13.84 per hour in 2024.....[Scan QR to read more.](#)

Source: [Mondaq](#)

PUBLICATIONS: REPORTS AND BOOKS

A global fund for social protection. Lessons from the diverse experiences of global health, agriculture and climate funds

The recent social, ecological and economic crises have not only revealed the gaps in social protection systems across the world, but also drawn global attention to the ways in which international financial architectures have failed to support the development of universal social protection systems and floors. Within this context, this paper examines the idea of a global fund for social protection which has emerged as a potential solution to these structural failings. By drawing on the experiences of seven global funds across the health, climate, and agriculture sectors, the aim of this working paper is to identify key lessons that can guide the possible implementation of a prospective global fund for social protection. Through a careful analysis of the governance structures, norms and standards of these funds, the paper makes certain recommendations to be taken into consideration if a global fund for social protection is to be developed and implemented in the future.



Type:	Working paper
Date issued:	06 October 2023
Reference:	9789220397893 (print)[ISBN] 9789220397909 (web pdf)[ISBN] 9789220397916 (epub)[ISBN] 9789220397923 (mobi)[ISBN] 9789220397930 (html)[ISBN] 2708-3438[ISSN]
Authors:	Nicola Yeates, Chris Holden, Roosa Lambin, Carolyn Snell, Nabila Idris, Sophie Mackinder

Making Sense of Recent Developments in the Indian Labour Market

The Ministry of Statistics, Planning and Implementation recently released the Annual Report of the Periodic Labour Force Survey (PLFS) (June 2022–July 2023). With the PLFS reporting the highest workforce participation rate (WPR) and the lowest unemployment rate (UR) in the last six years, most of the mainstream press reported an improvement in the Indian labour market. However, a rising WPR and falling UR need not necessarily be good indicators in themselves. It is important to look at what kinds of jobs have been created and if average earnings have gone up over time.

Renewable Energy and Jobs: Annual Review 2023

This tenth edition of Renewable energy and jobs: Annual review by the International Renewable Energy Agency (IRENA) in collaboration with the International Labour Organization (ILO) offers the latest set of global renewable energy employment estimates, which are based on IRENA's own methodologies and calculations, as well as a large array of reports published by government agencies, industry associations, non-governmental organizations and academic experts.

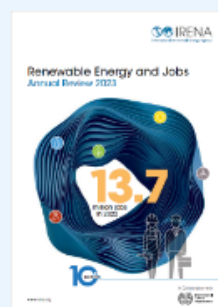
Renewable energy development not only changes the mix of energy sources powering the world's economies, but also creates jobs, builds economic value and enhances human wellbeing. The IRENA Renewable energy and jobs series quantifies current employment in the sector, examining different renewable energy technologies worldwide and in selected individual countries.

The analysis considers a variety of public and private sector policy contexts, including those related to deployment, industrial policy, skill building, labour market measures and others. While available qualitative information about renewable energy jobs, such as education, skill requirements or workforce attributes, remains limited, the series asserts that decent jobs are a must for the energy transition.

This is the tenth edition of the series, and the third produced in collaboration with the International Labour Organization. Following an initial standalone report in 2013, IRENA launched this series to provide regular updates to its assessment of renewable energy employment worldwide. Each edition discusses the latest available data and highlights specific aspects, such as employment in the energy access context, the gender equity dimension or the requirements of a just transition.

Link for the pdf file of this Report: https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/publication/wcms_895772.pdf

Type:	Report
Date issued:	28 September 2023
Reference:	978-92-9260-552-0[ISBN]



Scan QR for the link

International Workplace Discrimination Law

About the Authors:

Joseph Carby-Hall, Aneta Tyc, Zbigniew Goral

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Zbigniew Goral is Professor of Law; he retired in 2021 from the University of Lodz, Poland.

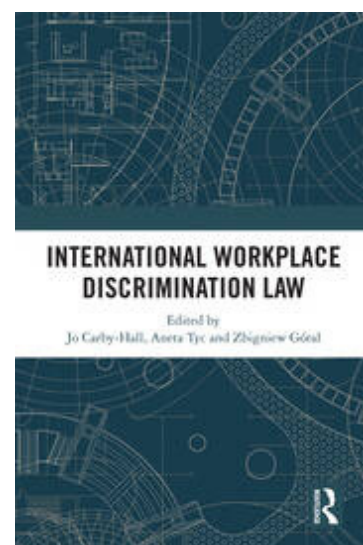
About the Book:

With contributions from top legal scholars, this edited collection provides an international overview of the most up-to-date issues and new trends in law regarding employment discrimination in different countries. Confronting the US, the UK, and Japan on the one hand, with the EU jurisdictions, namely Italy, France, Spain, Greece, Hungary, Slovak Republic and the Czech Republic on the other hand, this book pays special attention to the most significant changes to law in these countries and ongoing challenges they face.

The monograph is complementary to a former one entitled "Discrimination and Employment Law: International Legal Perspectives", Joseph Carby-Hall, Zbigniew Góral and Aneta Tyc (eds.), Routledge 2023, and at the same time works as a separate volume. Adopting a problem-solving approach, this monograph offers an in-depth analysis of both anti-discrimination statutory law and of a growing and still developing corpus of case law. This book will appeal to students, academics and practitioners working in the field of labour and employment law, anti-discrimination law and human rights law, as well as to employers, employees, trade unions, the ETUC, the ILO, and policy-makers from all over the world.



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Routledge
ISBN: 9781003437970

Edition	1st Edition
First Published	2023
eBook Published	20 October 2023
Pub. Location	London
Imprint	Routledge
DOI	https://doi.org/10.4324/9781003437970
Pages	328
eBook ISBN	9781003437970

CONFERENCES/WORKSHOP/FELLOWSHIPS

CONFERENCES/ WORKSHOPS

1. AI and Employment Law

About the Event: The 2023 edition of the international conference organized by ADAPT's International School of Higher Education in Labour and Industrial Relations aims to bring together academics to investigate the different aspects that affect today's meaning of work for people and their identity. A comparative and interdisciplinary approach will be implemented, in order to address the relevant issues from a broader perspective.

Venue: Centro Congressi Giovanni XXIII, Viale Papa Giovanni XXIII, 106, 24121, Bergamo BG, Italy

Date & time: November 30, 2023 - 09:00 to December 2, 2023 - 17:00

Further Information:

For inquiries, contact us by sending an email to fondazioneadapt@gmail.com.

2. Event: London - Livable Cities Conference

About the Event: In reading livability as an aggregate of forces then, the Livable Cities – London conference, does not see 'the city' as primarily a physical and designed entity. On the contrary, it posits 'the livable city' as a 'construct' involving a plethora of agendas, practices and disciplines. As an inherently interdisciplinary conference it explores cities as both a series of material questions and immaterial phenomena. It critiques the city as an interplay of forces that includes spatial design, politics, sociological trends, cultural tendencies and media representations, as much as it involves economic policy, planning strategy and the provision of public services. By juxtaposing, comparing and sharing work in various fields then, it is expected that a broader and richer picture will emerge at the conference with regards what makes the places we inhabit more, or less, livable.

Abstracts: 05 Dec, 2023 (Round 1) | 10 April, 2024 (Round 2)

Publications:

Journal Special Issue – UCL Press

Book: Cambridge Scholars Publishing

Organizer:

City University of London, AMPS, UCL Press, Cambridge Scholars Publishing

Place: University of London

Dates: 26-28 June, 2024

Venue / Mode: London and virtual

Link: <https://amps-research.com/conference/livable-cities-london/>



CONFERENCES/ WORKSHOPS

3. The 50th anniversary of the European Trade Union Confederation (1973-2023) -Annual Conference of the European Trade Union Institute (ETUI)- Brussels, Belgium, 23rd -24th November 2023

In the framework of the 50th anniversary (1973-2023) of the creation of the European Trade Union Confederation (ETUC), the ETUI (European Trade Union Institute) has launched a history project in 2022 and 2023. To carry out this task the ETUI is promoting a series of activities related to the history and memory of European trade unionism. One of the major aims is to profit from this anniversary to enhance the public knowledge about the history and memory of the ETUC with the creation of a network of researchers working in these topics. To that aim, the ETUI and the European Labor History Network (ELHN)-Working Group on history of European trade unionism are bringing together in a regular manner those scholars from various disciplines who are currently researching about the distant or recent history of European trade unionism in the context of European integration.

We would like, therefore, to invite scholars who would like to contribute to this project with papers derived from their past or present research on this topic. We would like to receive abstracts in English (500 words) for papers (5,000-8,000 words) which would deal in any aspect of the history of the European Trade Union Confederation. We particularly encourage submissions which deal with the action of the ETUC in the context of European integration, but also papers focusing on ETUC's members (national federations or industry federations) in their relationship to the ETUC.

The deadline for submitting abstracts is until 30th May 2023. You will receive an answer as soon as possible after your submission and an invitation to present (in presential or on-line depending on your choice) a first draft paper at the European Trade Union Institute in Brussels. Based on these first versions of the papers, we will be able to organize the panels, suggest potential changes, and decide whether we had a complementary set of papers for a potential publication in this framework. The acceptance of these papers would depend on the scientific originality of the papers and their capacity to unveil novel aspects or periods of the history of the ETUC.

For specific questions about the project or the conference you can contact the two coordinators of this ETUI project. In case of need, the ETUI can contribute to the expenses associated with your participation in the panels dedicated to this project. Claude Roccati (Historical research coordinator of the ETUC 50th Anniversary, European Labor History Network (ELHN)- Working Group History of European Trade Unionism) clauderoccati@orange.fr and Christophe Degryse (Internal coordinator of the ETUC 50th Anniversary, European Trade Union Institute) CDegryse@etui.org

Scan QR for Registration Link



CONFERENCES/ WORKSHOPS

4. How Artificial Intelligence fosters Global inequalities: A Four-Country study on Data Work

The public opinion in North America and Europe is growing aware of the precarious work arrangements and the competition among workers that data labeling activities engender. But much of this work is outsourced to Global South countries with informal economies and less-regulated labor markets, perpetuating colonial-like relationships and global economic dependencies.

This presentation explores the working conditions and socio-demographic profiles of data workers across four low-, middle-, and high-income countries (Venezuela, Madagascar, Brazil, and France). The analysis is based on observations conducted by the DiPLab (Digital Platform Labor) research team from 2020 to 2023. By combining mixed-methods and primary data, we show how historical global inequalities still shape international digital labor and data supply chains.


The event is generously funded by the YAG SER Fund (2022 and 2023) for interdisciplinary research by the University of Groningen and by the Jantina Tammes School of Digital Society, Technology and AI

The panel discussion is composed by researchers involved in panoptiwork.eu

Organisers: Michele Molè, PhD student in Labour Law (m.mole@rug.nl) and Miguel Rudolf-Cibien, Research Master student in Political Philosophy (m.rudolf-cibien@rug.nl).

how AI fosters global inequalities

a four-country study on data work



Prof. Antonio A. Casilli
Télécom Paris - Institut Polytechnique de Paris

20 November 2023 | 15:30
House of Connections | Grote Markt 21 | Groningen
and live streaming

Panel discussion with:
Beryl ter Haar (Law), Tatiana Llaguno Nieves (Philosophy),
Seonok Lee (Minorities & Multilingualism), Wike Been (Sociology),
Femke Cnossen (Economic Geography), George Azzopardi (Computer Science).

Moderator:
Michele Molè

Programme

15.30	Introduction by the Jantina Tammes School & Panoptiwork
15.53	Keynote lecture by prof. Antonio A. Casilli
16.10	Panel discussion with: <ul style="list-style-type: none"> • Beryl ter Haar, Endowed Prof. European & Comparative Labour Law • Tatiana Llaguno Nieves, Postdoc Researcher in Political Philosophy • Seonok Lee, Lecturer Minorities & Multilingualism • Wike Been, Assistant Professor in Sociology of Labour • Femke Cnossen, Assistant Professor in Economic Geography • George Azzopardi, Assistant Professor in Computer Science <p style="margin-top: 5px;">Moderates: Michele Molè, PhD student in Labour law</p>
17.10	Q&A with the participants
17.30	Reception

CONFERENCES/ WORKSHOPS

5. The 20th ETMU Days Conference, 2023

Dates & Place: 29.11.–1.12.2023, University of Jyväskylä, Finland

Structures of Power and Oppression

The 20th Society for the Study of Ethnic Relations and International Migration (ETMU) conference will be organized at the University of Jyväskylä, on November 29 to December 1 2023. A pre-conference event for Ph.D. students as well as the reception for the conference participants will be arranged on the 29th of November.

During the ETMU Days 2023, we aim to shed light on Structures of Power and Oppression by asking questions such as: What do structures of power and oppression consist of? How are they materially, discursively, linguistically, socioculturally, and historically constructed? How have they developed throughout time and space? How can they be made visible? What harm have they caused? Who has benefited from them? How can they be challenged and dismantled? What other structures, processes, or relationships could and should be built instead?

Registration deadlines:

Registration deadline is 15 November, 2023

6. Social dialogue in a time of societal transformation

21st CONFERENCE IN COMMEMORATION OF PROFESSOR MARCO BIAGI

Place: Modena (Italy), 18-19 March 2024

Organizer: Marco Biagi Foundation - University of Modena and Reggio Emilia.

DEADLINES -

Deadline for submission of expressions of interest and abstracts (papers and panels): 1 November 2023. • Deadline for submission of full papers (papers and panels): 24 February 2024.

CONTACTS

Expressions of interest, panel proposals, abstracts, and full papers, as well as requests for information, should be addressed to the e-mail address: marcobiagiconference@unimore.it The first draft of the conference program will be distributed by the end of January 2024. Further information will be posted on the Marco Biagi Foundation website: www.fmb.unimore.it

FELLOWSHIPS

1. Applications Invited for Nieman Visiting Fellowships

The Nieman Visiting Fellowships at Harvard offer short-term research opportunities to individuals interested in working on special projects designed to advance journalism. Since this initiative's inception in 2012, the program has awarded 69 visiting fellowships. In response to the coronavirus pandemic and the movement for racial justice, the Nieman Foundation dedicated the 2021 fellowships to projects that advance racial justice and public health journalism in the U.S. Visiting fellowships take place during the calendar rather than the academic year. Applicants list their preferred start date, the number of weeks requested (no more than 12), and any flexibility regarding dates in the online application. The Nieman Foundation will work with selected fellows to determine a start date. The duration of the fellowship awarded may be shorter than the number of weeks requested. Most fellowships are between four and eight weeks.

All Nieman Fellowship applicants must complete an online application form. Candidates for academic-year fellowships must submit the following information as part of their package: two essays; a professional profile and study plan summary; work samples and three letters of recommendation. Candidates for the Nieman Visiting Fellowships complete a streamlined application that requires only biographical information, a résumé and a project proposal. Questions about the application process may be sent to fellowship program administrator Nicole Arias. International Nieman Fellowship application (for non-U.S. citizens): December 1

2. National Child Rights Research Fellowship 2024 - 25

Child Rights and You (CRY) announces its 13th National Child Rights Research Fellowship 2024-25 and invites applications from interested persons to research various dimensions of child rights. To date, CRY has awarded more than 50 fellowships. CRY is committed to changing the way children experience childhood, by being strategic in our choice of issues, approaches, and utilization of resources to maximize our impact on children. CRY believes in encouraging a community of child rights researchers who will promote and advocate child rights. Through this research fellowship, we seek a combination of formal and informal approaches to explore and discover simple and complex truths about the interplay of culture, ethics, and policies determining childhood.

Eligibility:

- Applicants should be Indians residing in India and above the age of 18 years.
- If your proposal is part of a submission to any academic institution or if you are already receiving funding for the conduct of the research proposed, it will be ineligible for this fellowship.

Submission of Application:

- **Last Date for submission is 30th November, 2023.**
- For Proposal format, CV format, and other information please follow the <https://www.cry.org/ncrrf/> or visit website www.cry.org
- Please E-mail your application to: research@crymail.org

FELLOWSHIPS

3. Applications Invited for the Millennium Fellowship

About the Organization

The United Nations Academic Impact (UNAI) is an initiative that aligns institutions of higher education with the United Nations in supporting and contributing to the realization of United Nations goals and mandates, including the promotion and protection of human rights, access to education, sustainability and conflict resolution. Millennium Campus Network (MCN), Inc., is a global student network advancing the United Nations Sustainable Development Goals. MCN programs convene, challenge, and celebrate student leadership for social impact. The network, celebrating its 10th anniversary, has worked directly with over 5,500 young leaders from 300 universities through its programs.

About the Fellowship

The Millennium Fellowship is a semester-long leadership development program that happens on your campus. The United Nations Academic Impact and MCN are here to elevate your leadership. Access to world-class training, connections, and recognition is just an application away.

Convene: As part of a cohort of 8-20+ Millennium Fellows on your campus, convene to learn from and challenge each other. Millennium Fellows convene at least 8 times during the program.

Challenge: Develop a plan of action for your sessions together. Meet to exchange best practices. And you could think bigger: organizing a campus-wide sustainability initiative or more.

Celebrate: When your Fellowship Campus meets the goals you made for yourselves and completed the Fellowship graduation requirements, you will earn a certificate of recognition from United Nations Academic Impact and Millennium Campus Network.

Eligibility

You must be at least 18 years old, an undergraduate enrolled in a college or university, and in good standing at that academic institution for the duration of the program.

You make a commitment to convene in-person least eight times during the Millennium Fellowship (for 2024 the program will run August 2024 - December 2024) with your Campus Directors and other Fellows on your campus to share best practices and take collective action. Students have to meet on-campus, in-person for the Fellowship sessions. If you miss sessions, this is grounds for expulsion and the forfeiture of your designation as a Millennium Fellow. Campus Directors have additional responsibilities as noted in FAQs section on "Campus Director Applicants."

How to Apply

Class of 2024 applications are now live.

EDITORIAL TEAM



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Dr. Sophy K. J. is Associate Professor of Law at the National Law University Delhi. She is currently the Director of Centre for Labour Law Research and Advocacy (CLLRA). Her areas of research interest are Law relating to Labour and Development, Gender and the Law, Legal History and Anthropology.



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The newsletter titled "Labour Law Insights: Unlocking India's Labor Legal Labyrinth: Insights, Updates, and Analysis" is a comprehensive resource focusing on the intricate landscape of labor law in India. It provides timely updates on legal developments, in-depth analysis of key cases, expert commentary, and answers to common questions, all rooted in Indian legal provisions and case laws. This publication stands as an invaluable resource for scholars, practitioners, and stakeholders seeking profound insights into India's labor legal framework.



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