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NLU DELHI

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

CLLRA NEWSLETTER (ISSN: 2584-1831) VOLUME I ISSUE VIII MARCH 2024

JUDGMENTS | POLICY UPDATES | NEWS | ARTICLES | OPPORTUNITIES

CENTRE FOR LABOUR LAW RESEARCH AND ADVOCACY

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ABOUT CLLRA

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.

EDITOR’S NOTE

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

NEWSLETTER

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Discriminatory Dismissal

COURT REJECTED THE DISMISSAL MADE ON THE ASSUMPTION THAT PERSON SUFFERING FROM HIV IS UNFIT FOR EMPLOYMENT

SATYANAND SINGH V. UNION OF INDIA & ORS. 2024 INSC 236

Facts: The appellant was enrolled in the Indian Army as a havaldar and continued discharging his duties until he was removed from service after he was found medically unfit for further service after being found positive for HIV.

Judgment: The Supreme Court found that the respondents had wrongly dismissed the appellant as he was assumed to be suffering from AIDS simply because of being HIV positive and no medical report was made for the same. Further, they had wrongly not provided disability pension to the appellant as they claimed that HIV was a self-inflicted condition. The Court thus observed that there existed a pervasive discriminatory sentiment against people with HIV to be unfit for employment, which subjects individuals to discrimination and social stigma. Thus, the Court found that the Army's dismissal and treatment of the appellant to be unlawful. On account of the long years of mental agony and suffering caused to the appellant, the Court directed for a compensation of Rs. 50 lakh to be paid to the appellant.

Regularization in employment

LABOUR TRIBUNAL HAS THE AUTHORITY TO EXAMINE THE CLAIM OF ALL THE WORKMEN AND GIVE INDEPENDENT FINDINGS CONTRARY TO THE SETTLEMENT

MAHANADI COALFIELDS LTD. V. BRAJRAJNAGAR COAL MINES WORKERS' UNION 2024 INSC 199

Facts: The respondents were a workers' union submitting representations on behalf of workers who were not regularized and were treated as contractual workers despite the perennial nature of their work. The petitioners and the respondents came to a settlement to regularize 19 out of the 32 workers employed as it was contended that the other persons were not eligible for regularization due to the casual nature of their jobs. The union representing the claims of the remaining 13 workmen filed a suit against this in the Labour Tribunal, which held in favor of the workmen. The petitioners contended before the validity of this order in the Supreme Court.

Judgment: The Supreme Court held that even in cases where a settlement regarding regularization has been reached between a union and their employers, a Labour Tribunal still has the authority to examine the claim of all the workmen and give independent findings contrary to the settlement. Further, the Court noted that the petitioners had failed to demonstrate the difference between the two sets of employees, and thus held that the remaining workers stand on the same footing as the regularized employees and are entitled to regularization. The Supreme Court upheld the order of the Tribunal and granted backwages to the workmen for the period of their employment.

Pension

PENSIONARY PAYMENTS TO JUDGES CONSTITUTE A VITAL ELEMENT IN THE INDEPENDENCE OF THE JUDICIARY & SHOULD NOT BE USED TO CAUSE PREJUDICE

UNION OF INDIA, MINISTRY OF LAW & JUSTICE V. JUSTICE (RETD.) RAJ RAHUL GARG (RAJ RANI JAIN) AND OTHERS 2024 INSC 219

Facts: The respondent was employed as a Judicial Magistrate in Haryana and was later appointed as a District Judge. After being recommended to the High Court, she retired as a District Judge and 2 months later, joined the service as a High Court Judge. After her superannuation, she was aggrieved by the calculation of her pensionary benefits as she contended the entire period of her employment as a District Judge and a High Court judge should be considered for pensionary benefits. The State instead contended that the 2 months gap between her postings should be considered a gap in service.

Judgment: The Supreme Court held that pensionary payments to judges constitute a vital element in the independence of the judiciary. As a consequence of long years of judicial office, the pensionary benefits granted to the judges service have an element of public interest. Therefore, the Court held that the entire period of service of the respondent must be considered for the period of pensionary and other retirement benefits. Further, the gap in service was attributable to the time taken in processing the recommendation and not to anything the respondent had done, and thus could not be used to prejudice her. The Court held that the respondent was entitled to the entire period of her service to compute her pension and that her pensionary benefits shall be computed on the basis of her last drawn salary as Judge of the High Court.

Labour Union and Service of notice

WORKERS SHOULD FURNISH THIER OWN PERMANENT ADDRESS INSTEAD OF UNION'S ADDRESS & SERVICE OF NOTICE SHOULD BE ON WORKER, NOT ON UNION

M/S. CREATIVE GARMENTS LTD. V. KASHIRAM VERMA, CIVIL APPEAL NO 5758 OF 2012

Facts: The Supreme Court was addressing an order passed by the Labour Court and noted that the respondent had filed the case through a union. Thus, the respondent had furnished the address of the union and not his own address. Thus, the order of notice was given to the Union and not the respondent, and subsequently on his failure to appear before the Court it was assumed that the respondent was not interested in continuing the proceedings.

Judgment: The Supreme Court noted that when workers file cases through unions without mentioning their own permanent addresses, and the Union is uninterested in pursuing the matter, the affected worker can go unrepresented. In this backdrop, the Supreme Court issued the following directions -

- In all pending and future cases, the parties shall be required to furnish their own permanent address.
- Even if the representative of the workman is appearing, he shall furnish a permanent address of the workman as well.
- Even in proceedings after the first stage, it shall be mandatory to provide a permanent address of the party.
- Merely mentioning that the case was filed through a Labour Union or authorized representatives, who are sometimes union leaders or legal practitioners, will not be sufficient.
- Service of notice of the workman will have to be effected on the permanent address of the workman.

Transfer of Workmen

TRANSFER OF WORKMEN AS PER THE TERMS OF APPOINTMENT OF HIS EMPLOYMENT IS PERMISSIBLE

M/S. DIVGI METAL WARES LTD. V. M/S. DIVGI METAL WARES EMPLOYEES ASSOCIATION & ANR. 2024 INSC 237

Facts: The appellant was an employer that had transferred 66 employees from its Karnataka factory to Maharashtra on account of reduction in orders and lack of sufficient work, and passed an order under the Industrial Employment (Standing Orders) Act, 1946 for the same. The transferred employees resisted this order and raised an industrial dispute.

Judgment: The Supreme Court upheld the transfer of workmen observing that the terms of appointment of their employment permitted such transfer. It observed that when the terms of appointment and confirmation would permit the transfer of an employee to any department or any other office belonging to the company, then such transfer would be governed by the contract of service and be permissible.

Recruitment and Recruitment Policy

COURTS HAVE TO BE CAUTIOUS BEFORE AMENDING RECRUITMENT RULES SET BY THE GOVERNMENT

THE TELANGANA RESIDENTIAL EDUCATIONAL INSTITUTIONS RECRUITMENT BOARD V. SALUVADI SUMALATHA & ANR. 2024 INSC 1761

Facts: The appellants were a recruitment agency who issued a notification for the recruitment to the post of junior lecturers in the Residential Educational Institutions Societies. The notification allowed for a zonal preference and mandated for reservation in a ratio of 70:30 for the reserved categories. The respondents contended before the High Court in a writ petition that there was no basis for fixing the reservation at 70:30, and accordingly, the High Court allowed for the change in the ratio to 60:40. The petitioners challenged this change before the Supreme Court.

Judgment: The Supreme Court held that the High Court had erred in changing the recruitment rules. It emphasized that Courts have to be cautious before amending recruitment rules set by the government as a lot of thought went into applying the rules and regulations. It noted that merely because a recruitment agency cannot satisfy the Court as to the basis for a recruitment policy, does not mean that the Court can set it aside as that will have a cascading effect on all of those recruited. The Supreme Court set aside the impugned High Court judgment and restored the original recruitment rules.

Promotion and Appraisal

HC HAD ERRED IN ENTERING INTO A SPECIALIZED DOMAIN WHICH WAS EVALUATING THE COMPETENCY OF AN IAS OFFICER

THE STATE OF HARYANA V. ASHOK KHEMKA & ANR. 2024 INSC 190

Facts: The respondent was an IAS officer holding the rank of Principal Secretary to the Government of Haryana. He was appraised by the Reporting Authority, i.e the Chief Secretary, Government of Haryana as part of his annual appraisal report. His grade was then upgraded by the Reviewing Authority, i.e. the Health Minister of Haryana, however this was rejected by the Accepting Authority, i.e. the Chief Minister of Haryana, who downgraded his grade again. The respondent was aggrieved by this decision and filed a representation before the High Court seeking restoration of the original marks granted by the Reviewing Authority, which was granted by the HC.

Judgment: The Supreme Court held that the HC had erred in entering into a specialized domain which was evaluating the competency of an IAS officer by way of contrasting the comparing the marks awarded by the different authorities. It noted that the overall grading and assessment of an IAS officer requires an in-depth understanding of various facets of the administrative functioning, and therefore ought to have been left up to the executive without judicial interference. The Supreme Court set aside the HC judgment and directed the Accepting Authority to take a final decision within 60 days.

High Court

Madras High Court

1. **H.Johnson Devakumar v. The Deputy Inspector General of Police W.P.No.5229 of 2020** - Any order which enhances a punishment to include removal from service is deemed illegal.
2. **M.Suresh Viswanath v. The State -** The cases of judicial offers are considered by a Committee of Judges of the High Court, and thus there is no chance of non-application of mind or mala fides, and therefore no fault can be found of a High Court's order to compulsorily retire a officer in the public interest.
3. **Sathiskumar v. The Commissioner of Milk Production and Dairy Development Department W.A.(MD)No.294 of 2024** - When the conduct of a selection process suffers from legal infirmity from the very root of the matter, the exercise of probing into the genuineness of individual candidates need not be undertaken.

Bombay High Court

1. **M/s. Premsons Trading (P) Ltd. v. Shri. Dinesh Chandeshwar Rai C/O. Maharashtra Employees Union 2024 BHC 13463 -** To prove voluntary abandonment, the employer must issue a notice to the workmen directing him to resume duties and in absence of such notice, voluntary abandonment of employment cannot be accepted.
2. **Bhushan Industries Vs Lohasingh Ramavadh Yadav 2024 BHC 4745 -** Occasional work with an employer would not constitute gainful employment even if wages were earned thereby.
3. **Shri Indrakumar Jain v. M/s. Dainik Bhaskar and Ors. 2024:BHC-AS:10347-DB -** A working journalists' status is distinct from regular workmen and cannot file complaints of unfair labor practices under the MRTU & PULP Act.

Calcutta High Court

1. **Rajaram Prasad v. The State Of W.B. And Ors. WPO/115/2024 -** Long period of silence on the part of petitioner claiming compassionate employment and in filing the writ petition would vitiate the compassionate employment.
2. **Md. Farid v. Union of India & Ors. WP.CT 154 of 2023 -** Gratuity cannot be withheld from the point of superannuation until the date of acquittal if in case the employee is undergoing a criminal trial at the time of retirement.
3. **Pinaki Dhar v. State of West Bengal & Ors. FMA 763 of 2022 -** A High Court may issue prerogative writ against private unaided institute or private body only when it is discharging public functions and duties akin to the sovereign functions, but a writ petition for enforcement of private contract of service is not maintainable.
4. **Sri Mangal Singh v. Calcutta State Transport Corporation & Ors. MAT No. 360 of 2018 -** If the employee was recruited without following due process, then he cannot claim a right of absorption.

Orissa High Court

1. **Ratnakar Giri v. State of Odisha & Ors. FAO No.430 of 2019** - If the employment was based on a fraudulent certificate, it would vitiate the whole employment and no arrears of payment could be claimed.
2. **Surekha Samal & Ors. v. State of Orissa & others W.P.(C) No. 18706 of 2015** - Once fraudulent documents were proved to be used for recruitment, they cannot have any force of law notwithstanding the fact that the documents have not been canceled by the concerned authorities.

Himachal Pradesh High Court

1. **Justice Arun Kumar Goel (Retd.) v. State of Himachal Pradesh & Anr. CWP No.7645 of 2022 -** A retired judge is entitled to reimbursement by the State for medical and related travel expenses.

Kerala High Court

Vimalakumari M K v. State of Kerala OP(KAT) NO. 77 OF 2024 - Pension can be deprived only in accordance with the procedure established by law or when it is shown that the employment itself has been obtained by playing fraud.

Delhi High Court

1. D**r. Huma Baqa & Ors v. University Of Delhi & Ors 2024:DHC:2081** - Even if employees are serving as ad hoc professors in a university, the fact by itself does not create a right of regularization.
2. **Jasvinder Kaur & Anr v. Union of India & Ors. 2024:DHC:2083 -** The Court can only enter public policy decisions if the policy is absolutely arbitrary, and not when merely the State has prescribed age limits in its recruitment rules.
3. **Om Prakash & Ors. v. Guru Nanak Institute of Technology and Management & Ors. 2024:DHC:2145** - A writ petition is not maintainable in the cases of contractual employment in an educational institution because no public interest is involved.
4. **Rishabh Duggal vs Registrar General Delhi High Court W.P.(e.) No.2342/2024 -** In case an answer key is amended afterwards and the examinees are revaluated, the recruitment of who had qualified in the pre-existing examination would not be disturbed.
5. **Govt. Nct Of Delhi Through State Consumer Disputes Redressal Commission And Ors v. Rehmat Fatima, 2024:DHC:2001-DB -** Women working on a contractual basis are entitled to the benefits under the Maternity Benefit Act even if these benefits exceed the duration of their contractual engagement.

Punjab and Haryana High Court

1. **Sanjeev Singh v. Rohit Hurria and others 2024:PHHC:032266-DB** - A person who has been able to obtain employment by a back door method has no protection of his appointment even if he has worked there for several years.
2. **Shakuntla Devi v. State of Punjab and others 2024:PHHC:021003** - A retired employee can only lead a dignified life if he is allowed retiral benefits on time.
3. **Gurwinder Singh v. State of Punjab 2024:PHHC:042304 -** Employees vulnerable to temptation or corruption should not be given government jobs and any sympathy with such employees would erode democracy's success.

J&K High Court

1. **Ghar Singh v. University Of Jammu SWP No.1611/2016 -** Daily-wage labour for seven years cannot be classified as "casual labor" to deny regularization.
2. **University of Kashmir v. Saif-Ud-Din Mir LPA No. 46/2024 -** An employee cannot be denied promotion benefits solely because they did not approach the court while in active service.
3. **Tasleem Arif v. UT of J&K WP(C) No.1324/2022 -** If employment is made through backdoor appointment, then the employee cannot ask for regularization.
4. **Director, Rural Development, Kashmir, Srinagar v. Abdul Qayoom OWP no.66/2007** - When a worker's dismissal is deemed totally unjustified, the Labour Tribunal may by its award set aside the order of discharge or dismissal and direct reinstatement of the workman.

International Cases

Discrimination on the basis of Religion

RIGHT TO RELIGION WAS NOT ONE OF THE RIGHTS GUARANTEED TO BE PROTECTED UNDER THE ECHR RIGHTS

OMOOBA V. (1) MICHAEL GARRETT ASSOCIATES LTD (TA GLOBAL ARTISTS) (2) LEICESTER THEATRE LTD. [2024] EAT 30

Court: Employment Appellate Tribunal (UK)

Facts: The claimant was an actor who was cast to play an iconic lesbian role in a play. However, when her casting was announced, a social media agitation developed relating to a past Facebook post in which the claimant had expressed her belief that homosexuality was a sin. The consequences of the agitation led to the termination of the claimant's contract with the theater and her agency. Arising out of these events, she brought claims that she was discriminated against based on her religion and beliefs.

Judgment: The EAT held that the claimant's right to religion in this case was not one of the rights guaranteed to be protected under the ECHR rights and does not amount to a 'violation of dignity'. Moreover, since the claimant herself knew that she would not play the character due to her beliefs, she could not claim any compensation either. Thus, the EAT dismissed the appeal.

Whistleblower Protection in USA

THE SUPREME COURT OF THE USA LAID DOWN THE FOLLOWING GUIDELINES FOR WHISTLEBLOWER PROTECTIONS

MURRAY V. UBS SECURITIES, LLC, ET AL. 601 US 22-660 (2024) (USA)

Court: Supreme Court of the USA

Facts: The petitioner was a former research strategist of the respondent, who alleged that his termination was retaliation for reporting unethical and illegal conduct by the respondents. Thus, he contended he was dismissed for whistleblowing.

Judgment: The Supreme Court of the USA laid down the following guidelines for whistleblower protections :-

- Need for Retaliatory Intent Proof: The Court held that whistleblowers are not required to prove that their employer acted with retaliatory intent.
- Contributing factor: Whistleblowers must demonstrate that their whistleblowing was only a contributing factor to the unfavorable action against them.
- Protection without proof of intention - The Court held that an employer's malintention or animosity need not be proven towards the whistleblower.

Dismissals

VIOLATING THE VACCINATION POLICY OF AN ORGANIZATION CAN BE GROUNDS FOR LAWFUL DISMISSAL

DECISION OF THE FEDERAL LABOUR COURT (2 AZR 55/23) (GERMANY)

Facts: An employee was required to show proof of vaccination against Covid-19 to his employer, in response to which he falsely claimed a medical examination had found that he could not be vaccinated against the disease.

Judgment: The Court found the employee's action to be a material breach of his implied obligations under his contract of employment such that a dismissal was justified.

Thus, it held that violating the vaccination policy of an organization can be grounds for lawful dismissal.

POLICY AND LEGISLATIVE UPDATES

THE MINISTRY OF LABOUR AND EMPLOYMENT HAS ISSUED AN ADVISORY FOR EMPLOYERS TO PROMOTE WOMEN'S PARTICIPATION

The advice outlines government measures aimed at increasing women's job participation and addressing gender inequities with the ultimate goal of promoting a diverse workplace. It gives a summary of welfare, health, and safety precautions for female employees under the current labor laws and upcoming regulations.

It includes measures for pay, social security, working hours, and conflict resolution, with the goal of creating a safe and supportive workplace for women. The government has implemented policies to support women in the workplace, but employers must also take the lead in implementing these programs to encourage women to join the workforce.

CLARIFICATIONS ON THE PROTOCOL FOR REFERRING PATIENTS FOR SECONDARY/SST TREATMENT ARE RELEASED BY ESIC

The Employee's State Insurance Corporation, or ESIC, has directed all relevant agencies in Delhi and Noida to remove obstacles that serving personnel in secondary/SST treatment experience. The instruction was given on February 19, 2024. Regarding its earlier letter from April 28, 2023, which addressed the SOP and instructions for referring patients for secondary or SST treatment, ESIC made it clear that serving employees and their dependents who are enrolled in the ESIC Contributory Health Scheme are exempt from these guidelines. Therefore, while evaluating referrals of serving workers and their dependents within their respective jurisdictions, all parties involved are urged to carefully comply to the rules set by ESIC.

ITES AND FINANCIAL SERVICES EXEMPTED FROM SECTION 12 AND 14 OF GUJARAT SHOPS AND ESTABLISHMENTS (REGULATION OF EMPLOYMENT AND CONDITION OF SERVICES) ACT, 2019

In accordance with the Gujarat Shops and Establishments (Regulation of Employment and Condition of Services) Act, 2019, the Gujarat government has exercised its powers and issued Notification No. GHR/2024/19/LED/TGS/e-file/11/2023/2453/M.3. This notification states that establishments providing IT-related services, IT-enabled services, and financial services are exempt from the provisions of sections 12 (Fixing of hours of work) and 14 (Spread-over) of the aforementioned Act, provided they comply with other requirements. The exemption lasts for two years from the date of the said notification's publication in the official gazette.

THE GOA LABOR WELFARE FUND (AMENDMENT) ACT OF 2024 IS ENACTED BY THE GOA

Through a notice dated March 1, 2024, bearing Reg. No. RNP/GOA/32/2024-2026, the Legislative Assembly of Goa enacted the Goa Labour Welfare Fund (Amendment) Act, 2024, revising the terms of the Goa Labour Welfare Fund Act, 1986 ("Act"). The aforementioned amendment's provisions will take effect right away. The word "Commissioner, Labour" has been replaced with the phrase "Secretary to the Government in Labour Department" in Section 5 of the Act. Additionally, the Act's sub-sections 1 through 20 shall be amended to state that the Commissioner of Labor and Employment, who would serve as the Board's chief executive officer, shall be appointed by the Government.

THE GOVERNMENT OF INDIA HAS INTRODUCED THE MATERNITY BENEFIT FOR WOMEN IN THE UNORGANIZED SECTOR BILL, 2023

The Maternity Benefit for Women in the Unorganized Sector Bill, 2023 (Bill No. LXIV of 2023) was introduced in the Rajya Sabha on February 2, 2024. The Bill aims to offer state-sponsored maternity benefits to women in the unorganized sector through the establishment of a National Maternity Welfare Board and Maternity Benefit Fund, as well as other related topics. The Central Government will notify the effective dates.

EPFO CIRCULAR ON THE SSA OF INDIA AND THE FEDERATIVE REPUBLIC OF BRAZIL

Regarding the execution of the Social Security Agreement (the "SSA") between India and the Federative Republic of Brazil, which goes into effect on January 1, 2024, the EPFO released a circular on February 13, 2024. According to the EPFO's circular, under the SSA, workers from one nation whose employers depute them to another for a maximum of 36 months are free from social security contributions in that nation as long as they have a "certificate of coverage" ("COC") in place. In light of this, the concerned employee may request for a COC at the relevant EPFO Regional Office through their company. The Head Office issued consolidated guidelines by letter No. IWU/7(15)2011/Gen(Software)/9209 dated August 13, 2013, and IWU/7(31)2017/Application for COC and COC Software dated November 20, 2018, and the Regional Offices are directed to make sure that, upon receipt of the application in all respects, the necessary steps are taken for issuing COC.

EPFO RESTRICTS DEPOSIT AND CREDIT TRANSACTIONS IN PAYTM PAYMENT BANK ACCOUNTS

The Employees Provident Fund Organisation (EPFO) published a circular on February 8, 2024 (File No: BKG/1/2021-BKG/C-32521/23) addressing limits on deposits and credit transactions in Paytm Payment Bank Accounts. Effective February 23, 2024, all field offices are advised not to accept claims related to Paytm Payment Bank Limited bank accounts. It was also recommended that widespread publicity be launched to create awareness about the change.

The Reserve Bank of India (RBI) issued a press statement on March 11, 2022, asking Paytm Payments Bank Ltd (PPBL) to stop onboarding new clients immediately. The Ministry of Labour & Employment, Government of India, issued a circular on November 1, 2023, to pay EPF benefits to subscribers' payment bank accounts. Paytm Bank Limited is one of the scheduled commercial payment banks for settling EPF payments under Para 72(e) of the EPF provisions.

ESIC DIRECTS CONCERNED AUTHORITIES TO ASSIST INSURED WOMEN IN SUBMITTING MATERNITY BENEFIT CLAIMS ON THE IP PORTAL

A memo dated February 12, 2024, addressed to all Regional and Deputy Regional Directors of the Employees' State Insurance Corporation, highlighted the challenges that Insured Persons (IPs) face when submitting maternity benefit claims online without Universal Account Numbers (UANs).

A prior message from September 22, 2022 said that IPs having UANs linked to the system might get maternity benefits through the IP Portal.

IPs without UANs were unable to file benefit claims using the IP Portal, as reported by many sources. IPs who are not covered by the Employees' Provident Fund Organization (EPFO) can still receive their UANs through the single site, according to a headquarters examination. Employers are urged to seed UANs for their employees. It is recommended that IPs without UANs contact Branch Offices to get them and submit benefit claims online using the IP Portal. Additionally, all cash benefit claims were completed online.

Empowering the Invisible_ Addressing Challenges Faced by Domestic Workers in India

Khushi Inu, Research Intern, CLLRA

Introduction

Domestic workers play a vital role in Indian society, contributing significantly to the smooth functioning of households and enabling individuals to pursue professional or educational opportunities. However, despite their crucial contribution, domestic workers in India remain largely invisible, excluded from many labor protections, and facing exploitation and unfair working conditions. Domestic work is often looked at as a combination of exploitation and gains, coercion and choice, a loss of freedom, and financial and social gains.[1] This blog delves into the challenges domestic workers face in India. It explores ways to go beyond the minimum wage to ensure fair pay and comprehensive protections for this vital workforce.

The Invisible Workforce: A Glimpse into the Reality of Domestic Work in India

Official Government statistics show that there are around 39 lakh individuals employed in domestic work in India.[2] While organizations such as the International Labor Organization and National Domestic Workers Movement Estimates suggest that India has anywhere between 2.5 million and 90 million domestic workers, with the majority being women and children, often from marginalized communities.[3] These individuals work long hours, performing various tasks ranging from cleaning and cooking to childcare and eldercare. However, their work is often informal and unregulated, leaving them vulnerable to various forms of exploitation. This absence of recognition makes them an 'invisible workforce' with few rights or protections.[4]

The terminology that is often used to refer to domestic workers such as maid, naukar/naukrani, helps and servants also reinforces the existent exploitative hierarchy.[5] It is often seen that domestic workers are given inferior treatment by their employers and are not given due respect. They are not even entitled to use the basic amenities of the employer's home such as the washroom facilities and pure drinking water. The appliances available in the employer's home are more of a status symbol than for the worker's use. Most of the time those appliances are only used when the worker is not present to do the work manually. [6]

Challenges Faced by Domestic Workers

The challenges faced by Domestic workers are not limited to economic challenges but also social challenges on a large scale. Currently, domestic workers are not included under the Minimum Wages Act,1948, leaving them susceptible to receiving grossly inadequate wages. This lack of a legal framework allows employers to set arbitrarily low wages, leaving many workers struggling to meet their basic needs.[7] The shocking absence of legislation or policies often leads to a downward spiral for domestic workers. The lack of coherent data makes it even more difficult for the government to create policies for domestic workers.

A conference held in April 2021 raised concerns about the vulnerability, legal protection, and human rights of domestic workers in India.[8] The conference identified several critical issues, including the lack of a comprehensive legal framework to protect their rights, inadequate housing facilities for these workers, and even instances of law enforcement agencies intimidating them instead of offering protection.

Domestic workers often face long working hours, exceeding the legally mandated eight-hour workday, with no overtime pay or weekly off days.[9] The live-in domestic workers often work 14-18 hours a day, leaving them in an even worse situation as they are on-call both day and night. The workload is often seen to be really high as most domestic workers are the sole workers in a particular domestic household with no factoring in the large number of family members and work.[10]

Additionally, there is no legal framework to ensure safe and healthy working environments, exposing them to physical and mental strain. Work in households often involves using toxic insolvent for cleaning. Employers often do not even provide plastic gloves while cleaning unsanitary places such as latrines.[11] This often results in cuts or burns. Cleaning in a home also leads to backache and even arthritis due to overwork.

Due to the informal nature of their work and their often-isolated working environment, domestic workers are highly vulnerable to various forms of abuse, including physical, verbal, and even sexual harassment. Social stigma and lack of awareness often prevent them from reporting such incidents, further perpetuating the cycle of exploitation. While a 2018 survey by the Martha Farrell Foundation found a disturbingly high number of domestic workers (92%) aware of sexual harassment within the profession, a much smaller percentage (29%) admitted to experiencing it themselves.[12] This is likely a significant underestimation due to fear of losing their jobs, social stigma, and lack of support systems. Furthermore, even when basic rights like receiving regular wages seem established, domestic workers are often

vulnerable to false accusations of theft by their employers. The issue is compounded by caste discrimination, creating a situation of double marginalization for certain domestic workers.[13]

Excluded from social security schemes, domestic workers are denied access to benefits like paid leave, pensions, and healthcare, jeopardizing their well-being and leaving them vulnerable during periods of illness, old age, or unemployment. While domestic workers prove crucial to their employers' households, especially during major festivities, this essential role often comes at the cost of their own needs.[14] Many workers are denied leave to celebrate with their families despite their significant contributions. While some employers may adhere to traditions like offering a month's paid leave, this isn't standard practice.[15] Additionally, domestic workers face a lack of social security benefits like unemployment support, medical benefits, maternity leave, and pensions.[16] Their ability to save for these contingencies is restricted, and current legislation doesn't legally require employers to provide such benefits. This situation creates a vulnerable group with limited options and resources to secure their well-being.

A Call for Comprehensive Protections

While ensuring a minimum wage is crucial, it is only a starting point. To truly guarantee fair treatment and improve the lives of domestic workers, a multi-pronged approach is needed. The invisible, personalized, and complex nature of their work patterns, combined with their marginalized social status and lack of political representation, makes it easy for the necessity to legislate and regulate domestic service to be ignored. Bringing domestic work under the ambit of existing labor laws, such as the Minimum Wages Act and the Unorganized Workers' Social Security Act, 2008, would provide them with essential legal protections and ensure fair wages, regulated working hours, and access to social security benefits.[17]

Domestic and international pressures have brought the concerns of domestic workers into public discourse, leading some state governments to take action. For example, several states have opted to include domestic workers in the National Minimum Wages Act of 1948, reversing their previous exclusion. Despite these legislative advancements, many benefits for domestic workers remain largely on paper due to poor enforcement.[18]

Legislation enabling domestic workers to access social security provisions has been passed or amended in states such as Kerala, Maharashtra, and Tamil Nadu. For instance, Kerala introduced the Kerala Artisan and Skilled Workers' Welfare Fund, Maharashtra established the Maharashtra Domestic Workers Welfare Board Act in 2008, and Tamil Nadu implemented the Manual Workers Act [Regulation and Employment and Conditions of Work] in 1982.[19] However, gaps persist in the implementation and coverage of these laws.

One significant development was the inclusion of domestic workers under the Unorganized Workers Social Security Act of 2008.[20] However, critics argue that this act lacks enforceable social security entitlements for unorganized workers, primarily offering a registration process and identity card without penalties for non-compliance.[21]

Despite these legislative efforts, challenges remain in recognizing and regulating informal work within India's policy framework. More comprehensive and enforceable legislation is needed to protect the rights and improve the working conditions of domestic workers, particularly regarding issues such as wages, working hours, social security, and access to benefits.

Implementing standardized employment contracts with clear terms and conditions, including details of wages, working hours, leaves, and other benefits, would protect workers' rights and improve transparency in the employer-employee relationship. Raising awareness about domestic workers' rights and legal protections is crucial. Additionally, providing them with skills training and access to vocational training programs would empower them and increase their bargaining power in the labor market.

Participation in union activities among domestic workers in India is challenging due to the nature of their work, social vulnerabilities, and familial responsibilities. This, along with the isolation of live-in workers, has led to only a small fraction of domestic workers being in touch with associations or being unionized.[22] Various organizations, with diverse perspectives, have endeavored to unionize domestic workers in different regions of India in recent decades. For example, the National Domestic Workers Movement (NDWM), established in 1985 in Mumbai, aims to empower and uphold the dignity of domestic workers while advocating for fair wages and humane working conditions.[23] Despite its focus on issues such as child labor and live-in domestic workers, the NDWM claims to have reached millions of domestic workers nationwide.

Efforts to unionize have faced challenges, particularly concerning wage negotiations. Determining an acceptable minimum wage is complex, considering factors like payment regime, household size, payments in kind, and the multiplicity of employers. Moreover, regional differences in labor unionization history further complicate wage standardization efforts.[24] Overall, the regulation of wages and working conditions for domestic workers must be approached in conjunction with other informal workers in India. Supporting the formation and growth of domestic workers' unions and associations would provide them with a collective voice and enable them to advocate for their rights and negotiate better working conditions.

Employers must demonstrate ethical and responsible practices by adhering to established labor laws and ensuring fair working conditions for their employees. Additionally, civil society organizations and advocacy groups can play a crucial role in raising awareness, campaigning for policy changes, and providing support and guidance to domestic workers.

Conclusion

In conclusion, the plight of domestic workers in India reflects a broader issue of recognizing and regulating informal work within the country. Despite their indispensable contribution to households and the economy, domestic workers continue to face exploitation, unfair wages, and unsafe working conditions. Their marginalization is exacerbated by social stigma, lack of awareness, and inadequate legal protections. While recent legislative efforts have aimed to improve the situation for domestic workers, implementation gaps and poor enforcement remain significant challenges. To truly ensure fair treatment and comprehensive protections, a multi-faceted approach is necessary. This includes bringing domestic work under the ambit of existing labor laws, ensuring fair wages, regulated working hours, and access to social security benefits.

Furthermore, efforts to unionize domestic workers must be supported, as collective bargaining can significantly enhance their bargaining power and ability to advocate for their rights. Employers, civil society organizations, and policymakers must also play their part by promoting ethical practices, raising awareness, and advocating for policy changes that benefit domestic workers. Ultimately, recognizing and addressing the challenges faced by domestic workers is not just a matter of labor rights, but also a step toward building a more equitable and inclusive society. By valuing and protecting the rights of domestic workers, we can create a more just and humane society for all.

Endnote:

[1] Rina Agarwala, Shiny Saha, ‘The Employment Relationship and Movement Strategies among Domestic Workers in India’ (2018) Critical Sociology 1.
[2] National Sample Survey Office, Employment and Unemployment Situation Among Social Groups in India (NSS Report No. 563, 2015)
[3] International Labour Organization, The definition of domestic work and domestic workers for statistical purposes (20th International Conference of Labour Statisticians Geneva, 2018); The National Domestic Workers’ Movement. (n.d.). Domestic Workers — NDWM. The National Domestic Workers’ Movement. Retrieved from https://ndwm.org/domestic-workers/
[4] Neymat Chadha, ‘DOMESTIC WORKERS IN INDIA: AN INVISIBLE WORKFORCE’ (2021) Social and Political Research Foundation 1.
[5] ibid
[6] Sujata Gothoskar, The Plight of Domestic Workers: Confluence of Gender, Class and Caste Hierarchies (2013) 48(22) Economic and Political Weekly 63.
[7] Neetha, N., & Palriwala, R. (2011). The Absence of State Law: Domestic Workers in India. Canadian Journal of Women and the Law, 23(1), 97–120.
[8] NHRC. (2021, April). MINUTES OF THE CONFERENCE ON VULNERABILITY, LEGAL PROTECTION AND HUMAN RIGHTS OF DOMESTIC WORKERS HELD ON 16th APRIL, 2021. https://nhrc.nic.in/sites/default/files/Domestic%20Minutes%20Final_july2021.pdf.
[9] Rajni Palriwala and N. Neetha, “Paid Care Workers in India: Domestic Workers and Anganwadi Workers” (Geneva: UNRISD, 2009), UNRISD, ,http://www.unrisd.org/80256B3C005BCCF9/httpNetITFrame?ReadForm&parentunid=0C1833CF97AC0B21C12575CC004FB067&parent doctype=paper&netitpath=http://www.unrisd.org/unpublished_/2005gd_/indiarr4rev/content.htm.
[10] ibid
[11] Armacost, Nicola Cunningham, and Nicola Cunninghan Armacost. ‘DOMESTIC WORKERS IN INDIA : A CASE FOR LEGISLATIVE ACTION.’ (1994) 36(1) Journal of the Indian Law Institute 53.
[12] Mustafa Rajkotwala, ‘Lockdown Woes: The Dismal State of Domestic Workers in India’ (Jurist,6 May 202) <https://www.jurist.org/commentary/2020/05/rajkotwala-mehta-domestic-workers-covid-19/> accessed 29 February, 2024.
[13] GOTHOSKAR (n 6).
[14] Armacost, Cunningham, Cunninghan Armacost (n 11).
[15] ibid
[16] Neetha, Palriwala (n 9).
[17] Armacost, Cunningham, Cunninghan Armacost (n 11).
[18] Neetha, Palriwala (n 9).
[19] ibid
[20] Unorganized Workers Social Security Act, 2008.
[21]Neetha, Palriwala (n 9).
[22] ibid.
[23] ibid.
[24] ibid.

Unravelling the theory of aggravation and acceleration in employee compensation : A Comprehensive Analysis

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Introduction

The Employee's Compensation Act of 1923 ("the Act") has been established to guarantee compensation for employees incapacitated by injuries sustained from accidents occurring during employment. It acts as a protective measure against the occupational hazards inherent in various job roles. The Act's principal aim is to ensure that compensation is given by specific categories of employers to their employees who suffer injuries resulting from accidents "arising during the employment or out of the employment".

In the Oriental Insurance Company Ltd. v. Smt. Poonam Devi and Others case, it was established that for a claim to be successful under the Act's Section 3(1), the employee must prove: (i) the accident's occurrence, (ii) a causal link indicating how the accident relates to employment, and (iii) the accident arising in the course of the employment.

The term "accident" typically refers to an occurrence without anticipation or foresight, stemming from an unknown cause, or any unintended event resulting in harm or loss. Under the Act, the employer becomes liable only when an employee sustains a personal injury from the accident. This injury encompasses more than just physical harm; it also extends to nervous shock, mental strain, or any condition affecting the employee's health. A compensable personal injury is one that does not just stem "out of employment" but also occurs "in the course of employment". The term "in the course of employment" refers to incidents happening while performing the tasks an employee is hired to do and tasks incidental to it[6]. "Arising out of employment" implies that the injury resulted from a risk incidental to the job duties, which but for the duty owed to the employer, the employee was unlikely to have faced otherwise. The expression "arising out of and in the course of employment" holds significant importance in Section 3 of the Act and has been extensively deliberated upon in numerous case laws.

In cases like Malikarjuna G. Hiremath v. Branch Manager, Oriental Insurance Co. Ltd. and Another, and Mackinnon Mackenzie & Co., (P). Ltd. v. Rita Fernandes, courts have stressed the importance of establishing a direct causal link between the workman's death and their employment, as mandated by Section 3(1) of the Act. This causal connection must be proximate and not remote. The term "proximate cause" refers to a continuous and uninterrupted sequence, that, if interrupted, would have prevented a specific event from happening. If a person's job requires him to be at a specific place and, consequently he encounters a hazard, then any accident arising from that risk demonstrates a causal link between the employee's job and the accident so . caused.

Comprehending the concept of aggravation and acceleration in employee compensation

If a workman passes away from a natural cause related to a pre-existing illness or dies from that illness due to the wear and tear associated with his employment, the employer is not held liable. However, if a workman passes away due to a pre-existing disease, which got "aggravated" or "accelerated" by accidental circumstances, then his death will be regarded as resulting from an injury by accident. Additionally, in the cases of Area Manager/Sub Area Manager, Western Coal Field Ltd. v. Anusuya Narsayya Sirsilla, Jyothi Ademma v. Plant Engineer, Nellore, Manager, Kacharigaon Tea Estate v. Commissioner For Workmen's Compensation, courts have established that if the employment serves as a contributing factor, accelerates the death, or if it can be showcased that a combination of the disease and the employment conditions and not solely the disease, caused the death, then the employer may be held responsible if it is established that the employee's death occurred out of and during his employment. This principle is commonly referred to as the theory of acceleration and aggravation under Employee Compensation.

Application of the concept of aggravation and acceleration in employee compensation

Some diseases are vulnerable to the influences of industrial factors, potentially accelerating or aggravating them until reaching a fatal outcome. There has never been any clear-cut line of demarcation by the courts between the terms - aggravation and acceleration. While these words have at times been treated synonymously, acceleration has been consistently used in the sense of a hastening of death and aggravation as a worsening of a condition.

As a general rule, the sooner the employee's demise ensues after the accident, the greater the possibility that ailment was hastened or aggravated by the accident. Sudden rapid progress of an active disorder which before the accident advanced only gradually, is also suggestive of an aggravation of a pre-existing disorder, owing to the employment, in the absence of any proof of an intrinsic clinical cause of an acute exacerbation, independent of the employment. Such rapid progress of the disease after the accident also represents a causal connection between the industrial vulnerating force causing the accident, the employment, and the sudden progress of the pre-existing disorder. Thus, even though a person may be afflicted with a disease, but if his employment accelerates the progression of such disease due to strain or fatigue related to the job, then the employer remains liable for

compensation.

In a scenario where a cook, already suffering from a pre-existing heart disease, made multiple trips to and from the sinking deck of a craft in an attempt to salvage his belongings and subsequently passed away, it was observed that the exertion and excitement associated with these actions aggravated and accelerated the disease to the extent of causing his death. Thus, it is recognized that the exacerbation or acceleration of an employee's heart condition due to mental or physical strain can lead to cardiac issues. The sudden onset of heart-related symptoms or pain experienced by an employee due to excessive exertion at work may be considered an accidental injury. If strain of the employee's job worsens a pre-existing heart condition, resulting in death, and if it is determined that both the disease and the employment contributed to the death, rather than solely the disease simpliciter, then a causal relationship between the injury and the accident exists. This linkage triggers the employer's liability under the 1923 Act.

In F. H. Gilcrest Lumber Co. v. Rengler, an employee sustained an injury while performing his job duties. Owing to the employee's pre-existing syphilitic infection, an ulcer developed which remained for about a year, thus causing a prolonged disability for which the liability was imposed on the employer. The Court herein noted that the injury that brought about the condition which in turn caused the disease to become active. Thus, when the personal injury is solely because of a pre-existing disease which would not have reached its extent "but for the employment", then the employee should be granted relief by way of compensation.

Similarly, in the case of Bisra Stone Lime Company Ltd. vs. Subasini Naik, the deceased employee had experienced discomfort and pain during duty hours. When he was shifted to the hospital, he died and in the medical certificate, the cause of the death was shown to be diabetes and hypertension which could have been aggravated due to the employment. The Commissioner thus found a causal connection between the deceased's illness and his continuation of duty, concluding that his death was an accident arising out of and in the course of his employment, thereby warranting compensation.

While the onus is upon the applicant to show that it was the job's work and the resulting strain which contributed to or aggravated the injury, the judicial approach of taking into account circumstances wherein pre-existing disease gets aggravated due to accident during the employment, within the broad terms "arising out of and in the course of employment", upholds the very fact that the Employee Compensation Act 1923 is a beneficial legislation that aims at providing a protection to the employees from the hazards of the employment.

Exceptions to the application of aggravation and acceleration in employee compensation

It is essential to discriminate between inactive and active latent disorders. If the pre-existing disease be such as could not have been reduced in its hazards at least temporarily, and if the progress of the disorder could not have been stopped a reasonable time prior to the accident, the injured employee could hardly avail himself of such treatment as evidence of an acceleration of his ailment by reason of his employment. Thus, where the disease has been reasonably quickly progressing in its course before the accident, the mere coincidence of the accident and a pre-existing ailment does not necessarily point to a causal nexus between the injury/death and the accident.

In SpringValley Coal Co. v. Industrial Commission, et al., the claimant was struck in his eye by a piece of coal while working in defendant's mine. However, the injury was only superficial and did not reach the interior of his eye, leaving some impairment of vision but not causing total blindness. Some short time after the employee had been discharged from medical care, he became totally blind and it was for this disability that he sought to recover compensation. Medical testimony indicated the existence of a pre-existing eye condition unrelated to the original injury. The employee would have gone blind anyway in a similar timeframe because the disease was progressive, though hidden in its effects on the employee. It could have completed its course to total blindness within two weeks. An award in favour of the claimant was thus reversed. In SAIL, Rourkela Steel Plant vs. Rajesh Kisan, though the fall of the deceased from the bicycle was attributable to the stress and strain caused due to excessive heat during hot summer, but the medical reports stated that the deceased expired due to Hansen's disease and liver problem. The fact that deceased was suffering from the aforesaid disease had no causal connection with his employment. The fall from the bicycle was not even remotely connected with the ultimate death which occurred due to other diseases of the deceased. Since fall from the bicycle was not a contributory factor for the death, thus the theory of "aggravation" and "acceleration" was not applied.

Other factors affecting claim for Compensation

The failure of an injured employee, suffering from a pre-existing disease, to regain his former state of health, or the significant delay in his recovery, considering the usual course of injuries of the kind received by him, is of great evidentiary value in establishing compensable aggravation of a pre-existing ailment. Where a like or similar injury to an ordinary person might not necessarily have reached the magnitude of disability it did in the case of the employee afflicted with a pre-existing disorder, and would not have prevented substantial recovery as it did as to such employee, the suspicion is strongly justified that the primary injury proximately caused an aggravation of his pre-existing

disorder, in absence of any showing to the contrary. Similar principles apply to the case of the employee's recovery being substantially retarded beyond the period of time the effects and after-effects of like or similar accidents or injuries would ordinarily have needed for their termination. Thus, where pre-existing arthritis had been aggravated by the exertion of changing the position of an iron yoke, weighing between 175 to 200 pounds, thereby confining the employee to bed for over a month, the Court observed that the accident arose out of the employment and thus the employee was eligible for compensation.

Conclusion

As a general rule, the responsibility for compensating an employee for an accident or injury falls on the employer when a person engaged in duties directly related to his employment or incidental to it, gets injured while performing such duties, provided that the actions of the employee are well within his employment's scope. Additionally, the accident or injury must be a direct result of the employment. If the employee's disability or demise is solely due to a disease unrelated to his employment, then no compensation can be claimed. However, the term - accidents and injuries due to employment, encompasses not only their effects and after-effects, reasonably immediate in time, but also all those effects and after-effects of a pre-existing infirmity, which through the intervention of the employment's vulnerating force, have been directly caused. Therefore, in cases where death results from the combined action of an accident, as well as, a pre-existing disease, then there may be a tendency to hold the employer fully liable, even if the disease was already active.

The judicial interpretation of the "arising out of and in the course of employment" principle, in relation to cases where a pre-existing ailment is exacerbated by a work-related accident, highlights the nature of the Employee Compensation Act 1923, as being a social security legislation. This approach acknowledges the inherent risks employees face in their work environments, which can worsen existing health conditions. By recognizing these circumstances, the judiciary reinforces the Act's fundamental purpose of safeguarding employees from the dangers associated with their work.

The Act aims to guarantee that workers receive proper compensation for injuries sustained during their employment, including situations where a pre-existing condition is aggravated by work-related accidents or strains. By broadly interpreting the Act to cover such scenarios, courts demonstrate their dedication to preserving the rights and well-being of employees. Moreover, by holding employers accountable for compensating employees in these instances, it reinforces the principle of employer responsibility for the welfare of their workforce. This aligns with the broader societal goal of promoting workplace safety and welfare.

In essence, the judicial interpretation that extends coverage to cases where pre-existing conditions are worsened during employment reflects the legislation's role in providing a safety net for employees, ensuring they are adequately protected and compensated for the hazards they encounter while carrying out their job responsibilities.

DOMESTIC LABOUR LAW NEWS

MGNREGA WAGE INCREASE: HIKES BY THE CENTRAL GOVERNMENT: VARIATION ACROSS THE STATES

The central government announced a 3-10 percent increase in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGA) wages ahead of the 2024 Lok Sabha polls. The hike varies across states, with Goa experiencing the highest surge and Uttar Pradesh, Uttarakhand, and Nagaland seeing the smallest increases. Despite adjustments, MGNREGA daily wages remain lower than agricultural laborer wages in most states. The parliamentary standing committee recommended aligning MGNREGA wages with a need-based minimum wage of Rs 375 per day, emphasizing the need for more substantial increases. The discrepancy between MGNREGA and agricultural laborer wages highlights ongoing challenges in ensuring fair wages for rural workers...Scan QR to read more.

UNEMPLOYMENT CRISIS: 83% OF JOBLESS INDIANS ARE YOUTH, SAYS ILO REPORT

The India Employment Report 2024, jointly published by the International Labour Organisation and the Institute of Human Development, reveals concerning trends in youth unemployment. Approximately 83 percent of jobless individuals are young, with the proportion of educated unemployed youth nearly doubling since 2000. Dropout rates post-secondary education remain high, especially in poorer states. While there's been a decline in youth unemployment during the COVID-19 pandemic, challenges persist, including stagnant wages and poor-quality employment. Regional disparities exist, with certain states consistently facing lower employment outcomes. India's demographic dividend potential is threatened by decreasing youth population projections. Gender disparities in the labor market persist, with low female participation rates and social inequalities despite educational improvements. Skill deficits hinder youth employability, with a significant portion lacking basic digital literacy. Scheduled Castes and Scheduled Tribes face barriers to accessing better job opportunities, highlighting persistent employment disparities..Scan QR to read more.

EX DU FACULTY PROTESTS AGAINST WRONGFUL TERMINATION

Dr. Ritu Singh, a former ad-hoc teacher at Delhi University, faces charges for protesting after her removal from Daulat Ram College in 2019. Singh, a 28-year-old psychology teacher, highlights her struggle against unjust termination and economic hardship. Her stall, named 'PhD pakode wali', symbolizes the plight of unemployed academics. Despite police action citing encroachment, Singh's peaceful protest aims to raise awareness about broader labor issues and barriers to employment. The stall's menu, including items like 'jumla pakoda' and 'berozgari special chai', underscores the challenges faced by educated individuals in securing livelihoods. This incident prompts reflection on the adequacy of support systems for those seeking dignified employment opportunities, irrespective of background or caste, within the academic community..........Scan QR to read more.

ALMOND WORKERS PROTEST IN DELHI'S KARAWAL NAGAR

In Karawal Nagar, India, over 5,000 workers, mainly women, have been protesting since March 1 for higher wages in the almond processing industry. Around 50 unlicensed godowns employ these workers, primarily migrants from Bihar, belonging to the Bind caste. Operating from residential areas to evade labor inspections, these godowns process almonds sourced from California for big businessmen in Delhi's Khari Baoli region. Men operating machines are paid Rs 5/kg processed, while women doing manual labor receive Rs 2/kg—far below Delhi's minimum wage of Rs 673/day for unskilled laborers. With no weekly offs, workers endure long hours, earning an average of Rs 200/day, sometimes as low as Rs 50, highlighting severe exploitation and a need for fair labor practices..Scan QR to read more.

CLEANING WORKERS DEMAND FAIR WAGES: PROTESTS EMERGE IN HOSPITALS OF UTTAR PRADESH AND RAJASTHAN

Cleaning workers in Lucknow's Balrampur Hospital and Jalore's general hospital in Rajasthan staged protests over inadequate wages and delayed payments. In Lucknow, workers employed by Sun Facility demanded salary parity with counterparts in other institutions within the agency. Despite assurances of a 5 percent raise, their concerns remain unresolved pending government approval. Meanwhile, in Jalore, sanitation workers have been on strike for six months due to unpaid salaries, exacerbated by contracts awarded to firms owned by the same individual over 18 years. PMO Dr. Poonam Tank acknowledged the issue and assured efforts to expedite payment disbursement to workers..Scan QR to read more.

TATA STEEL EMPOWERS TRANSGENDER COMMUNITY, DEPLOYS NEW BATCH OF 14 AS HEAVY EARTH MOVING MACHINERY OPERATOR TRAINEES

Tata Steel, based in Bokaro, Jharkhand, marked International Transgender Day of Visibility by appointing 14 transgender individuals as trainees for Heavy Earth Moving Machinery Operators. This event contributed to Tata Steel's total transgender workforce, which now stands at 120 employees. The company reiterated its commitment to fostering an inclusive workplace environment. Additionally, a startup aimed at integrating transgender individuals into the mainstream was launched in Ranchi, Jharkhand, selecting three groups for makeup artistry, catering, and art/fashion. In Uttar Pradesh, an awareness rally was organized by the Kinnar community, emphasizing the need for societal acceptance and support for transgender individuals. Swami Kaushalyanand Giri highlighted the equal potential of transgender individuals to contribute to society and urged collective efforts toward their well-being and advancement...Scan QR to read more.

KARNATAKA STATE IT/ITES EMPLOYEES UNION PROTESTED AGAINST THE EXTENSION OF EXEMPTION OF IT FIRMS FROM THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT

The Karnataka State IT/ITeS Employees Union (KITU) protests the government's potential extension of exemption for the IT/ITeS sector from the Industrial Employment (Standing Orders) Act, set to end in May. They demand withdrawal of "anti-worker" policies, citing arbitrary termination, long hours, and harassment. KITU alleges non-compliance with conditions imposed on employers during the exemption, such as forming internal committees and disclosing disciplinary actions. Over 32,000 job losses have been reported in India's tech sector in 2024. The union has filed a writ petition challenging the exemption and urges the government not to renew it. The exemption, granted for four occasions, affects over 20 lakh workers in Karnataka. Concerns about workers' rights and compliance with labor laws drive KITU's protest against the extension...............Scan QR to read more.

THE SUPREME COURT UPHELD THE POLICY OF RAJASTHAN GOVERNMENT WHEREBY HAVING MORE THAN 2 LIVING CHILDREN DEBARS ONE FROM PUBLIC EMPLOYMENT

The India Supreme Court upheld Rajasthan's two-child eligibility criterion for public employment, stating it as constitutional and non-discriminatory. The ruling dismissed the appeal of a candidate rejected from a constable post in Rajasthan Police for having more than two children post-June 1, 2002, as per Rajasthan Various Service (Amendment) Rules, 2001. Justices referred to a previous case to justify the decision, highlighting the policy's objective to promote family planning. Previously rejected by Rajasthan High Court, the petitioner's appeal led to the Supreme Court's verdict, eleven years after a similar provision was upheld for grassroots-level elections. The judgment reinforces the government's authority in setting eligibility criteria for public employment, with implications for individuals exceeding the specified family size...Scan QR to read more.

INTERNATIONAL LABOUR LAW NEWS

A NEW EU-UN INITIATIVE CALLED "PROTECT" HELPS WOMEN AND CHILDREN WHO ARE MIGRATORY LABORERS IN SOUTHEAST ASIA

In order to defend the rights of women migrant workers, children, and at-risk groups in Cambodia, Indonesia, Malaysia, and Thailand, the European Union (EU) has announced that it would provide the United Nations (UN) with financial support totaling € 13 million for a new program named "PROTECT." By upholding labor rights, stopping and reacting to violence against women and children, human trafficking, and migrant smuggling, the three-year PROTECT project will encourage decent employment and lessen the vulnerabilities of those who are at risk..Scan QR to read more.

THE ILO GOVERNING BODY CONCLUDES BY MAKING MEASURES THAT WILL IMPROVE SOCIAL JUSTICE AND LIVABLE WAGES

The 350th session of the International Labour Organization's (ILO) Governing Body came to an end with a number of important resolutions around living wages and efforts to improve social justice. They looked at a few particular country examples as well. Members looked over the Meeting of Experts Report on Wage Policies, which included a section on living wages. A fair pay is essential to social and economic progress as well as the achievement of social justice, according to the February 2024 study. It indicates that the living wage is "to be achieved through the wage-setting process in line with ILO principles on wage setting," and that it is "calculated in accordance with the ILO's principles of estimating the living wage." It further states that the living wage is "the wage level that is necessary to afford a decent standard of living for workers and their families, taking into account the country circumstances and calculated for the work performed during the normal hours of work."..Scan QR to read more.

ACCORDING TO AN ILO ESTIMATE, THE ANNUAL EARNINGS FROM FORCED LABOR AMOUNT TO US$ 236 BILLION

A recent study by the International Labour Organization (ILO) revealed that illicit revenues from forced labor in the private sector total US$236 billion annually. Since 2014, the overall illicit earnings from forced labor have increased by US$64 billion (37%) due to a combination of factors including an increase in the number of persons coerced into labor and increased revenues from victim exploitation. According to the ILO study, 'Profits and Poverty: The Economics of Forced Labor', traffickers and other criminals are making an estimated US$10,000 per victim, which is a significant increase from US$8,269 (inflation-adjusted) a decade earlier. The region with the most yearly illicit gains from forced labor is Europe and Central Asia, with US$84 billion. Asia and the Pacific comes in second, with US$62 billion, the Americas with US$52 billion, Africa with US$20 billion, and the Arab States with US$18 billion. The Arab States, the Americas, Africa, Asia and the Pacific, and Europe and Central Asia have the biggest yearly unlawful earnings when broken down down by victim count..Scan QR to read more.

ILO AND QATAR AGREE ON A NEW 4-YEAR LABOR REFORM PLAN

An agreement was reached by the Government of Qatar and the International Labour Organization (ILO) to prolong their technical cooperation program for an additional four years. At the ILO headquarters in Geneva, HE Dr. Ali bin Samikh Al Marri, the Minister of Labor for Qatar, and ILO Director-General Gilbert F. Houngbo signed the agreement. The program's next phase (2024–2028) will concentrate on fortifying important labor market institutions in order to advance the labor reforms that have been enacted recently. These are the organizations in charge of carrying out the changes pertaining to salaries, labor mobility, workers' representation and voice, and workplace safety and health in an effective manner...Scan QR to read more.

IN THE FIRST QUARTER OF 2024, THE UNEMPLOYMENT RATE IN PALESTINE IS EXPECTED TO SKYROCKET TO 57%

According to updated estimates released by the Palestinian Central Bureau of Statistics (PCBS) and the International Labour Organization (ILO), the ongoing conflict in the Gaza Strip has caused the loss of almost 507,000 jobs in the Occupied Palestinian Territory (OPT) as of the end of January 2024.

According to the updated figures, as of January 31, the Gaza Strip lost an estimated 201,000 jobs, or over two thirds of all occupations in the enclave. Furthermore, the West Bank, where the economy has been badly hit, lost 306,000 jobs, or more than one-third of all employment..Scan QR to read more.

IN THIS CENTURY, THE QUANTITY AND QUALITY OF FEMALE JOBS HAVE IMPROVED: EU LABOUR FORCE SURVEY

The status of women in the labor market is fast improving, despite the fact that they still have lower employment rates than males and are more likely to work in low-paying jobs. Women have made considerable and widespread progress in the workforce over the past several decades, both in terms of the quantity and quality of jobs held, according to a new research that covers 17 industrialized and emerging economies—both inside and outside of the EU—that together account for almost one-third of the world's labor force.

The EU-Labour Force Survey and the Structure of Earnings Survey indicate that between 1997 and 2019, the sample's eight EU nations had a growth in their workforce of more than 21 million workers. Of these, more over 14 million were employed women, making up 68% of the total number of newly generated jobs. Almost 1.5 million of the 6.8 million extra male workers during that time period held high-paying occupations, accounting for roughly 22% of new employment roles for men. For women, however, this percentage increased to 31% (4.5 million of the 14.7 million extra female workers). The majority of the non-EU nations included in the analysis exhibit comparable employment trends..Scan QR to read more.

TO PROTECT THEIR RIGHTS AT WORK, DOMESTIC WORKERS SHOULD BE INCLUDED IN CARE PROGRAMS, ACCORDING TO A NEW ILO POLICY BRIEF

In a new policy brief released on International Women's Day, the ILO calls on governments, labor unions, and employer groups to guarantee that domestic workers have access to social security and labor rights.

According to ILO estimates, 75.6 million domestic workers worldwide are women, or 75% of the workforce. The rights of domestic workers are essential to achieving gender equality because of the disproportionate presence of women in society. Countries are trying to increase female labor market participation in the face of severe labor shortages, but this is frequently reliant on the availability of adequate, high-quality care services. This necessitates, among other things, that domestic and caregiving employment be of a caliber that will draw in job searchers...Scan QR to read more.

ILO AND JAPAN'S UNIVERSITY OF OCCUPATIONAL AND ENVIRONMENTAL HEALTH HAVE AGREED TO FORM A NEW COLLABORATION TO PROMOTE OCCUPATIONAL HEALTH

In an effort to promote a safe and healthy workplace, the International Labour Organization (ILO) and the University of Occupational and Environmental Health (UOEH) in Japan have partnered. The ILO and UOEH have a Memorandum of Understanding (MOU) that outlines many areas of cooperation. These consist of cooperative research, publication creation, technological cooperation, and instructional and training initiatives...Scan QR to read more.

PUBLICATIONS: ARTICLES

EXPOSURE TO GENERATIVE ARTIFICIAL INTELLIGENCE IN THE EUROPEAN LABOUR MARKET- BY LAURA NURSKI, NINA RUER

This paper examines the impact of generative artificial intelligence (GenAI) on the European labor market and proposes policy recommendations accordingly. It assesses the potential and actual impact of GenAI on employment through occupational exposure scores and reviews of productivity studies. The policy recommendations focus on labor demand-oriented measures, such as promoting job redesign, organizational agility, and providing support to small and medium-sized enterprises (SMEs).

Additionally, labor supply-oriented policies are suggested, including GenAI literacy training and improving social dialogue and safety nets. Research and regulation policies are also proposed, emphasizing financing further research on GenAI's impact and setting up monitoring and reporting mechanisms, along with assessing ethical AI guidelines to ensure inclusivity and minimize biases. These recommendations aim to facilitate a smooth transition in the labor market amidst technological advancements in GenAI..Scan QR to read more.

THE CONSTITUTIONAL PROTECTION OF THE RIGHT TO COLLECTIVE JOB ACTION IN ZIMBABWE: A COMPARATIVE ANALYSIS- BY MARINGE, N

This article evaluates Zimbabwe's constitutional protection of collective job action in comparison to other jurisdictions like South Africa, Kenya, and Australia. While Zimbabwe's 2013 Constitution is considered progressive on this right, it lacks adequate protections and guarantees. There are inconsistencies between the Constitution and the Labor Act, and Zimbabwe's legal framework lags behind other jurisdictions. The article proposes constitutional, legislative, institutional, and administrative recommendations to improve the protection, enforcement, and promotion of the right to collective job action in Zimbabwe. Ultimately, it argues that without robust protections for collective action, workers' autonomy and workplace democracy remain vulnerable to persistent threats...Scan QR to read more.

A STUDY ON MOONLIGHTING AND ITS IMPACT ON CONTEMPORARY WORK ENVIRONMENT IN IT INDUSTRY WITH SPECIAL REFERENCE TO SOFTWARE COMPANIES IN CHENNAI, TAMIL NADU- BY MS.M.SHOBANA, DR.S.UMA MAGESWARI

Moonlighting, the practice of holding a secondary job alongside one's primary employment, is increasingly prevalent in India and globally, fueled by trends like remote work, hybrid work models, and the gig economy. Despite its growing popularity, moonlighting remains inadequately regulated by laws and regulations in India. While moonlighting offers opportunities for individuals to pursue their passions and augment their income, it also presents challenges, particularly in terms of organizational commitment, job security, and health implications. However, some argue that moonlighting has evolved into more organized gig work, offering flexible hours and additional income opportunities.

In a developing country like India, where many face financial challenges, moonlighting can provide a means to improve livelihoods and acquire new skills. Nonetheless, individuals must balance the pursuit of additional income with considerations for their health and well-being. Ultimately, addressing the phenomenon of moonlighting requires targeted and regulated strategies to ensure its stability and equitable outcomes for all involved...Scan QR to read more.

ASSESSING LABOUR FREEDOM IN AGRICULTURE: DEVELOPING WORLD PERSPECTIVE FOCUSING ON INDIA- BY NIMAI DAS, RAJNI KAPOOR

This study examines the impact of institutional reforms and developmental policies on the rural labor market in India, focusing on agricultural growth and efficiency. It finds that reforms related to property rights, such as legal approvals of land ownership and rental contracts, empower marginalized groups by enhancing their bargaining power. Additionally, inclusive development policies in the rural sector contribute to labor freedom by stabilizing markets and ensuring desirable wage and employment rates. Using a case study from an advanced agricultural region in India, the research demonstrates a positive correlation between labor freedom and the land-based status of peasant households. The analysis of primary data highlights the importance of labor market reforms, including wage contracts, minimum wage laws, off-farm job opportunities, and intra-migration employment, in enhancing labor freedom in rural areas..Scan QR to read more.

SURROGACY AND EMPLOYMENT LAW- BY ANNICK MASSELOT AND MARTHA CEBALLOS

This text delves into the complex intersection of employment law and surrogacy, questioning whether women acting as surrogates should be classified as workers and therefore entitled to employment law protections. Initially, it argues that while surrogacy involves elements of work, traditional employment frameworks struggle to adequately encompass the nature of surrogacy. Factors such as the surrogate's autonomy over her body and the irregularity of surrogacy arrangements challenge conventional notions of employer-employee relationships. The chapter then examines existing employment law provisions that might apply to surrogate workers and highlights the challenges in their application. It contends that current employment rights related to pregnancy and maternity fail to address the nuances of assisted reproduction technologies like surrogacy. These rights are often based on outdated perceptions of procreation and motherhood, which do not fully consider the complexities of surrogacy. Consequently, there's a gap in legal protections for surrogates within the framework of traditional employment law..Scan QR to read more.

IN THE HEAT OF THE MOMENT : THE STATUTORY CONCEPT OF DISMISSAL AND IMPULSIVE RESIGNATIONS – BY HUGH COLLINS

The article discusses the legal complexities surrounding impulsive resignations in the context of employment law, as exemplified by the case of Omar v. Epping Forest District Citizens Advice. It examines the interplay between common law principles of contract termination and the statutory concept of dismissal under the Employment Rights Act 1996 (ERA 1996). The author argues that the statutory concept of dismissal should be interpreted autonomously, distinct from common law principles, and suggests that a purposive approach should be adopted to determine whether an employer should be required to justify the termination of employment. The article highlights the need for reform in clarifying the statutory framework to address situations such as resignations in the heat of the moment...Scan QR to read more.

DIGNITY FOR IRREGULAR) MIGRANTS EMPLOYED IN FARM TO FORK SECTORS: A REGULATORY INFRASTRUCTURE APPROACH TO EU LEGAL AND POLICY FRAMEWORKS- BY ALBERTO-HORST

The paper identifies systemic gaps in protective frameworks, emphasizing the need for a holistic approach to improve conditions and rights for irregular migrant workers. It suggests exploring incentives for compliance and addressing capacity challenges for businesses. The paper calls for the involvement of migrants and businesses in analysis and sets the stage for further research and discussions to address the multifaceted nature of irregular migrant work..Scan QR to read more.

LABOR MARKET REGULATION AND THE CYCLICALITY OF INVOLUNTARY PART-TIME WORK- BY THERESA MARKEFKE & REBEKKA MÜLLER-REHM

This study examines the impact of economic downturns on involuntary part-time work (IPT) in Germany, a country with strict working time regulations. Despite these regulations, IPT incidence is positively associated with unemployment rates, albeit to a lesser extent compared to less regulated labor markets like the US and UK. The analysis reveals two underlying mechanisms: the "reservation hours effect," where job seekers compromise on desired hours due to unfavorable labor market conditions, and the "added hours effect," where individuals seek more work during recessions.

The study suggests that while German labor market regulations aim to protect workers from IPT, they do not fully prevent the phenomenon. The effectiveness of recent reforms, such as the "Brückenteilzeit" option allowing temporary reduction of hours, remains to be seen. Future research should explore the relationship between IPT and other macroeconomic variables in Germany and assess the impact of recent labor market reforms. Despite labor market regulation, market mechanisms still drive the cyclical occurrence of IPT. Access to the data analyzed in the study is restricted due to confidentiality agreements with data providers.................................Scan QR to read more.

IS THERE A PLACE FOR LAW TO REGULATE MENOPAUSE IN THE WORKPLACE?"- BY EUGENIA CARACCIOLO DI TORELLA AND PASCALE LORBER

The recent publication of the EHRC Guidance on the Menopause for Employers has sparked discussions about the role of the law in addressing menopause-related issues in the workplace. With menopause being a normal part of aging affecting all individuals with a menstrual cycle, its impact on the workforce, particularly women over 50, is significant. However, existing legal frameworks, mainly relying on discrimination laws, have limitations in adequately addressing menopause-related challenges. While disability discrimination has been used in some cases, it may not encompass all individuals experiencing menopause symptoms, leading to ethical concerns. Proposals for legal reforms include creating a new protected characteristic specifically for menopause or activating section 14 of the Equality Act 2010 to address intersectional discrimination.

Alternatively, a positive duty approach similar to sexual harassment prevention laws could be considered. In the absence of specific legislation, soft law measures such as ACAS Codes of Practice may provide guidance for employers. Despite political attention and initiatives like the Menopause Employment Champion, clarity and comprehensive legal protection for individuals experiencing menopause-related mistreatment in the workplace remain unresolved..Scan QR to read more.

SUSPENDING THE ACTION OF LABOUR AGREEMENT DURING THE PERIOD OF MARTIAL LAW IN UKRAINE- BY KHRYSTYNA KMETYK, ANASTASIA TYUBAY

The article investigates the concept and procedure for suspending labor agreements during martial law in Ukraine. Research methods include comparative and documentary analysis, along with documentary synthesis and generalization. These methods, along with objective truth and cognitive-analytical approaches, lead to conclusions about the peculiarities of labor relations regulation during martial law. Key differences between termination of labor relations, downtime, and suspension during martial law are highlighted. The focus is on the Law of Ukraine "On Organization of Labour Relations under the Conditions of Martial Law" (N 2136-IX) and the Supreme Court of Ukraine's practices. The analysis delves into the legal framework and practical applications of suspending labor agreements under martial law. Keywords such as labor relations, labor agreements, termination, suspension, downtime, and martial law encapsulate the core themes of the study. Overall, the article provides insights into the legal intricacies and practical implications of suspending labor agreements during martial law in Ukraine..Scan QR to read more..

PUBLICATIONS: REPORTS AND BOOKS

India Employment Report 2024 Youth employment, education and skills

The India Employment Report 2024, released by the International Labour Organisation (ILO) and the Institute of Human Development (IHD), highlights concerning trends in youth unemployment and underemployment. It reveals that India's youth account for 83% of the unemployed workforce, with the share of educated youth in total unemployment nearly doubling from 35.2% in 2000 to 65.7% in 2022. While there was a temporary decline in youth employment during the pandemic, it remains a persistent issue. The report also notes long-term deterioration in labor force participation, worker population ratio, and unemployment rate until 2018, followed by a slight improvement. Widespread informal work persists, with diminishing regular work opportunities after 2018. Moreover, there's a significant gender gap in the labor market, particularly among highly educated young women. The report underscores the urgent need for quality employment opportunities and skill development initiatives......................Scan QR to read more.

Sexual Harassment and the Law in Kenya Broadening Employee Rights in the World of Work- By Wycliffe Nyachoti

About the book: Despite legislative reforms such as the Sexual Offences Act of 2006, labor law reforms in 2007, and the Constitution of Kenya in 2010, sexual harassment remains prevalent in the Kenyan workplace. This study examines the effectiveness of existing laws in addressing sexual harassment cases and analyzes court interpretations of key terms like 'workers' and 'violence.' While courts are increasingly interpreting sexual harassment more broadly, there's limited progress in recognizing it as a violation of constitutional rights. The adoption of the International Labour Organization Convention on Violence and Harassment (ILO C190) underscores deficiencies in current Kenyan labor laws regarding sexual harassment. The study strongly recommends ratifying the ILO Convention for enhanced employee protection against sexual harassment...Scan QR to read more.

Labour struggles in Southern Africa 1919–1949: new perspectives on the industrial and commercial workers union- by David Johnson, Noor Nieftagodien and Lucien van

About the book: This book delves into the rise and fall of the Industrial and Commercial Workers Union (ICWU) in Southern Africa, exploring its significance in working-class struggles and collective bargaining. It discusses the ICWU's distinctive agenda, mobilization efforts, and its inclusive nature, encompassing workers of all races and genders. The ICWU operated on a transnational scale, reflecting the transnational nature of South Africa's labor force in the 1920s. The union aimed to address the economic and political rights of working classes amidst challenges like post-World War I economic disparities and oppressive pass laws. It expanded its reach into neighboring countries, countering the dominance of white craft unions. Despite facing deportations and other challenges, ICWU leaders like Robert Sambo persisted in their efforts to organize workers across Southern Africa.......................Scan QR to read more.

OPPORTUNITIES

1 Call for Papers - Indian Journal of Criminology

Indian Journal of Criminology is a joint publication of the Indian Society of Criminology ("ISC") and National Law University Delhi. The journal is peer reviwed open access bi-annually (Janaury and July) Journal. Indian Journal of Criminology began in 1973. It has been considered a reputable and prestigious journal in the field of criminology and criminal justice in the Indian context. The Indian Journal of Criminology meets all the requirements for academic excellence in criminology and is included in the UGC-CARE List Group I. Last date of submission:- 30th April, 2024, Submission guideline:- Full Paper/Manucripts shall be submitted to the Editor, Email:- indianjournalofcriminology@gmail.com

2. UN Climate Change Learning Partnership

This course will help you better understand the linkages between gender and the environment. It will provide you with the knowledge and tools to mainstream gender, and to be an effective change-maker for sustainable development. It will also give you facts and figures, and a better understanding of the global international frameworks related to gender and environment. It is a "one-stop-shop" for information and illustrations on gender dimensions linked to biodiversity, climate change, land degradation, international waters, and chemicals and waste. All you need to know about gender and the environment. For further information visit: https://unccelearn.org/course/view.php?id=39&page=overview

3. Transnational Labor Law Conference at Cornell

Conference on Transnational Labor Rights in a Globalized Economy. Speakers include activists, organizers, former trade negotiators, policymakers, and ILO delegates. The link to register is here: https://www.ilr.cornell.edu/events/conference-transnational-labor-rights....Registration: Apr 11, 2024.

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

International Conference on Social and Labour Law: 20 years of EU Membership – Labour Law and Social Security Law in Central and Eastern Europe, a significant academic event dedicated to the commemoration and exploration of the 20-year anniversary of the accession of several Central and Eastern European (CEE) states, including Czechia, Hungary, Slovenia, and Poland, to the European Union in 2004. This conference will take place on 6.-7.6.2024 at the Charles University in Prague. **Deadlines-** Registration: Jun 1, 2024. Please find more information about the conference and programme here: https://law.prf.cuni.cz/eumembershipanniversary/about-conference/

5. **IIHS Urban Fellows Programme 2024-25**

The Indian Institute for Human Settlements (IIHS) is delighted to announce admissions for the ninth batch of its flagship Urban Fellows Programme (UFP), which is open until **15 April 2024.** The UFP is a unique space that brings together diversity, combines classroom teaching with site-based, live projects and experiential learning, and introduces learners to diverse forms of urban practice. For more information on eligibility and to register: https://urbanfellows.iihs.co.in/

6. **Applications Invited for World Bank Graduate Scholarship Program**

The JJ/WBGSP is open to citizens of certain developing countries with relevant professional experience and a history of supporting their countries' development efforts who are applying to a master's degree program in a development-related topic. Subject to available funding, JJ/WBGSP offers scholarships for 53 Participating Master's Programs in 27 universities in the U.S., Europe, Africa, Oceania and Japan in key areas of development, including economic policy management, tax policy, and infrastructure management. Deadline: From March 25 to May 24, 2024 at 12:00 noon EST, https://www.worldbank.org/en/programs/scholarships/jj-wbgsp

7. 2025-2026 Fulbright-Nehru Master's Fellowships

The Fulbright-Nehru Master's Fellowships are designed for highly motivated individuals who demonstrate outstanding leadership qualities, have completed the equivalent of a U.S. bachelor's degree, have at least three years professional work experience, and are committed to return and contribute to their communities in India. These fellowships are awarded for up to two years to pursue a master's degree at U.S. colleges and universities in the areas of Economics; Environmental Science/Studies; Higher Education Administration; International Affairs; International Legal Studies; Journalism and Mass Communication; Public Administration; Public Health; Urban and Regional Planning; and Women's Studies/Gender Studies. For more details visit : https://www.usief.org.in/Fulbright-Nehru-Fellowships.aspx

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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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