

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

CLLRA NEWSLETTER (ISSN: 2584-1831) VOLUME I ISSUE VII FEBRUARY 2024



JUDGMENTS | POLICY UPDATES | NEWS | ARTICLES | OPPORTUNITIES

**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 with your feedback.

Best regards,
Sophy

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Inappropriate Termination of Employment

EMPLOYEE CANNOT BE TERMINATED FROM THE POST MERELY BECAUSE HE SENT A REPRESENTATION TO HIS SUPERIOR OFFICERS

CHATRAPAL VERSUS THE STATE OF UTTAR PRADESH & ANR.

Court: Supreme Court of India

Citation: C.A. No. 002461 / 2024

Facts: The appellant was a Class-IV employee in the Bareilly judgeship and was transferred and posted as a Process Server in another court. The employee was denied the allowance as a Process Server, and against this he made a representation to superior authorities such as the Registrar General of the High Court and other officials of the State Government including the then Chief Minister without routing the same through proper channels. He was subsequently terminated from his post for this breach of proper procedure while making representations.

Judgment: The Apex Court held that an employee cannot be terminated from the post merely because he sent a representation to his superior officers flouting the proper channel. It observed that due to the fact that if the appellant, a Class-IV employee, was in financial hardship, then he may represent directly to the superior officer but that by itself cannot amount to a major misconduct. Thus, no termination of his service should be imposed. Based on the above findings, the Supreme Court directed for the reinstatement of the employee in service.

Withdrawal of Prospective Resignation

PROSPECTIVE RESIGNATION CAN BE WITHDRAWN BEFORE THE DATE IT COMES INTO EFFECT

DR. MRS. SUMAN V. JAIN V. MARWADI SAMMELAN THR. ITS SECRETARY

Citation: 2024 INSC 127

Court: Supreme Court of India

Facts: The appellant was employed as a Principal in a college run by the Respondent trust. Her appointment was permanent and she discharged her duties for a decade. After this period, she submitted a letter of resignation intimating her wish to resign in 6 months' time owing to health issues. The management accepted this on its own and unilaterally mentioned that it would be final, binding and irrevocable. After this, the appellant withdrew her resignation letter before the effective date, which was rejected by the college management, who held that the resignation date was considered final. Aggrieved by this, the appellant preferred an appeal against this decision.

Judgment: The Apex Court, on appeal from the Bombay High Court, observed that no prior consent was given by the appellant to the management's decision to make the resignation final, binding and irrevocable. In such a case, the acceptance of resignation was unilateral and thus, there was no implied contract and understanding with prior consent. Therefore, the withdrawal of such resignation by appellant prior to the effective date was permissible by the law.

**Gender discrimination
and inequality**

UNION OF INDIA AND OTHERS VS EX. LT. SELINA JOHN

Court: Supreme Court of India

Citation: Civil Appeal No. 1990 of 2019

Facts: The respondent was a Permanent Commissioner Officer in the Military Nursing Service who was discharged for getting married, which was a rule was applicable only to women nursing officers. She challenged this dismissal in the Armed Forces Tribunal, Lucknow, which held in her favour. The State filed an appeal against the same.

Judgment: The Court noted this rule was a coarse case of gender discrimination and inequality and thus, manifestly arbitrary and unconstitutional. The Court observed that the acceptance of such a patriarchal rule undermines human dignity, right to non-discrimination and fair treatment. It held that rules making marriage of women employees and their domestic involvement a ground for disentitlement would be unconstitutional, and withdrew the Army regulation prescribing thus. Court directed a compensation of Rs. 60 lakh to be paid to the respondent within 8 weeks and upheld the reinstatement of the respondent along with back wages

**MARRIAGE OF
WOMEN
EMPLOYEES AND
THEIR DOMESTIC
INVOLVEMENT A
GROUND FOR
DISENTITLEMENT
WOULD BE UN-
CONSTITUTIONAL**

Pension

VINOD KANJIBHAI BHAGORA VS. THE STATE OF GUJARAT

Court: Supreme Court of India

Citation: 2024 INSC 100

Facts: The appellant was a government employee who worked under the Central government as a Postal Assistant. During his employment, he was selected for the post of Senior Assistant in the Ministry of Health and Medical Services, Government of Gujarat. The dispute arose as the State government only agreed to pay the pension to the appellant only for his job as a Senior Assistant and not at his previous government posting as a Postal Assistant. The appellant contended that as the State government had absorbed him from the Central government, he would be entitled to the pensionary benefits of the Central rules.

Judgment: The Court observed if the employment of a former central employee had an underlying pension scheme, and was later on absorbed by the State government, then he could not be refused the pension of his earlier employment. The Supreme Court held that the grant of pension was made in order to enable former employees to tide over financial hardship in his old age, and therefore the State government as a model employer should not resist the grant of pension. The Court concluded that the State government had absorbed the appellant and thus directed the State to recalculate the pensionary benefits and reimburse the arrears to the appellant

**GRANT OF
PENSION WAS
MADE IN
ORDER TO
ENABLE
FORMER
EMPLOYEES TO
TIDE OVER
FINANCIAL
HARDSHIP IN
HIS OLD AGE**



Promotion

STATE OF HIMACHAL PRADESH VS. SURENDER KUMAR PARMAR

Court: Supreme Court of India
2018

Citation: SLP(C) No. 018286 / 2018

Facts: The Respondent-employee was employed as a Computer Operator in the Health Service Department with the Himachal Pradesh government, but he was deployed to do the work of a clerk. He contended that other Clerks were being promoted to being Assistants, Superintendents etc. but there were no avenues of promotion available to him, despite him doing the same type of work. The State contended that since he was employed as a Computer Operator, it was a different post from the cadre of Clerks and since posts of Computer Operator were not included in any feeder cadre for promotion to higher posts, he had no right to be promoted. The High Court held the ruling in the employee's favour, against which the State filed an SLP.

Judgment: The Supreme Court upheld the judgment of the High Court of Himachal Pradesh which had held that since he had completed 12 years and 24 years of service with the State government, the State is under an obligation to formulate promotional avenues. The Court observed that he had remained around one post for around 28 years, and this amounted to stagnation and a violation of a government employee's rights. Thus, the Court found no merit in the SLP and dismissed the State's appeal.

STATE IS UNDER AN OBLIGATION TO FORMULATE PROMOTIONAL AVENUES

Appointment

SUSHIL KUMAR PANDEY V. THE HIGH COURT OF JHARKHAND & ANR.

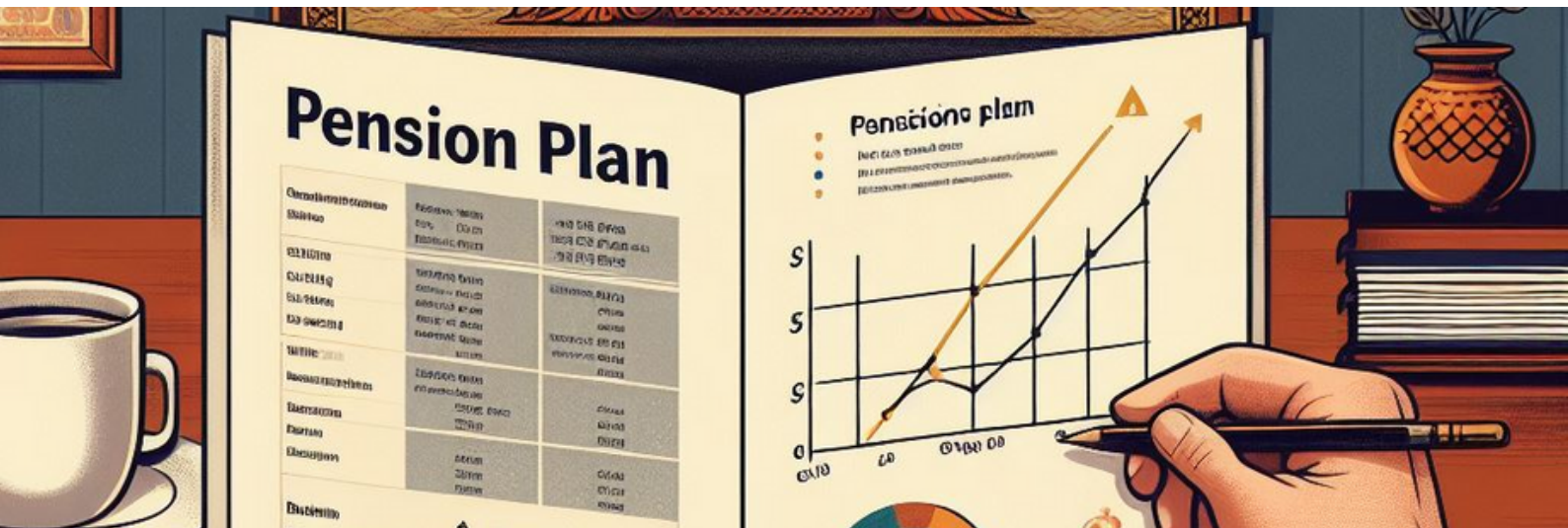
Court: Supreme Court of India

Citation: 2024 INSC 97

Facts: The State of Jharkhand had posted an advertisement inviting applications from the eligible candidates for 22 vacancies. The appointment was to be guided by the Jharkhand Superior Judicial Service (Recruitment, Appointment and Conditions of Service) Rules, 2001, as per which a candidate was required to get at least 30% marks in the viva-voce test for the District Judge Cadre. However, subsequently, a resolution was passed in a meeting of the High Court to secure 50% marks as the qualifying criteria. The petitioners contended that it would be impermissible for the HC to change the selection criteria midway, and was in contravention of the 2001 Rules.

Judgment: The Court held that it was impermissible for the HC to change the selection criteria midway, when it was a departure from the statutory rules. The Court noted that precluding a candidate from appointment without there being a finding of the candidate's unsuitability, would be in violation of the recruitment rules and would fail the test of Article 14 and would be arbitrary. The Court allowed the writ petitions and directed the High Court to fill up the existing vacancies as per the original recruitment criteria

PRECLUDING A CANDIDATE FROM APPOINTMENT WITHOUT THERE BEING A FINDING OF THE CANDIDATE'S UNSUITABILITY, WOULD BE IN VIOLATION OF THE RECRUITMENT RULES AND ARTICLE 14



Appointment

MANOJ KUMAR V. UNION OF INDIA

Court: Supreme Court of India

Citation: 2024 INSC 126

UNLESS A CIRCULAR CLEARLY PRESCRIBES THAT A DEGREE MUST BE IN A PARTICULAR FIELD, THEN IT CANNOT BE CLAIMED BY THE EMPLOYER THAT A QUALIFICATION IS NOT VALID SIMPLY BECAUSE IT IS IN ANOTHER SPECIALIZATION

Facts: The appellant was seeking appointment as a primary school teacher. In the vacancy circular of the school, it was stated that the employment would be taken on the basis of certain criteria and qualifications, and additional marks would be given for having a Post-Graduate degree. The appellant, having a PG Degree, was denied this benefit as his Degree was deemed to be “not in the relevant subject”. He contested this denial in the Delhi High Court on the ground that it was illegal and arbitrary, which ruled against him. Against this judgment, he preferred an appeal before the Supreme Court.

Judgment: The Court held that unless a circular clearly prescribes that a degree must be in a particular field, then it cannot be claimed by the employer that a qualification is not valid simply because it is in another specialization. Since the requisite qualification of holding a PG Degree was established by the appellant, he cannot be denied the benefit of additional marks. The Court also noted that the High Court had ruled against the appellant citing restraint in judicial review. However, it observed when a citizen alleges arbitrariness in executive action, the High Court must examine the issue and while respecting executive functioning, cannot let arbitrary action pass through. The Court set aside the action of the respondents as being illegal and arbitrary. Since now there was no vacancy available, the Court could not direct the respondents to employ the appellant, but instead considered an alternative restitutory measure in the form of monetary compensation of Rs. 1 lakh

High Court

Definition of Ex-Servicemen

CAPTAIN GURPREET KAUR VS. PUNJAB PUBLIC SERVICE COMMISSION

Court: Punjab and Haryana High Court

Citation: LPA-636-2022(O&M)

FORMER MILITARY NURSING OFFICER WILL BE COVERED UNDER THE DEFINITION OF 'EX-SERVICEMAN' UNDER THE PUNJAB RECRUITMENT OF EX-SERVICEMEN RULES, 1982

Facts: The appellant was a military nursing officer who was governed under the Military Nursing Service Ordinance, 1943, who was appointed for a period of 5 years. Later, when she applied for a post in the Punjab PSC under the ‘Ex-Serviceman’ category, her candidature was declined.

Judgment: The High Court held that a former military nursing officer will be covered under the definition of ‘ex-serviceman’ under the Punjab Recruitment of Ex-servicemen Rules, 1982. The Court observed that military nurses was raised as part of the Armed Forces of the Union and members of the service were of commissioned rank, liable for service only with forces and bound to undergo training and perform their duties in connection with Indian Military Forces. Further, it rejected the State’s argument that the eligibility conditions and the benefits to be granted regarding reservations etc. were the prerogative of the employer. The Court held that this discretion could not override the administrative instructions of the Punjab or Central government rules and directed for the candidature of the appellant to be taken into consideration in light of the above ruling.



Gender bias and
Employment during
Pregnancy

MISHA UPADHYAY V. STATE OF UTTARAKHAND & ORS.

Court: Uttarakhand High Court

Citation: W.P. (S/S) No. 241 of 2024

Facts: The petitioner, who was 13-weeks pregnant, was issued an appointment letter for joining in a district hospital. After getting the requisite documentation including the medical fitness certificate, the petitioner went to the said hospital for joining in her post. However, she was denied joining by the impugned order on the ground that the medical fitness certificate held her “temporarily unfit for joining”. Aggrieved by the same, she approached the High Court for relief.

Judgment: The Uttarakhand High Court has held that a woman, after being duly selected, cannot be denied joining in service merely because she is pregnant. The Court noted that the petitioner had no other infirmity other than the fact she was pregnant, and thus was of the opinion that the treatment meted out to the lady by the respondent authorities amounted to ‘gender bias’ and no woman could be denied employment on account of her pregnancy. This would be violative of Article 14, 16 and 21 of the Constitution of India. Thus, the Court disposed of the writ petitioner by quashing the impugned order and directed the respondents to allow the petitioner to join service immediately.

A WOMAN,
AFTER BEING
DULY
SELECTED,
CANNOT BE
DENIED
JOINING IN
SERVICE
MERELY
BECAUSE SHE
IS PREGNANT

Maternity Benefits for
Contractual employee

NEETA KUMARI V UNION OF INDIA & ORS.

Court: Calcutta High Court

Citation: WPA 29978 of 2013

Facts: The petitioner was appointed as an Executive Intern with the Reserve Bank of India (‘RBI’) on a contractual basis for three years, and challenged the failure of the bank to allow her maternity leave for a period of 180 days under the Maternity Benefits Act, 1961. The respondent bank contended that the petitioner was a contractual employee, and that the contract for employment made no provision of maternity benefits.

Judgment: The Court held that the rights under the Maternity Benefits Act were universally applicable over any concern of the government where ten or more people were employed in the preceding 12 months. Further, to differentiate between contractual and permanent employees for the purpose of maternity leave would amount to discrimination, thus violating Article 14 of the Constitution and the object of social justice would stand defeated. Thus, the Court held that notwithstanding the contract between the parties, the petitioner had a statutory right to seek maternity leave.

DIFFERENTIATE
BETWEEN
CONTRACTUAL
AND PERMANENT
EMPLOYEES FOR
THE PURPOSE OF
MATERNITY LEAVE
WOULD AMOUNT
TO
DISCRIMINATION

Post-retirement benefits
and Penalty Provision

DR. RAMCHANDRA BAPU NIRMALE V. STATE OF MAHARASHTRA

Court: Bombay High Court

Citation: Writ Petition No. 15939 of 2022

Facts: The petitioner was a former Medical Officer with the State, and during this service was found guilty of taking Non-Practicing Allowance (NPA) by concurrently engaging in private service. For this, a punishment order for a reduction in salary was imposed on the petitioner. Upon his retirement, the State calculated his punishment based on his reduced pay scale. The petitioner protested this, contending that the punishment order did not state a perpetual reduction in salary and retiral benefits. Aggrieved by the same, the petitioner approached the Bombay High Court.

Judgment: The Court held that the effect of reduction in pay scales of a state government servant does not extend beyond the period of employment and does not impact post-retirement benefits such as pension. It asserted that when the punishment order was silent on post-retirement benefits and reduction on future increments post the specified punishment period, then in that case withholding of increments post the period of punishment would be modifying the punishment which was impermissible. Thus, the Court directed the state to consider the last pay drawn before the penalty order’s implementation and recalculate the pensionary amount.

EFFECT OF
REDUCTION IN
PAY SCALES OF A
GOVERNMENT
SERVANT DOES
NOT EXTEND
BEYOND THE
PERIOD OF
EMPLOYMENT AND
DO NOT IMPACT
POST-RETIREMENT
BENEFITS SUCH
AS PENSION

Compassionate employment

KUMARI NISHA V. STATE OF U.P. AND ORS.

Court: Allahabad High Court

Citation: Writ - A No. - 16068 of 2023

Facts: The petitioner's father had died in service while working as a headmaster of a primary school, leaving behind a widow, two unmarried sons and one unmarried daughter. The petitioner filed for compassionate employment, however this was rejected by the State authorities on the ground that the eldest son was already in a government job and thus there was no financial stress on the family, and therefore, compassionate employment of any member of the family is not permissible.

Judgment: The High Court held that the statutory condition for not granting compassionate employment was limited only to the spouse of the deceased and cannot be extended to the children of the family. Thus, it held that the son being in government employment at the time of death for his father would be irrelevant since his earning may be utilized for providing for his own family, wife and children. Thus, the Court held that in the absence of any material to show that the brother's earnings were enough for sustenance of the entire family, then the refusal of the State authorities was not sustainable.

STATUTORY CONDITION FOR NOT GRANTING COMPASSIONATE EMPLOYMENT WAS LIMITED ONLY TO THE SPOUSE OF THE DECEASED AND CANNOT BE EXTENDED TO THE CHILDREN OF THE FAMILY

Compassionate Employment

ARIFA TK V. THE DISTRICT COLLECTOR & ORS.

Court: Kerala High Court

Citation: WP (C) No. 33177 of 2022

Facts: The petitioner was a married woman who sought employment assistance due to her deceased father who was in public employment. She contended that due to her husband losing his job, she had now become a dependent on her father and thus was entitled to employment assistance.

Judgment: The Court held that simply because the husband has lost his job, does not automatically imply that the daughter was now dependent on her father. The Court noted that dependency was a de facto, rather than a de jure doctrine. Considering that after marriage, the petitioner had no dependency on her father since her husband was earning, then it was untenable to imagine the dependency on her father stood restored on husband allegedly losing his job. This, the writ was disposed off without orders.

DEPENDENCY WAS A DE FACTO, RATHER THAN A DE JURE DOCTRINE & NO COMPASSIONATE EMPLOYMENT WHERE SUCH DEPENDENCY IS NOT PROVED



Minor error due to disability

**MINOR ERRORS
STEMMING FROM
A DISABILITY
SHOULD NOT
LEAD TO
SERIOUS
CONSEQUENCES
SUCH AS LOSS
OF JOB
OPPORTUNITIES**

Denial of Employment
on the basis of disease

**MERELY CITING
A DISEASE IS
NOT ENOUGH
TO DENY
EMPLOYMENT
AND THAT
UNFITNESS HAS
TO BE FOUND
OUT**

SHANTA DIGAMBAR SONAWANE V. UNION OF INDIA AND ANR.

Court: Bombay High Court

Citation: Writ Petition No. 10813 of 2023

Facts: The appellant in this case was a visually-impaired woman who had inadvertently entered the wrong birth year in her application in the Railways. Despite successfully passing the exam and receiving a call for document verification, she faced rejection during document verification when she attempted to rectify the error with her updated Aadhaar Card. She received no response from the Railways to her representation seeking the reasons for rejection of her candidature. Aggrieved by such rejection, she filed a writ petition in the Bombay High Court.

Judgment: The High Court held that minor errors stemming from a disability should not lead to serious consequences such as loss of job opportunities. Refusing to remedy such errors contravened the principle of equality and fair treatment under the Constitution and Rights of Persons with Disabilities Act, 2016. The Court noted that individuals who are disabled cannot be expected to stand on equal footing with other candidates and thus there should be reasonable efforts to modify the procedures to be more equitable for them. The court allowed her writ petition challenging the cancellation and directed the Railways to process her candidature within six weeks.

UNION OF INDIA V UDAYACHANDRAN P

Court: Kerala High Court
2017

Citation: OP (CAT) No. 300 of 2017

Facts: The applicant was an ex-serviceman who was denied employment in the Railways since he was unfit by the medical board due to diabetes. Aggrieved by the same, he filed a petition in the Kerala High Court.

Judgment: The Court held that a candidate cannot be denied employment merely stating that he has a disease without finding that it would impact his capacity to perform his duties. It observed that merely citing a disease is not enough to deny employment and that unfitness has to be found out with reference to the functions and duties to be discharged by the candidate. Since the medical report did not mention any reasons for disqualifying the applicant except for the reason he has diabetes, the Court directed the Railways to evaluate the medical condition to check whether it would substantially impair his abilities or not.



International Cases

Working Hour versus Available time

RIGHT TO REDUCED WORKING HOURS DID NOT GIVE A CORRESPONDING REDUCTION IN THE AVAILABLE TIME

A V. SCHLUMBERGER NORGE AS (NORWAY)

Court: Norwegian Supreme Court

Citation - HR-2023-2068-A

Facts: The employee alternated between fixed available periods and periods off work according to his working time arrangement. After being granted a reduction in his normal working hours, he claimed for a reduction in his available time also. The issue was whether the employee's "available time" is to be regarded as "working hours".

Judgment: The Supreme Court of Norway noted that "available time" means that he could be called to work at any time. However, during working time, the employee is placed in a situation where he or she is legally obliged to obey the instructions of his or her employer and perform an activity for the latter. Thus, since during an employee's "available time", he does not objectively or significantly work for his employer and is free to manage his own time, the Court concluded that the employee's available time did not meet the conditions for being working time. Thus, the Court held that the right to reduced working hours did not give a corresponding reduction in the available time.

R V GREATER SUDBURY (CITY) (CANADA)

Court: Supreme Court of Canada

Citation: 2023 SCC 28

Facts: The city of Sudbury had contracted with a third-party contractor for a construction project. The negligence of the third-party contractor led to a pedestrian's death, and so the company was convicted of breaching its duty as an employer. The municipal authorities of Sudbury claimed that they were not an employer because it had no control over the work being contracted out, and thus not vicariously liable.

Judgment: The Supreme Court of Canada held that the city of Sudbury was an employer of the general contractor and had breached its obligations due to the company's negligence. It further noted that requiring control on the contractor would defeat the purpose of social justice which aimed at providing remedial public benefits. Thus, the onus was on the State to prove that they had acted with due diligence and thus court held it vicariously liable.

Contractual Worker

REQUIRING CONTROL ON THE CONTRACTOR WOULD DEFEAT THE PURPOSE OF SOCIAL JUSTICE

Disability during Employment

EUROPEAN LAW REQUIRES EQUAL TREATMENT IN EMPLOYMENT AND OCCUPATION & WORKER TO BE DISMISSED WHEN HE IS DISABLED RUNS AGAINST IT

J.M.A.R V CA NA NEGRETA SA (EUROPEAN UNION)

Court: European Court of Justice

Citation: Case C-631/22, ECLI:EU:C:2024:53

Facts: The case concerned a truck driver who, due to an accident at work, could no longer perform his contractual role. The employer terminated his contract even when there was a vacant role as driver in a different department which the employee was still medically able to perform. The legal issue was whether the company was obligated to provide the employee with this position due to his work-related disability.

Judgment: Under the European Directive 2000/78, there is a general framework for equal treatment in employment and occupation. European discrimination law requires that in cases of medical force majeure - when terminating the employment contract of a worker unable to perform the contractual role, the employer should at least examine whether it would be possible to continue employing the employee in a different role. Thus, if national legislation would allow a worker to be dismissed when he is disabled, without the employer having to take or maintain appropriate measures, then this would run contrary to European law.

POLICY AND LEGISLATIVE UPDATES

AS PROOF OF BIRTHDATE, EPFO REMOVES AADHAAR CARD FROM LIST OF ACCEPTABLE DOCUMENTS.

A circular bearing the number WSU/2024/1/UIDAI Matter/4090 was released by the Employees' Provident Fund Organization (EPFO) on January 16, 2024. It notifies that the Aadhaar Card has been removed from the list of acceptable documents for date of birth correction, as stated in Table B of Annexure-1 of the Standard Operating Procedure on Joint Declaration, which was published on August 22, 2023.

The aforementioned circular was released in response to a letter from the Unique Identification Authority of India (UIDAI) requesting that the Aadhaar Card be removed from the list of acceptable proofs of birth. In addition, it highlights two recent rulings from the Bombay High Court in State of Maharashtra v. Unique Identification Authority of India and Others, dated July 28, 2023, and the Office Memorandum issued by MeitY on December 20, 2018, which both reiterate that an Aadhaar Card can be used to establish identity of an individual subject to authentication and, as such, is not a proof of date of birth per se.

GUIDELINES FOR THE DELIVERY OF DRUGS AT HOME ARE REVISED BY ESI

In reference to the recommendations announced on November 3, 2023, the Employees' State Insurance Corporation ("ESI") has released updated rules regarding the home delivery of medications to beneficiaries and insured individuals. In response, a Standard Operating Procedure (SOP) for drug distribution to homes has been introduced by a January 10, 2024, circular with the number U11013/2/2024-MED-I. The following are some of the salient characteristics:

- a) All elderly people with chronic illnesses who are eligible for ESI treatment, who have been prescribed medications for longer than 30 days, receive hospital consultations, and who prefer to have their medications delivered to their homes, may use this facility. Furthermore, the option would be available to all ESI beneficiaries, ESI employees and their relatives, retirees seeking teleconsultation through Esanjeevani, and disabled and bedridden patients receiving medication for a chronic illness.
- b) The home delivery facility shall be offered only in certain defined districts as decided by the Dean/MS of the concerned hospital.
- c) The hospital will post a proposal on the GeM Portal to hire services for medication delivery to patients' homes. Each hospital will create its own SOP based on its own requirements for process flow, vendor, pharmacist, and other stakeholder guidelines, as well as an established grievance redressal structure. The eligible patient may receive medications via home delivery for a maximum of ninety days.
- d) Following the drug packet pickup from the drug delivery cell, the chosen vendor will notify the recipient of the tracking number and URL for tracking. The approved recipient's signature in a predetermined format or an OTP must be used as proof of delivery.

THE STATE-WISE LIST OF NOTIFIED/NON-NOTIFIED DISTRICTS IS UPDATED BY ESIC.

The updated list of notified districts of the Employees' State Insurance Corporation ("ESIC") as of January 11, 2024, was provided by the ESIC in a circular with number. N-15015/1/2023-P&D on January 17, 2024. There are 17 States and 19 Union Territories (UT) where the full area has received notification, and 19 where only a portion of it has. 556 districts have received full notification, 105 have received partial notification, and 117 have not received any notification at all. The circular's Annexure-A lists the districts that have received full notification, partial notification, and no notification at all.

UPDATES TO THE AAA+ APP TO MAKE AADHAAR SEEDING EASIER

Through its circular dated January 10th, 2024, bearing No.: P-14015/3/2022-HIT-11-Part (1), the Employees' State Insurance Corporation (ESI) has notified users of the features and modifications made in the AAA+ mobile app to expedite Aadhaar seeding. As a result, the aforementioned software will make it easier to generate ABHA and seed Aadhaar by utilizing facial authentication when the insured person logs in. Through face-authentication, the insured person would be able to seed Aadhaar for themselves and their family. Additionally, ESI provides a user manual for information and necessary actions. Furthermore, in order to speed up the Aadhaar seeding of insured persons and their families, all ESI field offices have been asked to widely publicize the aforementioned new feature within their respective jurisdictions.

GUIDELINES GOVERNING THE EPS ENTITLEMENT OF MEMBERS WITH MULTIPLE ACCOUNT NUMBERS ARE REITERATED BY EPFO

The Employees' Provident Fund Organization (EPFO) has reaffirmed the rules it released in a circular on November 30, 1998, in a letter dated January 29, 2024, with No.: e597452/4406. If an employee of the EPS has more than one account number for working simultaneously in two or more businesses, you should be aware of the following process:

- a) Pensions from each employer must be calculated on an actual basis on the day of departure;
- b) Pension payments from all establishments will be combined, provided that the total amount of pensionable salaries at any one moment won't above the wage cap; if it does, the contribution on the excess salary will be transferred to the PF account;
- c) The minimum pension criteria will be applied to the aggregated pension i.e., only on the total pension amount.
- d) If an EPS member joins a different establishment without leaving the first one, and his or her pay ceiling of INR 15,000/-is not exceeded, the RO of the covered establishment will be in charge of making sure that the total contribution to EPS does not surpass the contribution payable on the INR 15,000/-wage ceiling. Moreover, starting on September 1st, 2014, it will be made sure that if an employee's wages in one establishment exceed INR 15,000, or if their total wages at the time of joining exceed INR 15,000 in multiple establishments (concurrently and simultaneously), the entire 24% Provident Fund contribution will be kept in the account, and the employee will not be eligible to join in such a case.

DURATION OF TIME FOR UPLOADING PAYMENT DETAILS ABOUT HIGHER WAGE

The EPFO has extended the deadline for uploading the wage details of applicant pensioners / members from December 31, 2023 to May 31, 2024, according to a press release issued by the Ministry of Labour and Employment on January 3, 2024. The time frame was extended because the employers still need to process more than 3.6 lakh applications for joint or option certification.

KARNATAKA ISSUES COMPULSORY GRATUITY INSURANCE RULES FOR 2024

The Karnataka Government enacted the Karnataka Compulsory Gratuity Insurance Rules, 2024 (the "Rules") through a notification dated January 10th, 2024, with No. LD 397 LET 2023. The day they are published in the official gazette is when they will go into effect. Within 30 days of being applicable, or 60 days for already-existing companies, the Rules require new employers to get gratuity insurance. After receiving insurance, employers have 30 days to register with the Controlling Authority and submit a list of their insured workers. Employers who have approved gratuity funds in the past or who employ 500 people or more may choose to use them, provided that all employee liabilities are met. In order for the Gratuity Trust to be registered with representatives from both employers and employees, they must submit Form II for approval. These provisions aim to ensure timely gratuity payments and offer options for managing gratuity liabilities effectively.

Occupational Safety for Mine Workers in India

Ishika Jain, Research Intern, CLLRA

On the 12th of November, when the entire country was engrossed in the excitement of the World Cup and celebrating Diwali, tragedy struck the miners working in Uttarkashi district of Uttarakhand. It was a dark day for those working in the Barakot Sirkiyara Tunnel, a bi-directional tunnel being constructed as part of the ₹12,000 crore Char Dham Project. At approximately 5:30 AM, a section of the Silkyara Bend–Barkot tunnel collapsed, trapping 41 construction workers inside, who were reprofiling the tunnel from the Silkyara portal. The state government launched Operation Zindagi ("life") to save the trapped workers. Several government agencies, including the National Disaster Response Force, the State Disaster Response Force, Uttarakhand Police, engineers from the Indian Army Corps of Engineers, and Project Shivalik of the Border Roads Organisation, were involved. The initial rescue attempts were complicated due to the type of debris created by the collapse. However, "rat-hole" miners were eventually brought in to use manual mining methods to create an access pipe to reach the trapped workers. Finally, after 17 days of intense work, all 41 workers were rescued.

Regrettably, this is not an isolated occurrence. The annals of mining mishaps paint a grim picture, with a litany of disasters including the Chinakuri Colliery disaster, Dhanbad Mining Disaster, the 2018 Meghalaya mining accident, the Chasnala Disaster, Gaslitand Colliery disaster etc. What binds these calamities together is a glaring absence of occupational safety measures.

Occupational safety and health (OSH) is a vital scientific discipline dedicated to anticipating, recognizing, evaluating, and controlling workplace hazards. Within the mining sector, where the stakes are high and risks are prevalent, OSH assumes paramount importance. The mining industry, being a cornerstone of the economy, is unfortunately plagued by a history of severe and frequent accidents, injuries, illnesses, and fatalities among its workforce. The alarming frequency of occupational hazards within mining underscores an urgent imperative for enhanced safety measures tailored specifically for miners. Past records serve as poignant reminders of the pressing need to prioritize the well-being of those working in this hazardous environment. As we navigate the complexities of the mining sector, it becomes increasingly evident that concerted efforts are required to institute robust occupational safety protocols.

Coal mining, globally, operates under stringent regulations due to its inherent risks and occupational hazards. In India, the coal mining industry is governed by a comprehensive framework of safety legislation aimed at ensuring

Occupational Health and Safety (OHS). Compliance with these statutory provisions is obligatory, reflecting the priority placed on worker safety. Key statutes related to coal mine safety in India include: Occupational Safety, Health and Working Conditions Code, 2020[1], Article 246 of Indian Constitution[2], Mines Act, 1952[3], Mines and Minerals (Development and Regulation) Act, 1957[4], the Mine Rules, 1955[5], Disaster Management Act, 2005[6]. These regulations encompass various aspects of safety measures, procedures, and protocols aimed at safeguarding the well-being of coal miners and mitigating potential risks inherent to the industry. They also include provisions for medical examinations, the use of Personal Protective Equipment (PPE), and measures to control air-borne dust. Additionally, they also outline requirements for monitoring mining activities, achieving sustainable practices, and maintaining air quality standards as per environmental regulations. The Directorate General of Mine Safety (DGMS) is vested with the responsibility to ensure compliance of provisions under these acts and the rules & regulations made there under for improvement in standard of safety in mines.

Despite the extensive regulatory framework in place, the mining industry continues to face significant challenges, as evidenced by the alarming number of accidents reported. In the past year alone, Coal India Limited (CIL) recorded 17 fatal accidents[7], with numerous other incidents occurring as well. These incidents point to shortcomings or challenges within existing laws and safety measures.

Such instances underscore a gap between regulatory standards and practical implementation, indicating a need for stricter enforcement and more effective safety measures. Leadership within the mining sector often falls short in providing adequate training and guidance to workers, leading to inefficient and unsafe practices. The lack of strong leadership or instances of leadership violations contribute to a culture where safety is compromised, heightening the risk of accidents and injuries. The challenging environmental conditions inherent to mining operations, such as poor illumination and ventilation, present significant hurdles to maintaining safety standards at worksites. These environmental factors not only increase the risk of accidents but also pose health hazards to workers over time. Various types of errors and violations further exacerbate safety concerns within the industry. Skill-based errors, decision errors, procedural violations, and perceptual errors are prevalent and contribute to accidents and injuries. Irregular reporting practices, driven by factors like time pressure and staff shortages, further compound the challenges faced by the industry.

The issues plaguing the mining industry point to a fundamental lack of occupational safety measures. The collapse of the tunnel in Uttarakhand exemplifies this, where safety standards mandating the creation of 'escape tunnels' were blatantly violated, exacerbating the severity of the incident. Such instances underscore the pervasive failure to implement existing laws effectively. A key contributing factor is the lack of knowledge among workers regarding safety protocols and regulations, exacerbating the hazardous working conditions. Shortages in manpower and inadequate equipment, coupled with the pressure to maximize profits, force workers to operate in unsafe environments. The absence of viable alternative livelihoods and limited awareness further perpetuates exploitation within the industry. Moreover, deficiencies in existing laws compound the problem. While regulations like the Building and Other Construction Workers' (Regulation of Employment and Conditions of Service) Central Rules (BACW Rules) exhibit well-drafted and visionary safety standards, the laws governing the mining industry are often criticized for their lack of vision and comprehensiveness in addressing occupational safety concerns. Unlike the detailed and comprehensive provisions found in the BACW Rules, the regulations governing mining operations often fail to adequately address the complexities and inherent risks associated with mining activities. Ineffective implementation of existing laws further compounds the challenges faced by workers, leaving them vulnerable to exploitation and unsafe working conditions.

Addressing the concerns raised by the alarming frequency of accidents and shortcomings in occupational safety measures within India's mining sector necessitates a multifaceted approach focused on proactive solutions. Firstly, there is an urgent need for comprehensive and stringent enforcement of existing safety regulations. This entails robust monitoring mechanisms, regular inspections, and stringent penalties for non-compliance. Additionally, enhancing leadership accountability and promoting a culture of safety from the top-down are imperative. Mining companies must invest in comprehensive training programs to educate workers about safety protocols, hazard recognition, and emergency response procedures. Moreover, fostering collaboration between industry stakeholders, government bodies, and civil society organizations can facilitate the exchange of best practices, innovation, and knowledge-sharing to enhance safety standards across the sector. Embracing technological advancements such as real-time monitoring systems, drones for surveillance, and automation can also mitigate risks and improve overall safety outcomes. Furthermore, prioritizing worker welfare by providing access to adequate healthcare facilities, mental health support services, and fair compensation for injuries or fatalities is essential to foster a safer and more equitable work environment. The objective is not solely to evade natural disasters, but rather to diminish those induced by human actions and to enhance preparedness for naturally occurring ones. By implementing

more robust mechanisms, we can effectively minimize the damage caused by such incidents and enhance our capacity to respond effectively when they occur. Ultimately, achieving meaningful progress in occupational safety for mine workers, demands a collective commitment to prioritize human life and well-being above all else, transcending profit-driven agendas and addressing systemic issues that perpetuate risk and exploitation within the industry.

In conclusion, the tragic incidents and systemic challenges highlighted within India's mining sector underscore the urgent need for transformative action. Occupational safety for mine workers cannot be merely a regulatory obligation; it must become an ingrained ethos driving every facet of industry operations. It requires a paradigm shift where safety is not an afterthought but a core value upheld at all levels of decision-making and implementation. As we reflect on the lives lost and the suffering endured, we must commit to fostering a culture of safety that transcends bureaucratic complacency and profit-driven motives. It demands unwavering dedication to equipping miners with the knowledge, resources, and protections they deserve, to work safely and with dignity. The road ahead is arduous, but with collective resolve and sustained efforts from industry leaders, policymakers, and civil society, we can chart a course towards a future where every miner returns home unharmed, where tragedies become relics of the past, and where occupational safety is not just a goal, but an uncompromising reality.

[1] Health and Working Conditions Code 2020.

[2] Constitution of India 1951, Art. 246.

[3] Mines Act, 1952.

[4] Mines and Minerals (Development and Regulation) Act 1957.

[5] Mine Rules 1955.

[6] Disaster Management Act 2005.

[7] Ministry of Coal, Annual Report 2022-23 (Government of India) ch 14.



A Critical Examination of New Labour Codes and their Impact on Platform Workers

Ayush Gairola, Research Intern, CLLRA

Introduction

"Gig work" and "platform work" are often used interchangeably to encompass a wide range of modern employment practices within the workforce. As defined by the International Labour Organisation (ILO), platform workers can be divided into two main types of work. The first is "Crowdwork," which operates through web-based platforms, typically conducted online, linking a large network of freelance service providers with organizations and individuals in need of their skills. The second category involves location-based applications, where work is assigned to individuals in a specific geographic area, commonly including tasks such as food delivery and taxi services.

The latter category, in contrast to the former, presents distinct socioeconomic contexts for workers and employment relations. This rapidly growing sector is creating new urban jobs within an environment marked by significant inequality. Workers in this category are compelled to navigate opaque and evolving rules of engagement, as negotiation is sidelined by algorithms that assign tasks and determine associated remuneration. Therefore, this blog primarily focuses on this latter category of platform-based work. It will initially briefly give an overview of recent labour code enactments, followed by a review of an empirical study conducted by the Institute of Public Policy (IPP) at NLSIU Bangalore, examining platform workers, specifically food delivery workers, in Karnataka. Subsequently, the blog will utilize the findings of this study to critically evaluate regulatory challenges and gaps in coverage for platform workers, while also assessing the effectiveness of the new labour codes in addressing these critical issues.

New Labour Codes

The Government of India has passed, but not enforced yet, four new labour codes to replace 29 existing legislations. Presently, a significant segment of the digital platform workforce lacks protection provided by laws ensuring basic working conditions such as minimum wages, reasonable working hours, safety standards, and social and accidental insurance coverage. It is argued that the new labour codes might offer benefits by acknowledging the evolving needs of labour law amidst dynamic transformations in the industry.

Section 2(35) of the Social Security Code, 2020 (SSC) defines gig workers as an individual who "...participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship." This implies that freelancers, independent contractors, and all others who engage in hourly or temporary work would come under the

ambit of this code. Additionally, it outlines the definition of platform work, covering individuals involved in platforms having online software and digital applications. The code establishes provisions for registration, various schemes, and helpline facilitation centres for gig workers. Other than this, the Occupational Safety, Health and Working Conditions Code, 2020 seeks to provide safe working conditions and social security to all categories of workers. However, the following sections of this blog will examine whether the new labour codes effectively meet the intended implications claimed by the central government.

Empirical Study: Case of Karnataka

The IPP conducted a study in 2020 based on data from food delivery workers in Karnataka affiliated with various platforms like Zomato, Swiggy, etc. The report remains relevant as it draws from data collected in January 2020, offering insights into contemporary trends. The study begins by examining why individuals opt for platform-based food delivery work. It highlights motivations such as the perception of higher earnings through association with globally recognized platforms, the allure of incentives, targets, and bonuses, which create a sense of earning proportionate to one's effort. These incentives are linked to meeting specific targets, fostering a feeling of control over earnings. Additionally, survey respondents expressed appreciation for the autonomy associated with such work, citing the freedom to take holidays at will and not being subjected to strict schedules, which contributes to the appeal of these roles.

However, the initial perception described above underwent a significant shift for workers once they began working on these platforms. These workers are generally labelled as 'partners' rather than 'employees' by these platforms, a distinction that enables the platforms to sidestep regulatory standards thereby, workers often find themselves subjected to extensive control, surveillance, and punitive measures imposed by these platforms. These platforms enforce strict working conditions, including rigid log-in hours and minimum order quotas, over which workers have no say, as these allocations are determined solely by the platform's algorithms. Additionally, stringent conditions regarding order cancellations are imposed; for instance, Swiggy permits only one cancellation per day in Bangalore and levies a fine of Rs. 40 for each subsequent cancellation. While the absence of a traditional boss figure initially attracted workers to these roles, they often find themselves lacking any managerial figure to hold accountable when issues arise. Moreover, there is a heightened risk of road accidents as workers rush to complete deliveries promptly to qualify for incentives tied to

task completion. Additionally, traversing distances ranging from 100 to 150 kilometres daily in areas with elevated pollution levels poses significant long-term health risks. Workers frequently experience feelings of despair and frustration, consumed by concerns about meeting targets. Furthermore, the requirement to work on weekends, most holidays, for an average of 12 to 13 hours per day results in a lack of rest and severely limits social interactions.

While digital platform work deviates from traditional employer-employee dynamics by lacking fixed wages and hours, the data and working conditions reveal a significant level of control exerted by the platforms over their workers. Consequently, these platforms should not be permitted to designate workers as 'partners,' as this label obscures the exploitation they face.

Analysis of Labour Reforms

While the SSC 2020 aimed to tackle social security issues for workers in the informal sector like migrant and platform workers, it has fallen short of its objective. The social security provisions such as provident fund, employee state insurance, maternity benefits, and gratuity primarily cater to organized formal sector workers and are mandated by law. For informal sector workers, their entitlements are outlined separately in Chapter IX of SSC 2020, focusing on welfare schemes rather than legally mandated benefits like those for formal sector workers. These welfare schemes depend on government discretion rather than being legally required. This approach places the responsibility on both union and state governments to periodically create and announce suitable welfare schemes. Financing these social security schemes for unorganized and gig/platform workers requires coordination between the central government, state governments, and sometimes intermediaries, leading to concerns about funding clarity and accountability. The language used in the Social Security Code maintains the perception of workers as beneficiaries of government goodwill without specifying timelines or obligations for scheme implementation. Additionally, past failures of social welfare schemes targeting informal workers raise scepticism about relying solely on welfare mechanisms due to the high possibility of legislative shortcomings and poor implementation.

Furthermore, the other three codes do not explicitly mention or define the term 'gig' or 'platform' workers. It is worth noting that if the Parliament had intended to include gig workers under the ambit of these codes, they would've explicitly mentioned the same in the codes itself, similar to that in the Code on Social Security Scheme, 2020. Therefore, it is highly unlikely that the regulations outlined in them would extend to workspaces involving gig workers until or unless a novel interpretation is given to the provisions of these codes. This ambiguity exposes the platform workers not only to discriminatory wage practices but also potential exploitation

and risks associated with hazardous working conditions, including no safety measures, indefinite working hours, etc.

Therefore, despite their assertion, the new labour codes do not effectively tackle the core issue of bringing digital platform work under regulation to ensure that workforce of this segment receive employee benefits and safe working conditions.

Way Forward

The Indian stance on gig workers is established in the pivotal Hussainbhai case, which emphasizes that for an individual to be considered a worker under Section 2(s) of the Industrial Disputes Act, there must be a clear and identifiable employer-employee relationship. However, as discussed earlier, due to the varying characteristics and nature of work of the gig and platform workers, it becomes difficult for them to fit in the traditional employer-employee relationship and the new labour codes also have a few shortcomings which might prevent them to come under its ambit.

Around the world, various countries are making efforts to protect the rights of gig workers. For instance, the European Union has issued directives aimed at providing basic rights to workers and enhancing transparency in working conditions for those who work a minimum of 3 hours per week or 12 hours every 4 weeks on average, excluding those who are self-employed. Such regulations would prevent platforms from categorizing their workers as 'partners' and exploiting them. In the United States, the Department of Labor has proposed the Fair Labor Standards Act (FLSA), which would facilitate gig workers in swiftly attaining employee status.

In India, alongside expanding the coverage of the new labour codes to include platform workers, authorities should also ensure that these workers are not referred to as "partners." This terminology is often used as a tactic to evade the labour regulations that aggregators are obligated to follow.

Conclusion

The gig and platform workers encounter a wide range of challenges, including economic, social, and health-related issues, as highlighted by the Karnataka case study. Despite this, the new labour codes fail to deliver on their promise of extending social security benefits to these workers. According to a NITI Aayog report, 'India's Booming Gig and Platform Economy', around 77 lakh individuals were associated with the gig economy and the gig workforce is projected to reach 23.5 million by 2029-2030. Given the significant contribution of this thriving industry to both the global and national economies, it is crucial to ensure that gig and platform workers receive adequate security and benefits. Therefore, there is an urgent need to enhance the new labour codes by providing statutory benefits to address the underlying working challenges faced by this workforce segment.

DOMESTIC LABOUR LAW NEWS

TOTAL ALLOCATION FOR LABOUR MINISTRY IS ₹12,531.47 CRORE, COMPARED WITH ₹13,221.73 CRORE IN THE LAST BUDGET

The Interim Budget for 2024-25 has drawn criticism as allocations to the Labour Ministry have decreased, notably impacting schemes aimed at employment generation and social security. The Atmanirbhar Bharat Rojgar Yojana, a flagship initiative, saw a drastic reduction in allocation from ₹2,272 crore to just ₹150 crore. Similarly, allocations for social security schemes and pension programs for unorganized workers were slashed significantly. The budget also witnessed cuts in allocations for initiatives addressing child labor and bonded labor. Finance Minister Nirmala Sitharaman's claims of creating more employment opportunities were refuted by Trade Unions, with the Centre of Indian Trade Unions (CITU) denouncing the budget as a collection of falsehoods. CITU criticized the budget for its alleged neglect of rising unemployment and falling real wages, contrasting government claims with reports from international organizations like the International Labour Organisation and the United Nations. Overall, the Interim Budget has faced criticism for its perceived failure to address pressing employment and social security concerns.....[Scan QR to read more.](#)



INDIA ADDED 1.88 MILLION NEW WORKERS IN DECEMBER

In December, India witnessed an increase in workforce participation with about 1.88 million new employees joining, as per provisional data from the Employees' State Insurance Corporation (ESIC). This marks a rise from the 1.59 million employees recorded in November. Nearly 47% of these new additions were young employees under the age of 25. Additionally, around 23,347 new establishments were included under the ESIC's social security scheme, expanding coverage to more workers. The gender-wise analysis revealed that women accounted for 359,000 of the net enrolments in December. Comparatively, in November, about 747,000 young employees and 317,000 women registered under the ESIC. The Employees' State Insurance Scheme provides comprehensive social insurance aimed at safeguarding employees against financial burdens due to sickness and related conditions.....[Scan QR to read more.](#)



JOBLESSNESS RISING IN COUNTRY WITH EDUCATION LEVELS: IIM STUDY

A study conducted by D. Tripathi Rao of the Indian Institute of Management (IIM), Lucknow, in collaboration with researchers from Birla Institute of Technology and Science, Pilani, and the Union Ministry of Agriculture and Farmers Welfare, highlights various challenges in India's labor market.



The study indicates a stagnating employment growth rate, weakening employment elasticity, and slow structural transformation. It points out the problem of low female labor force participation and a rise in unemployment rates with higher education levels. The researchers suggest a conscious effort to promote labor-intensive manufacturing sectors to achieve inclusive growth. They analyzed data from the National Sample Survey Office (NSSO) Employment and Unemployment Survey and Periodic Labour Force Survey Dashboard from 1983 to 2020–21.

The study emphasizes the importance of examining job quality alongside quantity, as economic growth has led to net labor displacement. It also notes significant gender disparity in the labor market and higher unemployment rates among highly educated youth. The paper highlights the role of policies like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in improving rural livelihoods but also mentions its impact on private sector employment.

The study calls for targeted interventions to address these labor market challenges and promote inclusive growth.....[Scan QR to read more.](#)

KARNATAKA: IDENTIFYING INELIGIBLE LABOR CARDS THROUGH A DOOR-TO-DOOR SURVEY

The state government will perform a door-to-door survey to verify that those who are not qualified are in possession of labor cards, Labor Minister Santosh Lad informed the Legislative Council on Friday. "The Ambedkar Karmika Seva Kendra will handle the statewide audit of laborers. The next seven to eight months will see its completion," Lad stated.

In response to U B Venkatesh, a Congress MLC, he stated that even people who own Ferrari vehicles, land, and GST numbers have registered. Concurrently, the minister provided justification for the decrease in the scholarship amount for offspring of construction workers, citing an increase in application submissions. "Rs 2,500 crore is needed to provide scholarship for 13 lakh applications," Lad stated.....[Scan QR to read more](#)



UNDER-EMPLOYMENT IS A PROBLEM FOR INDIA, SAYS ARVIND PANAGARIYA

Arvind Panagariya, former NITI Aayog Chairman, emphasized the need for labor reforms in India, stating that underemployment, rather than unemployment, is the country's main challenge. Speaking at the ABP Network's 'Ideas of India Summit 3.0', he highlighted the importance of creating well-paid, high-productivity jobs to address this issue. Panagariya noted India's labor-abundant yet capital-scarce status, with capital concentrated in select sectors, leading to low productivity in others. He urged for reforms in labor and trade laws, emphasizing the need to reduce protection levels compared to other countries. While acknowledging the slow pace of legislative process due to democratic consensus-building, he praised recent efforts by the Modi government in passing labor laws, stressing the importance of state-level implementation. Panagariya also advocated for reforms in privatization and banking sectors to drive economic growth.....[Scan QR to read more.](#)



WTO MEETING: INDIA WANTS LASTING SOLUTION TO FOOD SECURITY; PROTECTS FISHERMEN'S AND FARMERS' INTERESTS

At the WTO ministerial meeting, which begins Tuesday, India will firmly reject a China-led plan for an investment facilitation deal while also calling for a permanent solution to public grain stockpiling for food security and protection of fishermen's rights. The Indian delegation is led by Commerce and Industry Minister Piyush Goyal. The 13th ministerial conference (MC13), which will last four days, will begin on February 26 in Abu Dhabi, UAE.



Trade ministers meet from 164 World Trade Organization (WTO) member countries are convening amid an unpredictable global economic environment caused by the Red Sea crisis, the Ukraine-Russia war, and the Israel-Hamas conflict. India's main concerns at the summit are finding a lasting solution to its minimum support price (MSP) issue for food security, agricultural reforms, fisheries subsidies, e-commerce ban on import taxes, dispute settlement, and WTO reforms.....[Scan QR to read more.](#)

WORKERS AND FARMER ORGANIZATIONS WILL HOLD A PROTEST ON FEBRUARY 16 TO DEMAND AN INCREASE IN MSP AND THE REPEAL OF THE LABOR CODE

The Samyukta Kisan Morcha (SKM) and the joint platform of Central Trade Unions/Federations/Associations have called for a nationwide strike on February 16 to demand an increase in the minimum support price (MSP), a loan waiver for small and medium-sized farm households, and the repeal of the new labor codes, among other demands. The SKM is an umbrella entity for several farm unions, whereas the unified platform of trade unions includes central unions and sectoral worker unions. Aside from that, the unions also seek a rise in the minimum salary of Rs 26,000 per month for workers, reversal of the amendments made to the IPC/CrPC, guaranteed employment as a fundamental right, and the elimination of fixed-term employment and contractual positions.....[Scan QR to read more.](#)



INDIA AND TAIWAN ESTABLISH A MOU TO BRING IN INDIAN LABORERS TO ALLEVIATE LABOR SHORTAGE.

India and Taiwan signed a memorandum of understanding (MoU) on migration and mobility on Friday, allowing Indian workers to seek employment on the island, which is already experiencing labor shortages in industries such as manufacturing, construction, and agriculture. Manharsinh Laxmanbhai Yadav, director general of the India Taipei Association, India's de facto mission in Taiwan, and Baushuan Ger, head of the Taipei Economic and Cultural Center in New Delhi, signed the Memorandum of Understanding during a virtual ceremony.



The agreement, agreed after years of negotiations, will improve bilateral labor cooperation, according to a statement from Taiwan's labor ministry. Taiwan will initially recruit Indian workers with good English proficiency on a small scale, and if the outcomes of the MoU are positive, the positions would be gradually increased, according to the announcement.....[Scan QR to read more.](#)

IN THE MIDST OF THE CONFLICT WITH HAMAS, ISRAEL IS RECRUITING IN UTTAR PRADESH AND HARYANA

India has become the country of choice for the West Asian nation, as a result of the severe labor shortage caused by Israel's battle with Hamas under Benjamin Netanyahu's administration. The Uttar Pradesh government, led by Yogi Adityanath, has launched a one-week recruitment drive at the Industrial Training Institute (ITI) in Aliganj in response to this requirement. Tens of thousands of Indians will be hired by Israel at a time when Palestinians, who have historically been essential to Israeli construction and other industries, are being denied entry into the nation. An article in the Times of India claims that an Israeli team in Uttar Pradesh is scheduled to interview at least 4,600 applicants for positions like shuttering carpenter, mason, tiler, and bar bender over the course of seven days.....[Scan QR to read more.](#)



IN BUDGET 2024, FM REDUCES FUNDING FOR THE MINISTRY OF LABOR AND WORKERS' SOCIAL SECURITY

The Interim Budget 2024–25 reduced funding to the Labour Ministry on Thursday, coinciding with criticism leveled at the Center for youth unemployment who have a college degree. The Narendra Modi government's flagship project, the Atmanirbhar Bharat Rojgar Yojana, received merely ₹150 crore in the interim budget compared to ₹2,272 crore in the previous budget. The Ministry's overall budget is ₹12,531.47 crore, down from ₹13,221.73 crore in the previous budget.



The amount allotted to worker social security programs has decreased from ₹12,152.82 crore in the previous Budget to ₹11,520.29 crore. The Pradhan Mantri Karam Yogi Maandhan, a similar pension scheme for small retailers, traders, and businessmen, received just ₹1 lakh in funding, while the Pradhan Mantri Shram Yogi Maandhan, a scheme for old age protection and social security of unorganized workers, saw its allocation cut in half to ₹177.24 crore.....[Scan QR to read more.](#)

WOMEN'S UNEMPLOYMENT RATE AT 16-MONTH LOW, THUS LABOUR PARTICIPATION ALSO DECLINES

Around Diwali in 2022, the unemployment rate for women was last this low. Based on data from the Centre for Monitoring Indian Economy (CMIE), the unemployment rate for women decreased from 14.9% in December 2023 to 1% in January 2024. In January 2023, it was 13.5 percent, higher. The jobless rate as of right now is the lowest it has been in 16 months, including October 2022. The number of persons in the labor force who are unemployed and actively seeking employment is measured by the unemployment rate.....[Scan QR to read more.](#)



INTERNATIONAL LABOUR LAW NEWS

IMPACT OF DIGITALIZATION ON WORK IN DEVELOPING ECONOMIES REVEALED BY NEW ILO RESEARCH

A new publication by the International Labour Organization (ILO) examines the impact of digitalization on developing economies, particularly focusing on digital labor platforms. Authored by Sarah Cook and Uma Rani, the paper highlights concerns about the insecurity of informal sector workers and the uncertain conditions faced by skilled workers in developing countries. It questions whether digitalization can truly drive development and structural transformation, given the challenges of weak institutional capacity, inequality, and unfavorable global supply chain integration. The authors advocate for policy actions such as regulation, social protection, and data transparency to ensure fair and inclusive development. They emphasize the need to rethink the relationship between skills, productivity, and wages, calling for further research to explore the potential of digital technologies in improving workers' rights and conditions.....[Scan QR to read more.](#)



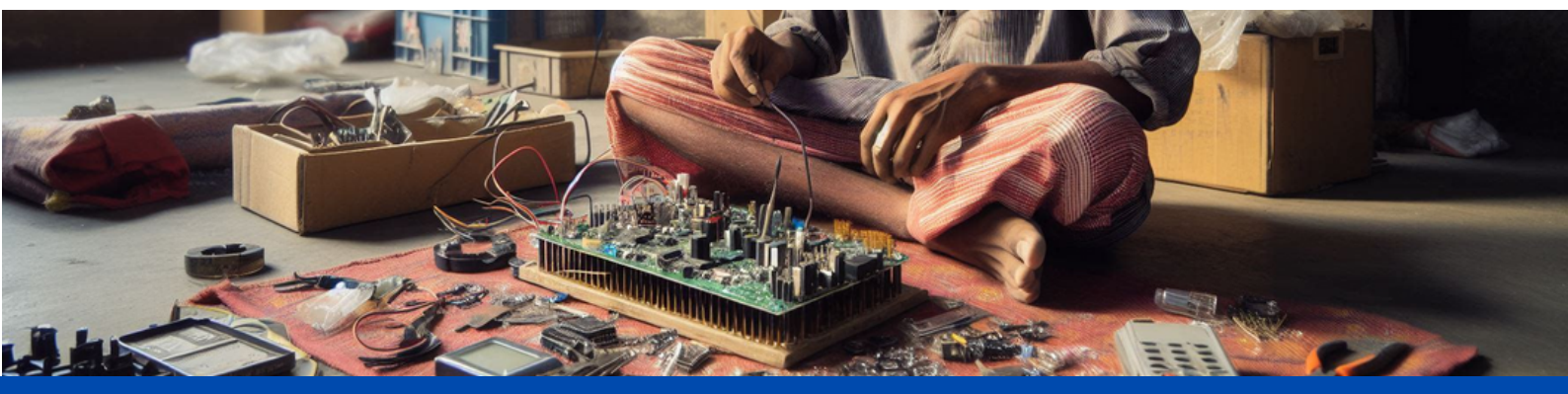
PHILIPPINES RATIFIES CONVENTION NO. 190 ON VIOLENCE AND HARASSMENT IN THE WORLD OF WORK

The Republic of the Philippines ratified the Violence and Harassment Convention, 2019 (No. 190) on February 20, 2024, becoming the first Asian country and the 38th nation globally to do so. Convention No. 190, along with Recommendation No. 206, sets out a comprehensive framework to address violence and harassment in the workplace, aligning with the ILO Centenary Declaration on the Future of Work. It establishes protections for all workers, including interns and apprentices, across various sectors and geographic areas. The Convention mandates member states to adopt gender-responsive strategies in consultation with employers' and workers' organizations, emphasizing prevention, protection, and enforcement measures. The ratification ceremony at the ILO headquarters in Geneva underscored the significance of this step towards ensuring workplaces free from violence and harassment, promoting social justice and human dignity for all workers.....[Scan QR to read more.](#)



PORTUGAL RATIFIES THE ILO CONVENTION ON VIOLENCE AND HARASSMENT

Portugal ratified the Violence and Harassment Convention, 2019 (No. 190) on February 16, 2024, becoming the 37th country worldwide and the 8th in the European Union to do so. This Convention, alongside Recommendation No. 206, establishes a comprehensive framework to address violence and harassment in the workplace, aligning with the ILO Centenary Declaration on the Future of Work and the Global Call to Action for COVID-19 recovery. It affirms the right to a workplace free from violence and harassment and mandates inclusive, gender-sensitive strategies for prevention and elimination. Portugal's Ambassador emphasized the importance of Convention No. 190 for protecting workers' rights and enhancing productivity. ILO Director-General praised Portugal's commitment to creating a dignified and respectful work environment, noting the country's efforts in implementing legal measures against workplace violence and harassment.....[Scan QR to read more.](#)



GERMAN LABOR GROUP URGES GROUND CREW MEMBERS OF LUFTHANSA TO WALK OUT ON FEBRUARY 20

German labor unions have issued a call for Lufthansa ground crew members to strike at seven airports on Tuesday in retaliation for a similar walkout earlier this month. The two primary hubs of Lufthansa, Frankfurt and Munich, as well as the airports in Berlin, Duesseldorf, Hamburg, Cologne-Bonn, and Stuttgart, will be impacted by the one-day strike, according to a statement released by the Ver.di union on Sunday. Tuesday, at 4 a.m., and Wednesday, at 7:10 a.m. The airline had to cancel hundreds of flights due to a strike that lasted 27 hours at five of the same airports and began on February 7. The union is negotiating wage increases for over 25,000 workers, including check-in, aircraft handling, maintenance, and freight professionals, of at least 500 euros (USD 539) each month. In German contract talks, warning strikes lasting one or more hours are a typical technique.....[Scan QR to read more.](#)



UK'S LABOUR PARTY SUSPENDED TWO ELECTION CANDIDATES OVER GAZA WAR

The leader of the British Labour Party, Keir Starmer, suspended two of his parliamentary candidates this week, putting the party—which is presently the overwhelming favorite to win the next UK general election—on the defensive. Following allegations that Azhar Ali and Graham Jones made anti-Semitic slurs regarding the Israeli state during a Labour gathering in northwest England, barely weeks after Hamas' October 7 attack on southern Israel, Starmer decided to suspend them on Monday and Tuesday, respectively. The national chair of the Jewish Labour Movement (JLM), which is associated with the Labour Party, Mike Katz, declared that all party members present at the meeting "ought to be suspended pending investigation." Many, however, are questioning whether Starmer is attempting to silence criticism of Israel in any way, given that Israel's forces have murdered up to 30,000 Palestinians since it started bombarding the Gaza Strip, which is controlled by Hamas, four months ago.....[Scan QR to read more.](#)



AN INTERNATIONAL LABOR STANDARD IS BEING CONSIDERED, WITH A NEW PLATFORM ECONOMY REPORT SERVING AS A FIRST STEP

The ILO has released a new Law and Practice paper titled "Realizing Decent Work in the Platform Economy." A new worldwide labor standard on decent employment in the platform economy may result from the paper, which represents an important turning point in the process. The International Labour Conferences in 2025 and 2026 will talk about it. The paper is an overview of current regulations and practices from around the world, giving current information on how nations are addressing the opportunities and challenges produced by the growth of this type of labor. The study also contains a questionnaire asking governments to share their opinions on the structure, parameters, and subject matter of any future labor standards.....[Scan QR to read more.](#)



COMMITTEE OF EXPERTS ON THE APPLICATION OF CONVENTIONS AND RECOMMENDATIONS REPORT FOR 2024 RELEASED BY ILO

Every ILO Member State's compliance with ratified ILO Conventions is evaluated in the yearly report released by the Committee of Experts on the Application of Conventions and Recommendations (CEACR). A key component of the ILO's supervisory framework, this report offers professional analysis on compliance with international labor standards. In celebration of the 75th anniversary of the Universal Declaration of Human Rights and the ILO's Freedom of Association and Protection of the Right to Organize Convention, 1949 (No. 87), it also promotes the interactive dialogue with chairmen of UN entities in charge of overseeing human rights treaties. Global social justice advancement depends on the implementation of international labor norms, such as Conventions and Recommendations. The 20-member CEACR, which promotes gender parity and draws on a variety of regional experiences, guarantees an objective assessment of governments' compliance with these norms.....[Scan QR.](#)



OPPORTUNITIES

1. European Journal of Social Security - call for special issue 2025

The European Journal of Social Security has issued a call for a special edition in 2025. The journal focuses on broadly defined social security topics and is interdisciplinary, accepting articles from law, social policy, and political science.

The deadline for applications is April 15th. The applications will be reviewed by the editorial board, and the result will be communicated in early May. All articles are subject to regular peer review.

2. SLS Labour Law Section: Call for Papers/Panels for 2024 SLS Annual Conference

This is a call for papers and panels for the Labour Law portion of the 2024 Society of Legal Scholars Annual Conference, which will be held at Bristol University from September 3rd to 5th, 2024. The Labour Law division will convene in the first half of the conference on September 3rd and 4th, with four 90-minute sessions.

3. 21th Conference in Commemoration of Professor Marco Biagi, "Social Dialogue in a Time of Societal Transformation"

The Marco Biagi Foundation at the University of Modena and Reggio Emilia will host an annual international conference in honor of Prof Marco Biagi on March 18-19, 2024, on its grounds in Modena (Italy). The conference theme is: Social Dialogue in a Time of Societal Transformation.

4. 2024 International Law Fellowship Programme at United Nations

The Codification Division of the UN Office of Legal Affairs organizes the United Nations International Law Fellowship Programme. The Fellowship Programme includes an annual summer course at the Peace Palace in The Hague, Netherlands. The participants attend international law lectures and seminars organized by the Codification Division, as well as a public international law session held at The Hague Academy of International Law. The Codification Division organizes talks and seminars with famous international law experts and practitioners from many countries and legal systems.

5. Nordic Migration Research Conference

This year's 22nd NMR conference, which will take place in August 2024, will center on the intricate relationships between precarity and mobility in the context of global migration. The conference's focus on mobility and precarity highlights the ways in which migrants and other ethnic groups navigate precarity from both subjective and structural perspectives, and how these influences affect their day-to-day experiences.

6. European Labour Law Workshop

The Hugo Sinzheimer Institute (HSI) cordially invites you to an expert session on the regulation of platform work on March 21, 2024, in collaboration with the Institute for Labour Law and Industrial Relations in the European Union at the University of Trier (IAAEU). A novel approach to balancing supply and demand for paid labor is platform work. New regulations are being developed by the European Union to enhance working conditions for gig economy workers.

7. Conference on "Artificial Intelligence and the Law: New Challenges and Possibilities for Fundamental Human Rights and Security"

The Jack and Mae Nathanson Centre on Transnational Human Rights, Crime, and Security will hold a conference titled "Artificial Intelligence and the Law: New Challenges and Possibilities for Fundamental Human Rights and Security", on March 13, 2024, ONLINE.

8. International Conference Employment, training and lifelong learning for a global labour market

This International Conference is related to highly topical issues. The aim is to provide an adequate response to the enormous number of legal problems that can arise from these major labour and social transitions. For this reason, the organizers of this International Conference invite all the researchers and stakeholders to participate in it in Santiago de Compostela, on April 11th, and 12th 2024.

PUBLICATIONS: ARTICLES

SUSTAINABLE AGRICULTURE IN MAHARASHTRA: CAN THE STATE BUDGET OFFSET CLIMATE VULNERABILITY?- BY GURPREET SINGH AND POORVI KULKARNI (EPW)

Losses faced by farmers due to consecutive drought years, frequent hailstorms, and unseasonal rain in the past decade were compounded by successive floods during the 2019–21 monsoon. The need to embed climate-resilient practices into agricultural interventions by the government was more acutely felt. Against this backdrop, this article looks at whether the Maharashtra budget has allocated adequately to sustainable agriculture and other community-based agricultural infrastructure development in the recent years. Data show that budgetary allocation towards sustainable agriculture schemes and other long-term, community-based infrastructure development programmes have fallen short. Although these schemes build long-term climate resilience of agriculture and allied sectors, allocations so far have been skewed towards short-term relief. Apart from refocusing on budgetary allocation for community-based infrastructure development schemes, directing attention towards allied sectors and wage employment is equally necessary to increase farmers' income sustainably.....[Scan QR to read more.](#)



ON REGULATING AI- BY BHARATH REDDY (EPW)

The article titled “India’s Approach towards Regulation of Artificial Intelligence: Utilising the International Experience” by Jawahar Bhagwat and S Y Boldyreva (EPW, 30 December 2023) identifies three primary concerns regarding the adoption of artificial intelligence (AI) in India: job displacement, proliferation of misinformation, and preservation of research integrity. While legitimate, these are not necessarily the top concerns with respect to AI. The article lacks comprehensiveness and portrays AI in a predominantly negative light. The proposed recommendations are likely to substantially impede India’s contributions to the development of AI and severely restrict its ability to use AI for its benefit.....[Scan QR to read more.](#)



LAND SUBSIDENCE IN UTTARKASHI- BY PRASANTA MOHARAJ (EPW)

Uttarkashi’s susceptibility to land subsidence, exemplified by the Silkyara tunnel collapse that put the lives of 41 workers at risk, is investigated. Fortifying the region against the risks of land subsidence entails robust mitigation strategies, early warning systems, geotechnical assessments, sustainable urban planning, and advanced engineering solutions.....[Scan QR to read more.](#)



PLEASE GIVE ME A REMEDY: WOMEN HUMAN RIGHTS DEFENDERS MOBILIZE FOR OCCUPATIONAL SAFETY AND HEALTH- BY ALEYDIS NISSEN (JOURNAL OF HUMAN RIGHTS PRACTICE)

This article explores how women human rights defenders navigate gendered obstacles to justice when corporations violate women's rights. It highlights the efforts of a single father who mobilized stakeholders to address health and safety violations against women in feminized labor at a major Korean export corporation. Women activists faced challenges such as litigation costs, harassment, and societal biases against feminized labor. They employed various strategies, including legal action and coalition-building, to seek justice. Their efforts led to legal victories and ongoing advocacy for sick workers, particularly subcontracted workers in small- and medium-sized companies.[Scan QR to read more.](#)



CONSENT TO LABOUR EXPLOITATION- BY MAAYAN NIEZNA (INDUSTRIAL LAW JOURNAL)

This article argues there is no one-size-fits-all approach to the role of consent to labour exploitation. However, there is significant value in considering the theoretical underpinnings of different legal interventions addressing labour exploitation. The article first explores different theoretical accounts of exploitation in political philosophy: emphasis on taking unfair advantage, violation of dignity or coercion. Following the theoretical analysis, the article maps the different legal interventions in labour law, criminal law and public law. It suggests that the starting point of analysing consent to labour exploitation—fairness, dignity, individual coercion, structural coercion and consent—determines the result of the analysis. This section demonstrates the connection between different areas of law and different theoretical approaches to the role of consent to labour exploitation. The different approaches are then applied to examples based on real-world cases. The article concludes that in the context of labour exploitation, consent is a necessary but insufficient condition for the legitimacy and legality of the labour relations. The fairness of the result and protecting workers' dignity should also be considered.....[Scan QR to read more.](#)



AGEISM AND THE RIGHTS OF OLDER PEOPLE- BY SUMANTA BANERJEE (EPW)

This article is written by Pyali Chatterjee's objecting to the prevalent discriminatory attitudes and practices against older people, which often result in "geronticide" ("Ageism and Resurging COVID-19 Cases," EPW, 20 January 2024). The Darwinian theory of "survival of the fittest" is being extended by the state and society in their treatment of the elderly people as useless animals to be disposed of.....[Scan QR to read more.](#)



HOW HAS MGNREGA FARED?- BY ASHOK PANKAJ (EPW)

India's rural employment guarantee scheme, generally referred to by its unpronounceable acronym MGNREGA (Mahatma Gandhi National Rural Employment Guarantee Act), is one of the largest-ever efforts to systematically assure access to employment through public action. With five crore participating households and accounting at its peak for over 0.5% of gross domestic product (GDP) and almost 4% of government expenditure, it dwarfs most other policies of this type around the world. Of course, this is not a new idea. The use of public works programmes as a means to reduce poverty and unemployment, or to distribute incomes in times of famine or natural disaster, has a long history, in India and elsewhere. This policy instrument was widely used both in ancient empires and during the colonial period.....[Scan QR to read more.](#)



PANDEMIC, PROTESTS, AND WORKERS: INDIA AND SRI LANKA CONSIDERED- BY AARDRA SURENDRAN (EPW)

The climate of protest currently characterising India and Sri Lanka continues to receive staccato scholarly attention with barely any attempt to peak into either contemporary history or significant workers' participation by way of explanation. Both regimes have pushed the pandemic as the proximate reason for the economic downturn in their countries even though the individual national trajectories have been vastly different. Our attempt is to evaluate the recent spate of public protests in both locations as continuities in public response to the larger injustices of policy that have characterised these contexts. While we do not do an explicit comparison, the presence of a few factors that offer some similarities in understanding the contemporary scenario in both locations have been mobilised in this effort. In doing so, we take a longer view of workers who have also been part of the protesting public but have rarely been acknowledged as such.....[Scan QR to read more.](#)



EMPLOYMENT, OUTPUT, AND DEGREE OF MONOPOLY IN INDIA- BY ROMAR CORREA (EPW)

The employment rate in India is falling. Profit inflation is rising. A solution is shown to lie in public investment and public works, and a reduction in the degree of monopoly and/or profits.....[Scan QR to read more.](#)



A RESPECTABLE HONORARIUM FOR MUNICIPAL CORPORATORS- BY TANYA JAKIMOW (EPW)

Not having a respectable honorarium has implications in executing municipal councillors' duties towards citizens, and causes considerable hardship.....[Scan QR to read more.](#)



INFORMAL SECTOR IN INDIA- BY HIMADRIJA CHAKRABORTY (EPW)

Reviewing the vast literature on the informal sector in India, it is seen that competition, or lack of it, happens to be a crucial issue in analysing firm structure, market structure, and firm dynamics. The probable role of intra- and extra-firm collaboration in this context is largely under-researched and is explored in this article.....[Scan QR to read more.](#)



GENDER EQUALITY AND A FOUR-DAY WORKWEEK BY AHONA (EPW)

The European Union (EU) is currently at the forefront of a groundbreaking experiment—exploring the potential benefits of a four-day workweek. Belgium has taken the first step towards it, granting employees the right to work for four days with full pay. While primarily aiming to improve employees' well-being and productivity, this initiative could have surprising, yet significant, implications for narrowing the gender gap within the EU.....[Scan QR to read more.](#)



EMPLOYEE STATUS PRECONDITIONS: A CRITICAL ASSESSMENT- BY P A-SHENKER & GUY DAVIDOV (BERKELEY JOURNAL OF EMPLOYMENT & LABOR LAW)

The European Union (EU) is currently at the forefront of a groundbreaking experiment—exploring the potential benefits of a four-day workweek. Belgium has taken the first step towards it, granting employees the right to work for four days with full pay. While primarily aiming to improve employees' well-being and productivity, this initiative could have surprising, yet significant, implications for narrowing the gender gap within the EU.....[Scan QR to read more.](#)



PUBLICATIONS: REPORTS AND BOOKS

Canadian Employment and Labour Year in Review and Future Trends Report

About the Report: In a year marked by the breakout arrival of generative AI, the continued evolution of hybrid workplaces and the increasing frequency of labour strikes, there was no shortage of issues vying for the attention of Canadian employers. This guide recaps those legal developments that were particularly notable in the areas of wrongful dismissals, human rights, labour relations, occupational health and safety, pensions and benefits and business immigration. In addition, we recap the legislative changes that employers should know about in British Columbia, Alberta, Ontario, Québec and the federal jurisdiction and identify those trends that we think will shape Canada's workplaces in 2024 and beyond.

Workers, Power and Society Power Resource Theory in Contemporary Capitalism- by Jens Arnholtz, Bjarke Refslund

About the book: The book discusses the continued analytical and empirical significance of power and power resources in the analysis of modern capitalism. It offers a theoretical framework for researching, comprehending, and elucidating shifts in the labour market and how those shifts affect modern capitalist societies. Raising social unrest, division in society, and rising inequality are all strongly associated with changes in the workplace. Therefore, the goal of the book is to expand on our knowledge of how advancements in the workplace have effects that go well beyond those that directly affect employees. In the field of labour politics, which has significant connections to both cultural life and the economy, the book focuses on how workers and unions use their diverse power resources to counterbalance the power advantage of employers and capital. Therefore, the theory can aid in understanding the remaining options available to unions and workers as well as how these resources impact the results of the labor-capital fight. One of the book's main contributions is the theoretical framework it develops for power resource theory, the precise definitions of its key terms, and the way it applies the theory to a number of novel and developing subject areas, such as minimum wages, global value chains, and migrant labour.

LGBTI Discrimination at the Workplace - by Pilar Rivas-Vallejo, Carlos Villagrasa-Alcaide

About the book: The Employment Equality Directive in the European Union provides protection against discrimination for LGBTI individuals in the workplace, specifically addressing sexual orientation. However, gender diversity falls under the umbrella of gender equality laws, as interpreted by the European Court of Justice (ECJ) and the European Court of Human Rights (ECHR), along with Article 8 of the European Convention on Human Rights. While this offers some level of protection, it's limited in scope. A coordinated interpretation by both courts can extend coverage to include LGBTI people within the framework of EU equality directives. However, the protection of other gender-related categories varies across EU member states due to differing national legislations. Moreover, European Law doesn't mandate the formal recognition of same-sex unions at the national level, but it requires equal treatment for individuals in analogous situations. This approach aims to ensure parity in treatment across various aspects of employment, including access, working conditions, benefits, and dismissal. Yet, disparities persist, reflecting the complexities and challenges of achieving comprehensive equality for LGBTI individuals in the workplace within the EU.

Mass influx of people from Ukraine: social entitlements and access to the labour market- by Izabela Florczak

About the book: The book includes 25 country reports describing how (on a social and labour market level) individual countries (also from outside the EU) have dealt with the mass influx of people from Ukraine; opens with chapters describing mechanisms related to temporary protection and the migration impact of the war in Ukraine; includes a chapter on the changes in the Ukrainian labour market due to the war; - was prepared by 39 Authors; - consists of 30 chapters; - has 428 pages.

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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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