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**CENTRE FOR LABOUR LAW
RESEARCH AND ADVOCACY**



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The Centre for Labour Law Research and Advocacy (CLLRA) was established in August 2022 at the National Law University Delhi (NLUD) to revitalize Labour Law research in the context of evolving work structures and legal frameworks. The Centre focuses on a 'bottom-up' approach to address livelihood issues and aims to bring about social change and improve the quality of life for the most neglected sections of working people in India through the Rule of Law. The three-tiered team of CLLRA contains Institutional Patrons, an Advisory Board and a Centre Management team under the supervision of Dr. Sophy K.J., Director of CLLRA. The Centre's pedagogy is the use of "Praxis" i.e., the use of "Theory" and "Practice", always ensuring that one informs the other. Hence there will always be special efforts to listen to problems and insights that emerge from the grassroots and to specialised scholars from relevant social sciences with a critical mind. The Centre is open to learning and using lessons derived from International standards, Comparative jurisprudence, Constitutional law, Statutory law, case law and experiential learning. CLLRA remains particularly sensitive to deriving insights from the 'feminist movement' in the struggle against patriarchy, the movement of 'persons with disabilities', the 'child rights movement', and especially the social movements of the excluded and marginalised people, to seriously internalise different perspectives and contribute substantially to the realisation of an inclusive society.

This Newsletter, titled 'Labour Law Insights', started as there is a need for renewed thinking to reinvigorate Labour Law in the context of debates on new work, new employment relations and new legal frameworks. The lack of exchange and sharing of information on labour law and policy updates through a consistent medium has created a vacuum in the assimilation of knowledge around the discipline. This Newsletter attempts to fill in this gap by bringing forth important judicial discourse, legislative updates, scholarly discussions and information on labour to the readers. It aims to reach a wider audience, inclusive of both students and researchers and therefore, opportunities for career/future learning are also included in the Newsletter. At the very outset, it is necessary to clarify that in today's context when we say 'labour', we must take it to mean the entire 'workforce' in our society. The Centre will strive to study conditions in which all working people can live with dignity. There is an increasing need to study various anti-poverty and social justice measures with labour-related entitlements so that the workforce can access a package of measures which contributes to their enhanced quality of life. The 'Labour Law Insights' newsletter has four primary objectives:

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

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

Best regards,
Sophy

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Post-Retirement Benefits

IT IS UNREASONABLE AND UNFAIR TO DENY POST-RETIRAL BENEFITS OR TERMINAL DUES TO ANY EMPLOYEE WHO HAD WORKED FOR MORE THAN 30-40 YEARS

ANAND PRAKASH MANI TRIPATHI V. STATE OF U.P., CIVIL APPEAL NO(S). 6118 OF 2024

Facts: 14 candidates were appointed to government posts in the undivided district of Gorakhpur. However, after the district was bifurcated, the services of the appellants were terminated. Challenging the termination order, writ petitions were filed before the Allahabad High Court which passed interim orders allowing the appellants to work. After this, a single-judge bench of the HC quashed the termination order, directing the appellants to be regularized with all consequential benefits, which was set aside by a division bench of the HC, against which an appeal was filed before the SC.

Judgment: The SC observed that the appellants had worked for 30 to 40 years in the post, and thus it would be unreasonable and unfair to deny them post-retiral benefits or terminal dues. The SC restored the order passed by the Single Bench and granted the appellants all consequential benefits. The Court also directed the State of Uttar Pradesh to ensure that these benefits, as also ordered by the Single-judge bench, are given to the appellants within two months.

Promotion

VACANCIES DUE TO ELEVATION ARE NOT INCLUDED IN THE ANTICIPATED VACANCIES AND THUS CANNOT BE FILLED FROM THE SELECT LIST

NITIN MITTAL V. STATE OF HIMACHAL PRADESH & ANR., SLP(C) NO. 13333 OF 2024

Facts: In 2022, the High Court of Himachal Pradesh had invited applications from eligible judges for promotion and appointment as an ADJ. Since the petitioner secured the second rank, he was not appointed to the post. In 2023, another vacancy arose due to the elevation of a sitting district judge, and thus the petitioner made a representation to the HC for consideration of his candidature from the existing merit list, contending that the vacancy had arisen on account of elevation which was an anticipated vacancy and thus should be considered part of the previous recruitment year. The HC dismissed the petition, after which the petitioner preferred an appeal before the Supreme Court.

Judgment: The Supreme Court interpreted Rule 5(A) of the Himachal Pradesh Judicial Service Rules, 2004, and clarified that vacancies due to elevation are not included in the anticipated vacancies and thus cannot be filled from the select list. It held that only vacancies due to retirement or temporary vacancies were to be filled from the select list. The Court reiterated that a wait list cannot be used as a reservoir to fill unadvertised vacancies arising after the recruitment process has ended. It stated that once the notified vacancy is filled, the process is complete, and the wait list cannot be used for subsequent vacancies.

High Court

Allahabad High Court

1. Sanjay Kumar & Ors. v. District Basic Education Officer, Jaunpur & Ors., WP - A No. 23843 of 2018 - Under the U.P. Recognised Basic School Rules (Junior High Schools) (Recruitment and Conditions of Service of Teachers) Rules, 1978 - an employee shall be considered to be in service and entitled to his pay if no adverse action or order of termination is issued against him.
2. State of UP & Ors. v. Geeta Rani W/O Late Man Singh (Head Constable Civil Police), Special Appeal Defective No. 380 of 2024 - Person seeking compassionate appointment can't be given a second chance to qualify the physical efficiency test after having failed once.

Andhra Pradesh High Court

1. Puvvada Venkata Mohana Murali Krishna Murthy v. The State of Andhra Pradesh, Rep. by its Special Chief Secretary, Agriculture and Cooperation Department, WP No. 4861 of 2018 - Cooperative credit societies have complete autonomy in fixing the age of superannuation, the power of which belongs to the society's managing board and not the government.

Bombay High Court

1. Shri Patil Samgonda Namgonda v. State of Maharashtra, 2024:BHC-AS:23120 - An employee's conduct while filing petitions does not automatically imply the abandonment of claim for reinstatement in service.
2. Shri Shripad Dwarkanath Gupte & Ors. v. Union Of India, WP No. 2763 of 2023 - Employees accepting promotions on grade wise basis without protest are estopped from challenging the same.
3. Kalpana and Ors. v. State of Maharashtra, WP No. 3701 of 2022 - Substituting the legal representative of a deceased employee by another legal representative for compassionate appointment is lawful.
4. Rajiv Bansal & Ors. v. State of Maharashtra & Ors., WP No. 1014 of 2023 - Withholding of salary or emoluments does not fall within the ambit of the offense of cheating.
5. The Chief Officer, Pen Municipal Council & Ors. v. Shekhar B. Abhang & Ors., WP (C). No. 4129 of 2009 - Regularization of services cannot be claimed merely based on long-term continuance of employment as this does not create any inherent right to regularization.
6. Airports Authority of India Workers Union & Anr. v. The Under Secretary, Ministry of Labour & Anr., WP No. 8744 of 2015 - Birth of a first child before joining the service is not a bar for availing maternity leave after joining service under the AAI regulations.

Calcutta High Court

1. Sri Kunal Chandra Sen v. State of West Bengal & Ors., WPA 3618 of 2016 - The state cannot use public interest and accountability as an excuse to indefinitely delay the release of employees' pensions.
2. Smt. Tara Devi & Anr. v. Bank of India & Ors., WPA 19235 of 2021 - In case an employee is untraceable for more than seven years and their death is presumed, the terminal benefits should be extended to the heirs of the employee.

Delhi High Court

1. Group 4 Securities Guarding Ltd v. Secretary, Labour, Govt. of NCT of Delhi, W.P.(C) No. 567 of 2004 - The definition of wages under Minimum Wages Act, 1948 cannot be used to calculate bonus under Payment of Bonus Act, 1965.
2. Central Council of Homoeopathy v. Vijay Singh - The Central Council of Homoeopathy falls within the definition of "Industry" under the Industrial Disputes Act, 1947.
3. Revd. John H. Caleb v. Diocese of Delhi-CNI and Ors. - A personal right of action, arising due to holding of a non-hereditary office, dies with the death of the person concerned and is not transferable or heritable.

Himachal Pradesh High Court

1. Abhimanyu Rathor v. The Registrar General, HP High Court & Ors. - A writ petition against the office bearers of the Bar Association is not maintainable, since it falls in the realm of private law.

Tripura High Court

1. Bina Rani Paul & Ors v. State of Tripura & Ors. WP(C) No. 624 of 2023 - Anganwadi Centres fall within the ambit of "establishment" under Payment of Gratuity Act, 1972 and thus Anganwadi Workers and Anganwadi Helpers are entitled to gratuity benefits.

J&K High Court

1. Mohammad Yousuf Bhat v. Union Of India, SWP No. 2232 of 2013 - The denial of leave to attend an ailing mother cannot be grounds to leave duty without permission.
2. Mst. Raja & Ors. v. State of Jammu & Kashmir & Ors. SWP No. 2237 of 2014 - After an employee retires, it is not permissible to recover excess payments made to them due to a mistaken interpretation of rules.

Jharkhand High Court

1. Shanti Devi v. State of Jharkhand & Ors. WP(S) No. 3987 of 2021 - Pensionary benefits and gratuity cannot be withheld during pendency of criminal proceedings against employees.

Karnataka High Court

1. M. R. Nagarajan v. The Syndicate Bank & Ors., WA No. 1337 Of 2015 (S-DE) - Factors like period of service, the number and nature of promotions, the shortness of the period remaining for superannuation etc. should be considered while awarding punishment to an employee.
2. Shri G. Ramesh. v. The Karnataka State Seeds Corporation Ltd., W.P. (C). No. 36199 of 2014 - Absence without leave constitutes misconduct in industrial employment and justifies disciplinary punishment.
3. Uemsha T. N. & Ors. v. State of Karnataka, WP No. 19588 of 2023 - Employees cannot be granted permanent status if their employment was through outsourcing contracts that were not meant to establish permanent positions.
4. H. Channaiah v. Chief Executive Officer, Zilla Panchayath & Ors., WP No. 5016 of 2024 (S-R) - Leave encashment are not discretionary benefits but as legal rights enforceable under Article 300A of the Constitution of India.
5. Vijaya Bank v. M. Ravindra Shetty, WA No. 7791 of 2003 - The opinion given by the Central Vigilance Commission to a disciplinary authority need not be shared with the delinquent employee of a bank.
6. Workmen Of BEML & Ors. v. Union of India & Anr. WP No. 573 of 2024 - The Court kept in abeyance a recruitment notification issued by BEML calling for recruitment in view of the right of contractual workers to fill the vacancies rather than external candidates.

Kerala High Court

1. Jomon Sebastian & Ors. v. Assistant Labour Officer & Ors. WP(C) No. 13067 & 13978 of 2023 - Regulatory bodies cannot misinterpret judgments to wrongfully deny registration to the permanent employees.

Meghalaya High Court

1. Smti. Uttora G. Sangma v. The State of Meghalaya & Ors., WP(C) No. 82 of 2023 - The Court considered a resignation by a teacher as a voluntary retirement, in view of her 33 years of service, thus entitling her to benefit from pensions and other entitlements.

Patna High Court

1. Jai Jai Ram Roy v. The State of Bihar & Ors., CWJC No.16108 of 2023 - Withholding of pension and other benefits of a retired employee was unlawful in absence of any pending departmental proceedings against the retired employee, under the Bihar Pension Rules, 1950.

Punjab and Haryana High Court

1. Dr. Mohanmeet Khosla v. Panjab University, Chandigarh & Ors., 2024:PHHC:07 - Interpreting the Calendar Volume III of Panjab University, the High Court observed that irrespective of the stature as junior or senior teacher, all teaching employees regardless of status have to be given a chance to lead their department on a rotational basis.
2. Lovepreet Kumar & Ors. v. State of Punjab & Ors., CWP-1005-2024 - It is the absolute discretion of the State to prepare a waiting list in a selection process and the Court cannot ask to prepare the same.
3. Taravanti v. State of Haryana & Ors., CWP-12398-2024 - If excess amount is accepted by the pensioner with due knowledge, then objecting to the recovery of the excess amount is not permissible.

Rajasthan High Court

1. Rita Singh v. State of Rajasthan & Ors., 2024:RJ-JP:18460 - Fixing of a cut-off date for recruitment processes falls in the domain of the employer, and such a uniform cut-off date could not be relaxed for certain applicants.
2. Poonam Gurjar v. State of Rajasthan & Ors. 2024:RJ-JP:16849 - Government employees do not have a fundamental protection to continue serving at a desired location as administrative concerns supersedes familial convenience.

International Cases

Discrimination

THE ACTION OF MISNAMING IS UNWANTED CONDUCT WITH THE EFFECT OF VIOLATING THE CLAIMANT'S DIGNITY, THUS AMOUNTS TO RACIAL DISCRIMINATION

MR. V. TANEJA V. PHOENIX WHIRLPOOLS LTD. (UK)

Court: Watford Employment Tribunal, United Kingdom

Facts: The claimant, an employee of the respondent, was accompanying his manager in his car when a dispute between the two broke out. The respondent allegedly repeatedly referred to the plaintiff as "Vikesh" rather than his name "Vivek" even after being told multiple times. Following this misnaming, an argument broke out and subsequently, the claimant was dismissed from service. The claimant contended a case of racial harassment and violation of his dignity.

Judgment: The tribunal upheld the claim of racial harassment, stating that the action of misnaming the claimant was unwanted conduct with the effect of violating the claimant's dignity. It accepted the claimant had an emotional connection to his name, as it held a special significance in his language. The tribunal held that though this was not a case of direct harassment or racial prejudice, the fact that the respondent did not take the time and effort to ensure he was not offensive to the claimant violated the Equality Act, 2010. The tribunal directed for compensation for emotional and mental stress caused to the claimant.

Minimum Wage and Zero Hour Workers

TIME SPENT SOLELY ON TRAVEL IS NOT CONSIDERED "TIME WORK" UNDER THE UK NATIONAL MINIMUM WAGE REGULATIONS

TAYLOR'S SERVICES LTD V. HMRC [2024] EAT 102 (UK)

Court: Employment Appellate Tribunal, United Kingdom

Facts: The appellants employed "zero-hour" workers - a type of contractual labour in which the employer is not obliged to provide any minimum working hours and the worker is not obliged to accept any work offered. These workers had to travel to various farms across the country to provide poultry services, and were collected from their homes by the employer's minibus. The respondent authorities issued a notice to the employer for underpayment of the national minimum wage, asserting that the time workers spent traveling to and from their homes should be included at the minimum wage rate.

Judgment: The Tribunal held that the time spent solely on travel is not considered "time work" under the National Minimum Wage Regulations, 2015 of the UK. Thus, unless actual work is performed during the travel, it does not classify as "work". It clarified that the requirement for workers to travel using the employer's transportation does not transform the travel time into work time. The tribunal allowed the appeal and dismissed the authorities notice of minimum wage payments.

Fair Working Standards

FRANCHISORS ARE UNDER A LEGAL OBLIGATION TO ENSURE THEIR FRANCHISEES ARE COMMITTED TO FAIR WORKING STANDARDS

FAIR WORK OMBUDSMAN V. 85 DEGREES COFFEE AUSTRALIA PTY LTD [2024] FCA

Court: Federal Court of Australia

Facts: The respondent was a franchisor which was made responsible for the contravening conduct of eight of its franchisees for breaching appropriate employment laws, including failing to pay their employees.

Judgment: The Court held that though the franchisor did not directly underpay the workers, it was still legally liable as a responsible franchisor entity, as it was aware that its franchises were committing illegal contraventions and should have taken due diligence and reasonable steps to prevent this from occurring. The Court directed for compensation to be paid to the employees and thus held that franchisors are under a legal obligation to ensure their franchisees are committed to fair working standards.

Unfair Dismissal

EMPLOYMENT RELATIONSHIP IS MORE THAN JUST A CONTRACT, BUT MUST INCLUDE THE CONTEXT IN WHICH THE RELATIONSHIP OPERATED, THE CONDUCT OF THE PARTIES DURING THE RELATIONSHIP AND THE CIRCUMSTANCES IN WHICH THE EMPLOYMENT ENDED

LATTOUF V. ABC (AUSTRALIA)

Court: Fair Work Commission of Australia

Facts: The petitioner was employed by the respondents as an on-air radio host, but later the employer received complaints about the petitioner due to the latter's public opinions on the Israel-Palestine war, and was thus told to keep a low-profile. Subsequently, the petitioner shared a post on Instagram sharing some controversial opinions on the same topic, and was told not to come to work any longer but given the pay for her full engagement. The respondent contended that the post breached the directions given to the employee by them, and that she was a casual employee and thus was not subject to the relevant labour laws.

Judgment: The Court held that even casual employees have access to the unfair dismissal regime. If they can demonstrate that they were terminated at the employer's initiative. They held that the employment relationship is more than just a contract, but must include the context in which the relationship operated, the conduct of the parties during the relationship and the circumstances in which the employment ended. Thus, the Court observed that though the employee had never used the word "termination" to end the employment and the employee was given full pay, the respondent's actions understood in context would be enough to constitute termination. The Court used the analogy that it was sufficient to find that the respondent had "loaded the gun" and it was not necessary to also find it "pulled the trigger". The Court held that the casual employee was "terminated" and rejected the respondent's jurisdictional claim, thus allowing the petitioner to raise claims as to being unfairly dismissed.

Four-factor Test for Reinstatement

US SUPREME COURT ARTICULATED A FOUR-FACTOR TEST FOR ORDERING INJUNCTIONS FOR REINSTATING WORKMEN

STARBUCKS CORP. V. MCKINNEY, NO. 23-367 (SCOTUS, 13 JUNE 2023) (USA)

Court: Supreme Court of the United States

Facts: Several Starbucks employees announced plans to unionize and invited a local news crew to promote their efforts. Starbucks then fired several employees engaged in the media event. The National Labor Relations Board (NLRB) filed a complaint against Starbucks alleging unfair labour practices and sought to reinstate the workers back into service, which was allowed by the lower courts. Starbucks, aggrieved, sought an appeal before the Supreme Court.

Judgment: The Supreme Court articulated a four-factor test for ordering injunctions for reinstating workmen. This test requires a plaintiff to make a clear showing that they are likely to succeed on the merits, that they are likely to suffer irreparable harm in the absence of interim relief, that the balance of probabilities tips in their favor, and that an injunction is in the public interest. In the present matter, the Court remanded the case back to the lower courts for proceedings consistent with the opinion.

The stricter test enunciated by the US Supreme Court might make it harder for federal agencies to intervene on behalf of workers for injunctions for reinstatement and hinder the government's ability to intervene in unionization disputes.

[Read more.](#)



POLICY AND LEGISLATIVE UPDATES

THE ESIC RELEASES GUIDELINES FOR ADHERING TO THE HIV/AIDS ACT

The ESIC has issued orders dated May 27, 2024 to all ESIC medical colleges and hospitals and ESIS hospitals to ensure the provision of treatment, diagnostic facilities, anti-retroviral therapy, and opportunistic infection management to people living with HIV or AIDS. These orders are in response to the Supreme Court's ruling in CPL Ashish Kumar Chauhan Retd. V. Commanding Officer and Ors. Civil Appeal No.(s) 7175 of 2021, which directed the federal and state governments to ensure strict compliance with the HIV Act. All ESIC and ESIS hospitals must make sure that employees who pose a significant risk of occupational HIV exposure follow these guidelines in order to ensure a safe work environment: (i) provide, in compliance with the guidelines, training on how to apply universal precautions to all employees who may be exposed to HIV at work; (ii) inform and educate all employees about the availability of post-exposure prophylaxis and universal precautions. Hospitals are required to appoint a Complaint Officer to handle complaints regarding HIV Act violations. The HIV Act allows the institution to create a standard operating procedure (SOP) for handling certain types of complaints.

DISTRICT MAGISTRATE'S OFFICE IN GURUGRAM DIRECTS FACILITIES TO BE ADEQUATE TO EMPLOYEES DUE TO THE OUTBREAK OF A SERIOUS HEATWAVE

In light of the extreme heat wave that has been plaguing the region, the region Magistrate of Gurugram has issued an order dated May 31, 2024 Ends No. 67/FRA. requesting that the RWA societies, employers, and contractors of these laborers set up the following amenities for their workers:

1. The availability of potable water.
2. Water coolers, ventilation, and shade arrangements at work.
3. Giving employees ORS, glucose kits, Shikanji, Nimbu panis, water bottles, and ice packs.
4. Setting aside the hourly minimum for outside labor from 12 to 4 p.m.
5. Paying for the medical expenses of employees who suffer from illnesses linked to heatwaves.
6. Steer clear of phoning domestic maids or house assistants in the afternoon.

KARNATAKA EXEMPTS IT/ITES ESTABLISHMENTS FROM THE INDUSTRIAL EMPLOYMENT (STANDING ORDERS) ACT, 1946

On June 10, 2024, the Karnataka state government took a major step in the direction of creating a business-friendly environment by exempting a number of establishment categories, including those in the information technology ("IT") and IT-enabled services ("ITeS") sector, from the Industrial Employment (Standing Orders) Act, 1946 for a further five years. This incredible advancement streamlines state procedures and encourages a business-friendly atmosphere while also enabling establishments to carry out international strategies. The government is once again paving the way for a more effective, flexible, and agile work environment by extending the exemption, which is in line with the changing needs of contemporary enterprises. Employers must, however, meet a few requirements in order to be eligible for this exemption.

EMPLOYEES' PROVIDENT FUND ORGANISATION ISSUES TEMPORARY MEASURE TO SETTLE PHYSICAL CLAIMS AND BENEFITS OF BENEFICIARIES IN CASE OF DEATH

In order to verify the identity of the deceased and the claimants' sincerity, the Ministry of Labour & Employment, Government of India, approved the processing of physical claims without requiring the seeding of Aadhaar through a circular dated May 17, 2024 (with the due approval of the OIC in an e-office file duly recording details of verification done). The directives were given because incomplete or erroneous member information in Aadhaar prevented timely benefit releases to beneficiaries in the event of a member's death and could not be changed or corrected after the person's death. These guidelines will only be applicable in situations where a member's information is accurate in their universal account number but incomplete or erroneous in the Aadhaar database.

DESK DISPATCHES

Maternity Benefit Act: A Historical Analysis and a Bridge to the Future

Geethikaa, Research Intern, CLLRA

Abstract

Maternal health refers to the health of women during pregnancy, childbirth and the postnatal period.[1] It is considered to be a beginning of a new life, for both, the mother and the child. However, for women in an inherently patriarchal society, this joyous occasion is usually a bane, as it sets women back in their careers and social life. At times, working women are forced to quit their jobs and start a new aspect of life, instead of it being an extension to their usual way of living, this is usually due to ill-equipped conditions at work that do not support mothers.

To help women balance their work and family responsibilities, the Maternity Benefit Act 1961 was enacted in order to shape the country and its working space into a more inclusive and gender equal place.

This piece addresses the evolution of Maternity Leave throughout the centuries and how it modified to adapt to the changing times.

Tracing the Evolution of Maternity Benefits through Time

With time, women have broken through the shackles of inherent sexism and proved that their work is not to be solely recognized in the personal sector and with home. Thus, as a need of the hour, to combat the imbalance between child rearing and paid labour, the Maternity Benefit Act, 1961 was bought in place to govern a woman's eligibility for maternity leave in India.[2] The act prohibited employers from discriminating against pregnant women in any way, including concerning promotions, salary increments, or other benefits. [3] According to the act working women in India are allowed to take maternity leave up to three months. Every woman is entitled to receive her average daily wage or salary for the duration of her absence during maternity leave. During this period, an employer cannot terminate a woman's employment, nor can an employer, employ a woman during the period of 6 weeks immediately following the day of her delivery or miscarriage or medical termination of pregnancy. However, this was still at the base level, with simple inclusions. Thus, taking recommendations, the Ministry of Labour, on advice from the Ministry of Women and Child Development amended the act in 2017, increasing the maternity leave for women from 12 weeks to 26 weeks. The amendment went a bit further to address other measures and ensure nursing mothers to be allowed to work from home even after 26 weeks of maternity leave, subject to conditions by the employer. It is also mandatory for institutions to

provide a creche facility within a prescribed distance for female employees.

This move by the Ministry is commendable as it spares women from having to make the choice between childbearing, keeping in mind their health and loss of wages. Policies like these help mend the huge gender gap in workforce participation that are prevalent due to various social factors adding on to the stigma that a women's role is defined by the household chores and becoming a hurdle to women wanting to enter or remain in the workforce after becoming a mother. The statute acts as a support system, encouraging women by safeguarding their income and job security during a crucial phase of their lives. It is a step towards acknowledging the dual role of women and also help protecting it to foster more working women. It also gives women to heal and reconnect with oneself and the child without having to burden themselves with the worry of losing their jobs or wages. Hence, the act does not only protect women's financial well-being put also prevents from their health taking a backseat. Moreover, provisions like creches help create an environment that benefits women.

However, policies work well in theory, but often the scenario is different in reality. The duration of maternity leave enjoyed by a woman employee is often recorded as a time of average or no performance and since promotions are usually based on work performance, they are usually denied to women returning from maternity leave. There are many discrepancies in the present laws as there are many with the jurisdiction of maternity leave, which leads to injustice when the Courts take to a purposive interpretation. In *Deepika Singh v CAT*[4], maternity leave was rejected under Rule 43 of Central Civil Services (Leave) Rules 1972 on the ground that she had two surviving children and had availed of child care leave earlier for the two children born from the first marriage of her spouse. The Courts here felt the need to derive some guidance from the provisions of the Maternity Benefit Act 1961 as the provisions of the Act are indicative of the object and intent of Parliament in enacting a cognate legislation on the subject. Thus, the parent act needs to be one that takes into account exceptions and atypical manifestations of the family unit for they too are equally deserving not only of protection under law but also of the benefits available under social welfare legislation. The black letter of the law must not be relied upon to disadvantage families which are different from traditional ones.

Increasing the duration of the leave period might not be a legible solution as it adversely affects the employability of

women in the long run due to a decrease in their work experience, thus a possible alternative to this loophole might be to introduce paternity leave. Gender equality does not just mean providing for maternity leave but also giving a chance to the father, who is equally responsible for the child, an opportunity to nourish and look after their kid, reducing the burden on the women. The role of the father should not be merely associated with that of the breadwinner, but also be extended into the sphere of childcare. Though a very hazy form of paternity leave exists in India at present, it is not obligatory for the institutions to follow it and it is merely for 15 days under the Central Services Leave Rules.

The working sector needs to take into account that women would not need to avail a longer break if they received help from their partners which would help them return to work sooner and not become a hassle, moreover child rearing is not only restricted to the mother, thus more emphasis should be made on the need for paternity leave.

Conclusion

Article 42 of the Indian Constitution provides that “the State shall make provision for securing just and humane conditions of work and for maternity relief”.^[5] Therefore, the Maternity Benefits Act, 1961 was passed with a view to reduce disparities and to bring uniformity with regard to rates, qualifying conditions and duration of maternity benefits.^[6] It enabled women to break from the conventional norm that they are primarily associated with the home and men with the outside world. It helped women rekindle with their desires to work without having to sacrifice either aspect of their life. However, this is not to mean that the statute is without error, it is a step towards a progressive and equal society which can be achieved if the laws made are practised and not merely words on paper. If more people raised their voice, we would have even better policies with the scope to amend them and adjust it according to the current contemporary scenario.

Endnote:

[1] ‘Maternal Health’ (World Health Organisation) <https://www.who.int/health-topics/maternal-health#tab=tab_1> accessed 25 February 2024

[2] Sanchari Ghosh, ‘Maternity Leave in India - Past Present and Future’ (2018 & 2019) IISUniv.J.S.Sc. Vol.7 & 8(1), 35-41

[3] Maternity Benefit Act, 1961

[4] Deepika Singh v. Central Administrative Tribunal 2022 SCC OnLine SC 1088.

[5] The Constitution of India 1950, Art 42.

[6] Bala, S. (2012) Implementation of Maternity Benefit Act, NLU Research Studies Series, No.099/2012,V.V.Giri National Labour Institute



Safety versus Opportunity: The Paradox of Women's Employment Rights in India

Sneha Jain, Research Intern, CLLRA

Introduction

Women across India still face many difficulties in finding employment and obtaining equal access to the workforce. Even after finding employment, issues like work conditions, equal pay, sanitation, health care, etc. make it difficult for women to gain financial independence. In India, many statutes contain important welfare provisions for the occupational health and safety of women. For example, the Factories Act 1948, the Maternity Benefits Act 1961, the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, etc. Some provisions in Central and State legislation are rooted in gender stereotypes and become a hindrance for women to find employment opportunities and freely exercise their right to choose occupations. This piece recognizes some of these provisions, attempts to find their rationale, and focuses on the need for measures being taken by the Central and State governments in this regard.

Analyzing provisions that restrict women's employment

The welfare provisions under the Factories Act 1948 are commendable considering the year of its enactment. The provisions include the establishment of canteens and toilets, first-aid boxes, facilities for sitting, washing, storing, and drying cloths, and crèches for women employees within the premises of the factory. The Act goes on to the extent of granting employer imprisonment up to 2 years or a fine up to Rs. 1,00,000 or both for contravening the provisions of the act. [1]

Though the Act contains various welfare provisions and is quite comprehensive, it also contains various provisions that place specific restraints on the employment of women. The Act prohibits the night shift for women workers from 7 PM to 6 AM under section 66. The Madras HC in *Smt. R. Vasantha v. Union of India* [2] held that a provision that denies an opportunity for women to work at night when they desire to do so to get better employment prospects is violative of Articles 14, 15, and 16 of the Indian Constitution. The court also observed that the potential employment cannot be denied merely on the basis of sex when no other factor is in place. The judgment laid down model conditions that could be followed to employ women for night-time work. Several state governments have referred to these model conditions as templates within their respective jurisdictions.[3] In accordance with this case, the Kerala HC in its recent

judgment of *Treasa Josfine v. State of Kerala*[4] also held that the employer cannot deny employment to women citing the night shift.

Even though several states including Odisha, Telangana, Andhra Pradesh, Himachal Pradesh, Uttar Pradesh, Madhya Pradesh, and Tamil Nadu have issued notifications allowing commercial establishments to employ women for the night shift after the *Vasantha* judgment. Most other states, including Bihar and Rajasthan, still prohibit women from working at night in factories, while West Bengal imposes such prohibition in commercial establishments.[5]

The governments have argued that this prohibitive provision of night shifts for women is necessary to prevent sexual violence and the longer and night-time working hours pose a danger to the physical safety of women.[6] However, the argument seems to be irrational because many women in India already suffer from all kinds of violence during their occupation and otherwise. The prevalent threat to their physical safety should not be a reason to further marginalize them on the economic front.

The recently introduced Occupational Health and Safety Code 2020 which has not been enforced yet, aimed to achieve equality between working men and women by allowing women night shifts under its Section 43. However, it does not lay down the safety standards to be followed during such work hours and leaves it to the discretion of the state governments.[7]

Another provision under the Factories Act that limits women's employment is Section 87. It forbids the employment of women, adolescents, and minors in operations deemed "dangerous". It allows state governments to label any number of processes as "dangerous," and might subject workmen to significant bodily harm, poisoning, or illness.[8] The Act also prohibits women from working near cotton openers, and from cleaning, lubricating, or adjusting any part of a machine while it is in motion. It also does not allow them to carry excessive weight. While some of the provisions are rational and are made to ensure the safety of women, some put women at par with the children and deem them vulnerable, undermining their aspirations and physical capacities.[9]

There are also provisions in the various state laws that prohibit women from working in establishments that sell or serve alcohol, restricting their employment from occupations

that are considered morally wrong. The Supreme Court in the 2007 case of *Anuj Garg v. Hotel Association of India & Ors.* declared Section 30 of the Punjab Excise Act, which prohibited women from working in liquor-licensed establishments, unconstitutional, recognized the growing presence of women in every socio-economic sphere and emphasised on the need to include women in professional spheres without preconceptions.[10]

Even after the pronouncement of the *Anuj Garg* case, several States and Union Territories including Andhra Pradesh, Chhattisgarh, Haryana, Jammu and Kashmir, Jharkhand, Madhya Pradesh, Orissa, West Bengal, and Uttarakhand prohibit women completely from working in any kind of liquor-licensed establishments. Some states like Rajasthan and Uttar Pradesh allow women to work in country liquor establishments and require permission for foreign liquor establishments.[11]

The justification provided for such provision in the Punjab Excise Act of 1914 was that it was important to prevent women from being addicted to alcohol and avoid the chances of sexual offenses being committed against them. This justification is filled with gender stereotypes since women are made to face the brunt of moral policing and are robbed of job opportunities to protect themselves against sexual offenses mostly committed by men.[12]

Way Ahead

The Indian legislations are filled with examples of the provisions that are made with the patriarchal mind-set and ignore the right of women to choose their occupation. The laws that limit female workforce participation are victimizing them in the name of protection.[13] The governments choose the convenient option of preventing women from fields where the risk to their physical safety is higher instead of taking the appropriate measures for their protection and economic growth. The governments must ensure that women are provided the required protection in exercising their right to choose occupation under Article 19(1)(f) and are not deprived of economic opportunities.

Sometimes, the state imposes too much burden or conditions on the employer or establishment for the safety of women employees. For example, most of the states, even if they allow women to work at night, mandate the employer to ensure that women workers make up a certain minimum proportion or number. Some provisions mandate the presence of supervisory staff when women are doing night shifts.[14] This creates economic and logistical difficulty for employers to run night shifts with women which ultimately leads to lesser job opportunities for women. In such scenarios, even when the laws allow for night shifts, the extra burden on the employer discourages them from providing women with such opportunities.

Instead of putting a higher burden on the employer, the governments must be proactive in bringing the necessary measures like providing transport services from their residence to their place of work, installing CCTV cameras, mandating and conducting sensitization sessions and awareness campaigns at the workplace, etc.[15] The state should also provide incentives to the establishments or employers to employ more women, to provide them with basic health facilities, to provide adequate opportunities to them, etc. Such incentives can ensure the economic and physical well-being of the women. The state must also address the gender stereotype in the legislation and must ensure that such legislations are implemented in a progressive manner.

Conclusion

The legal framework in India concerning women's employment rights is complicated. While most legislations are well-intentioned and provide decent health and safety protections, some provisions reinforce negative preconceptions that restrict women's employment choices. Going forward, women's empowerment should take precedence over restrictions placed on them and the measures must be taken by the governments on the ground level rather than imposing economically expensive conditions on the employer. It is also imperative to address antiquated laws using a gender-neutral perspective in order to guarantee Indian women's economic emancipation and equitable opportunity.

Endnotes:

[1] The Factories Act 1948.

[1] *R. Vasantha v. Union of India* 2000 SCC OnLine Mad 856.

[1] *ibid.*

[1] *Treasa Josfine v. State of Kerala* 2021 SCC OnLine Ker 2240.

[1] Shruithi N Nair 'Employment of women in bartending - State-wise analysis of legal barriers' *Hindustan Times* (New Delhi, 27 July 2023)

[1] Abhishek Singh, 'Laws that limit women's employment in India' (*India Development Review*, 30 April 2024)

[1] Shraddha Singh, 'Occupational Safety, Health and Working Conditions Code: Implications on Women Workers' Right to the Highest Attainable Standard of Health & Reproductive Health' (2021) [1] *The Factories Act 1948*, s. 87.

[1] Prisha Saxena and Srijan Kaur, 'How Indian Laws Patronise Working Women, Limit Job Opportunities' (*Behanbox*, 21 April 2022) [1] *Anuj Garg v. Hotel Association of India & Ors.* (2008) 3 SCC 1.

[1] Singh (n 6).

[1] *ibid.*

[1] Hannah M Varghese, 'Can't Women Serve Liquor In Bars?' *Constitutional Analysis Of Legal Restrictions* (*Live Law*, 27 March 2022)

[1] Singh (n 6).

[1] *ibid.*

DOMESTIC LABOUR LAW NEWS

BMC COMMUNITY HEALTH VOLUNTEERS AND ASHA WORKERS ON STRIKE IN MUMBAI

On June 11, 2024, four thousand Community Health Volunteers (CHVs) and two thousand ASHA Workers employed by the Brihanmumbai Municipal Corporation (BMC) began an indefinite strike in Mumbai. Despite the soaring heat, these frontline health workers protested for minimum wages, maternity benefits, and other demands. The CHVs, who have been employed by the BMC for the last 30 years, were affirmed as workmen under the Industrial Disputes Act, 1947, by the Industrial Tribunal and the Bombay High Court. However, the BMC has not implemented the court's rulings, including paying minimum wages of INR 18,000 per month from 2015 and providing provident fund contributions and pensions from 2011. The CHVs and ASHA workers are demanding these entitlements, along with maternity benefits, fair remuneration for additional work, and a group insurance scheme. The strike and protests continue as the workers seek justice and fair treatment.....[Scan QR](#)



GOVT EMPLOYEES TO GET SIX-MONTH MATERNITY, CHILD CARE LEAVE FOR SURROGACY

The Central Civil Services (Leave) Rules, 1972, underwent significant updates. The revised rules granted commissioning mothers who opted for surrogacy 180 days of maternity leave. This change extended childcare leave to commissioning mothers with fewer than two surviving children. Additionally, commissioning fathers received 15 days of paternity leave within six months of the child's delivery date. The amendments defined a surrogate mother as the woman bearing the child for the commissioning mother and the commissioning father as the intended father of the child born through surrogacy. The rules also allowed commissioning mothers with fewer than two surviving children to avail of childcare leave. Furthermore, the Centre revised the Surrogacy (Regulation) Rules of 2022, permitting married couples to use donor eggs or sperm when one partner faces a medical condition, confirmed by the District Medical Board.....[Scan QR to read more.](#)



EPF WITHDRAWAL BENEFITS EXTENDED TO MEMBERS WITH UNDER 6 MONTHS OF SERVICE

The Indian labour ministry amended the Employees' Pension Scheme (EPS), 1995, to ensure that members with less than six months of contributory service receive withdrawal benefits. This change is expected to benefit over 700,000 EPS members annually who leave the scheme early. Additionally, the government modified Table D under the scheme to account for every completed month of service, ensuring proportionate withdrawal benefits based on the number of months worked and the wages on which EPS contributions were made. Previously, members with less than six months of service received no benefits, leading to many claim rejections and grievances. The new amendment aims to rationalize the payment of withdrawal benefits, with an estimated 2.3 million members benefiting from the modification of Table D each year. This change ensures fairer payment and addresses the issue of fractional service periods being ignored.....[Scan QR to read more.](#)



NHRC NOTICE TO CENTRE OVER 'ANTI-LABOUR PRACTICES'

In response to reports that one of a multinational company's warehouses in Manesar, Haryana, is asking its workers to swear that they won't use the lavatory or water breaks until they've finished unloading packages from six trucks, each measuring 24 feet long, after their team's 30-minute tea break has ended, the National Human Rights Commission (NHRC) sent notice to the Central Government. According to the reports, one of the employees, who makes ₹10,088 a month working 10 hours a day, five days a week, claimed that they are unable to unload more than four trucks in a single day, even if they work nonstop (including the half-hour lunch and tea breaks). A female employee also stated that she must evaluate 60 small things or 40 medium-sized products per hour while on duty, and she must stand for nine hours every day. The global corporation has faced such allegations abroad as well.....[Scan QR to read more.](#)



'UNDERPAID AND SOCIALLY OUTCAST': THE PLIGHT OF SHEIKH SANITATION WORKERS IN KASHMIR

Sheikh community, a marginalized group in Kashmir, primarily working as sanitation workers. Mohammad Ayyub Sheikh, a 43-year-old worker, noted that 20-25% of the valley's population belongs to this community, earning meager wages of Rs 9,000-10,000. Despite their essential role, they faced societal pressures and governmental neglect, lacking basic sanitation supplies and regular medical check-ups. Discrimination and social stigma further compounded their challenges, with incidents of wrongful accusations and physical violence. Women in the community managed both household chores and professional duties, yet faced segregation at social events. The community's children struggled to access education due to financial constraints. Despite these adversities, the Sheikh community maintained a sense of dignity and pride in their work, believing in their crucial role in society and hoping for eventual recognition and respect.....[Scan QR to read more.](#)



MINISTRY OF LABOUR & EMPLOYMENT SHOWCASES E-SHRAM PORTAL AT 112TH INTERNATIONAL LABOUR CONFERENCE IN GENEVA

The Ministry of Labour & Employment launched the e-Shram portal to create a comprehensive database of unorganised workers, authenticated with Aadhaar. By May 18, 2024, over 29.67 crore unorganised workers had registered on the portal. The portal integrated with the National Career Service (NCS) Portal, Skill India Digital Hub (SIDH), myScheme portal, and Pradhan Mantri Shram Yogi Mandhaan (PMSYM) scheme. During the 112th International Labour Conference (ILC) in Geneva on June 4, 2024, the Indian delegation, led by Smt. Sumita Dawra, showcased the e-Shram portal's achievements.



The portal received appreciation from various dignitaries and representatives of member states. The Ministry aimed to develop the e-Shram portal as a "One-Stop-Solution" for unorganised workers, facilitating access to various social security schemes. Integration of schemes like Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), Pradhan Mantri Suraksha Bima Yojana (PMSBY), and Ayushman Bharat - Pradhan Mantri Jan Arogya Yojana (AB-PMJAY) was prioritized. Weekly inter-ministerial meetings were held to expedite data sharing and API integration of various schemes with e-Shram. The progress in data sharing and integration was reviewed and appreciated in a meeting on June 19, 2024.....[Scan QR to read more.](#)

PAYTM LAYOFFS: EMPLOYEES FILE COMPLAINT WITH LABOUR MINISTRY OVER 'UNFAIR TERMINATION'

The Ministry of Labour and Employment received complaints from dozens of Paytm workers who said they were fired unfairly and without compensation. The accusations accused Paytm management of unethical behaviour and demanded that their jobs be reinstated. The layoffs come after the closure of Paytm Payments Bank and the company's cost-cutting restructuring initiatives. Paytm stated that for people who resigned as a result of the restructure, they are providing outplacement support. Many workers, however, claim they were made to quit abruptly and without receiving the appropriate severance pay. A provision in their offer letters mandating arbitration as a prelude to litigation was also brought up by a few workers. The impacted Paytm workers have received assistance from the All India Professionals' Congress (AIPC).....[Scan QR to read more.](#)



INDIAN-AMERICAN COUPLE JAILED FOR FORCING COUSIN TO WORK AT PETROL PUMP

A US court has sentenced an Indian-American couple to prison for coercing their relative to work at their gas station and convenience store for over three years by bringing him to the United States on the pretext of helping enroll him in a school. The couple left the victim at the store to sleep in a back office for days on multiple occasions, limited his access to food, refused to provide medical care or education, used surveillance equipment to monitor the victim both at the store and in their home and refused his requests to return to India.....[Scan QR](#)



LABOUR WELFARE AND EMPLOYMENT INDEX WILL PROMOTE LABOUR UNIFORMITY

The Indian government has been working on a new Labour Welfare and Employment Index (LWEI) expected to be launched in July 2024. This index will rank states based on factors like labor welfare, employment rates, social security coverage, and productivity. The aim is to create "healthy competition" among states, ultimately leading to more uniform implementation of labor laws and consistent employment policies across the country. This will benefit businesses operating in multiple states by simplifying compliance requirements.



The government's focus on improving the ease of doing business extends further. Four years ago, they streamlined and reduced the number of labor laws, aiming to make business processes and compliance easier. The LWEI is another step in this direction. This year's Union Budget is also expected to contribute by decriminalizing over 100 provisions across various laws.....[Scan QR to read more](#)

UNION LABOUR MINISTRY SEEKS REPORT FROM TAMIL NADU OVER REPORTS OF MARRIED WOMEN DENIED WORK AT FOXCONN PLANT

The government of India looked into allegations that married women were not hired at Foxconn's iPhone manufacturing in Tamil Nadu due to discrimination. Foxconn is a significant Apple supplier. The Equal Remuneration Act of 1976, which forbids discrimination based on gender in hiring, is allegedly violated by this practice. In order to look into the claims, the Tamil Nadu Labour Department was asked to provide a comprehensive report by the Ministry of Labour and Employment. They also instructed the Regional Chief Labour Commissioner to provide a report regarding the state of affairs. The matter was brought to light by media reporting, which prompted these actions.....[Scan QR to read more](#)



BLEEDING DOESN'T MAKE US IMPURE! HOW DALIT SAFAI KARAMCHARI WOMEN LEAD THE CHARGE FOR MENSTRUAL JUSTICE IN INDIA

The Menstrual Justice movement, led by Dalit Safaikarmachari women, addressed the stigmatization and discrimination associated with menstruation in India. Nagamma, a widow of a manual scavenger, spearheaded the movement alongside Deepthi Sukumar. They highlighted the severe impact of menstrual taboos on Dalit women, who often worked as sanitation workers and faced untouchability and exploitation. In April 2024, over 50 influential figures gathered in New Delhi under the Safai Karmachari Andolan banner to discuss menstrual justice.



They emphasized the need for critical thinking and scientific temperament to counter patriarchal superstitions. The movement called for comprehensive policy frameworks, legislative measures, and budgetary allocations to address the needs of vulnerable groups. It demanded state intervention to ensure menstrual justice, linking it to fundamental human rights. The declaration from the conference urged the state to protect individuals who menstruate, ensuring their constitutional rights to life and non-discrimination.....[Scan QR to read more](#)

UP: DALIT YOUTH TAKEN 350 KM AWAY TO WORK IN BRICK KILN, BEATEN AFTER ASKING FOR FOOD

In Raebareli, Uttar Pradesh, a Dalit youth named Mukesh Paswan faced a harrowing ordeal. Sunil Tiwari and his son Anuj lured Mukesh 350 kilometers from his home with promises of a job at a brick kiln. When Mukesh asked for money to buy food, Sunil hurled casteist abuses and, along with Anuj, assaulted him. They locked Mukesh in a room, beat him severely, and later abandoned him. Mukesh managed to return home with the help of a bus driver and sought medical attention. Despite filing a complaint at Jagatpur Police Station, the police refused to register an FIR, citing jurisdiction issues. Mukesh's attempt to report the incident to the Superintendent of Police also went unanswered. Uttar Pradesh Chief Minister Yogi Adityanath directed officials to take strict action, and further updates on the case are awaited.....[Scan QR to read more](#)



SCAORA OBJECTS TO SUPREME COURT'S DECISION TO LIST LABOUR & SERVICE MATTERS DURING VACATION

The Supreme Court Advocates-on-Record Association has taken objection to the latest decision taken by the Supreme Court to list service and labour matters during the vacation from June 25. Expressing concerns about the Circular dated 20.06.2024 issued by the Supreme Court, the SCAORA has written a letter to the Secretary-General of the Supreme Court requesting to recall the said Circular.....[Scan QR to read more](#)



A REPORT SHINES LIGHT ON MIGRANT CHILD LABOR EXPLOITATION

The Young Center for Immigrant Children's Rights published a new research on Monday that looks at the reasons why migrant child labor exploitation occurs in the US and makes suggestions for ending it.

The research claims that labor law flaws and restrictive immigration regulations facilitate companies' ability to take advantage of underage migrants. According to the media release, "migrant youth's desperation and vulnerability to exploitation, debt bondage, and abuse deepen when they are unable to report abuse to the authorities without social, economic, or legal support systems."[Scan QR to read more](#)



WORKERS DEMAND SAFETY IN AN ERA OF CLIMATE EXTREMES

The Amazon employees near Delhi were soaked with perspiration. Their warehouse was unbearably hot, making them tired and lightheaded. But they had to pack 240 items in one hour, so the speed of their work was relentless. One of the best examples of how companies endanger employees in severe weather is Amazon India. The temperature in Delhi in late May shattered an 83-year record, and the temperature inside Amazon's warehouse in the area reached a scorching 34°C. Workers claim that rather of enacting safety precautions like more frequent breaks and easier access to water, Amazon had them swear to fulfill objectives without stopping for restroom or water breaks in this oppressively hot weather.[Scan QR to read more](#)



WITH BENGAL, TN & DELHI YET TO FRAME DRAFT RULES UNDER 4 LABOUR CODES, ROLLOUT LIKELY TO TAKE TIME

The three states that have not yet developed their draft regulations under each of the four labor codes—West Bengal, Tamil Nadu, and Delhi—mean that the implementation of these laws, which were approved by the Parliament nearly five years ago with the intention of reforming the labor market and facilitating the creation of jobs, would probably take longer.

The Center advised West Bengal, which has not framed rules under any of the four codes, to expedite the process during a meeting chaired by Union Labor Secretary Sumita Dawra on Thursday to assess the preparedness of states and Union territories (UTs) in finalizing the draft rules under the four labor codes. Delhi and Tamil Nadu, who have not established regulations under one or more codes, were also instructed to move quickly.....[Scan QR to read more](#)



GOVERNMENT DATA INDICATES AN INCREASE IN CONTRACT LABOR IN NINE KEY NON-FARM INDUSTRIES

The most recent Quarterly Employment Survey (QES) statistics from the Labour Bureau show that almost all employees in organized non-farm firms in the first half of FY23 were contractual hires. In the first half (April–September) of FY23, the percentage of contractual workers in the nine main non-farm sectors of the economy more than doubled from around 8.5 percent in Q2 of FY22 to almost 18 percent, according to the study that was issued on Tuesday.....[Scan QR to read more](#)



INTERNATIONAL LABOUR LAW NEWS

PHILIPPINES INKS COVENANT, PAVES WAY FOR DECENT WORK

The Philippines establishes the framework for addressing employment concerns, which if ignored could get worse. In order to address issues facing the labor market and provide solutions, partners and stakeholders convened at the National Employment Summit (NES).



The conference signed an Employment Covenant and created agreements for the 10-year Jobs for the Nation Plan, also known as Trabaho Para sa Bayan (TPB), which aims to promote decent work, green jobs, and local and national economic growth.....[Scan QR to read more](#)

NEW PROJECT TO ADDRESS CHILD LABOUR IN THE COFFEE INDUSTRY LAUNCHED BY UN AGENCIES AND EU

With funding from the European Union (EU), the International Trade Center (ITC), the Food and Agriculture Organization (FAO), the International Labour Organization (ILO), and the United Nations Children's Fund (UNICEF) have launched a new project to help address the root causes of child labor in supply chains.



On June 28, 2024, the CLEAR Supply Chains Project—also known as the Ending Child Labor in Supply Chains: Addressing the Root Causes of Child Labor in Supply Chains through an Area-Based Approach project—was introduced at the World of Coffee exhibition in Copenhagen, Denmark.....[Scan QR to read more.](#)

LABOUR MIGRATION AGREEMENT BETWEEN KENYA AND GERMANY NEARS COMPLETION

On May 14–15, 2024, in Nairobi, Kenya, the Republic of Kenya and the Federal Republic of Germany successfully finished their second round of technical discussions for the Migration and Mobility Partnership Agreement. This major event marked a critical turning point in the cooperative efforts to improve labor migration governance and maximize the benefits of labor migration for both countries. It was made possible by the financial and technical support of the International Labour Organization (ILO) and the UK FCDO-funded Better Regional Migration Management Program.[Scan QR to read more.](#)



FIRST-EVER PRIVATE EMPLOYMENT AGENCY ASSOCIATION LAUNCHED TO IMPROVE RECRUITMENT PRACTICES IN LAO PDR

On June 28, 2024, the Lao Employment Business Association was formally established in Vientiane. Raising business standards for its members is the association's goal as the first-ever industry body in the country to represent private employment agencies and guarantee fair recruiting, especially for migrant workers.....[Scan QR to read more.](#)



AUSTRALIA RATIFIES THE 1986 INSTRUMENT OF AMENDMENT TO THE ILO CONSTITUTION

On 27 June 2024, the Director-General registered the ratification by Australia of the 1986 Instrument of Amendment to the ILO Constitution. To date, the 1986 Amendment has been ratified by 127 Member States, including two Members of chief industrial importance (India and Italy).....[Scan QR to read more.](#)



ILO AND FAO HOST THE LAUNCH OF THE MENA POLICY INCUBATOR TO BOOST SOCIAL INSURANCE FOR AGRICULTURAL WORKERS

MENA Policy Incubator to Enhance Social Insurance for Agricultural Workers was inaugurated by the International Labour Organization (ILO) and the Food and Agriculture Organization of the United Nations (FAO) in Amman.



A community of practice for reflections and knowledge sharing on expanding social insurance for agricultural workers in the region through interactive peer-to-peer knowledge exchange and learning was established with the participation of policymakers, practitioners, experts, and representatives of agricultural workers from Jordan, Lebanon, Iraq, Oman, Algeria, Morocco, Egypt, and Tunisia during the three-day event.[Scan QR to read more.](#)

ADVANCING DECENT WORK IN BANGLADESH PROJECT LAUNCHED TO SUPPORT LABOUR SECTOR REFORMS

The International Labour Organization (ILO) and the Government of Bangladesh (GoB) collaborated to launch the "Advancing Decent Work in Bangladesh" project .



The project's goal is to assist in carrying out the government's promised labor sector reform. These reforms are in favor of sustainable and competitive businesses, effective governance, and the protection of fundamental rights and principles at work—all of which are essential for Bangladesh's orderly departure from the Least Developed Country (LDC) category in 2026. Under the European Union, Denmark, the Netherlands, and Sweden's Team Europe Initiative on Decent Work in Bangladesh, the initiative will receive US\$24.7 million in funding over the course of the next four years.[Scan QR to read more.](#)

NSPS, ILO AND FAO LEAD INITIATIVE TO EXTEND SOCIAL PROTECTION TO INFORMAL AND RURAL WORKERS IN KENYA

Kenya's National Strategy for the Extension of Social Protection to Workers in the Informal and Rural Economy was the subject of a crucial workshop held on April 25–26, 2024 by the National Social Protection Secretariat (NSPS) with assistance from the Food and Agriculture Organization (FAO) and the International Labour Organization (ILO). This program, "Extending Social Protection Coverage to Workers in the Informal Economy in Lao PDR and Kenya and Leveraging Digital Transformation: through South-South Cooperation," was made possible by funding from PROSPECTS and the Chinese government.....[Scan QR to read more.](#)



CHILE RATIFIES THE SAFETY AND HEALTH IN MINES CONVENTION, 1995 (NO. 176)

On Friday 14 June 2024, Ms Jeannette Alejandra Jara Román, Minister of Labour and Social Security of Chile presented the instrument of ratification of the the Safety and Health in Mines Convention, 1995 (No. 176) to the ILO Director-General, Mr Gilbert Hounqbo.....[Scan QR to read more.](#)



THAILAND RATIFIES THE TRIPARTITE CONSULTATION (INTERNATIONAL LABOUR STANDARDS) CONVENTION (NO. 144)

On 12 June 2024, Thailand deposited the instrument of ratification of the Tripartite Consultation (International Labour Standards) Convention, 1976 (No. 144). By depositing the instrument of ratification, Thailand becomes the 158th country in the world, to ratify the Convention No. 144, a governance Convention.....[Scan QR to read more.](#)



SAUDI ARABIA INCREASES RETIREMENT AGE UNDER NEW SOCIAL INSURANCE LAW

The new Social Insurance Law, which was approved by the Council of Ministers on Tuesday and went into effect on Wednesday, is only applicable to new civil employees who join the public and private sectors and do not have any prior contribution periods under the current Civil Pension Law or Social Insurance Law. This was made clear by the Saudi General Organization for Social Insurance (GOSI). The Saudi Press Agency reported, citing GOSI sources, that GOSI stressed that the provisions of the Civil Retirement Law and Social Insurance Law will stay in effect for current subscribers and that there will be an exception in the provisions related to the statutory retirement age and the legal pension entitlement period for certain categories.....[Scan QR to read more.](#)



ABROGATION OF THE LABOUR INSPECTORATES (NON-METROPOLITAN TERRITORIES) CONVENTION, 1947 (NO. 85)

The General Conference of the International Labour Organization, Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and Following consideration of the proposal for the abrogation of four international labour Conventions, decides this 6 June 2024 to abrogate the Labour Inspectorates (Non-Metropolitan Territories) Convention, 1947 (No. 85). The Director-General of the International Labour Office had notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.[Scan QR](#)



ABROGATION OF THE SAFETY PROVISIONS (BUILDING) CONVENTION, 1937 (NO. 62)

The General Conference of the International Labour Organization, Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and Following consideration of the proposal for the abrogation of four international labour Conventions, decides this 6 June 2024 to abrogate the Safety Provisions (Building) Convention, 1937 (No. 62). The Director-General of the International Labour Office shall notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument. The English, French and Spanish versions of the text of this decision are equally authoritative.



ABROGATION OF THE UNDERGROUND WORK (WOMEN) CONVENTION, 1935 (NO. 45)

The General Conference of the International Labour Organization, Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and Following consideration of the proposal for the abrogation of four international labour Conventions, decides this 6 June 2024 to abrogate the Underground Work (Women) Convention, 1935 (No. 45). The Director-General of the International Labour Office had notify all Members of the International Labour Organization, as well as the Secretary-General of the United Nations, of this decision to abrogate the instrument.



ABROGATION OF THE CONVENTION CONCERNING STATISTICS OF WAGES AND HOURS OF WORK, 1938 (NO. 63)

The General Conference of the International Labour Organization, Having been convened in Geneva by the Governing Body of the International Labour Office, and having met at its 112th Session on 3 June 2024, and Following consideration of the proposal for the abrogation of four international labour Conventions, decides this 6 June 2024 to abrogate the Convention concerning Statistics of Wages and Hours of Work, 1938 (No. 63).



PUBLICATIONS: ARTICLES

REIMAGINING URBAN EMPLOYMENT PROGRAMMES- BY GAUTAM BHAN, SHRIVE ANAND, SHRIYA ANAND, SUKRIT NAGPAL & VRASHALI KHANDELWAL

This article advocated for a broader and more inclusive approach to urban employment programs (UEPs) to address urban vulnerabilities. It emphasized the need to envision UEPs through a transformative social protection lens, expanding beyond workdays to include a wider range of permitted works, broader inclusion criteria, and dynamic provisioning of wages and other benefits. Despite progress in poverty reduction, urban residents continued to face high levels of vulnerability, with a significant portion living in informal housing lacking basic infrastructure and services. These vulnerabilities, compounded by factors like caste, gender, and informal employment, made urban households susceptible to poverty due to everyday shocks, inflation, epidemics, disasters, or illness. The article stressed the importance of focusing on reducing these vulnerabilities, expanding access to preventive and protective social protection, and enabling intergenerational mobility through transformative social protection.....[Scan QR](#)



TWENTY YEARS AFTER THE WORKPLACE BULLYING ACT IN FRANCE: WHAT ARE THE RESULTS AND WHAT DOES THE FUTURE HOLD?- BY LOÏC LEROUGE

In January 2002, France became the first country to define and address workplace bullying, recognizing its potential to cause psychological disorders. This marked the first mention of "mental health" in the French Labour Code, prompting employees to recognize and address unfair situations earlier. The legislation also highlighted other psychosocial risks (PSR) and mandated employers to protect employees' physical and mental health. Despite these measures, workplace bullying persisted even in countries with specific laws. The presentation emphasized the need for primary prevention and outlined how French law, enriched over two decades, divides prevention tools between individual employment relations and workplace health and safety. The ratification of ILO Convention 190 in April 2023 provided an opportunity to renew France's approach, including addressing gender-based violence, reconfiguring workspaces, and considering domestic violence in occupational risk assessments. Employers were urged to play a proactive role in these efforts.....[Scan QR to read more.](#)



ADDRESSING GENDER-BASED VIOLENCE AND HARASSMENT IN A WORK HEALTH AND SAFETY FRAMEWORK

The research report inquired into incorporating gender-based violence and harassment (GBVH) prevention into existing work health and safety (WHS) frameworks. It examined how WHS systems could be adapted to better assess and prevent GBVH, considering risk assessments and other existing preventative measures. The report also explored how WHS frameworks could be aligned with anti-discrimination legislation to ensure proper responses to GBVH within organizations and provide accessible remedies for affected workers.



The report concluded that using a WHS framework to address GBVH has significant advantages. It allows for proactive, systematic, and collective approaches to prevention, with clear enforcement mechanisms. This could lead to substantial progress in preventing GBVH in workplaces and protecting the rights and safety of all workers, particularly women. However, the report acknowledges the ongoing challenge of recognizing GBVH as a workplace safety issue. To effectively prevent GBVH, the report recommends implementing a legal requirement for workplaces to conduct risk assessments that take gender into account.....[Scan QR to read more.](#)

USING FORESIGHT TO THINK AND ACT UPON AN UNCERTAIN FUTURE WORLD OF WORK

A wave of changes, including automation, digitalisation, and environmental issues, has transformed the work landscape. The COVID-19 pandemic and other crises intensified these challenges, creating a state of constant or recurring crisis. These pressures forced trade unions around the world to adapt and explore new methods for navigating uncertainty. This paper examines a method called "strategic foresight" - the first of its kind to focus on trade union experiences globally. Researchers used literature reviews, desk research, and participation in foresight workshops held between 2019 and 2023 across various regions. This paper aims to provide practical examples and lessons learned for trade unions willing to experiment with strategic foresight. It expands on existing foresight literature by specifically considering the context and realities of trade unions in different regions.....[Scan QR](#)



UNVEILING THE CHALLENGES OF THE GIG ECONOMY IN TAMIL NADU: AN EMPIRICAL STUDY- BY ARIFFA & KALEESWARI K

This study examined the challenges faced by gig workers in Tamil Nadu, India. Researchers used surveys and interviews to gather information from a variety of gig workers. The study found that these workers struggled with job insecurity, unstable income, and a lack of benefits due to the absence of formal contracts and unpredictable work demands. Gig workers often reported long hours, poor safety standards, and limited breaks, harming their physical and mental health. Additionally, lack of access to healthcare, paid leave, and pensions created financial insecurity. The study also highlighted the digital divide as a barrier to productivity and income, caused by unequal access to internet and digital skills. The researchers concluded that implementing fair and sustainable practices is essential for the gig economy in Tamil Nadu. This study contributes to the understanding of gig work in developing countries and provides valuable insights for policymakers and stakeholders.....[Scan QR to read more.](#)



GENDER INEQUALITIES IN WAGES AND ACCESS TO EMPLOYMENT IN SENEGAL: DISCRIMINATION OR PRODUCTIVE CAPACITY- BY CHEIKH T. NDOUR

This study deals with gender inequality in employment and pay in Senegal. The researchers aimed to understand if these gaps stemmed from discrimination or skill differences. They analyzed data from a national survey involving 6,000 households. The findings revealed a significant gender pay gap (13.7%) with a large portion (79%) due to discrimination favoring men. Similarly, a substantial gap (45%) existed in labor market participation, with over half (58%) attributed to discrimination against women. While factors like experience and training influenced these disparities, the study highlights the importance of tackling discriminatory practices. It suggests promoting self-employment opportunities and adapting formal jobs to better suit women's skills and socioeconomic backgrounds. The research emphasizes the need to remove barriers that push women into lower-paying jobs.....[Scan QR to read more.](#)



CHALLENGES AND PROSPECTS OF LABOUR-MANAGEMENT RELATIONS IN THE EXPORT ORIENTED READY-MADE GARMENTS (RMG) INDUSTRY: A STUDY IN BANGLADESH

The research article looks into labour-management relations in Bangladesh's Ready Made Garments industry, a crucial sector for the country's exports and employment. Despite employing 4.4 million people and generating over 80% of exports, the industry faces challenges in labor-management relations. The study examined various aspects including workers' conditions, legal frameworks, trade union involvement, dispute resolution processes, and collective bargaining effectiveness. It also explored recommendations from both workers and management for improvement. Overall, the research aimed to shed light on the current state of labour-management relations within the RMG industry in Bangladesh.....[Scan QR to read more.](#)



FORCED MIGRATION AND ITS IMPACT ON THE LABOUR MARKET- BY OLHA CHEROMUKHINA

The article studied the forced migration and labor market transformations in Ukraine due to the full-scale war, analyzing migration dynamics and priorities for destination countries. Using secondary data from various sources, including Gradus Research and UNHCR, the study provided up-to-date information on migration processes and the socio-economic integration of Ukrainian migrants abroad. It revealed current migrant numbers, their willingness to return, and the main challenges they face, such as language barriers, bureaucratic hurdles, and cultural differences. The article identified common professions for Ukrainians abroad, offering insights into the foreign labor market's needs. It discussed potential future challenges of forced migration and suggested solutions through political, economic, and social measures, including the Draft Law "On Dual Citizenship" proposed by Ukraine's President.....[Scan QR to read more.](#)



IRISH SUPREME COURT RULES PIZZA DELIVERY DRIVERS ARE EMPLOYEES FOR TAX PURPOSES: WHAT'S THE TAKEAWAY FOR THE GIG ECONOMY IN EUROPE?- BY MARTA LASEK-MARKEY

In October 2023, the Irish Supreme Court ruled in the case of The Revenue Commissioners v Karshan Midlands t/a Domino's Pizza. This decision added to the ongoing debate across Europe about how to classify gig workers for tax purposes. The court ruled that Domino's delivery drivers were employees, but unlike some other European gig worker cases, there was no digital platform involved here. This means the drivers had a stronger connection to Domino's compared to platform workers. The Irish judgment focused narrowly on this specific case and avoided setting broader legal principles for gig workers in general. This reflects the current uncertainty in employment law, which struggles to adapt to the changing nature of work. Despite this limitation, the case offers valuable insights as the European Union develops new regulations for platform workers.....[Scan QR to read more](#)



CASTE, INEQUALITY AND DOMESTIC HELP: WE ARE NOT SO DIFFERENT FROM THE HINDUJAS

The article examined the Hinduja family's alleged exploitation of domestic workers in Switzerland, highlighting broader issues of caste and class inequality in India. It referenced Louis Dumont's "Homo Hierarchicus," which described caste as an ideological system based on purity and pollution, contrasting with constitutional values of equality. The Hindujas faced accusations of underpaying workers, hiring without proper documentation, and restricting their movement, reflecting entrenched societal hierarchies. The article argued that such behavior mirrored the broader Indian middle-class values, where informal employment and restricted movement of workers are common. It noted that economic and social privileges often overlap, leading to incidents of abuse and exploitation. The piece concluded that the Hindujas' actions were not isolated but indicative of a larger societal issue, where hierarchies are essential rather than emergent, and economic rationality often gives way to feudal exploitation.....[Scan QR to read more.](#)



PUBLICATIONS: REPORTS AND BOOKS

Collective Bargaining for Police and Other Essential Services

This book explored the resolution of collective bargaining disputes among police and essential service employees, with a focus on Australia. Historically, police and other essential workers in Australia relied on binding arbitration for dispute resolution. However, recent shifts have favoured a market-based collective bargaining system under the Fair Work regime, limiting arbitration and industrial action rights. This change created challenges, particularly for police officers who face significant restrictions on industrial action. The study highlighted the need for an effective dispute resolution system that balances police officers' industrial interests with the public's need for uninterrupted policing services. Through extensive fieldwork and international case studies, the author proposed a model for mandatory interest arbitration for police and essential services.....[Scan QR to read more.](#)



Regulating Equal Pay in Britain: The Equality Act 2010 and Beyond

The chapter discussed the impact of the Equality Act 2010 (EqA2010) on gender pay inequity in Britain's finance sector. It highlighted how the Act reconceptualized equality by streamlining and increasing the accessibility of equality measures. Despite these advancements, the chapter noted that foundational architectural constraints and key actors, such as government and business, limited the Act's effectiveness. The chapter also explored legal developments beyond the EqA2010, emphasizing the preference for voluntarist and reflexive requirements. It examined the role of political, economic, and societal shifts, including Brexit and COVID-19, in influencing progress. The chapter concluded by suggesting pathways to more effective measures in the future, acknowledging the slow and stalled progress due to the interplay of institutional, organizational, and cultural factors.....[Scan QR](#)



Architectures of Inequality Gender Pay Inequity and Britain's Finance Sector

This book explored the resolution of collective bargaining disputes among police and essential service employees, with a focus on Australia. Historically, police and other essential workers in Australia relied on binding arbitration for dispute resolution. However, recent shifts have favored a market-based collective bargaining system under the Fair Work regime, limiting arbitration and industrial action rights. This change created challenges, particularly for police officers who face significant restrictions on industrial action. The study highlighted the need for an effective dispute resolution system that balances police officers' industrial interests with the public's need for uninterrupted policing services. Through extensive fieldwork and international case studies, the author proposed a model for mandatory interest arbitration for police and essential services. The book's comprehensive analysis included international labour standards, Australian police labour relations, public sector dispute resolution mechanisms, and case studies from Canada and New Zealand. It concluded with recommendations for adopting a mediation-arbitration model, final-offer arbitration, a tripartite arbitration structure, and specific arbitral criteria, emphasizing the importance of a balanced and effective dispute resolution framework for essential services.....[Scan QR](#)



Study for a Regulatory Framework to Enable Recycling of Post-Industrial Waste (JHUT) for the RMG Industry in Bangladesh

Bangladesh’s textile industry has significant potential to use the circular economy for the next stage of product innovation and upgrading the sector’s industrial structure. This will require formalising the currently highly informal post-industrial textile waste (Jhut) economy and trade. However, existing political economy challenges have so far prevented an inclusive and socially just transition of the sector. This report proposes measures and regulatory reforms to create an effective management framework for post-industrial textile waste (Jhut) in order to accrue maximum economic, social and environmental benefits from the Jhut supply chain in Bangladesh.....[Scan QR to read more.](#)



Valuing Employment Rights: A Study of Remedies in Employment Law

The book argues that some of the remedies set out in statute or at common law for working people are a poor 'fit' for the employment rights they are supposed to protect. Employment rights are often undervalued in the legal system, because remedies for their infringement are subject to limitations not applicable to rights in other settings. This limits their ability both to uphold the dignity of working people and to deter breaches. Moreover, the remedies on offer do not always suggest a sensible ranking of employment rights in which fundamental rights attract stronger remedies than other kinds of rights and interests. The book suggests why some of these problems might have arisen and makes proposals for reform. It also considers the wider implications for a system of employment law that depends so heavily for its enforcement on working people litigating to enforce their rights. Ranging widely across theory and doctrine, and analysing criminal law, contract and tort as well as statutory employment law, this book will be of interest to academics and researchers seeking a deeper understanding of the subject.....[Scan QR to read more](#)



Freedom of association is a human right. Why are garment workers still denied it?

In Cambodia, a trade union representative says they were offered a monthly salary of US \$600 — nearly triple the local minimum wage for garment workers — as a bribe to stop organising in their factory. In Sri Lanka, trade union leaders say they were beaten up in a bid to stop the recruitment of workers.. According to a new report by the Business & Human Rights Resource Centre (BHRRC) these are the conditions under which many independent trade unions are operating, and they are a threat to workers’ right to freedom of association, or the right for people to collectively discuss or defend common interests. The report, titled **‘Just For Show’**, explores how freedom of association is being undermined in six key garment-producing countries: Bangladesh, Cambodia, India, Indonesia, Pakistan and Sri Lanka. It paints a bleak picture of the trade union landscape in these countries, through interviews with trade union leaders, activists and labour rights advocates, as well as a survey of labour rights NGOs, factory-level trade unions, national trade union federations and worker organisations. The report is intended as a rallying cry for brands and their investors to step up and support workers’ freedom of association.....[Scan QR to read more](#)



OPPORTUNITIES

Labour Law Symposium: Restatement of Labour Law

Labour Law Symposium to be organized at the Peter A. Allard School of Law, the University of British Columbia during 20-22 July, 2024.

Organizer(s): University of Luxembourg

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

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

Following are the themes of the Symposium:

- * Colonial Capitalism & Liberal Legalism: Historical Perspectives
- * Racial Origins of the Labour Contract
- * Global Justice & Citizenship at Work
- * Labour, Land & Contract: Settler-Colonialism & Reconceptualization of Canadian Labour Law
- * Freedom of Association & Right to Strike: New Approaches to Familiar Ideas
- * Expanding Space-Time: Taking Empirical Reality Seriously
- * Freedom, Reconciliation & Plural Values of Labour
- * Legal Restatements or Not? Models of Normative Regulation

Deadlines: Registration: Jul 19, 2024

11th Annual Conference 2024 of the Berkeley Center on Comparative Equality and Anti-Discrimination

The Berkeley Centre for Comparative Equality 2024 conference will be co-sponsored by the National Law School of India University and the Oxford Human Rights Hub, and will be held at the National Law School of India University in Bengaluru, India from July 26-28, 2024. The aim of the conference is to explore whether and how equality law can take the next step forward and offer insights and remedies to contemporary global challenges. Scholars and activists have used equality law to diagnose how laws, policies and programme have created or enhanced poverty, disadvantage, stereotypes, stigmas, prejudice, oppression, and social exclusion. They are seeking paper proposals that address the broad questions posed by the conference. We encourage proposals to explore the following concepts and questions:, including: The challenges of achieving equality in specific fields of life such as race, religion, caste, class and age discrimination

Deadlines: Application: Dec 1, 2023

Labour Law History Conference - Founders and Shapers of Labour Law: National and Transnational Perspectives

Following a successful conference in 2023, the Labour Law History from a Global Perspective network will meet for the second time, this year focusing on the law of labour from a biographical perspective. The focus will be on well-known labour lawyers, but also on people who have had an influence on labour law or the regulation of the world of work in other contexts. We are interested in what influence they had in their respective national contexts, as well as beyond – may that be transnational, transregional or translocal. The conference is co-organised by Johanna Wolf (MPILHLT) and Rebecca Zahn (Strathclyde University). The conference will be hybrid. If you are interested in participating (in person or online), please send an email to wolf@lhl.mpg.de **Deadlines:** Registration: Sep 3, 2024

United Nations University World Institute for Development Economics Research

Our Visiting PhD Fellowship Programme gives registered doctoral students the opportunity to utilize the resources and facilities at UNU-WIDER for their PhD dissertation or thesis research on developing economies, and to work with our researchers in areas of mutual interest.

Visiting PhD fellows typically spend three consecutive months at UNU-WIDER before returning to their home institution. During their time in Helsinki, fellows prepare one or more research papers and present a seminar on their research findings. They may also have the opportunity to publish their research in the WIDER Working Paper Series.

Eligibility

Applicants must be enrolled in a PhD programme and have shown ability to conduct research on developing economies. Candidates working in other social sciences may apply but should keep in mind that UNU-WIDER is an economics-focused institute. Candidates should be fluent in oral and written English and possess good quantitative and/or qualitative analytical skills. Applications from suitably qualified early-career, female, and developing country researchers are particularly encouraged. The programme is especially addressed at researchers at later stages of their PhD. The Visiting PhD Fellowship Programme is highly competitive and only a limited number of fellows can be accepted. In recent years, one percent of all applications have been successful.

How to Apply

UNU-WIDER only receives online applications for the Visiting PhD Fellowship Programme twice each year. Deadlines for submission of applications are 31 March and 30 September 23:59 UTC+3 each year. When the application period is active, a link to the applications will be available on our [opportunities page](#). When applying in September, you would be visiting UNU-WIDER for three months in the period of March-June of the following year and when applying in March, you would be visiting UNU-WIDER for three months during September-November of the same year.

Publication of Book on Labour Law Enforcement 2024

In continuation of the dissemination of original and innovative endeavours in transparency and accountability in governance, the CTAG has decided to publish a book titled "Labour Law Enforcement" with an ISBN. A research paper should apply research skills and use appropriate research methodology. A research paper should be thematic, and identifying sub-themes is highly appreciated. It should have proper research questions and should also reflect the findings. A research paper is expected to expand the existing pool of knowledge. Papers received shall also be subject to the scrutiny of the Editorial Board. ***Faculty/Students from NLU Delhi are not eligible for the Publication.***

Important Date: The last date for submission is 31st July 2024

Contact Information: Heading- LLE Book 2024 and Email ID to: ctag@nludelhi.ac.in

Summer School - Human Rights, Sustainability and Social Justice

The Summer School on Human Rights, Sustainability and Social Justice offers a unique opportunity to delve into the interconnected realms of these critical issues. Through a blend of theoretical knowledge and practical application, students will emerge with a nuanced understanding and skills that will empower their future academic career in social sciences. In the atmosphere of academic experimentation, participants will engage in discussions, case studies, and hands-on activities. The Summer School on Human Rights, Sustainability and Social Justice provides a fantastic opportunity to build a global network with renowned experts in the field and new likeminded friends.

How to apply?

Please send your CV (1 page) and motivation letter (max. 400 words) by 15 July 2024 (midnight, CET) at the latest, using [this form](#).

Classifying and Understanding Remedies in Comparative Labour Law

Classifying and Understanding Remedies in Comparative Labour Law (CURE) is a 5-year comparative project, originally funded by the ERC and guaranteed by UKRI, based at the Department of Law, University of Manchester and led by Professor Aristeia Koukiadaki. The project sets a new intellectual agenda and direction in comparative labour law by examining the concept and function of remedial rules and institutions. The 5-year project adopts a multi-dimensional, comparative and multi-method research design to evaluate how the juridical concept of remedies has evolved across different dimensions of the employment relationship in a set of different national systems (i.e. France, Greece, Poland, Sweden and the UK). Data collection and analysis will include legal doctrinal and empirical (i.e. legal computational and qualitative) methods.

A PhD studentship is provided to work on the case of the UK, supervised by Professor Aristeia Koukiadaki and Dr Elaine Dewhurst. The primary focus of the PhD studentship will be to work on key aspects of the UK case study, including identifying, collecting and analysing relevant legal and empirical data on the concept and function of remedial rules and institutions in British labour law. The PhD student will work with the project team, consisting of five postdoctoral scholars (four in Law and one in Computer Science/Data Analytics) and another PhD student (in Computer Science/Data Analytics). The PhD student will be expected to develop and complete a doctoral thesis on remedial rules and institutions in British labour law. He/she will be based in The University of Manchester Law School (part of the wider School of Social Sciences), which is internationally recognised for contributing high quality research across diverse legal fields and providing excellent undergraduate and postgraduate teaching.

Eligibility criteria

Academic entry qualification

Bachelor's (Honours) degree in a cognate subject at 2:1 or above (or international equivalent); and Master's degree in a cognate subject, with an overall average of 65% or above, a minimum mark of 65% in your dissertation and no mark below 55% (or international equivalent).

Application procedure

The application deadline will be Midnight (BST) on 12/07/24. All supporting documents must be received by the deadline and sent as a zip file to HUMS.doctoralacademy.admissions@manchester.ac.uk, using 'CURE Aristeia Koukiadaki' as the email subject.



EDITORIAL TEAM



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



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



Editor

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

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



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