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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 revitalize Labour Law research in the context of evolving work structures and legal frameworks. The Centre focuses on a 'bottom-up' approach to address livelihood issues and aims to bring about social change and improve the quality of life for the most neglected sections of working people in India through the Rule of Law. The three-tiered team of CLLRA contains Institutional Patrons, an Advisory Board and a Centre Management team under the supervision of Dr. Sophy K.J., Director of CLLRA. The Centre's pedagogy is the use of "Praxis" i.e., 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 grassroots and to specialised scholars from relevant social sciences with a critical mind. The Centre is open to learning and using lessons derived from International standards, Comparative jurisprudence, Constitutional law, Statutory law, case law and experiential learning. CLLRA remains particularly sensitive to deriving 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, 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, inclusive of 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 in today's context when we say 'labour', we must take it to mean the entire 'workforce' in our society. The Centre will strive to study conditions in which all working people can live with dignity. There is an increasing need to study various anti-poverty and social justice measures with labour-related entitlements so that the workforce can access a package of measures which contributes to their enhanced quality of life. The 'Labour Law Insights' newsletter has four primary objectives:

- (i) disseminating legal knowledge by conveying developments in Indian labour laws,
- (ii) elucidating precedent through curated case laws,
- (iii) cultivating awareness about legal rights and safety among the workforce, and
- (iv) fostering scholarly discourse on labour law topics.

The Newsletter commits to providing an informative platform that enhances understanding of labour laws and their profound impact on the Indian labour landscape. Hope you will read and write to us at [cllra@nludelhi.ac.in](mailto:cllra@nludelhi.ac.in) with your feedback.

Best regards,  
**Sophy**



# LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

## LANDMARK LABOUR JUDGEMENTS

### Supreme Court

#### Permanent Status to Workmen

#### TAMIL NADU MEDICAL SERVICES CORPORATION LIMITED V. TAMIL NADU MEDICAL SERVICES CORPORATION EMPLOYEES WELFARE UNION & ANR. 2024 INSC 446

**WORKMEN COULDN'T BE DENIED THE BENEFIT OF PERMANENT STATUS ON THE MERE GROUND THAT THEIR EMPLOYERS ALSO ENGAGED IN CONSTRUCTION ACTIVITIES**

**Facts:** The appellants denied the conferment of permanent status to several workmen despite them fulfilling the requirement of the Tamil Nadu Industrial Establishments (Conferment of Permanent Workmen) Act, 1981. It was contended by the appellants that S. 7 of the Tamil Nadu Shops and Establishments Act, 1947 bars the conferment of permanent status upon those workmen employed in an industrial establishment engaged in the construction of buildings, bridges, roads, canals, dams or other construction work whether structural, mechanical or electrical.

**Judgment:** The Court held that the appellants could not deny permanent status to the workmen if they have worked consecutively for more than 480 days in a period of 24 months in the commercial establishment if it engaged in other activities apart from the construction activities. The Court observed that workmen couldn't be denied the benefit of permanent status on the mere ground that their employers also engaged in construction activities. The appeal was dismissed by the Court and accordingly directed for the regularization for all concerned workmen.

#### Women Reservation

#### SUPREME COURT BAR ASSOCIATION V. BD KAUSHIK, DIARY NO. 13992/2023

**SUPREME COURT PASSED AN ORDER DIRECTING FOR THE IMPLEMENTATION OF A MINIMUM OF 1/3RD WOMEN'S RESERVATION**

**Facts:** The Supreme Court passed an order directing for the implementation of a minimum of 1/3rd women's reservation in the posts of the Supreme Court Bar Association.

**Judgment:** The Court further clarified that its order was only on an "experimental basis" and would be applied in the upcoming elections. It was also ordered for the constitution of an election committee that would oversee the election. The Court observed that the SCBA is a premier institution and cannot remain static, and underscored the need for timely reforms. The Court also passed directions to the SCBA to call for suggestions from the bar for further reforming the association.



### Discrimination in Recruitment

## IN RE RECRUITMENT OF VISUALLY IMPAIRED IN JUDICIAL SERVICES SMW(C) NO. 2/2024

**Facts:** The Court was hearing a suo-motu matter regarding a rule in the Madhya Pradesh judicial services that excludes visually impaired and no-vision candidates from seeking appointment to judicial services.

**Judgment:** As an interim relief, the Court passed an order that the candidates of various disabilities who appeared for the final examination will be allowed to appear for an interview if they have secured minimum marks as provided for the SC/ST candidates. The Court noted that such discrimination would contradict the principles laid down in the Rights of Persons with Disabilities Act, 2016. The Court noted that such interim direction would be subject to the outcome of the proceedings.

**EXCLUSION OF VISUALLY IMPAIRED FROM SEEKING APPOINTMENT TO JUDICIAL SERVICES AMOUNTS TO DISCRIMINATION & CONTRADICTS RPWD ACT 2016**

### Liability for the conduct of Employee

## LEELAWATI DEVI & ANR. V. DISTRICT COOPERATIVE BANK LTD. CIVIL APPEAL NO.6564/2023

**Facts:** The customer of a bank raised a consumer dispute about how the bank had wrongly prevented them from withdrawing their money, due to fraud committed by the bank officials.

**Judgment:** The Supreme Court held that the recipients of a fixed deposit cannot suffer at the cost of criminal conduct at the hands of bank officials, and in such an event the Bank would be held vicariously liable for the conduct of their employees. The appeal was allowed and directed the Bank to pay damage.

**BANK WOULD BE HELD VICARIOUSLY LIABLE FOR THE CONDUCT OF THEIR EMPLOYEES**

### HRA by Govt Employee

## R.K. MUNSHI V. UNION TERRITORY OF JAMMU & KASHMIR AND ORS. SLP(CIVIL) NO(S). 43 OF 2022

**Facts:** The appellant was employed with the J&K police force who was superannuated from his service and subsequently received a communication regarding the recovery of outstanding House Rent Allowance (HRA). The notice was issued because the appellant was availing government accommodation that had been granted to his father, who had retired from government service in 1993. The appellant had been drawing HRA at the same time while residing at the house.

**Judgment:** The Court held that a government employee staying in a rent-free accommodation allotted to his father, a retired government servant, could not claim any HRA. The Court noted in cases where a family member has multiple members working for the government and they live together, only one of them can receive housing allowance and not each member. The Court set aside the appeal and ordered for the recovery of the HRA amount.

**FAMILY MEMBERS WHO LIVE TOGETHER AND MULTIPLE MEMBERS ARE GOVT. SERVANT THEN ONLY ONE CAN CLAIM HRA**

### Maintainability of Writs after Privatization

## R.S. MADIREDDY & ORS V. UNION OF INDIA & ORS. SLP (C) NO(S). 23441-23444 OF 2022

**Facts:** The petitioner were former employees of Air India Ltd. and all were superannuated between 2016 and 2018. In 2014, they filed petitions for alleged stagnation in pay and non-promotion of the employees. In 2021, Air India Ltd. was privatized in its entirety.

**Judgment:** The Supreme Court held that the writ petitions filed by employees against Air India Ltd. would no longer be maintainable due to ALL's subsequent privatization. The Court held that though they were maintainable on the date they were filed, they could not be so after its privatization as it was no longer part of the "State" under Article 12 of the Constitution. The Court dismissed the appeals and denied relief to the workers.

**WRITS MAINTAINABLE ON THE DATE THEY WERE FILED, THEY COULD NOT BE SO AFTER PRIVATIZATION OF PSU'S**

## Discrepancies in Appointment

**SUPREME COURT DIRECTED FOR THE JUDICIAL AUTHORITIES THAT COULD BE APPROACHED BY CANDIDATES OF JUDICIAL SERVICES EXAMINATIONS TO SEEK CLARIFICATION IN CASE OF ANY DOUBT**

### **ABHIMEET SINHA & ORS. V. HIGH COURT OF JUDICATURE AT PATNA & ORS. WRIT PETITION (C) NO. 251 OF 2016**

**Facts:** The petition was filed by 46 unsuccessful candidates who participated in the Bihar district judge examination relating to to strike down a clause in the Bihar judicial rules, which had created discrepancies in their examination and selection.

**Judgment:** The Supreme Court flagged concerns about the absence of a designated authority by the High Courts that could be approached by candidates of judicial services examinations to seek clarification in case of any doubt. By placing reliance on the report of Vidhi Centre for Legal Policy titled "Discretion & Delay- Challenges of Becoming a District & Civil Judge", the Court sought for the establishment of the designated authority for a given recruitment process with clearly defined roles, functions and responsibilities so that candidates can approach such a designated authority to seek clarification in case of any doubts. The Court in the present case directed for the judicial authorities to clear the discrepancies within a specific time period, and further directed for the judgment to be presented to all High Courts in the country to comply with the recommendations.

## Recruitment Process

**SUPREME COURT REPRIMANDED THE WEST BENGAL SCHOOL SERVICE COMMISSION FOR LAPSES IN DATA PRESERVATION OF THE SCANNED IMAGES OF THE OMR SHEETS**

### **RAVIKUMAR DHANSUKHLAL MAHETA & ANR. V. HIGH COURT OF GUJARAT & ORS., WRIT PETITION (CIVIL) NO. 432 OF 2023**

**Facts:** The State of West Bengal filed an SLP before the SC challenging the Calcutta HC's order which invalidated 24,000 teaching and non-teaching jobs that were filled as a result of the 2016 SSC recruitment process. These jobs had come under scrutiny for running a "cash-for-jobs" scam. The West Bengal government argued that such an order created a huge vacuum in the State schools before a new selection process could be completed. They also contended that all the appointments had been invalidated in a cursory manner despite the fact that a number of appointments were lawful.

**Judgment:** The Supreme Court reprimanded the West Bengal School Service Commission for lapses in data preservation of the scanned images of the OMR sheets which were the main source of evidence in the ongoing challenge, and termed it 'systematic fraud'. The Court further modified its earlier interim order protecting the appointments made in pursuance of the alleged West Bengal SSC recruitment scam, stating that those appointees whose appointments are found to be illegal shall be liable to refund their salaries. The Court directed the CBI to continue its probe to determine the officials involved but precluded the agency from taking any coercive steps.

## Promotion

**GOVERNMENT EMPLOYEES CANNOT DEMAND PROMOTION AS A MATTER OF RIGHT AND THAT THE COURT'S INTERVENTION IN PROMOTION POLICIES SHOULD ONLY BE LIMITED**

### **RAVIKUMAR DHANSUKHLAL MAHETA & ANR. V. HIGH COURT OF GUJARAT & ORS., WRIT PETITION (CIVIL) NO. 432 OF 2023**

**Facts:** The petitioners sought to declare the list issued by the Gujarat HC for promotion of civil judges to the cadre District Judges as being violative of Article 14 of the Constitution, as it was in contravention of the principle of 'Merit-cum-seniority', as it was biased unduly in favor of seniority of judges.

**Judgment:** The Supreme Court observed that government employees cannot demand promotion as a matter of right and that the Court's intervention in promotion policies should only be limited when there is a violation of the equality principle under Article 16 of the Constitution. The Court noted that it was up to the authorities to decide the criteria on which promotion was to be based, and thus Court could not enter into a discussion on whether the policy adopted for promotion is suited to select the 'best candidates', unless it violates the principle of equal opportunity under Article 16. The Court thus set aside the appeal and upheld the rules of the Gujarat HC for promotion of judges.

## Advocacy as Noble Service

### CONSUMER COMPLAINT ALLEGING "DEFICIENCY IN SERVICE" AGAINST ADVOCATES WOULD NOT BE MAINTAINABLE UNDER THE CONSUMER PROTECTION ACT

## BAR OF INDIAN LAWYERS THR. ITS PRESIDENT JASBIR SINGH MALIK V. D.K. GANDHI PS NATIONAL INSTITUTE OF COMMUNICABLE DISEASES & ANR., 2024 INSC 410

**Facts:** The appellant was an advocate who had been hired in connection with a criminal case, however disputes arose regarding the advocate's fees. In response, the client raised a dispute in the consumer forum, which held against the appellant. The appellant contended that the services of an advocate did not fall under the provisions of the Consumer Protection Act, 1986.

**Judgment:** The Court held that a consumer complaint alleging "deficiency in service" against advocates would not be maintainable under the Consumer Protection Act. The Court noted that the legal profession was sui generis, i.e. unique in nature and could not be compared with any other profession, since it was not commercial but a noble and service-oriented profession. However, advocates were still fastened with all the traditional duties that agents owe to their principals and could be held liable for the same.

The Court held that the consumer forums would have no jurisdiction in the same and set aside the commission's order.

## High Court

### Delhi High Court

1. Kishor Kumar Makwana v. Union of India & Anr., 2024:DHC:3961-DB - A government employee would be entitled to terminal benefits despite reversion of his pay scale.
2. Kanchanjunga Building Employees Union v. Kanchanjunga Flat Owner's Society & Anr., W.P.(C) 6193/2008 - The burden of proof in establishing an employee-employer relationship rests with the party claiming it.
3. Dr. Shashi Bhushan v. University of Delhi - A candidate in the final selection list does not have an indefeasible right to appointment.

### Madhya Pradesh High Court

1. Rajbhan Dwivedi and Ors. v. The State Of Madhya Pradesh Thr. its Principal Secretary School Education Department and Ors. WP No. 3137 of 2024 - Guest Faculty members of a school may continue their services, but they cannot demand regularization as an inherent right.
2. Managing Director M.P. State Forest Development Corporation v. M.P. State Forest Development Corporation Employees Union, WP No. 3830 of 2015 - Disputes related to promotion and seniority fall within the scope of industrial disputes as defined under Section 2(k) of the Industrial Disputes Act, 1947 and thus fall under the jurisdiction of a labour court.
3. Maharishi Panini Sanskrit Evam Vedic University v. Kumari Rajani Verma Misc. Petition No. 570 of 2021 - Educational institutions are not obligated to conduct formal disciplinary proceedings before terminating temporary workmen.
4. The Factory Manager Rccpl And Anr v. The State Of Madhya Pradesh And Others. WP No. 16946 Of 2021 - An Assistant Labour Commissioner is not competent to decide a complaint filed by an inspector under the Minimum Wages Act, 1948.

### Karnataka High Court

1. Stone Hill Education Foundation v. Union Of India & Ors., WP No.18486 of 2012 (L-PF) - A provision in the Employees Provident Fund Scheme which prescribes an unlimited ceiling for international workers, was declared unconstitutional.
2. The Divisional Controller, KSRTC v. N N Mahadeva, WP No. 55722 of 2017 - The past conduct of a workman must be looked into while passing order of dismissal.



## Gujarat High Court

1. Jetpur Navagadh Municipality v. Pathan Yunus Khan Jamyalkhan, C/LPA/1091/2023 - Reinstatement with back wages is not automatic for illegally terminated workers, and lump sum may be provided instead.
2. Rajkot Municipal Corporation v. Rajeshbhai Ramjibhai Purabiya, C/LPA/414/2024 - A labour court must give the employer an opportunity to be heard before concluding the enquiry.

## Allahabad High Court

1. Sehrun Nisha v. State Of UP And Ors., Writ - A No. - 6402 of 2024 - Gratuity would be payable to a government employee based on his years of service and not on the age at which he retires.
2. Mohd. Asgar Ali v. Union Of India Through Home Secy. and Ors., Writ - A No. - 4562 of 1998 - Allegations of irregularities in disciplinary proceedings must be substantiated with evidence.
3. Ram Pratap Singh v. Union of India & Ors., Special Appeal No. - 345 of 2024 - Qualification conditions of an employee are within the exclusive jurisdiction of employers.
4. Jagran Prakashan Limited v. Shri Krishna Mohan Trivedi & 3 Ors., Special Appeal Defective No. 358 of 2024 - The mere mention of certain sections in the title of an application made to a Labour Court will not determine the jurisdiction of the Court, as the substance of the arguments must be looked into.

## Uttarakhand High Court

1. Naveen Ram v. State of Uttarakhand & Ors., Writ Petition (S/S) No. 662 of 2024 - A labour court's orders cannot be executed via writ before the High Court.

## Bombay High Court

1. Airports Authority of India Workers Union and Anr. v. Under Secretary, Ministry of Labour, Govt. of India and Anr., Writ Petition No. 8744 of 2015 - The HC directed the Airports Authority of India to grant additional maternity benefits to an employee for her third childbirth as her first child was born before she joined service and did not avail the benefits for her second childbirth.
2. Ramadas KS v. TISS & Ors. - A Dalit doctoral candidate from TISS approached the Bombay High Court challenging his suspension for alleged "anti-national activities".
3. Ashok Mallinath Halsangi & Ors. v. State of Maharashtra & Ors. CWP No. 7650 of 2023 - The court should not interpret conditions of a recruitment advertisement contrary to plain language of the same to benefit the employer.
4. Sohail Salim Ansair v. State of Maharashtra 2024 SCC OnLine Bom 1400 - The Bombay HC permitted bail to a life convict to appear for a law entrance examination.
5. Danfoss Systems Ltd. v. Johnson Gomes - Dismissal is a disproportionate punishment for an employee guilty of overwriting reasons of absence on his gate-pass.
6. Bombay Dyeing & Manufacturing Co. Ltd. v. Mr. Yogesh Vinayak Tipre, WP No. 4916 of 2007 - The penalty of dismissal from service is disproportionate for being absent from the place of work for just a few hours.

## Calcutta High Court

1. State of West Bengal v. Kalipada Mondal, MAT 248 of 2016 - Political sufferers are not entitled to the pension scheme for freedom fighters.
2. Badal Kumar Mandal v. Chairman Indian Museum Board Of Trust And Ors. WPO No. 1586/2023 - Recovery of excess payment to an employee due to an erroneous calculation of pay scale cannot be made at the end of service or thereafter.
3. Dr. Tapas Kumar Mandal v. UOI & Ors., WPA No. 24009 of 2019 - An employee has no right to be promoted but has a fundamental right to be considered for promotion.
4. Harendra Nath Bishayi v. State of West Bengal & Ors. WPA. No. 4704 of 2024 - Employees who have not received their withheld pension amounts have the legal right to seek recourse in court, regardless of any delay in doing so.
5. Saurav Krishna Basu v. State of West Bengal, WPST 71 of 2024 - An employer is under legal obligation to ensure no prejudice is caused to an employee in disciplinary proceedings.



6. Paresh Nath Mukherjee v. West Bengal State Warehousing Corporation W.P.O 684 of 2012 - The right to pension cannot be taken away by administrative instruction.

7. M/s. Dalhousie Jute Company v. The State of West Bengal & Ors., WPA 8705 of 2024 - Interruption in service due to an accident would not amount to a break in service for the purpose of S. 2A of the Gratuity Act.

8. Animesh Singha Mahapatra and Ors. v. State of West Bengal and Ors., WPA 20897 of 2013 - Once the process of recruitment starts, no change can be made to the essential qualifications during the recruitment process in the absence of other provisions.

### **Madras High Court**

1. G. Ravichandran v. Tamil Nadu State Transport Corporation (Salem) Ltd. WP Nos. 19396 and 9218 of 2018 - Employees need to fulfill required years of service and practical experience as per the rules for promotion.

2. Pipmate Integrated Staff Welfare Association v. Chief Secretary, Government of Puducherry WP No. 34295 of 2017 - Deductions made under the General Provident Fund scheme do not automatically entitle employees to pension benefits.

3. P. Elilarasan v. The Executive Director, Air India Ltd. & Ors. WP No. 10966 of 2018 - As long as there is a manpower requirement by the employer, the services of the employee ought to be utilized and should not be replaced by any other casual workers.

4. B. Saravanan v. The Commissioner, Adi Dravidar Welfare Commission & Ors. WP (MD). No. 1435 of 2024 - A petitioner's qualifications should not be a barrier to their compassionate appointment.

5. State of Tamil Nadu & Ors v. C. Arnold, W.A (MD)No.479 of 2024 - Application for compassionate appointment can be made even by a minor under the Tamil Nadu Compassionate Appointment Rules, 2023

### **Jharkhand High Court**

1. Devendra Pandey v. The State of Jharkhand & Ors. W.P.(C) No. 3209 of 2022 - The Jharkhand High Court Advocates' Association (JHCAA) concluded its strike following this order staying the debarment of a lawyer.

### **Kerala High Court**

1. Area Manager, Food Corporation of India v. P.T. Rajeevan, MFA (ECC) No. 52 of 2018 - An employee's right to seek treatment from a hospital of choice cannot be curtailed by circulars issued by the employer.

2. The KMML Retired Officers Association v. The State of Kerala, WP(C) No. 10071 of 2016 - Extension of the benefits of better terms of gratuity are to be decided by employer and employee cannot claim it as a right.

3. Sujatha Devi v. The Assistant Labour Officer Paravoor, OP(LC) No. 3837 OF 2012 - An employer who got sufficient opportunity to defend a claim before a labour officer cannot approach high court claiming prejudice.

### **Punjab and Haryana High Court**

1. Gopal Krishan v. State of Punjab and Ors., CWP-17945-1997 (O&M) - Time spent in proceedings before the civil court would not count towards the period of limitation since a workman should not be punished for devoting his time before the wrong forum as usually it is based on some misconception or ill-advice.

### **Gauhati High Court**

1. Binoy Kumar Sinha v. The Asstt. General Manager Admin. State Bank Of India And Ors., WP(C) No. 1331 of 2014 - A daily wager employed by the state without a proper selection process is not entitled to claim protection from retrenchment.

### **Jammu & Kashmir High Court**

1. Mohammad Shafi v. Union Of India, WP(C) No. 2502 of 2022 - Pension is considered as a property under Art. 31(1), and any interference with pension violates the Constitution.

2. Mst. Raja v. State Of J&K, SWP No. 2237 of 2014 - Excess salary paid by the employer due to wrong interpretation of rules cannot be taken back from a retired employee.

3. Mysar Jan v. J&K Handicrafts & Ors., SWP 373/2013 IA(1/2013[600/2013]) - When an employee faces the penalty of withholding increments, it continually affects their salary structure and impacts pension benefits even after retirement.

4. Jasvinder Singh Dua v. UT of J&K, WP (C) 81/2023 - Departmental enquiry cannot be sustained against an employee once an FIR on the same set of allegations has been quashed.

## International Cases

### Discrimination

**EVEN IF A MINOR CONTRIBUTING FACTOR IN AN EMPLOYER'S DECISION IS BASED ON A DISABILITY, IT CAN STILL BE A DISCRIMINATION ARISING OUT OF DISABILITY**

#### **MS N BODIS V LINDFIELD CHRISTIAN CARE HOME LTD. [2024] EAT 65 (UNITED KINGDOM)**

**Court:** Employment Appellate Tribunal, UK

**Facts:** The claimant suffered from anxiety and depression, and was accused by her employer for various incidents at the care home where she worked. She was subjected to an investigation and disciplinary hearing, where she provided evasive and blunt responses, and thus was summarily dismissed. She brought forward a claim contending that her responses during the investigation were due to her mental issues and thus, using it against her was discrimination arising from a disability. The lower tribunal found that the claimant's response had influenced the employer's decision but held that this was not the effective cause of the decisions, which were based on other factors.

**Judgment:** The Tribunal held that to establish liability for discrimination arising from a disability, the unfavorable treatment does not need to be primarily or solely because of the "something arising" from the disability. Instead, it can be a minor component as long as it holds sufficient causal significance. Thus, the Court held that even if a minor contributing factor in an employer's decision is based on a disability, it can still be a discrimination arising out of disability. The Court however still observed that the actual dismissal was a legitimate exercise of authority, and upheld the termination.

### Algorithm & Employment

**ALGORITHM PLAYS A DECISIVE ROLE IN THE COUNSELING PROCESS AND THUS COULD LIMIT JOB SEEKERS' OPPORTUNITIES**

#### **VWGH - RO 2021/04/0010-11 (AUSTRIA)**

**Court:** Supreme Administrative Court of Austria

**Facts:** The public employment service in Austria implemented an algorithm with the specific purpose of assisting counselors by categorizing job seekers based on various factors such as age, education, and employment history, among others. The algorithm's role was not to directly place job seekers into employment but to provide job counseling based on market opportunities. Concerns were raised that the algorithm constituted "automated individual decision-making" under Article 22 of the General Data Protection Regulation of the EU, which restricts decisions made solely on automated processing, including profiling, that produces legal effects on individuals.

**Judgment;** The Court held that the algorithm plays a decisive role in the counseling process and thus could limit job seekers' opportunities based on this categorization. Further, the Court noted the lack of meaningful human involvement and how it could violate Article 22 of the GDPR. It emphasized that any such algorithms must have a clear legal basis under national and EU law, and needed to be coupled with the need for training to use such technologies and to maintain transparency in such processes.



# POLICY AND LEGISLATIVE UPDATES

## EPFO EXTENDS THE ELIGIBILITY LIMIT TO ONE LAKH FOR THE PROCESSING OF AUTO CLAIMS UNDER PARA 68J

With a circular dated April 16, 2024 bearing No. WSU/E-13719/697, EPFO has notified all relevant stakeholders that the Competent Authority has authorized the maximum of auto claim payments under para. 68J (Advance from the fund for illness in certain situations) from INR 50,000/- to INR 1,00,000/-. On April 10, 2024, the same was likewise rolled out in the application software.

## JHARKHAND AMENDS RULE 18 OF THE PAYMENT OF WAGES RULES, 1937

A notification dated March 15, 2024, bearing File No. 02/Shrama.Ka. (PW Act)-01/2015 L&E 563, was released by the Jharkhand government to alter Rule 18 of the 1937 Jharkhand Payment of Wages Rules. It will have immediate effect and become enforceable. Rules 18 have been amended to stipulate that, for any factory where wages have been subject to fines or deductions for contract breaches, loss, or damage, a Form IV return must be sent. This return must reach the Labor Superintendent for other establishments in the relevant jurisdiction, or the Inspector of Factories for factories, no later than February 15 of the following year.

## EPFO CLARIFIES CLAIM SETTLEMENT WITHOUT UAN FOR DEATH CASES

On May 17, 2024, the Employees' Provident Fund Organization (EPFO), which is part of the Government of India's Ministry of Labour & Employment, released a notification on the payment of physical claims in certain situations without a Universal Account Number (UAN). The announcement addresses the difficulties field offices had processing these claims because of problems with Aadhaar authentication, especially in situations involving deaths.

## OFFICE OF THE COMMISSIONER (LABOUR) HAS ISSUED A CLARIFICATION ON DISBURSEMENT OF THE COMPENSATION AMOUNT

The Office of the Commissioner (Labour) has published a clarification that all Commissioners were encouraged to follow the rules outlined in the advice dated 31/01/2023, which is about the disbursement of Compensation Amount under the Employees Compensation Act of 1923. It states that if an appeal is filed against a Commissioner's order within the prescribed time frame, and the management/respondent files an affidavit stating their preference for an appeal, they may request that the amount deposited not be disbursed.

In such circumstances, at least a notification should be made to the responders, providing him at least 15 days before distribution, and asking him why the cash deposited by them should not be distributed. In cases not covered by para 10, compensation may not be given after the restriction period. In all of these Compensation should be given after the 60-day restriction period, with no need for additional show cause notices.

## WEST BENGAL EXTENDS THE DEADLINE TO FILE PROFESSIONAL TAX RETURNS TO 14-5-2024

The West Bengal government has extended the deadline for electronically filing Form III reports under the West Bengal State Tax on Profession, Trades, Callings, and Employments Act 1979 from May 31, 2024, via Memo No. 40/CT/PRO, dated May 14, 2024. The deadline for submitting the return on paper has been extended to June 15, 2024.

## DESK DISPATCHES

# Analysis of Legal Regime Governing the Livelihood of Pakistani Hindu Migrants in India

*Divyansh Bhansali, Research Intern, CLLRA*

### Introduction

India has been home to a large number of refugee populations from different parts of the world since ancient times. Though not a signatory of the 1951 Refugee Convention or its subsequent Protocol, India, since independence, has been providing refuge to many groups migrating from neighboring countries for various reasons such as persecution or otherwise. One such community that has been migrating since the partition is the Pakistani Hindus, who have been crossing the western borders to seek refuge and in search of a better life in India. However, their expectations have largely been shattered without any material improvement in living conditions due to unfavorable laws, lack of institutional and governmental support, and the general discriminatory attitude of bureaucratic apparatus and local residents.

This article presents an analysis of the legal regime governing this migrant population and shows how these laws are unfavorable for them to avail good employment opportunities to earn a sustainable livelihood. This article will highlight the problems in the current laws and how they create hurdles for Pakistani Hindu migrants in improving their socio-economic conditions and push them into the vicious cycles of poverty and poor living conditions. For this purpose, this article is divided into three primary sections. The first section presents a general overview of the conditions of Pakistani Hindus living in India and sets the background for the legal analysis presented in the next section. The second section provides an analysis of the legal regime governing this migrant population which makes it difficult for them to avail good education and work opportunities, to show how this is leading to dire economic consequences for them. The third section provides a few suggestions to improve the present conditions by changing the current laws to make them favorable for the migrants to get good education and working opportunities.

### General Background

Many Hindus decided to stay back in Pakistan after partition for fear of losing businesses or otherwise. However, since independence, the Hindu community in Pakistan has been facing persecution and serious human rights violations leading to a sharp decrease in their population. Many families, in the hope of avoiding this prosecution or getting respite from economic hardships faced in Pakistan, or for a mix of these and other reasons, choose to migrate to India.

They come to India on a tourist or pilgrimage visa and then stay here by obtaining a Long Term Visa (LTV). Currently, most of their settlements are in the border states of Rajasthan, Gujarat, and Delhi.

Many migrants coming to India are daily wage workers or agricultural laborers, who do not have much economic resources and are further faced with economic hardships due to the burden of migration. However, many families also leave behind large swaths of land or lucrative permanent jobs in the hope of a better future but their expectations are shattered once they face the ground realities of their dreamland. A load of paperwork and bureaucratic hurdles has to be surpassed to get LTVs and permits to live. Further, finding a place to live and settle is another major challenge. Many temporary settlements of Pakistani Hindu migrants have sprung up across the border states of Rajasthan, Gujarat, and Delhi. These settlements have varying levels of development, with most lacking even the basic facilities like water and electric supply, toilets, sewerage systems, permanent houses, roads, nearby hospitals and schools, and other facilities.

Most migrants are living below the poverty line and have bare minimum facilities to sustain their families, without any governmental support. They face discrimination on an everyday basis from governmental institutions as well as the general public based on their Pakistani and migrant identity and live in fear of eviction and deportation due to the adverse attitude of authorities. Lower caste migrants also face discrimination based on caste and all these factors make it extremely difficult for them to earn a stable livelihood.

Most of the migrants are illiterate, with very less people having higher educational qualifications. The employment status is also not better than what it was for them in Pakistan, with most people engaged in daily wage casual work, seasonal or other agricultural work, or are self-employed having small grocery or tailoring shops. The rates of unemployment are high in the migrant settlements and those who have work, are also temporarily employed, with bare minimum wages to sustain. The living conditions and employment patterns may vary from settlement to settlement; however, the general conditions are more or less the same as described here.

There are various factors contributing to this poor state of socio-economic conditions of the Pakistani Hindu Migrant community, such as lack of governmental support and care,



apathetic bureaucratic setup, unfavorable and restrictive laws, discriminatory attitude of general public and officials based on caste, nationality, migrant status among other things. The next section undertakes a broad analysis of the legal regime governing the Pakistani Hindu migrants, leading to their poor socio-economic conditions. The main focus of the analysis will be to show, that this regime creates hurdles in accessing better job and educational opportunities.

### **Critical Analysis of the Legal Regime**

There is no national framework for refugees in India, and the different migrant groups are dealt with on an individual basis. Currently, the refugee groups are governed under the Indian Foreigners Act and are not afforded special status or treatment as compared to other foreigners. Most assistance or support provided to these migrant groups is based on the discretion of the government involving various other political considerations.

The biggest legal hurdle faced by Pakistani Hindu Migrants is to acquire citizenship even after fulfilling all the requirements and period for naturalization. The lack of citizenship leads to the denial of a lot many governmental support schemes and aids, and at times becomes a hurdle in acquiring basic minimum facilities. Migrants not having citizenship, and living on LTVs find it difficult to purchase any immovable property as purchase of such property by non-citizens is subject to many bureaucratic approvals which is hard to come by. This closes many options for engaging in self-employment in agriculture or opening small shops of grocery, etc. Further, Pakistani nationals, even if they are living on LTVs, are only allowed to take up employment of a purely private nature excluding Government/semi-government, local bodies, cooperative jobs, etc., and that too only after approval from the state government.

Such onerous conditions make it inevitable for the mostly illiterate migrants to take up lowly paid casual wage work or do agricultural labor for a living. The agricultural labor, most migrants are engaged in, is seasonal in nature and this, further, limits their income. The migrants living on LTV are now allowed to leave the state for which they are given visas, and this acts as a formidable legal barrier in searching for job opportunities outside the place where the migrants settle. This chains them to their place of residence, and makes it impossible to take up work outside to supplement their income, or during the seasons when there is no work in agriculture fields. This bounds them to low-paid wage work and that too erratic and temporary in nature. Also, being non-citizens, they are not extended the benefits of government schemes such as for employment, etc.

Further, migrants who are literate and possess higher educational qualifications, are also restricted in the opportunities available to them. As noted earlier, the migrants on LTVs are not eligible for any governmental job. Also, the

migrant doctors are allowed to do their private practice after obtaining No Objection from the Indian Medical Council and the Home Ministry. However, medical degrees from Pakistani colleges have been made invalid in India and a person holding a degree from Pakistan cannot practice in India unless he is a migrant and has been granted citizenship. This creates a barrier for newly coming migrants who hold medical degrees from Pakistani colleges, but who cannot practice in India until they get citizenship. Livelihood opportunities for the migrants are further limited as they are not allowed to undertake any self-employment/business in any contractual labor work related to the defence establishment, scientific establishment, sensitive organization, Railways, Ministries, etc.

The above-illustrated barriers make it extremely difficult for Pakistani migrants, not having citizenship, to earn a sustainable livelihood. However, their hurdles are not only limited to acquiring jobs, they also face significant barriers to accessing good education opportunities in India.

The migrants' children are allowed to take admissions to schools, colleges, and other educational institutions; however, they require lengthy paperwork and permits and approval from the FROs and other authorities to access these facilities, which often become onerous, time-consuming, and generally frustrating given the bureaucratic apathy and corruption involved. Further, the children of migrants are subject to terms that are generally applicable to foreigners, which often result in higher demands of fees making higher education inaccessible for them.

The school-going children of newly coming migrants also have to suffer the loss of significant schooling years due to paperwork and lengthy approvals. Admission in government and private schools cannot happen without identity cards such as Aadhaar, as all the benefits extended to the migrants are linked to Aadhaar. However, getting an Aadhaar number takes somewhere between one to two years, and during this period, the children are not able to access schooling. This results loss of classes for school-going children in their foundation years and makes it hard for them to restart their schooling.

These legal barriers coupled with other factors such as apathetic and non-responsive bureaucracy and lack of governmental support, result in significant hurdles in accessing good education which in turn affect the livelihood options for the migrants leading them to take up lowly paid jobs to sustain themselves. Not only non-citizens but also the migrants who have acquired citizenship face discrimination and hurdles at various institutional as well as non-institutional levels such as in getting caste certificates, BPL certificates, etc. They also face discrimination in getting jobs because of their identity as Pakistani migrants and are generally looked down upon.

## Suggestions

The above-illustrated legal barriers, coupled with non-legal hurdles, lead to extremely poor socio-economic conditions for Pakistani Hindu migrants. The lack of access to good educational and employment opportunities resulting from the legal barriers are big factor leading to the present conditions of Pakistani Hindu migrants in India, who cross the borders in the hope of a better a prosperous life. The above analysis suggests that there is an imminent need for change in the present laws to remedy the situation and not further marginalize the community that is already running from persecution in the neighboring country.

At the outset, the process for acquiring citizenship for people who have completed all the legal requirements should be made smoother, so that there are no unnecessary delays in the process and migrants need not face harassment at the hands of government officials. Migrant children shall be provided admission in educational institutions at par with normal citizens, without a higher fee structure as applicable to foreigners. For newly coming migrants holding LTVs, the Aadhar allotment process shall be expedited so that children can get admission to the schools without losing significant time. And till the time Aadhaar is allotted, immediate access to schooling shall be provided to newly coming migrant students, by giving them admission based on LTVs they hold, without waiting for Aadhaar allotment.

To improve the working conditions of the community, the migrants shall be allowed to leave the states in which they reside after proper security checks to search for job opportunities in different states. The process for acquiring immovable property shall be made easier for them to engage in self-employed work. Even if opening government job opportunities is not possible for migrants, they shall be provided with the benefits of employment programs run by the government to supplement their incomes. Providing opportunities for literate migrants to engage in private jobs by reducing the bureaucratic hurdles, such as the non-recognition of their educational degrees, can be another way of improving the employment conditions of Pakistani migrants.

**Conclusion:** Changing laws can be a starting point for efforts in the direction of improving the living conditions of the Pakistani Hindu migrant community, which can help them access good education and employment opportunities. These changes can immediately remove certain hurdles faced by migrants currently and help improve the socio-economic conditions of the migrants. The changes in the legal regime as suggested above coupled with improved governmental attention and support, a responsive bureaucracy, and efforts to reduce discrimination shall lead to better living conditions for the migrants and will live up to the expectations that they have while leaving their native place.

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## DESK DISPATCHES

# Standards of working hours and their merits

Arnav, Research Intern, CLLRA

## Introduction

Throughout the world different legal standards exist for the upper limit to how much work one can do in a day, a week, a month etc. The regulation of working time is one of the oldest concerns of labour legislation. Already in the early 19th century it was recognized that working excessive hours posed a danger to workers' health and to their families. The ILO also prescribes a certain number of hours one should work in the Working Hours Act. According to the ILO one can work per shift: no more than 12 hours and per week: no more than 60 hours. Different rules apply over longer periods of time and the aforementioned rules are only for isolated shifts and weeks. The ILO also prescribes standards for rest periods and night shifts.

The standards of work hours however vary immensely from country to country and each has its own rules and regulations. It is to be noted that Africa and Asia have higher working hours compared to countries in Europe.

USA- According to the Fair Labour Standard Act, 1938 employees can work for a maximum of 40 hours a week before they have to paid overtime wages of 1.5 times the original. UK- In the UK work hours are prescribed by the The Working Time Regulations 1998 which state a workers work hours each seven days should not exceed 48 hours including overtime.

Recently the debate on the length of working hours was revived in India by controversial comments regarding the same by prominent businessman and founder of Infosys Narayana Murthy. Mr. NR Narayana Murthy caused immense controversy with his comments regarding working hours in India. He said in a podcast by 3one4capital that the youth should commit to working 70 hours per week to achieve the goal of India becoming a developed country. He advocated an increase in the working hours to boost productivity in the country and bring it on par with the developed world. In an interview to The Economic Times, Murthy said that he himself till 1994, worked over 85 to 90 hours a week. Earlier he also said that india would have to boost productivity to compete with countries such as Japan and China. He cited examples of the hardwork put in by the youth of Germany and Japan after the world war to rebuild their nations economy. Sudha Murty backed her husband's suggestion citing the fact that he believes in passion and "real hard work". His comments elicited many responses both in favour and against his ideas. Murthy's advice also found a mention during the winter session of Parliament. Three Lok Sabha

MPs asked the Narendra Modi government whether it is evaluating the suggestion posed by the Infosys co-founder.

In light of these controversial comments and discussions taking place around the raising of working hours, this blog will attempt to analyse the implications and possible merits of raising working hours. This piece will attempt to understand the consequences of raising work hours on both the productivity and the health of the worker.

## History

A good approach to understanding the unique nuances of this issue is to first look at the history of work hours and work time worldwide. The concept of work hours is almost timeless being that it is just a measure of the number of hours spent working in a day. While the nature of work differed over time periods and geographical locations and is difficult to compile the history of the amount of time spent working is easier to analyse. Taking into account that the nature of the work done today is similar to that done in industrial times, we will in this section only briefly discuss pre industrial working conditions. Since the 1960s, the consensus among anthropologists, historians, and sociologists has been that early hunter-gatherer societies enjoyed more leisure time than is permitted by capitalist and agrarian societies. [1] Aggregated comparisons show that on average the working day was less than five hours. [2] Historically, work activities have been closely related to the hours of light and darkness. Studies have shown that man's body rhythms, like those of animals and plants, are related to light and darkness and follow a circadian pattern. The Industrial Revolution contributed to a significant increase in length of workday in order to fully utilize expensive equipment. The industrial revolution made it possible for a larger segment of the population to work year-round, because this labor was not tied to the season and artificial lighting made it possible to work longer each day. Peasants and farm laborers moved from rural areas to work in urban factories, and working time during the year increased significantly. Long hours of work in industry were a common Phenomenon in the United States and Europe in the nineteenth century. Through the actions of organized labor and legislation, the trend to reduce hours of work resulted in what is now the legal standard of a 40 hour work week, established by the Fair Labor Standards Act of 1938. It is notable however that this "standard" is simply one set by the ILO and is not applicable to all countries. Working hours still do differ significantly from region to region. In the last fifty years, due to a combination of economic and technological



factors, there has been an increasing trend towards multiple shifts per day and continuous operations. The effect of this trend can be seen in a demand for longer work hours in various other sectors. [3] Technology has also continued to improve worker productivity, permitting standards of living to rise as hours decline. Working time in industrialised countries continued to drop as time went on with Netherlands becoming the first country to have their average working hours be even as less as 30 hours.

### Working hours - High or low?

In the recent past there seems to have emerged a divide between industrialised and industrialising countries in terms of working hours. While industrialised countries show a trend of progressing to lower working hours, the working hours in industrialising countries seem to be stagnating or increasing. This difference in approaches begs the question- Are higher or lower working hours beneficial for worker productivity? Studies in the USA show that a consensus is emerging that there has been growing inequality in the distribution of leisure, mirroring the inequality of wages - higher earners have experienced a loss of leisure time.

The first step to understand this polarisation of working hours is to find out how work hours are determined in the first place. The classical economist views the determination of working time as the result of the interaction between optimizing agents supplying and agents demanding labor services. Workers' preferred hours of labor supply are assumed to reflect a combination of innate "preferences" reflecting their unique, inherent taste or distaste for work or leisure, and voluntary responses to external incentives, such as their available wage rate and income from non-labor sources. The net effect of wage rate increases reveals whether workers wish to increase or decrease their preferred hours of labor supply. The long-run trend in average work time is believed to vary inversely with real wage rates, since the income effect is presumed to dominate in the long run.

Preferences are associated with a worker's stage of the life - inversely with the presence of non- wage income and the female or youth composition of the work force - and positively with education levels, household production technological advances, or a composition of consumption toward services. This view however serves as nothing more than a starting point to understanding the determination of work hours. It pays scant attention to factors such as social, economic and cultural determinants. Moreover, it cannot explain sufficiently the level and timing of changes in the average hours per worker over the twentieth century. rising proportion of workers working long weekly hours cannot be attributed to changes in real average hourly earnings. However, compensation practices that have heightened variation in earnings within each occupational classification have raised the incentive to supply weekly hours beyond 40 per week.

The conventional labor market model, the demand side is considered a passive force, accommodating workers' preferences, at least in the long run. Alternative approaches presume employers can all but dictate the length of the working day. They set limits on hours only because they confront humans' physical and mental limitations. Consequently, working time currently may be arranged less according to employee preferences, and more as part of rigorous market competition. As such most workers face a confined range of hours options in job. [4] The employer demand side may impose constraints where work hours exceed individuals' preferred number per week or per year. For example, if there were unwelcome but mandatory overtime, inadequate vacation time or too few quality jobs. A worker employed beyond their desired number of work hours, willing but unable to sacrifice pay for reduced hours, is overemployed.

The next step is to determine the effects of longer working hours on the productivity of a worker. The two major juxtaposing viewpoints taken by authorities on this issue are-

A. Longer working hours lead to higher productivity due to the increase in hours worked

B. Longer working hours lead to lower productivity due to a decrease in the efficiency of workers in that time period.

The best way to evaluate these views is to find the established impact of longer working hours on productivity and the health of the workers and weigh the benefits against the detriments.

### Impacts of longer working hours on productivity

Understanding how the number of hours worked affects labour productivity is an important element of understanding the working hours debate. In theory, there could be two opposite effects. On the one hand, longer hours can lead to higher productivity if a worker faces fixed set-up costs and fixed unproductive time during the day, or if longer hours lead to better utilisation of capital goods. On the other hand, worker fatigue could set in after a number of hours worked, so that the marginal effect on productivity of an extra hour per worker starts decreasing. If neither of these effects apply, or if both cancel each other out, it could also be the case that marginal productivity does not change with working time, so that output is proportional to the number of hours worked.

One study conducted in the Netherlands on call center workers found that an increase in effective working time by 1 percent leads to an increase in output, i.e. the number of calls answered, by about 0.9 percent. This corresponds to moderately decreasing returns to hours, probably due to fatigue among agents. The fatigue effects would be larger if the call agents worked full-time instead of the around 4.6



hours they actually worked. This suggests that increasing the effective working time in these occupations would cause individual workers, in particular the relatively inexperienced ones, to produce smaller quantities of output per hour, due to fatigue. Such an increase in working time could, however, be beneficial for the quality provided. The total economic effects of such policies, however, are dependent not only on the effect of working hours on labour productivity at the individual level, but also on many more factors such as work organisation and availability of qualified workers. [5]

It is also important to note that this data applies only to part-time medium-skilled jobs in the service sector. Results vary depending on the many circumstances and demands of a job. This data should not be applied for example to high risk jobs such as those in medicine or security. In a study of hospital staff nurses, shifts longer than 12 hours and working weeks longer than 40 hours were associated with significantly heightened probabilities of error that raised questions about safety. In another study, medical interns were significantly more likely to be involved in motor vehicle crashes if they had just worked extended shift. [6]

Another study re-analysed the observations of the investigators of the British Health of Munition Workers Committee (HMWC) during the First World War and observations from three other data sets of workers to come to the conclusion that long weekly hours and long daily hours do not necessarily yield high output which implies that, for some employees engaged in certain types of work, the orthodox optimising employer will not be indifferent to the length of their work hours over a day or a week.

This article has suggested a different reason for an optimising employer to care about the length of working hours: employees at work for a long time experience fatigue or stress that not only reduces his or her productivity but also increases the probability of errors, accidents and sickness that impose costs on the employer. An example of this is an analysis of over ten thousand workers from the National Longitudinal Survey of Youth between 1987 and 2000 which found, holding constant a number of other factors, those who worked at least sixty hours per week had considerably higher hazard rates than other workers. [7]

### Implications on health

The most common underlying causal assumption in the work hours literature is that long work hours exert a negative effect on well-being. There are several reasons why long work hours might impair well-being. First, hours spent working are subtracted from time available for non-work activities (e.g., family obligations and leisure pursuits), creating conflicts between the two domains. For example, in their seminal article on work/family conflict, Greenhaus and Beutell (1985) identified time-based conflict as a key source of work/family conflict.

As Barnett notes, both workplaces and families are greedy institutions. Such conflicts can trigger a cascade of social consequences, from short-term stress to longer-term deterioration of social relationships, which in turn can affect health and happiness. Second, long working hours induce physical wear and tear and lessen the opportunity for recovery from fatigue (Fritz and Sonnentag 2006). Third, excessively long work hours might lead to poorer diet and exercise patterns, and increased smoking and alcohol consumption, thereby providing another potential pathway to poor health (Solovieva et al. 2013; Steptoe et al. 1998). Fourth, fatigue induced by long work shifts, or insufficient recovery from work shifts, can lead to more accidents causing personal injuries that eventually lead to chronic health outcomes. Fifth, fatigue or sleep deprivation from long work shifts may lead to the depletion of personal resources that are necessary for executive functioning, thus having a negative impact on job performance, safety, and other important organizational outcomes (Christian and Ellis 2011; Landrigan et al. 2008; West et al. 2009).

Finally, long hours also prolong the individual's exposure to whatever psychosocial or physical stressors might be on the job, and thus increase the harmful effects of other negative working conditions. However one must also consider the positive health effects that come out of higher wages due to longer work hours. A review of different studies looked at the correlation between longer work hours and worker health (based on factors such as risk of coronary heart disease, diabetes, obesity and general physical health) and found [8]-

There is a significant, but small, association between long work hours and CHD.

- There is weak and inconsistent evidence supporting a relationship between long work hours and diabetes/obesity.
- Meta-analyses indicate significant between-study variance in effect sizes across studies examining the relationship between work hours and physiological health outcomes.

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# DOMESTIC LABOUR LAW NEWS

## UDAIPUR LABOUR RALLY PAYS TRIBUTE TO CHICAGO MOVEMENT, UNVEILS 21-POINT DEMANDS FOR WORKER RIGHTS

To commemorate the heritage of the Chicago labour movement and address current worker rights issues, labour organisations in Udaipur organised a rally on International Labour Day under the auspices of the Joint Coordination Committee of Labour Organisations. Rajesh Singhvi, the Convener of CITU District, commended the Chicago martyrs for achieving the eight-hour workday, while P S Khinchi condemned the labour reforms implemented by the Modi government for giving preference to capitalists over labourers. Gender discrimination and the need for legislative rights for female labourers were brought to light by Rekha Bhatnagar. Key demands included the removal of new labour laws, protection for drivers, a minimum salary of Rs. 26,000, a pension of Rs. 10,000 per month, the termination of the contract system, equitable pricing for agricultural products, farmer loan waivers and pensions, higher wages, and opposition to privatisation.....[Scan QR to read more](#)



## THREE MINERS TRAPPED IN ASSAM'S ILLEGAL RAT-HOLE MINE; RESCUE OPERATIONS UNDERWAY AMID CLAIMS OF ADMINISTRATIVE 'COLLUSION'

After a landslide in Assam's Patkai Hills, three miners—two from Meghalaya and one from Nepal—were trapped in an illicit rat-hole mine. While the miners were removing coal about 12:30 in the morning, the tragedy happened. Rat-hole mining is being done today even though the National Green Tribunal outlawed it in 2014 since it is such a dangerous activity. Though rescue efforts were in progress, the miners' whereabouts remained unknown. These kinds of deadly accidents are common in the Ledo-Margherita region, which is well-known for its coal seams. There have been accusations of administrative coordination with mining syndicates and that local government officials enabled illicit mining activities. Illegal mining persists despite constant requests for action, including those made by Congressman Pradyut Bordoloi. The circumstance brings to light the continuous dangers that miners face and the structural problems that allow such incidents to occur.....[Scan QR](#)



## GURUGRAM ADMIN ORDERS THREE-HOUR BREAK FOR LABOUR TO ALLEVIATE HEAT STRESS

In response to a heatwave, the Gurugram government mandated a three-hour afternoon break for construction workers. All pertinent departments were instructed by Deputy Commissioner Nishant Kumar Yadav to guarantee compliance, which included giving daily wage workers shelter, water, and downtime. The Gurugram Municipal Corporation was entrusted with reducing the amount of heat exposure experienced by gig workers, and contractors and developers were directed to pay for medical expenses incurred due to heat-related ailments and to furnish refreshments. To lessen the burden on delivery personnel, residents were asked to refrain from placing online orders during periods of high heat. In order to provide supervisors and RWA representatives with first-aid training to tackle heat-related incidents, the administration also collaborated with the health department.....[Scan QR to read more.](#)



## AIR INDIA EXPRESS CABIN CREW CALL OFF STRIKE AFTER MEDIATION

Following a mediation by the Chief Labour Commissioner (CLC) on May 9, 2024, the Air India airline agreed to reinstate 25 terminated employees, and the Air India Express cabin crew decided to end their strike. Because of the crew's "sick" reports since May 6, 85 flights had to be cancelled. Alleged discrimination following the merger with AirAsia India and the elimination of specific allowances was the cause of the protest. The airline promised that these problems will be fixed, and on May 28, there will be another CLC meeting. Twenty of Air India Express's routes saw flights during the strike. The crew voiced concerns about unfair contractual terms and preferential treatment for previous employees of AirAsia India.....[Scan QR to read more.](#)



## PANEL CONSTITUTED TO STUDY CONTRACT LABOUR IN CHENNAI AIRPORT

A committee to investigate the elimination of contract labour for packaging, loading, and associated operations at Chennai airport was established by the Central Advisory Contract Labour Board, which is part of the Union Ministry of Labour and Employment. This ruling came after the Labour Ministry was ordered by the Madras High Court to take the International Air Cargo Workers Union's (IACWU) representation into consideration. The Executive Director of Establishment (Labour Laws) from the Railway Board, K.N. Umesh, National Secretary of the Centre of Indian Trade Unions, Ranjay Kumar from Bokaro Steel City, and the Deputy Chief Labour Commissioner (Central), Chennai, serve as Member-Convener of the committee. In accordance with Section 10 of the Contract Labour (Regulation and Abolition) Act, 1970, the panel shall examine the contract labour system and provide recommendations about its prohibition.....[Scan QR to read more.](#)



## PERIODIC LABOUR FORCE SURVEY (PLFS)- BULLETIN

The data was released for PLFS as per the results, Positive labour market trends for individuals aged 15 and above were found in metropolitan areas according to the Periodic Labour Force Survey (PLFS) conducted from January to March of 2024. Compared to the same period in 2023, the unemployment rate (UR) fell from 6.8% to 6.7%, with a fall in the UR for women of 9.2% to 8.5%. The Labour Force Participation Rate (LFPR) showed a positive trend, going from 48.5% to 50.2%. The LFPR for women also showed a notable increase, climbing from 22.7% to 25.6%.



The Worker Population Ratio (WPR) also increased, rising from 45.2% to 46.9%. The WPR for women increased as well, from 20.6% to 23.4%. These trends, which show a general improvement in employment and labour force participation rates, especially for women, point to a slow but steady improvement in the urban labour market.....[Scan QR to read more.](#)

## RIETER INDIA WORKERS ON STRIKE FOR A THIRD TIME

The Rieter India Employees' Federation (RIEF) has been protesting the company's unjust labour practices by going on strike for about sixty days. The union has expressed worries about contract workers' dangerous working conditions on several occasions. Following a walkout in January 2023, management threatened to suspend and fire union officials in response to a labour department complaint. Conditions remained unaltered even after the labour commissioner intervened in July following another strike due to union-busting tactics.



27 union members were suspended and 33 were fired recently. Due to a hunger strike and claimed financial losses, management brought civil lawsuits against union members. Rieter India's management has offered voluntary retirement plans, but has not taken any action to address the problems, leading to continuous strikes.....[Scan QR to read more.](#)

## 25% INCREASE IN GRATUITY DUE TO DEARNESS ALLOWANCE HIKE KEPT ON HOLD

The circular of April 30, 2024, which increased the maximum retirement and death gratuity by 25% as a result of an increase in dearness allowance (DA), has been stopped, according to a recent announcement from the Ministry of Labour & Employment. Following a 4% DA rise in March 2024, the original circular raised the gratuity ceiling from Rs. 20 lakh to Rs. 25 lakh, bringing the total DA to 50% of base salary.



In addition, the automatic modification of allowances such as the Hostel Subsidy and Children's Education Allowance by 25% resulted from this DA boost. However, citing the Office Memorandum from the Ministry of Personnel, Public Grievances and Pensions, the Ministry of Labour & Employment's circular dated May 7, 2024, promptly put the gratuity increase on hold. There is uncertainty as a result of this suspension.....[Scan QR](#)

## DESPITE UNTOUCHABILITY, CONTRACTUAL SERVICE, PALTRY REMUNERATION — WHY BIHAR’S MEHTARS SCAVENGE HUMAN EXCRETA FOR A LIVING

Vijay Valmiki’s body was found hanging on the tree on JNU Campus. Valmiki was a Dalit resident of Kusumpur Pahari and had been employed at JNU for more than 12 years. His passing brought attention to the extreme hardships—including erratic pay—that sanitation workers endure. JNU Student Union Councillor Gopika observed the effect on Valmiki’s bereaved family. The workers’ union brought up previous inconsistencies in spite of the JNU administration’s assertion of regular payments. The administration stated the local police would conduct an investigation and offered help to Valmiki’s family. This incident brought to light persistent problems experienced by JNU’s contractual workers, who have demonstrated in favour of equitable pay and improved treatment. Employee complaints about things like not receiving minimum due to them for their work.....[Scan QR](#)



## DESPITE LAWS AND COURT ORDERS, MANUAL SCAVENGING CONTINUES TO KILL WORKERS

Twelve manual scavengers in Uttar Pradesh and Delhi passed away in May 2023. On May 3, Kokan and Nooni Mandal, who had no prior experience cleaning septic tanks, passed away in Noida, Uttar Pradesh, at a private home. Their employer first proposed a Rs. 8 lakh compensation package, but subsequently stopped the payment. Hare Krishna Prasad and Sagar asphyxiated to death on May 12 in Rohini, Delhi, while cleaning a sewer without safety gear. When Prasad arrived at the hospital, he passed away, leaving behind his wife and young daughter, and on May 18, Sagar passed away from his wounds. The housekeeping company, Sun Operations, which both men worked for, acknowledged the event but would not comment further. The fatalities brought attention to the hazardous circumstances and inadequate actions by the state in such cases.....[Scan QR to read more](#)



## MOST INDIAN CITIES REELING FROM LABOUR CRISIS IN ELECTION SEASON

The second-longest Lok Sabha elections in the history of the nation spanning 44 days have thrown up a slew of handsome and instant earning opportunities for migrant workers back home, from attending election rallies and door-to-door pamphlet distribution to tenting, vehicle business, catering and food supply. Late last month, staffing company Quess Corp flew about 100 unorganised workers from Bihar and Jharkhand to meet an urgent demand for manpower from a multinational client in Hyderabad, because it couldn’t find enough workers in the southern city.....[Scan QR to read more](#)



## TRADE UNIONS WANT BEEDI CESS BACK, SEEK SAFETY NET FOR WORKERS

Approximately ten trade unions have written to the ministry of labor to express their displeasure at being left out of negotiations for the creation of an OSH framework for beedi and cigar workers. They mainly want talks to be held on bringing back the Beedi Cigar Workers’ Welfare Fund and the Beedi Cess, which were eliminated after the Goods and Services Act was implemented in 2017. The unions claim that over 7.5 million beedi workers—the most of whom are women—work in India and are all denied their basic entitlement to welfare.....[Scan QR to read more](#)



## MOST STATES OUT WITH DRAFT RULES UNDER NEW LABOUR CODES

Most states have brought out draft rules under the new labour codes, ensuring there is harmonisation of standards for the industry to move from one state to another, Labour Secretary Sumita Dawra said.....[Scan QR](#)





# INTERNATIONAL LABOUR LAW NEWS

## 36 MORE NATIONS ARE ADDED TO THE ILO'S CARE POLICY INVESTMENT SIMULATOR

To further enhance international efforts to invest in the care economy, the ILO Care Policy Investment Simulator has been enlarged to include 16 new nations from the Americas, 12 new countries from Europe and Central Asia, and 8 new countries from the Arab States. Four areas are covered by the Simulator: early childhood care and education, breastfeeding breaks, long-term care services, and childcare-related leave (maternity, paternity, and parental leave). The program computes the impact of comprehensive care policy packages on gender equality, employment benefits, and investment needs based on 180 data factors.....[Scan QR to read more](#)



## THE ILO DIRECTOR-GENERAL IN CAMEROON EMPHASIZES THE VALUE OF COLLABORATION IN ESTABLISHING DECENT WORK AND EXPANDING SOCIAL PROTECTION

From May 12 to 15, 2024, Gilbert F. Hounbo, the Director-General of the ILO, visited Cameroon on official business. A number of high-ranking Cameroonian government officials met with him during his tour, including the Ministers of Foreign Affairs, Employment and Vocational Training, Labor and Social Security, and Economy, Planning, and Regional Development. Along with members of employers' and workers' organizations, Mr. Hounbo also had productive talks with representatives of UN system agencies. The major topics of discussion were young employment and how to close the skills gap that exists between what education systems generate and what employers demand.....[Scan QR to read more.](#)



## A REGIONAL PLAN FOR LABOR MIGRATION IS DEVELOPED BY LATIN AMERICA AND THE CARIBBEAN

The Regional Strategy on Labor Migration and Human Mobility in Latin America and the Caribbean 2023–2030, by the International Labour Organization (ILO), was introduced on May 15. With technical assistance from the ILO, 37 Latin American and Caribbean nations developed the plan, which focuses on migrant labor rights, upskilling, and strategies for governments to use migration for national development.....[Scan QR to read more.](#)



## ILO PROMOTES DECENT WORK FOR WASTE PICKERS

Representatives from the International Labour Organization (ILO) Office for Türkiye have started important conversations with garbage pickers. They aim to help integrate waste management practices into Turkey's green economy sector. These efforts involve various activities like meetings, training sessions, and technical advice. It's vital to stress how crucial waste management is. It helps protect the environment, enhance resource efficiency, and safeguard public health.



Garbage pickers play a significant role in gathering, sorting, and recycling rubbish, benefiting local communities, the nation, and the world. Despite their valuable contributions to public health, sanitation, and environmental conservation, informal garbage pickers often lack social protection and official recognition. Working without guidance or access to financial services, they face various risks.

Transitioning from informal to formal work is challenging and time-consuming for workers in the informal economy, including those in waste management.....[Scan QR to read more.](#)

## ILO AND THE UK WORK TOGETHER TO IMPROVE LEBANON'S DOMESTIC SOCIAL PROTECTION SYSTEM

In order to help the Government of Lebanon and its social partners execute the newly approved National Social Protection Strategy, the UK government is giving GBP 500,000 in sterling to the ILO. The cooperation will prioritize assisting Lebanon's strategic reforms in areas including universal health coverage and sustainable health finance, pension plans for both public and private sector employees, and strengthening the foundational national frameworks for social grant implementation.....[Scan QR to read more.](#)



## COMMUTING ACCIDENTS WILL BE COVERED UNDER THE BANGLADESHI GARMENT INDUSTRY INJURY PLAN

The compensation for accidents that may occur during a worker's commute to and from work has been included to the pilot employment injury scheme implemented by the government of Bangladesh. During its eighth meeting, which took place on May 13, 2024, the Governance Board of the Employment Injury Scheme (EIS) Pilot unanimously decided to include "commuting accidents" as industrial accidents. This means that they will be eligible for compensation beginning on July 1, 2024.....[Scan QR to read more.](#)



## COMOROS PARTICIPATES IN GLOBAL INITIATIVES TO DEFEND THE RIGHTS OF SEAFARERS

The International Labour Office received the Union of the Comoros' instrument of ratification of the Maritime Labour Convention, 2006, as modified (MLC, 2006), on February 18, 2024. The Convention's universal application has advanced significantly with this ratification. It emphasizes Comoros' dedication to providing fair working and living conditions for seafarers as well as leveling the playing field for shipowners. Along with three significant Conventions of the International Maritime Organization pertaining to pollution, seafarer training, and safety of life at sea, the MLC, 2006 is an inventive and comprehensive document that is commonly referred to as "the seafarers' bill of rights" and forms the fourth pillar of the international regulatory regime for the maritime sector.....[Scan QR to read more.](#)



## ILO EXPECTS GLOBAL UNEMPLOYMENT TO DROP SLIGHTLY IN 2024, BUT SLOW PROGRESS TO REDUCE INEQUALITIES IS "WORRYING"

According to a new International Labour Organization (ILO) research, new forecasts show that worldwide unemployment will decline somewhat this year even as labor market inequality continues, with women in low-income countries being disproportionately affected. According to the ILO's World Employment and Social Outlook: May 2024 Update, the worldwide unemployment rate is expected to decrease to 4.9% in 2024 from 5.0% in 2023. The statistic is a lower revision of the 5.2% ILO prediction for this year. Nonetheless, the report states that in 2025, the declining trend in unemployment is anticipated to level out, with 4.9% of the workforce unemployed.....[Scan QR to read more.](#)



## GABON SIGNS ITS FIRST DECENT WORK COUNTRY PROGRAMME

In a historic moment, high-ranking leaders of Gabon's tripartite stakeholders came together to sign the country's first Decent Work Country Programme (DWCP) with the ILO. According to the UN Sustainable Development Cooperation Framework and national development priorities, the DWCP lays up a comprehensive framework for encouraging decent and productive work in Gabon. The national government, employers' and workers' organizations participated fully in the development of the program, and they will continue to be actively involved in its implementation.....[Scan QR to read more.](#)



# PUBLICATIONS: ARTICLES

## PERSON ON THE AUTISM SPECTRUM ON (THE MARGIN OF) THE LABOUR MARKET THE NOMINAL INTERNATIONAL STANDARD VERSUS THE REALITY OF A EUROPEAN UNION MEMBER STATE- BY MACIEJ OKSZTULSKI, MACIEJ PERKOWSKI, WOJCIECH ZOŃ

This research paper investigated the challenges faced by people with Autism Spectrum Disorder (ASD) in finding employment opportunities in Poland. The study revealed that despite international and EU laws promoting equal employment rights, people with ASD still face significant barriers. The legal framework in Poland, including the Constitution and the Act on Vocational and Social Rehabilitation, was found to be inadequate in addressing the specific needs of autistic individuals when it comes to employment.



Research showed that while some high-functioning autistic individuals are successful in finding work, many require supported employment environments. Unfortunately, these supported employment programs in Poland are underfunded and poorly managed, creating a situation of secondary discrimination for autistic individuals.

The paper argued that, to improve the situation, a more harmonized approach to legislation is needed at the European Union level. This new legislation, based on international standards, should ensure that employment opportunities are truly non-discriminatory and take into account the unique needs and potential of people with ASD. The study claimed that more harmonised legislation at the European Union level is necessary to remedy the situation. This new law should guarantee that work chances are truly non-discriminatory and take into consideration the special requirements and potential of individuals with ASD because it is based on international norms.....[Scan QR](#)

## TRANSFORMING INDIA'S LABOR LANDSCAPE: ANALYSING THE IMPACT OF RECENT LABOR CODE REFORMS, POST-COVID IMPERATIVES, AND THE NECESSITY OF EMPLOYEE-CENTRIC POLICIES AND INDUSTRIAL SOCIAL RESPONSIBILITY- BY RIYA GUPTA & DIVITA VASHISHT

Workplace dynamics were dramatically changed by the COVID-19 epidemic, resulting in remote and flexible work arrangements. While there were benefits to working from home, it also made it more difficult to distinguish between business and personal life. Employees' physical and emotional well-being was impacted by employers' growing expectations of continuous availability. This emphasised the necessity of a comprehensive approach to work-life balance. Ms. Supriya Sule's "Right to Disconnect Bill" was an attempt to solve these issues. The measure suggested that workers would not be disciplined if they refused work-related communications after hours.



In order to ensure clear norms for after-hours work and adequate remuneration for overtime, it also proposed for the establishment of the Employee Welfare Authority (EWA), which would write terms and conditions for both employers and employees. Portugal and France provided international examples of similar legislative initiatives. While France permitted workers to negotiate conditions of disconnection, Portugal changed its labour code to prohibit employer communication beyond official hours.

Trade unions were instrumental in securing the protection of workers' rights by pushing for these improvements. In the end, the bill sought to promote a peaceful and balanced workplace by improving work-life balance, lowering burnout, and harmonising with worldwide labour norms.....[Scan QR to read more.](#)

## A STUDY OF SECONDARY WORKERS AND LABOUR LAWS WITH SPECIAL REFERENCE TO GIG WORKERS AT BANGALORE URBAN- BY V. BASIL HANS & SELVI V

As per the paper because of the disruption of normal labour rhythms caused by the technological revolution, workers—especially those in developing and poor nations—were forced to reverse their schedules. Less skilled and paid than primary workers, secondary labourers assist business processes such as business process outsourcing (BPO). The need for gig workers to carry food and necessities has been fueled by BPO workers who work night shifts to accommodate overseas clients.



Gig workers operate in unstable environments because they are not covered by social security or have official job rights. Labour laws were changed in 1991 as part of India's economic reforms, which prioritised globalisation and privatisation over worker security. This was done in an effort to draw in foreign investment. Gig workers were not sufficiently protected by the 2019 labour laws, which were designed to make doing business easier but instead followed the same pattern. BPO workers' reliance on gig workers for deliveries during the night created a derived demand, according to a pilot study that used surveys and interviews. Gig workers received little pay and had no social security benefits while putting in long hours. The goal of the study was to create a more sustainable and equitable future by highlighting the necessity of regulatory changes to guarantee gig workers' safety, job stability, and fair compensation.....[Scan QR to read more.](#)

## HUMAN SECURITY AND EMPLOYMENT RELATIONS IN THE READY-MADE GARMENTS INDUSTRIES OF BANGLADESH: PERSPECTIVE OF WOMEN WORKERS- MOHAMMAD MAINUDDIN

The study looked at how women employed in Bangladesh's ready-made garment (RMG) industry felt about their jobs and their working relationships in relation to the human security system. It emphasised the importance of the industry, which employs millions of people, most of them women, and accounts for more than 80% of the nation's export revenue. In spite of this, the RMG sector experienced problems with low pay, unfavourable working conditions, and safety infractions. The report recommended actions to ameliorate these circumstances, including upholding labour laws, improving infrastructure standards, and encouraging contemporary HR procedures. It also advocated for secure housing and transport, as well as easing the entry of women into trade unions. The government, employers, and other stakeholders must work together to protect workers' rights and enhance working conditions in the RMG industry, according to the study.....[Scan QR to read more.](#)



## YOUTH TRANSITIONS AND EU INTEGRATION : PATHS TO AN EU REGULATORY FABRIC FOR YOUTH EMPLOYMENT- BY STEIERT, MARC

The study examined how the EU regulates youth employment, with a particular emphasis on the laws, regulations, and other tools that shape the conditions under which young people transition to the workforce. Three primary approaches have been used by the EU since 1957 to try and control youth employment: labour market integration regulations, working conditions and relations, and geographic mobility. Three frames were used in the study's evaluation of various regulatory initiatives across time. It began by tracing the relationships between these threads and demonstrating the mobilisation of broader governance mechanisms. Second, it evaluated the impact of the EU on national policy by looking at the Europeanization of regulations pertaining to young employment. Thirdly, it evaluated the EU laws' normative aspirations. Particularly unfavourable circumstances were faced by third-party contract workers.



In order to improve the working conditions of informal workers, the study emphasised the need for improved education and more efficient enforcement of labour regulations. Promoting education and improving the application of the law were highly advised in order to advance decent work and enhance the standard of living for the region's informal labourers.....[Scan QR to read more.](#)



## INEQUALITY OF OPPORTUNITY IN THE EUROPEAN LABOUR MARKETS: SEQUENTIAL EVIDENCE FROM A NATIONAL AND A PAN-EUROPEAN PERSPECTIVE- BY STEFANO FILAURO

The study examined the effects on economic prospects inside the European Union (EU) of specific factors such as gender, family background, foreign origin, and health constraints. The EU Statistics on Income and Living Conditions for the years 2005, 2011, and 2019 were used as the source of data for this study, which examined the ways in which these characteristics affected things like earnings distribution and employment access. It was discovered that these predefined circumstances accounted for 40% of earnings disparity on average within countries, with considerable differences between EU member states. For the first time, a pan-European analysis that took into account the country-of-residence effect showed even more opportunity inequality than what was found at the national level. In 2019, these factors were responsible for around 60% of the pan-European earnings inequality, despite a declining trend over the previous 15 years.....[Scan QR to read more.](#)



## INDIA'S MANUFACTURING INFORMAL WORKERS: MEASURING THE DECENT WORK INDEX PROPERTY- BY DHIRENDRA BHADUR SINGH AND RAVI KUMAR GUPTA

As per the paper, The central region of Uttar Pradesh, India, is home to many informal manufacturing workers, and this article looked into their working conditions. Based on seven work-based security dimensions used in the ILO's People Security Surveys (PSS), it created micro-level security sub-indices and an individual-level composite decent work index. The study assessed the effect of supply-side variables on working conditions using ordinary least squares regression. Only 25% of workers had good employment status, according to the findings, which highlights the ineffectiveness of degrees without skill-based learning. Poor working conditions for third-party contract workers were also noted by the report. For the purpose of improving the working conditions of informal workers, the research strongly suggested improving education and enforcing labour regulations more strictly.....[Scan QR to read more.](#)



## THE RIGHT OF TRADE UNIONS TO INFORMATION IN THE ERA OF THE FOURTH AND FIFTH INDUSTRIAL REVOLUTIONS- KRZYSZTOF

The study focused on the Fourth and Fifth Industrial Revolutions while analysing the functional and legal aspects of information sharing related artificial intelligence (AI) application in the workplace. It underlined the serious difficulties that technological advancements have for labour relations, especially with regard to the right to knowledge and transparency. Trade unions in Poland have the most authority to request information about AI that is utilised by businesses. The essay emphasised the need for legislative frameworks that protect business interests while striking a balance regarding the publication of AI-related information. It argued that employers should have the right to turn down requests for information if doing so could seriously harm the business and that labour courts should be the trade unions' first port of call for vital information.....[Scan QR to read more.](#)



## PUBLICATIONS: REPORTS AND BOOKS

### Contract, Labour Law and the Realities of Working Life

By Eugene Schofield- Georgeson



The Book discusses regarding Nigeria, it suffered major economic disruptions as a result of the COVID-19 outbreak and the worldwide shutdowns that followed. A great deal of Nigerian businesses found it difficult to run remotely, which cost them money and jobs. Several manufacturing enterprises in Nigeria disregarded the lockdown order issued by the government and forced their workers to work in dangerous conditions in spite of the deaths caused by COVID-19. The inadequacies in Nigerian labour laws pertaining to employees' rights to decline hazardous jobs in an emergency are examined in this article.

The statement underscores the fact that lax enforcement of employment standards impedes the attainment of sustainable development objectives. Insufficient finance and a paucity of personnel hindered the Ministry of Labour's inspectorate division's ability to maintain adequate and safe working conditions. In order to effectively enforce labour standards and support economic recovery, the paper makes the case for a comprehensive strategy encompassing all levels of government.....[Scan QR to read more.](#)

### Managing the Post-Colony: Voices from Aotearoa, Australia and The Pacific- Gavin Jack, Michelle Evans, Billie Lythberg



The book sheds light on the ways that economic practices tailored to Indigenous cultures could aid in the decolonization of futures.

The book is co edited with Nimruji Jammulamadaka (IIM Calcutta, India) and Gavin Jack (Monash University, Australia) was the second volume in the "Managing the Post-Colony" series. Critical, multidisciplinary viewpoints on organising and managing in postcolonial contexts were provided by the series. This book examined the shared and distinct colonial and imperial histories of Aotearoa, New Zealand, Australia, and the Pacific. It emphasised the ways in which historical histories shaped modern organisation, management, and commercial practices, demonstrating both cultural continuity and change.

Through qualitative empirical instances, historical and legal studies, conceptual essays, provocations, and interviews with Indigenous business leaders, the book examined postcolonial problems and future potential. Its objectives were to decolonize, diversify, and provincialize the field of management and organisation studies. Indigenous knowledges and experiences were highlighted in the book, especially those of the Māori, Pasifika, and Aboriginal and Torres Strait Islander peoples.....[Scan QR to read more.](#)



# OPPORTUNITIES

## 1. International Conference on “ADEQUATE MINIMUM WAGES IN THE EU”

This conference which is divided into four main sections, is to discuss potential ways for the implementation of EU Directive 2022/2041 in Member States and to contextualize the issue of minimum wages following its adoption. The directive is currently being challenged before the Court of Justice of the EU (Case C-19/23, pending). Many of the writers of the recently released publication "The EU Directive on Adequate Minimum Wages" will actively participate in the event. Context, Analysis, and Directions. Also, financial assistance to cover travel and lodging costs in Luxembourg for a maximum of ten (10) "Early Career Scholars."

"Early Career Scholars" are defined as follows: a) PhD candidates engaged in doctoral programs; b) early career scholars who have earned their PhD within three years after graduation. A maximum of 500 EUR will be provided per participant in financial assistance (reimbursement of real expenditures). If you would want to apply, please submit your resume and a one-page motivation letter to euadequatemw@gmail.com by Monday, May 6, 2024, at the latest. A few chosen young academics will be asked to spark conversation during the conference's Q&A sessions. Date of registration: June 13, 2024

**Organizer(s):** University of Luxembourg

**Dates and times:** June 13, 2024 - 13:00 to June 14, 2024 - 13:00

**Location:** University of Luxembourg Campus Kirchberg - Weicker Building 4, rue Alphonse Weicker, L-2721 Luxembourg

## 2. Collaborative Workshop for PhD Candidates and Early Career Academics in Labour Law, Public Law, Migration & Asylum, and Human Rights

Durham University will host a cooperative one-day workshop on June 20, 2024, for PhD candidates and early career academics. The SLS Subject Sections Fund provides funding for the workshop, which is jointly organized by the Society of Legal Scholars' (SLS) Public Law, Labour Law, Migration & Asylum, and Human Rights subject sections.

Researchers in one or more of the relevant topic areas have an exciting chance to network with colleagues and share ongoing studies and works-in-progress in a casual, friendly setting. They may also receive comments from more seasoned researchers. Projects utilizing any approaches and looking at any element of the relevant topic area(s) are highly encouraged.

Those who would want to attend should fill out a form and send in a 200–300 word abstract by Thursday, May 16, 2024. Academic merit will be taken into consideration for each proposal. Decisions must be shared by Thursday, May 30, 2024.

## 3. International Conference on Social and Labour Law: 20 years of EU Membership – Labour Law and Social Security Law in Central and Eastern Europe

International Conference on Social and Labour Law: 20 years of EU Membership – Labour Law and Social Security Law in Central and Eastern Europe, is a significant academic event dedicated to the commemoration and exploration of the 20-year anniversary of the accession of several Central and Eastern European (CEE) states, including Czechia, Hungary, Slovenia, and Poland, to the European Union in 2004. This conference will take place on 6.-7.6.2024 at the Charles University in Prague.

Please find more information about the conference and programme here: [International Conference on “ADEQUATE MINIMUM WAGES IN THE EU”](#)

**Date of registration:** June 13, 2024

#### 4. LLC seminars ECOLL 2024

The 2024 edition of the ECOLL seminars will take place on the beautiful island of Salina (Aeolian Islands, Sicily), from 6 to 9 October 2024. The theme selected for this edition is: "Unjustified dismissal and judicial compensation: which role for the judge?".

The seminars are open to all scholars in the early stages of their careers (including doctoral students) within the field of labour law. The participation to the ECOLL Seminars is free of charge. Accommodation and food costs will be borne by LLC for each seminar participant. Travel costs are excluded, thus they will be borne by each participant.

A maximum of 20 participants will be selected.

Candidates can submit their application until 10 June 2024, by completing the form available at this link: [International Conference on "ADEQUATE MINIMUM WAGES IN THE EU"](#)

#### 5. Call for Papers:

The 7th LLRN conference will be held at the Faculty of Law at Chulalongkorn University, Bangkok in Thailand. The dates are 29 June 2025 – 1 July 2025.

For more details- <http://labourlawresearch.net/sites/default/files/Call%20for%20Papers%20LLRN7%20Final.pdf>

#### 6. Applications Invited for British Council 90th Anniversary Research Fellowships at the University of Edinburgh

As council celebrate their 90th anniversary in 2024, they are delighted to announce a new research partnership with the Institute for Advanced Studies in the Humanities (IASH) at the University of Edinburgh.

They are awarding two 12-month fellowships starting in January 2025 – open to postdoctoral researchers based in any ODA (Official Development Assistance) recipient country where the British Council operates

Fellows will spend the first ten months of their fellowships at IASH, followed by up to two months based in their home countries focused on knowledge exchange and dissemination in collaboration with the British Council.

The fellowship provides a bursary of £2,500 per month and travel expenses as well as desk space, library access and academic mentoring as part of the vibrant scholarly community of visiting fellows at IASH. Fellows will also be expected to engage closely with the British Council throughout their fellowships (including visits to UK offices), with the option to spend time in a British Council office in their home country as part of the knowledge exchange component of the fellowship.

##### Eligibility

- These are early-career fellowships, meaning applicants must be within seven years of completion of their PhD.
- Applicants must be based in an ODA recipient country in which the British Council operates, and should be qualified to undertake postdoctoral level research for the fellowship.

**Deadline:** 26 July, 23.59 UK time: Application deadline

#### 7. Applications Invited for Fulbright-Kalam Climate Fellowship for Doctoral Research

The Fulbright-Kalam Climate Fellowships are designed to build long-term capacity to address climate change-related issues in India and the U.S. These fellowships are designed for Indian scholars who are registered for a Ph.D. at an Indian institution. These fellowships are for six to nine months. The fellowships provide J-1 visa support, a monthly stipend, Accident and Sickness Program for Exchanges per U.S. Government guidelines, round-trip economy class air travel, applicable allowances and modest affiliation fees, if any. No allowances are provided for dependents. The grant is not sufficient to support family members.

**How to Apply:** Applications must be submitted online at: <https://apply.iie.org/ffsp2025>



# EDITORIAL TEAM



## Managing Editor

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.



## Editor in Chief

Dev Dhar Dubey, our editor-in-chief is a PhD scholar at National Law University Delhi. He post-graduated from Gujarat National Law University, Gandhinagar. He is currently working at the Centre for Labour Law Research and Advocacy (CLLRA). He has published several articles in national and international journals and is also the author of two books titled, "Rohingya's: Journey without an end." & "Media and Telecommunication Law".



## Editor

Akanksha Yadav has post-graduated from National Academy of Legal Studies and Research, Hyderabad [NALSAR]. She did her graduation from RMLNLU, Lucknow. She is currently working at the Centre for Labour Law Research and Advocacy (CLLRA). She has published several articles and research papers in National Journals.



## Editor

Tejas Misra is a Law Student at National Law University, Delhi. Areas of interest include socio-legal research, activism and advocacy. Passionate about history, philosophy and society's intersection with the law. Currently working on research topics relating to labour rights and legal news.



## Editor

Kapil Kumar Verma is an LL.M. student at National Law University Delhi; he graduated from National Law Institute University, Bhopal. He is currently working for the Centre for Labour Law Research and Advocacy (CLLRA). His areas of interest include labour law, affirmative action, and women's rights, among others.

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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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