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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.

'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. It 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 Labour Law Insights. 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' 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.

Labour Law Insights 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

>>> DECEMBER 2024 <<<

LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

LANDMARK LABOUR JUDGEMENTS

Supreme Court

Discrimination

JANE KAUSHIK V. UNION OF INDIA AND ORS., W.P.(C) NO. 1405 OF 2023

EQUAL EMPLOYMENT OPPORTUNITIES, AFFIRMATIVE ACTION FOR TRANSGENDER PERSONS ARE SIGNIFICANT ISSUES THAT NEED TO BE ADDRESSED

Facts: The appellant, a transwoman, challenged her rejection for a government position on the grounds of gender identity. Despite meeting all the qualifications for the role, she alleged that the rejection was solely based on her identification as a transwoman. She argued that this amounted to discrimination in violation of her fundamental rights under Articles 14, 15, 16, and 21 of the Constitution.

Judgment: The Supreme Court reserved its judgment after hearing extensive arguments. The appellant contended that she was denied equal opportunity despite constitutional guarantees. The respondents argued that the rejection was due to procedural reasons unrelated to gender identity. The Court acknowledged the significance of the issues raised, particularly concerning the rights of transgender individuals in the workplace and the implementation of the National Legal Services Authority (NALSA) v. Union of India (2014). It indicated that the ruling would address the larger questions of equal employment opportunities, affirmative action for transgender persons, and the enforcement of statutory rights under the Transgender Persons (Protection of Rights) Act, 2019.

Regularisation

JAGGO V. UNION OF INDIA, 2024 INSC 1034

DESPITE BEING LABELLED AS "PART-TIME WORKERS," THE APPELLANTS PERFORMED THESE ESSENTIAL TASKS ON A DAILY AND CONTINUOUS BASIS OVER EXTENSIVE PERIODS AND SUCH IRREGULAR EMPLOYEES WERE ENTITLED TO REGULARIZATION

Facts: Three appellants were appointed by the Central Works Commission (CWC) as Safaiwalas on a temporary basis, but discharged full-time duties. After serving for several years, they approached the Central Administrative Tribunal seeking regularisation. However, the application was rejected. Soon after the rejection, they were terminated from services without any prior notice. The appellants relied on the Supreme Court's decision in Secretary, State of Karnataka v. Uma Devi (2006), which limited regularization rights for workers engaged irregularly or in violation of recruitment rules.

Judgment: The Supreme Court observed that despite being labelled as "part-time workers," the appellants performed these essential tasks on a daily and continuous basis over extensive periods, ranging from over a decade to nearly two decades. The Court also noted that the Uma Devi judgment was being misapplied and misunderstood against long-serving workers who were otherwise entitled to regularization as it was not being used to distinguish between illegal and merely "irregular" appointments, which were not per se illegal but only lacked adherence to procedural formalities. Such irregular employees were entitled to regularization. The Court directed the appellants to consider regularization of the respondents based on their length of service and qualifications while ensuring compliance with existing rules and policies.

Dismissal

NUTAN BHARTI GRAM VIDYAPITH V. GOVERNMENT OF GUJARAT, 2024 INSC 935

STATE CANNOT SHIRK ITS RESPONSIBILITY TO PAY RETIRAL BENEFITS BY CITING THE AUTONOMOUS STATUS OF THE AIDED INSTITUTION

Facts: The respondent, an employee of a government-aided educational institution, was dismissed from the service. The dismissal was subsequently set aside by the Madhya Pradesh High Court, and the employee's reinstatement was directed. However, the State of Madhya Pradesh argued that it was not liable to pay the respondent's retiral benefits, asserting that the employee worked for an aided institution and not directly under the State's employment.

Judgment: The Supreme Court rejected the State's argument, holding that once the dismissal was set aside and reinstatement ordered, the employee was entitled to retiral benefits under the law. It ruled that the State cannot shirk its responsibility to pay retiral benefits by citing the autonomous status of the aided institution. Accordingly, the appeal was dismissed, and the State was directed to process and release the retiral benefits due to the respondent.

Payment of Wages

INTERNATIONAL UNION OF FOOD AGRICULTURAL & ORS V. UNION OF INDIA, CONTEMPT PETITION (C) NO. 16 OF 2012

TIMELY PAYMENT OF DUES TO WORKERS IS A FUNDAMENTAL OBLIGATION OF THE STATE

Facts: The issue arose concerning the non-payment of dues amounting to ₹70 crores to tea garden workers in Assam. The workers filed a plea highlighting the delay and the government's failure to address their grievances. The Supreme Court previously summoned the Chief Secretary of Assam to explain the delay and sought a plan for clearing the dues.

Judgment: The Supreme Court recorded the assurance given by the State of Assam that the outstanding dues of ₹70 crores would be paid to the tea garden workers within two years. The Court emphasized that timely payment of dues to workers is a fundamental obligation of the state and directed the government to adhere strictly to the timeline provided. It also cautioned against any further delays and reserved the right to intervene if the commitments were not met.

Compassionate appointment

R. PRASHANTH V. ASHOK KUMAR M. SLP (C) NO. 020871 OF 2021

COMPASSIONATE APPOINTMENTS DOES NOT EXTEND TO FAMILY MEMBERS OF DECEASED MLAS, IT IS FOR GOVERNMENT EMPLOYEES

Facts: The son of a deceased Member of the Legislative Assembly (MLA) was granted a compassionate appointment under the compassionate appointment scheme. The Kerala High Court invalidated the appointment, reasoning that the scheme for compassionate appointments does not extend to family members of deceased MLAs. The son challenged the High Court's decision in the Supreme Court, asserting that his appointment was valid.

Judgment: The Supreme Court refused to interfere with the Kerala High Court's decision. It held that the compassionate appointment scheme is specifically designed for the dependents of government employees who die in harness, leaving their families in financial distress. The Court clarified that the scheme does not apply to categories outside its scope, such as the dependents of deceased MLAs, unless explicitly provided for in the rules.



Manual scavengers

DR. BALRAM SINGH V. UNION OF INDIA AND ORS., W.P.(C) NO. 324 OF 2020

SUPREME COURT EMPHASIZED THAT MANUAL SCAVENGING CONSTITUTES A MODERN FORM OF UNTOUCHABILITY THUS DIRECTED THE CENTRAL AND STATE GOVERNMENTS TO FILE COMPREHENSIVE STATUS REPORTS

Facts: The petitioners, representing manual scavengers, sought enforcement of the Supreme Court's previous directives aimed at eradicating manual scavenging and rehabilitating those engaged in this inhumane practice. Despite the enactment of the Prohibition of Employment as Manual Scavengers and Their Rehabilitation Act, 2013 and repeated assurances from the government, manual scavenging persisted in several parts of the country. The petitioners highlighted instances of continuing deaths due to hazardous cleaning of sewers and septic tanks, reflecting non-compliance with statutory mandates and court orders.

Judgment: The Supreme Court expressed strong dismay at the failure of both central and state governments to implement its directions effectively. It emphasized that manual scavenging constitutes a modern form of untouchability. The Court noted that the persistence of this practice, despite legislative and judicial measures, demonstrated systemic apathy. It thus directed the central and state governments to file comprehensive status reports detailing the steps taken for the complete eradication of manual scavenging, the mechanization of sewer cleaning, and the rehabilitation of affected individuals.

Occupation

MOHD. KAMRAN V. STATE OF UTTAR PRADESH, SLP(CRL.) NO. 9615 OF 2024

AN ADVOCATE CANNOT ENGAGE IN FULL-TIME JOURNALISM WHILE PRACTICING LAW

Facts: The respondent, an advocate, was engaged in full-time journalism while also practicing law. The Bar Council of India (BCI) challenged this dual role, arguing that full-time journalism constitutes a conflict of interest with the legal profession. The BCI relied on provisions of the Advocates Act of 1961, which prohibit advocates from engaging in any other full-time profession while enrolled as practicing advocates. The respondent contended that journalism and advocacy are not mutually exclusive and that such a restriction infringes upon freedom of occupation.

Judgment: The Supreme Court upheld the BCI's stance, ruling that an advocate cannot engage in full-time journalism while practicing law. It clarified that while an advocate may engage in part-time or occasional writing, such as opinion pieces or academic contributions, full-time journalism is incompatible with the role of a practicing advocate under the Advocates Act.

Voluntary Retirement Scheme

STATE OF U.P. & ORS. V. SANDEEP AGARWAL, 2024 INSC 1015

MERELY APPLYING FOR VRS DOES NOT ENTITLE AN EMPLOYEE TO REMAIN ABSENT FROM WORK UNLESS THE APPLICATION IS FORMALLY ACCEPTED BY THE EMPLOYER

Facts: The appellant was an employee of the State of Madhya Pradesh who had applied for a Voluntary Retirement Scheme (VRS). Pending the acceptance of his VRS application, the appellant stopped attending work. The State treated his absence as unauthorized and initiated disciplinary proceedings, eventually dismissing him from service. The appellant challenged the dismissal, arguing that he was under the bona fide belief that he was no longer required to attend work after applying for VRS.

Judgment: The Supreme Court upheld the dismissal, stating that merely applying for VRS does not entitle an employee to remain absent from work unless the application is formally accepted by the employer. The Court emphasized that employees are bound to perform their duties until they are formally relieved, and unauthorized absence amounts to misconduct.

High Court

Allahabad High Court

1. Mahendra Singh Kanwal v. State of U.P., 2024:AHC-LKO:80359 - Before filing a writ petition, all alternative remedies under the Payment of Gratuity Act must be fully utilized before approaching the Controlling Authority.
2. Satish Chandra v. State of U.P. & Ors., Writ - A No. 16406 of 2024 - An application for compassionate employment cannot be decided by the management of the institution where the deceased government employee worked. Such decisions fall under the authority of the District Inspector of Schools.
3. Dr. Gyanvati Dixit v. State Of U.P. Thru. Prin. Secy. Deptt. Of Sec. Edu. Lko. & Ors., Writ - A No. 11061 of 2024 - Non-passing of a formal order of reinstatement after quashing of suspension does not disentitle the employer from placing the employee under suspension again.
4. Rafat Naaz and Anr. v. State of U.P. and 3 Ors., Writ - A No. 6031 of 2024 - A succession certificate is not required for death-cum-retirement benefits in case of an existing nomination.
5. Saurabh Yadav v. State of U.P. & Ors., Writ - A No. 18692 of 2022 - A government employee cannot be removed from service for not disclosing that an F.I.R. was filed against them if they themselves were not aware of the fact.
6. State of U.P. through Prin.Secy.Sugar Lucknow & Ors. v. Vashistha Muni Mishra, 2024:AHC-LKO:76409-DB - Employees appointed under a special fund cannot be regarded as government employees if their appointment was not made in accordance with broader provisions governing employment.

Calcutta High Court

1. Dulal Chandra Barman v. The State of West Bengal & Ors., WPA 25602 of 2024 - A retired government employee is entitled to receive retiral benefits (including pension) in a timely manner, even when there is a pending dispute regarding alleged excess salary drawn during the service period.
2. Saumen Kumar Bhattacharjya v. Shri Dushyant Narial Principal Secretary, Government of West Bengal & Anr., CPAN 1039 of 2024 - The state is not entitled to recover an excess amount paid to a retired officer if that amount was paid to the employee due to mistake on the state's part.
3. Smt. Lachhmina Devi & Anr. v. Union of India & Ors., WPA 24082 of 2013 - In cases for providing compassionate employment, it is 'reprehensible' to consider the source of inception of a child's birth and discriminate against those who may have been born from a void marriage.
4. Ambujaksha Mahanti v. Indian Institute of Management, Calcutta, RVW 173 of 2021 - An employee can be governed by the old pension rules if the rules provide for default pension rules to be used in case the employee does not opt for any particular rule.
5. Sri Kartick Chandra Barik v. State of West Bengal & Others., MAT No. 552 of 2022 - Casual workers who were not appointed against a valid sanctioned post cannot be appointed on a regular post.
6. M.Tamilselvan v. The District Collector & Ors., W.P. No. 33854 of 2024 - The service register of a public servant could not be completely exempted under Section 8 of the Right to Information Act.
7. The State of West Bengal & Anr. v. Sri Kali Sadhan Bhattacharjee @ Bhattacharyya & Ors., MAT 1002 of 2022 - Recovery of excess payments made to retired employees, without fraud or misrepresentation on their part, is impermissible.

Delhi High Court

1. Seema Mehta v. GNCT Of Delhi & Ors., W.P.(C) 10708/2019 - An employee is entitled to medical reimbursement in case of emergency even if hospital isn't empanelled under any scheme.
2. R B Seth Jessa Ram Hospital Bros v. R B Seth Jessa Ram Hospital Workmen Union, 2024:DHC:9285 - The Court depreciated the practice of trying to protract proceedings in industrial disputes.

Karnataka High Court

1. Karnataka Employers Association & Others v. All India Trade Union Congress & Ors., Writ Appeal No. 23 of 2024 - While fixing or revising the minimum wages for employees, employers, as key stakeholders who will be directly affected by the process, should be given an opportunity to present their views and positions before the Government issues the notification.

Jammu and Kashmir High Court

1. Tarlok Chand v. UT Of J&K, WP(C) No. 608 of 2023 - Emoluments drawn by an employee during the final 24 months of service cannot be questioned when calculating retiral benefits.
2. Mohammad Altaf Bhat v. Principal Chief of Commissioner and Ors., WP(C) No. 441/2021 - The POSH Authority lacks the jurisdiction to act upon and decide complaints filed beyond the condonable limitation period of three months.
3. Shafayatulla v. UT Of J&K, WP(C) No. 577/2024 - The suitability of an individual for a particular post and administrative exigencies cannot be scrutinized by courts.

Kerala High Court

1. Sathoo Beedi Enterprises v. The Controlling Authority & Anr., WP(C) 36274 of 2024 - Gratuity could not be paid in installments as the purpose of gratuity is to serve as a retirement or terminal benefit ensuring immediate financial support to the employees or their dependents.
2. Mrs. Suma Sunilkumar v. State Medical Officer, WP(C) No. 21799 of 2024 - The Employees State Insurance Corporation cannot deny medical reimbursement because an insured underwent treatment in a hospital not approved by the insurer.
3. Abraham Mathai v. State of Kerala, W.P.(C) No. 39915 of 2018 - An oral complaints given by an employee alleging sexual harassment to various authorities cannot be a substitute for a written complaint.
4. M Shibu v. State of Kerala & Connected Case, OP(KAT) No. 431 of 2024 - A high court has ample power under article 226 to issue directions not specifically sought before an administrative tribunal.
5. State of Kerala v. Haridasan, OP(KAT) No. 326 of 2018 - An officer would be entitled to full pay and allowances if there were no reasons for keeping him under suspension till the conclusion of disciplinary proceedings.
6. Suo Moto v. State of Kerala, SSCR No. 87 of 2024 - Dolly workers cannot be permitted to stage protest or strike as it would adversely affect rights of pilgrims.



International Cases

Transfer

LONDON UNITED BUSWAYS LTD V. DE MARCHI AND ANOR, [2024] EAT 191

WHEN AN EMPLOYEE OBJECTED TO HIS TRANSFER INVOLVING A SUBSTANTIAL CHANGE IN HIS WORKING CONDITIONS, HE IS FREE TO TREAT THE CONTRACT AS HAVING BEEN TERMINATED

Court: Employment Appellate Tribunal, United Kingdom

Facts: The claimants were employed by the London United Busways Ltd. and assigned to operate a particular bus route. However, the operation of that bus route was transferred to another operator, and the claimants were shifted to the new operator, which brought material changes to the employment contract. The claimant sought redundancy, arguing that this transfer would entail a material change of the conditions that he had applied to, which would cause difficulties in their commute to work.

Judgment: The Tribunal held that under UK law, when an employee objected to his transfer involving a substantial change in his working conditions to the detriment of an employee, an employee was free to treat the contract as having been terminated. If an employee exercises such a right, the employee will be considered as having been dismissed by the employer.

Independent Contract

PATEL V. 7-ELEVEN, INC., SJC-13485

TEST FOR CLASSIFYING WORKERS APPLIED TO FRANCHISE RELATIONSHIPS AND NOT MERELY THE LABEL THAT WAS APPLIED IN THE CONTRACT

Court: Supreme Judicial Court of Massachusetts (USA)

Facts: The case involved five franchisees operating 7-Eleven stores in the state, and claimed that despite being labeled independent contractors in their agreements, they were treated as employees.

Judgment: The Court held that the test for classifying workers applied to franchise relationships as well, and not merely the label that was applied in the contract. It held that the franchisees operated their stores independently, and only used the brand for its benefits. This voluntary adoption of the brand model showcased their independent nature and not as employees. It further clarified that while franchisees were required to comply with the brand's standards, this compliance did not represent a level of control found in an employer-employee relationship.

Independent Contractor

GURUNG, SANJAYA MAN V. DELIVEROO HONG KONG LTD (15/11/2024, DCEC1738/2023) [2024] HKDC 1932

RIDERS UNDER DELIVEROO ARE INDEPENDENT CONTRACTOR AND THUS DID NOT COME UNDER EMPLOYEES' COMPENSATION LAW

Court: Hong Kong District Court (China)

Facts: The case is part of the broader discourse around the status of platform workers. In the case, the driver was seeking employees' compensation from Deliveroo while following a traffic accident while handling deliveries for the company.

Judgment: The Court concluded that the rider under Deliveroo was an independent contractor, and thus did not come under employees' compensation law. It held that the company did not have a significant level of control over the rider, provision of equipment and fixed timings, as well as the fact that the rider had access to substitutes. This judgment joins other jurisdictions such as the UK in not classifying platform workers as employees. This judgment aligns with Deliveroo judgment of UK in 2023 but is in stark contrast with Uber versus Aslam.

Ordinary Wage

SUPREME COURT EN BANC DECISION DECIDED DECEMBER 19, 2024

DEFINITION OF "ORDINARY WAGE" SHOULD INCLUDE WITHIN ITS AMBIT THE BONUSES AND ALLOWANCES PAID REGULARLY, UNIFORMLY, AND CONSISTENTLY

Court: Supreme Court of South Korea

Facts: The South Korean Supreme Court revisited and overruled a prior ruling concerning the interpretation of "ordinary wage." The earlier judgment has held that there needed to be a "fixed" element in the calculation of an ordinary wage, implying that it must be a salary paid regularly and at a fixed amount. The dispute centered on whether bonuses and certain allowances should be classified as an ordinary wage for the purposes of calculating overtime, severance pay, and other statutory benefits. Employers argued that specific components of remuneration, such as bonuses, fell outside the definition of ordinary wage unless agreed upon explicitly in employment contracts.

Judgment: The Supreme Court clarified that the definition of "ordinary wage," holding that bonuses and allowances paid regularly, uniformly, and consistently should be included within its ambit, irrespective of explicit contractual terms. It removed the "fixed" element and held that the ordinary wage should just be "compensation for prescribed labour that is paid on regular and uniform basis". Ordinary wage should thus reflect the actual labour value provided in full.

Resignation

SUPREME COURT CASE 2023 DA276823

COURT RECOGNIZED THE COMPANY'S LIABILITY EVEN IN CRIMINAL MATTERS FOR VIOLATING ITS OBLIGATIONS BY NOT TAKING DISCIPLINARY MEASURES

Court: Supreme Court of South Korea

Facts: The team leader of an airline company instructed the plaintiff, a coworker, to come to his house for a work-related briefing. Subsequently, the team leader attempts to commit an act of rape against the plaintiff. The plaintiff requested the company to conduct a thorough investigation and take appropriate measures while strongly demanding confidentiality to ensure the incident remained undisclosed. However, the company allowed the team leader to resign without imposing any disciplinary measures. The plaintiff then sued the company, claiming damages on two grounds: (i) for the unlawful act of attempted rape and (ii) for failing to follow the proper disciplinary procedures.

Judgment: The Court recognized the company's liability, even in criminal matters, for violating its obligations to consider the victim's rights by allowing the accused to resign without disciplinary measures. It ruled that the company failed in its duty to consult the victim and implement protective measures, thus recognizing corporate liability in such cases.

Medical Leave

CHAPMAN V. BRENTLINGER ENTERPRISES, NO. 23-3582 (6TH CIR. 2024)

A PERSON MAY BE ENTITLED TO MEDICAL LEAVE FOR A SIBLING, ESPECIALLY IF THE SIBLING IS DISABLED AND THE PERSON IS ACTING IN PLACE OF A PARENT

Court: United States Court of Appeals for the Sixth Circuit

Facts: The appellant was a finance manager at the respondent, and requested medical leave to care for her terminally ill sister. Her employer denied the request, claiming that the law does not cover such leave to care for an adult sibling. The appellant was later terminated, in response to which she filed a lawsuit alleging violations of medical leave and disability protection laws.

Judgment: The Court of Appeals found that an in loco parentis (in the place of a parent) relationship could come about even between adult siblings, especially if the one being taken care of was disabled, thus entitling the caregiver to medical leave to care for such an individual. Thus, the Court remanded the matter back for further proceedings consistent with the appellate court's decision.

POLICY AND LEGISLATIVE UPDATES

POSH ACT COMPLIANCE CHECKLIST ISSUED IN GURUGRAM

The District Office, Gurugram, has issued a compliance checklist under the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 (POSH Act) for the 2023 calendar year. Released on December 20, 2023, the checklist assists organizations in meeting compliance requirements ahead of the April 30, 2024, annual report submission deadline. Key elements include creating and implementing a sexual harassment prevention policy, displaying anti-harassment notices, conducting employee awareness programs, forming an internal committee (IC), and following IC recommendations promptly. Organizations must also ensure compliance with Rule 8 of Companies (Accounts) Rules, 2014. The checklist promotes accountability and ensures that organizations uphold workplace safety standards for women. This initiative reflects the district's proactive stance in reinforcing adherence to the POSH Act and fostering a harassment-free work environment across government and private organizations in Gurugram.

MANDATORY ISSUANCE OF E-PEHCHAAN CARDS FOR INSURED PERSONS

The Employees' State Insurance Corporation (ESIC) has mandated immediate issuance of e-Pehchaan cards to all Insured Persons (IPs) as part of its digital initiative under Project Panchdeep. A circular dated February 2, 2024, directs employers to download and distribute the e-Pehchaan cards from the ESI portal, ensuring all employees have access to a hard copy upon registration. The e-Pehchaan card serves as an identification tool to simplify processes and improve services for IPs under the ESI scheme. Employers must also provide these cards to existing IPs. This initiative aligns with ESIC's drive to modernize its systems and enhance operational efficiency, ensuring better accessibility and streamlined communication between the ESIC and its beneficiaries. By making the issuance of e-Pehchaan cards mandatory, ESIC reinforces its commitment to providing seamless and effective support to employers and employees under its jurisdiction.

AADHAAR REMOVED AS PROOF OF DATE OF BIRTH BY EPFO

The Employees' Provident Fund Organisation (EPFO) has removed Aadhaar from its list of acceptable documents for date of birth verification, as per a circular issued on January 16, 2024. This decision is based on guidelines from the Unique Identification Authority of India (UIDAI), which clarified that Aadhaar can verify an individual's identity but is not sufficient proof of birth. The move follows regulatory updates from the Aadhaar (Enrolment and Update) Regulations, 2016, and a 2023 Bombay High Court judgment that Aadhaar lacks inherent authenticity as a date of birth document. Employers and employees must now use alternative documents for birthdate verification. This change ensures stricter compliance with verification norms and mitigates potential misuse of Aadhaar in processes that require accurate date of birth validation. EPFO advises all stakeholders to adhere to the updated list of valid documents to avoid delays or rejections.

REVISED GUIDELINES FOR ESIC HOME DRUG DELIVERY

The Employees' State Insurance Corporation (ESIC) has issued updated guidelines for home drug delivery services to beneficiaries, effective January 10, 2024. The revisions build on earlier guidelines from November 3, 2023, and target specific groups, including senior citizens with chronic illnesses, handicapped or bedridden patients, and beneficiaries using e-Sanjeevani consultations. Hospitals are required to procure delivery services through the Government e-Marketplace (GeM) portal and ensure proper packaging, cold chain maintenance (where necessary), and timely notifications to beneficiaries. SMS or WhatsApp updates, including parcel tracking details and delivery confirmation, must be provided by vendors. Hospitals must appoint nodal officers to monitor the delivery process and adopt Standard Operating Procedures (SOPs) to address local needs, vendor guidance, and grievance redressal. This initiative enhances access to medications for vulnerable groups while streamlining operations for ESIC medical facilities.

DEADLINE FOR PENSION WAGE UPDATES EXTENDED BY EPFO

In response to employer requests and the backlog of over 3.6 lakh applications, the Employees' Provident Fund Organisation (EPFO) has extended the deadline for employers to update wage details for higher pension contributions. Initially set for December 31, 2023, the new deadline is May 31, 2024. This extension allows more time for employers to validate options for pension on higher wages and process joint declarations. The revision addresses widespread delays and ensures that eligible employees can benefit from enhanced pension contributions under the Employees' Pension Scheme (EPS). Employers are encouraged to expedite the updating process to avoid future administrative challenges. EPFO's decision reflects its responsiveness to stakeholder concerns and its commitment to implementing pension reforms effectively.

RESTRICTIONS ON PAYTM PAYMENT BANK ACCOUNTS BY EPFO

The Employees' Provident Fund Organisation (EPFO) has imposed restrictions on deposit and credit transactions linked to Paytm Payment Bank Limited (PPBL) accounts. Effective February 23, 2024, the decision follows the Reserve Bank of India's (RBI) January 31, 2024, press release citing compliance failures and concerns identified in the bank's comprehensive audit reports. EPFO field offices have been directed to reject claims associated with PPBL accounts and advise stakeholders to provide alternative banking details. This measure aims to safeguard the interests of EPF account holders and maintain the integrity of financial transactions within the system. Employers and employees using PPBL accounts are urged to make necessary changes to avoid disruptions in EPFO-related processes.

WRITTEN CONSENT FOR FEMALE EMPLOYEES IN MEGHALAYA

The Meghalaya Labour Department, on January 10, 2024, issued a corrigendum requiring written consent from female employees working beyond 7 PM. This amendment revises the July 19, 2023, notification allowing establishments to operate 365 days a year. Employers must ensure adequate safety measures during late hours and arrange safe transportation for women employees after work. The regulation promotes workplace safety and accountability, mandating that employers prioritize the welfare of female employees. By formalizing consent and enforcing safety provisions, Meghalaya underscores its commitment to gender-sensitive labor practices while maintaining operational flexibility for businesses.

ESIC ALLOWS SETTLEMENT OF PHYSICAL CLAIMS WITHOUT AADHAAR SEEDING

The Employees' State Insurance Corporation (ESIC), via Notification No. WSU/2020/Claim settlement without UAN-clarification/8726, has permitted alternative identification documents for specific categories of individuals. These include international workers, Indian workers who have permanently migrated and acquired foreign citizenship, citizens of Nepal, subjects of Bhutan, and Non-Resident Indians (NRIs). For these groups, Aadhaar seeding with the Universal Account Number (UAN) is not required due to unavailability. Claims can now be settled physically using passport ID, Citizenship Identification Certificate, or equivalent documents upon verification of authenticity. This step ensures accessibility to ESIC benefits for those unable to obtain Aadhaar.

EPFO MANDATES UAN ACTIVATION AND AADHAAR SEEDING FOR ELI-SCHEME BENEFITS

The Employees' Provident Fund Organisation (EPFO), through Notification No. ELI/UANActivation/2024, has directed employers to ensure that employees activate their Universal Account Number (UAN) and link their Aadhaar with bank accounts. This is necessary to avail benefits under the Employees Linked Incentive Scheme (ELI-Scheme) announced in the Union Budget 2024-25. Employers must comply with this mandate to enable eligible employees to access financial incentives and other associated benefits effectively. The directive aligns with EPFO's push for streamlined processes and integration of Aadhaar for improved service delivery.

Shifting Labour Unions in the Digital Era: Examining Strategies to Collective Bargaining for Platform Workers

Yashwantini Prabhakaran & Aranya Nath

Abstract

Digital platforms are often hailed as transformative disruptors in the labour market that have revolutionized traditional work paradigms. However, the idea of operating platform-based gig workers clings to outdated notions of labour practices. Collective bargaining has been a powerful tool for labour rights, yet platform-based gig workers find it impractical in their environment. This article examines the limitations of traditional labour unions in meeting the particular issues that platform workers confront, such as dispersed workforces, individualised contracts, and algorithmic management. The paper investigates how digital change, technical disruption, and platform decentralisation have undermined the effectiveness of traditional collective bargaining procedures.

The article suggests new techniques for labour unions in the digital era to address these concerns. It assesses several frameworks, including digital unions, platform cooperatives, and algorithmic accountability mechanisms. The study focuses on how these emergent models might transform collective representation for platform workers by combining digital tools, blockchain technology, and legislative reforms. Case studies of successful labour movements in the gig economy that used non-traditional techniques in advocating and bargaining are highlighted.

Keywords: Platform workers, gig economy, labour unions, collective bargaining, digital transformation, algorithmic management, platform cooperatives, digital unions.

Introduction

A labourer's rights are mostly determined by their type of employment. An employee's entitlements under Indian legislation vary from a contract worker's to a gig worker's entitlements. According to Section 2(35) of the Code on Social Security, 2020 "gig-worker" is defined as a person who performs work or participates in a work arrangement and earns from such activities outside the traditional employer-employee relationship. In recent times, a "gig worker" has participated in several digital platform-based employment roles which include but are not limited to delivery persons, translators, transcribers, copywriters, drivers, marketers, and developers. India's Employment Report 2024 published by the International Labour Organization indicates a higher percentage of unemployment in urban areas an increase in underemployment in the pre-pandemic period and a decline in underemployment during the pandemic and post-pandemic periods. This makes clear labourers choose additional employment opportunities such as gig work during their unemployment. India's unemployment and market were a great opportunity for business tycoons to introduce flexible staffing. Conversely, platform-based gig workers suffer the drawback of stunted employment, and less or no social security benefits. As a concern, the Central Government Ministry of Labour and Employment introduced the Code on Social Security, 2020 which provides for social security provisions for gig workers. The Code provides for setting up a Social Security Fund to finance the welfare scheme. Section 113 of the Code on Social Security, 2020 addresses the platform workers and unorganised labor registration. The Code's provisions have not yet been enforced. Therefore, gig workers in India are not covered under labour laws, abandoning them in legal defence against work harassment, wrongful termination, and discrimination. They also lose out on important perks like paid time off, retirement benefits and health insurance. These are the reasons why collective bargaining will benefit the gig workers. Under the Code, platform work is defined as "a work arrangement outside of a traditional employer-employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment." It must be determined whether these online platforms fall under the 'industrial establishment'. The Industrial Relations Code states an 'industry' as any systematic activity carried on by co-operation between an employer and worker (whether such worker is employed by such employer directly or by or through any agency, including a contractor) for the production, supply or distribution of goods or services to satisfy human wants or wishes. Currently, trade unions representing platform-based workers' interests are gaining in numbers. During the pandemic, trade unions such as the Indian Federation of App-Based Transport and the All India Gig Workers Union have been steadfastly advocating for the welfare of gig workers. However, the members' requirement to register with the government and have the employer accept them as a Negotiating

Council stands barricade. Further in this paper, the author will discuss the challenges faced by platform-based gig workers in collective bargaining.

1. Evolution of Labour Unions in the Digital Era

Labour unions have a historical context that dates back to the Industrial Revolution, as employees began organising to resist terrible working conditions, poor salaries, and long hours. These early unions played an important role in campaigning for workers' rights, resulting in substantial social and political reforms. Unions gradually became important participants in the political environment, establishing collective bargaining agreements and advocating for worker protection measures. However, the rise of the digital economy has presented new challenges to conventional unions, prompting a rethinking of their objectives and structures.

Traditional unions confront one of the most urgent threats in the digital economy: labour dispersion. With the advent of gig labour, many people are in precarious employment conditions, defined by job uncertainty and a lack of benefits. This fragmentation makes it difficult for unions to mobilise workers and build a common identity, as gig workers frequently work for several platforms without a clear feeling of belonging to a particular company or sector. Furthermore, the independent contractor designation that platform workers fall within, restricts their access to union representation and negotiating power, providing a considerable hurdle to organising.

1.1 Role of technology in transforming labour relations

Technology is a means for change and progress. Technological change involves continual improvements such as mechanisation, mass manufacturing, and automation. The World Intellectual Property Organisation (WIPO), a UN agency, establishes technological advances as “structured expertise for the manufacturing of products, the application of processes, or the rendering of services, whether that knowledge appears in a creation, an industrial design, a utility model, or a new plant variety, or knowledge or skills, or the assistance and services rendered by specialists for design, installation, and operation.”

There are several degrees of technology. This highlights the topic of choice when it involves accepting new/higher technology, which is influenced by various variables, not the least of which are societal priorities. This setting introduces the notion of “appropriate technology.” It's a relative idea. Technology may be suitable if it can achieve economic goals while preserving environmental and social stability.

Change is classified into three dimensions: market change (changes in the goods and services produced), technological change (changes in capital and labour inputs), and organisational transformation (changes in the way the inputs are combined).

The interrelationship between technology, technological change, and industrial relations has piqued the curiosity of many members of society. Technology influences labour management concerns such as manpower, job security, and training redundancies. Industrial relations concerns, particularly those about employment levels and work organisation, are heavily influenced by technological developments. Technological development has a social and economic effect on the workplace, altering the interaction among workers and employers.

Technology can influence the length of the job cycle, the size of the workgroup, the nature of relationships, the frequency with which jobs are changed, the degree and nature of skills used, the physical environment and physical effort in work, and the occupational structure. It has a significant impact on how people and work are organised and the quality of life both in and out of the workplace.

Increased worldwide competitiveness and fast technological progress have a wide range of effects on organisations and people. Social media platforms, messaging applications, and other digital communication technologies have emerged as effective instruments for increasing worker solidarity, exchanging information, and organising collective activities. These innovations may allow real-time communication and link workers beyond geographical and vocational borders, creating a new feeling of community among platform workers.

2. Platform Workers: Defining the Workforce in the Gig Economy

The gig economy is a free market system in which people may accept short-term contracts or "gigs" from various clients or

businesses. The phrase can be defined as a freelancer's market or a flexible working environment encompassing short-term employment, contractual jobs, independent contracts, and so on.

Employees in this economic activity in various industries, delivering services that include creative labour to technological employment opportunities, labourers, and service-based labour. In India's gig economy, gig workers now number 7.7 million and are predicted to reach 23.5 million by 2029-2030.

Gig worker is defined as "a person who performs work or participates in a work arrangement that results in a given payment rate, based on terms and conditions laid down in such contract." The concept of 'work arrangement' is unclear and does not explain the genuine connection between the aggregator and the gig worker, permitting flexibility in interpretation. Unlike traditional employees, gig workers often work as independent contractors, executing activities on a per-job basis with no long-term contracts or assurances. Their work dynamics are characterised by a high level of autonomy, with employees frequently able to pick when and how much they wish to work. This flexibility is one of the primary benefits of gig labour, allowing employees to adjust their schedules to their demands. However, this comes at the expense of employment security and stability, since gig workers lack guaranteed pay, formal contracts, and the legal safeguards that regular employees have.

2.1 Characteristics of Gig-Workers

The link between labour qualities and satisfaction in gig work is complicated, since gig workers may struggle to earn enough money to survive, prompting them for salaried employment. Skilled workers, on the other hand, may have lower salaries, stability, security, employee benefits, and non-monetary perks than salaried workers, but this is offset by greater flexibility. To be as happy in gig labour as in wage jobs, a low-skilled worker must be a flexibility seeker and/or a thrill seeker to compensate for the benefits of paid work. Skilled professionals seeking flexibility may be happier with gig work since they can earn more money while also receiving non-monetary rewards such as prestige, status, self-fulfilment, and self-esteem. Combining paid and gig employment is prevalent, with 67% of Millennials and 70% of Gen Z planning to make additional money through side enterprises in the coming year. According to a poll, 32% of respondents regarded gig labour as an additional source of income, while 8% considered it their primary source of income.

To boost satisfaction, a worker can combine paid employment, which gives stability, security, work benefits, and non-pecuniary advantages, with gig labour, which allows for greater flexibility. The ideal balance of paid gig work will increase fulfillment, yet its effect on revenue will vary depending on the worker's skill level and the features of gig employment.

Work flexibility is another aspect influencing happiness. In the typical leisure-labour choice paradigm, working time comes at the price of leisure time. Gig workers typically enjoy greater flexibility in deciding how much time they spend on work and leisure. A higher F may also indicate a more flexible workplace, in which a worker can take more frequent breaks if desired.

Gig workers have more freedom but less job security, which can lead to worry about future income. This is evidenced by the fact that corporations lay off gig workers first during an economic downturn. The parameter γ in Equation (1) measures the subjective influence of work stability and security on happiness.

2.2 Analysis of the legal status of gig workers

The legal standing of gig workers is a major problem that has complicated the gig economy. Most nations classify platform workers as independent contractors rather than employees, limiting their legal rights and protections. This categorisation enables platforms to avoid providing benefits and limit their liability, while workers suffer the risks associated with precarious labour. In recent years, there has been an increasing clamour to modify the legal status of gig workers, with several governments looking into blended classes offering some advantages without providing full employee status. However, there is still much discussion over how to effectively meet the particular demands of gig workers while balancing the interests of platform business entities.

The rights of gig workers are seen differently worldwide, with certain nations and areas taking the lead in offering safeguards. For example, the European Union has proposed a law to strengthen transparency and employment rights for gig workers. In contrast, nations such as the United States continue to deal with state-by-state rules, resulting in a fragmented legal environment. In India, where the gig economy has grown rapidly, there is a discussion over the necessity for institutional rules to maintain equitable working conditions for platform workers. Considering such attempts, the worldwide situation of gig worker rights is still extremely diverse, and the lack of consistent safeguards highlights the need for more comprehensive legislation that can handle the intricacies of platform-based employment.

3. Challenges to Collective Bargaining in the Platform Economy

One of the most fundamental barriers to collective bargaining in the platform economy is the dispersion and isolation of platform workers. Unlike typical businesses where employees congregate in physical facilities, gig workers frequently work autonomously, distributed across cities and regions, with little to no interaction with their co-workers. This geographical and social isolation impairs their capacity to create solidarity, making it harder to organise and mobilise for group action. Without a central workplace or constant employer, gig workers lack a shared identity, which has historically been necessary for union development. This dispersion reduces their ability to band together and argue for their rights collectively.

Another significant barrier is the absence of official job status for platform workers, which precludes them from the protections generally provided to employees, such as the opportunity to unionise and engage in collective bargaining. In most legal regimes, gig workers are categorised as independent contractors, putting them outside the purview of regular labour regulations. Independent contractors are not entitled to the same benefits or legal protections as employees, such as minimum wage regulations, paid leave, or health insurance. More crucially, this status restricts their capacity to unionise, as many nations' labour regulations only allow official workers to join unions and negotiate collectively. This legal loophole leaves platform workers without institutional assistance to demand improved salaries or working conditions.

Platform workers also confront new forms of control, such as algorithmic management and monitoring, complicating efforts to organise and negotiate collectively. Platforms employ algorithms to assign jobs, determine pricing, and assess worker performance, thus replacing the conventional human supervisor with an opaque and impersonal technology. This algorithmic control results in major power inequalities, since workers have little options for challenging unjust or biased algorithmic judgements. Furthermore, using surveillance technology to monitor worker behaviour adds another layer of control, making it harder for gig workers to oppose or protest unfair practices without facing penalties or being deactivated from the platform. The lack of transparency in these arrangements makes it difficult for workers to hold platforms responsible or negotiate the conditions of their employment.

Unionisation faces substantial legal and regulatory challenges in the platform economy. Labour rules have not developed to keep up with the expansion of digital platforms, placing gig workers in a regulatory grey area. Existing legislation frequently fails to meet the specific conditions of platform labour, and platforms have actively opposed attempts to organise gig workers. This creates a hostile atmosphere for collective bargaining, depriving gig workers of the legal protections and institutional support they require to successfully advocate for themselves. To meet these issues, new ways of collective bargaining in the platform economy are required, such as addressing fragmentation, redefining worker status, controlling algorithmic control, and revising legal frameworks.

4. Platform Workers and the Code on Social Security, 2020

The Code on Social Security (referred to as “Code”) was a significant move taken by the Indian government to recognise the issues faced by gig and platform workers who often face issues of exploitation, health and safety risks, lack of collective bargaining power and no minimum wages. It is a compilation of nine labour legislations, that is, The Employee’s Compensation Act, 1923, The Employee’s State Insurance Act, 1948, The Employee’s Provident Fund Act, 1952, The Employment Exchanges (Compulsory Notification of Vacancies) Act, 1959, The Maternity Benefit Act, 1961, The Payment of Gratuity Act, 1972, The Cine Workers Welfare Fund Act, 1981, The Building and Other Construction Workers Welfare Cess Act, 1996 and the Unorganised Worker’s Social Security Act, 2008. The Code aims to provide uniformity in providing social security benefits to the employees which was earlier varied in different legislations.

The Code is the first Central legislation in India to define the term “gig-worker”. It states that a person who performs work or participates in a work arrangement earns from such activities outside of the traditional employer-employee relationship.[3] Sec. 2(78) extends the scope of social security benefits for gig workers and platform-based workers. Under the Code, Section 6 provides for the constitution of the National Social Security Board and specifies recommendations for framing suitable schemes and monitoring of unorganised workers, platform workers and gig workers as one of its functions. Sec.114 of the Code provides that the Central Government shall notify the Schemes related to life and disability cover, accident insurance, health and maternity benefits, old age protection, crèche, fund Schemes and other benefits for gig and platform workers. It mandates every gig worker and platform worker to be registered under the Code subject to whether he has completed 16 years of age and has made a self-declaration.[14] Despite all the significant improvements the Code brought for the welfare of gig workers by providing essential benefits and protections, it remains deficient in providing access.

5. Platform Workers and the Code on Social Security, 2020

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6. Lacuna in Code of Social Security, 2020

Identifying a problem is just half a solution and this is the standpoint of the Code. The ILO Global Commission on The Future of Work has emphasised that all workers should have access to worker rights and adequate living wages regardless of their employment status. The definitions of platform work, gig work and unorganised work in the Code overlap with others leading to confusion in the employment status of the platform workers. It ignores how much power platform aggregators have over employees, deciding how labour is distributed, completed and paid for without making any equivalent commitments to the latter. Platform workers face a twin difficulty as a result: they are unable to take advantage of the flexibility and independence that self-employed individuals usually enjoy, nor are they able to partake in the advantages of a regular employment relationship. The Gig workers and platform workers should be included under the definition of “unorganised worker” so that all three kinds of workers do not have varied provisions. This is because the nature of employment is similar to that of an unorganised worker as they don’t have a fixed salary, they do not need employment letters to commence the work and there is no selection process involved in most platforms. The wages they earn are a percentage of the total fare from the pay they get from the passengers.

7. Examples of successful labour movements in the gig economy using emerging digital tools

The active engagement of labour unions in society has significantly improved the rights and working conditions of gig workers. Leeds Index, a project by Leeds University collects a global database of protests by platform workers. According to its database, there are 143 protests held by platform workers in India on various demands. Most protests recently have utilised messaging technologies like WhatsApp and Facebook to coordinate their actions. Digital technologies use protestors for the instantaneous reach of information among themselves and to spread awareness to a wider audience. Technologies are cost-effective in terms of awareness generation. On the other hand, this becomes a little inconvenient in traditional platforms where protests cannot be held without physical meetings and printing materials. Technologies and digital platforms bridge this gap by bringing about better coordination between workers. Further, today’s anonymous messaging feature has promoted safety from employer retaliation. An instance of this is Coworker.org. This platform helps workers create company-specific networks to collect data and aggregate their demands into coherent campaigns. Poppulo, a platform which integrates various communication methods offers advanced analytics and reporting tools that provide insights into employee engagement and communication effectiveness. One of the special features of this platform is that it allows organisations quick distribution of critical information, audience segmentation and multi-language support.

8. Emerging technologies are revolutionizing traditional collective bargaining methods

One of the emerging technologies with a great valuation is Blockchain. The World Economic Forum (WEF) anticipates that 10% of the global GDP will be stored on blockchain as one of the 7 technologies anticipated to revolutionise our lives. One such revolutionizing application of Blockchain would be “smart contracts.” Collective bargaining agreements may be decomposed into smart contracts and encoded on a blockchain, and elections placed on it. Members of a democratised

Blockchain-powered union would probably pay less in dues and work for a less corrupt organisation. An example of a smart contract would be Chain Link Labs which helps users connect smart contracts to external sources like API services and data providers so clients can verify the outcome of real-world events. Additionally, Blockchain has the potential to transform organised labour. Now two options are available to workers: in a vote to join a union. A third potential option may be made available by blockchain technology. Blockchain-enabled collective representation is made feasible by fusing smart contracts with employees' capacity to exchange and utilise knowledge collaboratively. Workers might use Blockchain to organise and sign representative cards without centralised union support. The Telangana government is building a blockchain framework for various cases in India. Additionally, "National Strategy on Blockchain" by MeitY in December 2021, outlined its vision to embrace blockchain technology across sectors such as healthcare, finance, voting and e-governance, It aims to establish a "National Blockchain Framework" to create a comprehensive infrastructure, Develop Talent Pool, Promote Research & Innovation and to Enable Collaboration and Building Community. Another emerging technology that has shown remarkable potential in streamlining the negotiation process to achieve more favourable outcomes for both employers and workers is Artificial Intelligence. According to a recent report by McKinsey, organisations that include AI technology in their negotiating methods have experienced a 25% improvement in negotiation efficiency, leading to speedier settlements and cost savings. Businesses like IBM and Siemens have effectively used AI-powered systems in practice to examine labour relations datasets, spot trends in negotiating strategies and even model possible outcomes to predict results. After integrating AI tools into its negotiating procedures, Siemens claimed a 15% increase in successful agreements and a 30% decrease in negotiation time. These actual cases show the observable advantages of using AI technology to boost productivity and efficiency in collective bargaining, eventually resulting in better organisational performance and more amicable labour relations.

9. Conclusion

The overview presented in this article clearly shows that emerging technologies would assist in collective bargaining among workers. Numerous opportunities for enhancing the function of labour unions and collective representation in the gig economy are presented in the study's future scope. More research into blockchain technology, Artificial Intelligence, digital unions and algorithmic accountability systems may provide more successful worker representation models as platform-based work develops. Collaborations among stakeholders and legislative changes may open the door for regulations that tackle the particular difficulties faced by platform workers such as algorithmic management and personalised contracts. Furthermore, additional case studies of effective non-traditional labour movements may aid in improving these frameworks, facilitating the wider adoption of labour practices in the digital era.

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An Exploration of the Rights of the Employee and the Changing Dynamics of the Employer-Employee Relationship in a Technological Driven workspace

Dr Anju Singh and Pashin Ashtad Ichhaporia

Abstract

Technology is now an integral part of the workspace, its role is visible from beginning till the end of the employer-employee relationship. Technology has, therefore, redefined the established rights of the employees such as the right to mental health and given rise to new rights such as the right to disconnect. Laws are emerging to protect the right of privacy of the employee against the right of the employer to regulate the work and the workspace. Through the law and judicial pronouncements some of the newly defined rights have received protection but certain emerging rights such as the right to be deleted remain unprotected. The law needs to ensure that the fragile employee rights retain their existence enabling the workforce to remain human and the workplace to retain its societal functions.

Key-Words: Employee Data, Monitoring ,Surveillance, Social Media, Right to Privacy, Right to be deleted, GDPR, Work from Home, HR and Technology.

1. Introduction : Changing technology and the employer-employee relationship

The integration of technology into the workplace has significantly altered the dynamics of the employer-employee relationship. The integration of technology is evident at every stage from pre-recruitment , recruitment, duration of employment till the termination of the employer-employee relationship. Prior to employment, the applicant tracking systems and artificial intelligence (AI) driven resume screening tools allow organisations to go through large volumes of applications quite efficiently to identify suitable candidates as compared to traditional methods. The use of virtual interviews through services such as Zoom and Google Meet has further reduced the geographical barriers in the recruitment process, now companies can tap into a large talent pool with minimum expenditure. Upon hiring, workers increasingly find themselves in digitally driven environments where onboarding, training and career progression are undertaken through interactive online platforms, such as Enboarder, Innform and Oracle to name a few.

This transformation also aids in facilitating the learning process and assisting employees to assimilate better into their job functions.[1] A study says that the Covid pandemic accelerated the integration of technology into the workspace changing the landscape of work in aspects such as work from home, virtual workstations, cloud storage, flexible working hours and facial biometrics. Now workers can be based at many locations, working long distances across time zones and as per convenience which might improve the work-life balance and better job satisfaction.[2] There are studies which claim the contrary view

There are also challenges associated with this technological transformation. Predominant challenges include the worry about privacy from the viewpoint of the employee as data relating to the employee is in possession of the employer. An overemphasis on measuring productivity of employees in real time through technology which at times infringe on basic human rights such as food , health and movement. Such metrics are quite beneficial for the operational efficiencies of employers but can tend to create mistrust, bordering on micromanaging, in employees.[3] Overdependence also grows since employees can soon find themselves unable to cope if their digital tools or networks are disrupted. The fast changing nature of technology needs the employee to update his skills at breakneck speed leading to mental exhaustion, high stress levels and in certain cases nervous conditions. The point is that, as the nature of work changes, organisations have to continue their quest to balance leveraging technology to increase productivity with trust in and openness with its workforce. Technology is a tool which increases the armoury of the employer more than the shield of the employee.

This research paper explores the changing dynamics of the employer-employee relationship due to technology and identifies the rights that get affected. Post identification of these rights the article further dwells on the rights that are legally protected and those that are devoid of legal protection. The international developments in the area of protection of the rights of employees highlight the areas that Indian law will have to focus on in order to uphold its commitment to the protection of the rights of the workforce.[4]

2. Indian Laws applicable to the workplace that influence use of technology and employer employee relationship

A number of laws have been enacted for the protection of the rights of the employee and safeguarding the interest of the employer which are applicable to the workplace. A few of them are enumerated herein to understand the umbrella of laws that will govern the technological enabled workspace.

1. **The Constitution of India, 1950:** The Constitution of India is the bedrock of the welfare legislations ensuring equal pay, minimum wages, maternity benefit and occupational health and safety to workmen. Laws prohibiting bonded labour, child labour and contract labour also find their origin in the provisions of the Constitution. Many rights such as right to livelihood, right to dignity, right to privacy have originated from Article 21 of the Constitution.
2. **The Indian Contract Act, 1872:** The relationship between the employer and the employee is a contractual relationship that is established through a contract of employment. The contract of employment has to abide by the requirements of the Indian Contract Act, 1872 and is also bound to follow all other labour and employment laws applicable to the specific workplace.
3. **The Bharatiya Nyaya Sanhita, 2023:** Crimes committed at the workplace such as theft, cybercrimes, robbery etc will be punishable under the BNS. There are a number of labour related cases being tried at the disciplinary level and simultaneously being heard by the Court. This can be demonstrated by the labour led violence at the Maruti Manesar automobile assembly plant where agitated labour killed a manager and injured others during the course of negotiations with the representatives of the employer.
4. **The Bharatiya Nagarik Suraksha Sanhita, 2023 & The Bharatiya Sakshya Adhiniyam, 2023:** In procedure for the investigation and enforcement of the crimes committed at a workplace, the BNSS and the BSA become applicable to the investigations, arrest and trial of the crimes committed at the workplace.
5. **Labour Codes:** Labour codes establishing various redressal bodies, for better protection of the valid rights are part of the labour welfare jurisprudence.
6. **The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013:** This act governs the workspace and provide rights and remedies to women to have a safe and comfortable workplace. The act mandates for a committee to redress the grievances of women and lays down guidelines to be followed.
7. **The Information Technology Act 2020 & The Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021:** The IT Act and its accompanying rules are relevant to the workplace as the IT Act provides rules and regulations pertaining to computer, internet and data usage along with defining cybercrimes and the punishments thereof. The IT Rules further provide for the security of data and elucidate the duties and responsibilities of the parties that are using technology and dealing with data. In a technology enabled workspace these laws play a vital role as employee data is stored with employers and the employees are privy to data exclusive to the employment.
8. **The Digital Personal Data Protection Act, 2023:** The Digital Personal Data Protection Act, 2023 allows employers to process employee data for legitimate purposes, such as payroll management, preventing corporate risks like trade secret breaches, and providing benefits.[5] The Act is designed to balance individuals' right to protect their personal data with the legitimate need for its lawful processing.[6]

3. Employee Rights affected in tech enabled workplace.

Differences experienced in the rights of employees in tech-enabled workplaces mainly arise when there is a disbalance between the rights of the employer to ensure performance by measurements that are tech dependent such as clocking hours, or break-time, skill level testing using technology and the employees right to privacy, autonomy, transparency, accountability, fair evaluation, right to health which the used technology might infringe. The need to understand how these employee rights intersect with digital technologies will help ensure a work environment that is balanced, safe, and respectful. This balance between the rights of the employer and the employees depends to a large extent on the legally permitted use of technology by the employers and the legal limits set on the invasion for protection of the rights of the employees.

- **Right to Privacy :** Undoubtedly, the most challenged right in a tech-enabled workspace is the right to privacy of the employee. Using surveillance tools, employers want to monitor productivity, activities, and even the tracking of employees' locations (in case of gig workers or delivery executives) while at work. While such monitoring is sometimes justified by productivity or security needs, employees often view it as an infringement on their privacy. The European Union's General Data Protection Regulation (GDPR) sets clear standards for employee data privacy, providing rules for data collection, storage, and use in a way that protects employees' personal information.[7] For instance, the GDPR requires companies to be transparent about data practices, making it a model for safeguarding privacy worldwide.[8] To address jurisdictions without GDPR-like frameworks, companies are encouraged to adopt internal privacy policies and establish transparent procedures for data handling. This proactive approach ensures accountability and demonstrates a commitment to ethical data practices, even in the absence of strict legal mandates. By voluntarily aligning with global best practices, businesses

can build trust with employees and stakeholders while preparing for potential regulatory developments.

- **Right to Health:** Work-life balance is one of the highly affected rights due to technology. With the advancement of technology, employees have been provided with the opportunity to work from home (WFH) or adopt a flexible schedule, which has been quite convenient but in the same way has tended to blur the lines that separate working life from private life. This means most employees tend to feel duty-bound to be connected with work communications outside of officially designated working hours and the physical workspace. It is reported that the side effects of this continued workspace connectivity results in social disruptions of family space, mental fatigue, stress, psychosomatic disorders, gastrointestinal diseases and loss of productivity.[9]

Some countries have responded with a "right to disconnect" from work communications outside formally designated working hours. For example, France and Spain have passed legislation to combat the risks of burnout and enable work-life balance for workers. The "right to disconnect" demands tech-enabled workplaces to define the boundaries and realistic expectations from employees out-of-work hour communication.[10]

- **The Right to Livelihood:** As per Yuval Noha Harari, an Israeli historian, jobs that don't require human interaction on one to one or high level of human dependent decision making such as psychology, lateral or critical thinking such as advocacy, teaching and counselling can all be automated and taken over by the techno-human.[11] The fast replacement of the workforce by technology has been witnessed world over resulting in an increase in unemployment and loss of livelihood. The right to autonomy at work is also influenced by technology. Automation and artificial intelligence (AI) are transforming roles, and in some cases, employees feel that their input is diminished when tasks are overly automated or influenced by algorithms. Automation can streamline workflows and improve efficiency, yet employees' autonomy is often affected if creative or decision-making processes are heavily tech-driven. Transparency in how technology is applied, as well as a focus on using technology to empower rather than replace employee roles, can support both autonomy and job satisfaction. According to the World Economic Forum's "Future of Jobs Report 2020," integrating technology in ways that complement rather than replace human contributions is essential for a supportive workplace environment.[12]
- **Right to equality and fair treatment:** Finally, with the spread of digital performance tracking tools comes the issue of fair and accurate evaluation processes. This may make employees more productive and more efficient in assessing their work but purely metric-based appraisal might miss the qualitative value addition by employees. Unless these metrics are monitored closely by human intelligence, biased metrics may interfere with promotions, pay raise, and even job security. The application of technology for appraisals and performance evaluation open up the possibility of discriminatory treatment of employees due to technological bias. One cannot forget that the new debate in the use of AI is the inherent bias in the algorithms of the AI itself. The classification bias in technology is not restricted to objective production metrics but may extend to already disadvantaged groups.[13]

This makes it a right for the employees to have fair practices of assessment that account for the full range of their contributions. Fairer evaluations can be brought about by establishing clear policies on performance tracking and ensuring opportunities for feedback by the employees on the methods used.[14] It also calls for legal and judicial checks on the employer using technology that is biased resulting in discrimination.

4. The role of the judiciary in protecting rights of employees in a workplace.

- **Protection of Muster Rolls and Attendance Records:** The judiciary has recognized that muster rolls and attendance records are critical to an employee's service history, forming part of their personal information and employment record. Courts have held that such records should be managed with transparency, as they impact wages, benefits, and other entitlements. In *R.S. Gupta v. Govt of NCTD*[15] the Delhi High Court emphasized that attendance records are a matter of personal information between an employee and employer, safeguarded by service rules. Similarly, in *Girish Ramchandra Deshpande v. Cen. Information Commr.*[16] the Supreme Court ruled that an employee's performance, attendance, and related records are personal information and cannot be disclosed arbitrarily. This judicial stance underscores that employers must handle attendance data responsibly and make it accessible to employees when used in wage disputes, disciplinary actions, or claims, supporting employees' rights to access and control their work-related records.
- **Right to Health and Safe Working Conditions:** The right to health is a constitutional right under Article 21, protecting an individual's right to live with dignity. Indian courts have interpreted this right to include safe and healthy working conditions, compelling employers to safeguard employees from occupational risks. In *Consumer Education and Research Centre v. Union of India*[17] the Supreme Court asserted that the right to health is essential for employees, requiring employers to provide adequate protections against workplace hazards. The Court held that it is the duty of both the state and employers

to ensure a workplace that promotes physical and mental well-being. This judgement has paved the way for enforcing health protections, including provisions for safe equipment, hygienic environments, and access to medical care, thereby securing employee welfare in both public and private sectors.

- **Right to Confidentiality in Medical Records:** Judicial rulings have reinforced that medical records and related information about an employee's health fall under personal data, protected from unauthorized disclosure. The Supreme Court in *Central Public Information Officer, Supreme Court of India v. Subhash Chandra Agarwal*[18] confirmed that medical information, along with other private records, is shielded under privacy laws. This protection extends to medical records used in workplace contexts, preventing employers from disclosing an employee's health status or treatment history without consent. Such protections are vital as they allow employees to trust that their sensitive medical information will remain confidential. In cases involving medical claims or disputes, employees should be able to access this data under secure protocols, allowing them to pursue entitlements like medical leave without fear of exposure or misuse of their health information.
- **Human Rights: Access to Food, Movement and Rest Breaks:** The judiciary has also emphasized the importance of humane working conditions, including access to food, freedom of movement, and rest breaks, as fundamental rights that employers must respect. These elements contribute to a humane work environment, ensuring that employees are treated with dignity and provided adequate time to rest and recharge. A prominent example illustrating the importance of judicial protections for these employee rights is the recent controversy involving Amazon warehouse workers in India. Reports revealed that workers in Amazon's warehouses faced gruelling conditions, including excessively long shifts, minimal breaks and demanding performance targets. Workers reported incidents where they were unable to take sufficient rest breaks or access food, and some felt pressured to meet productivity goals despite experiencing physical exhaustion. Such conditions led to serious concerns about worker rights and exploitation within the e-commerce giant's supply chain. An article from Hindustan Times highlighted these grievances, bringing the plight of Amazon's warehouse workers to public attention.[19] The Factories Act, 1948, supports these rights by mandating rest intervals and humane work hours. Courts have repeatedly upheld these provisions, recognizing that denying workers sufficient breaks and restricting movement can compromise both physical and mental health. This judicial interpretation holds employers accountable for creating a work culture where employees have adequate breaks, ensuring their well-being during working hours and preventing exhaustion or overwork.

With the advent of technology every minute of the employee at the workplace can be monitored and documented. Rest breaks can be timed through biometrics and screen lock and movement can be tracked by CCTV cameras. Technology can ensure that every minute of the employee is spent as per the directions of the employer thus undermining humane conditions at the workplace. We have to factor in that the human workforce is not a robotic work force and needs a space to nurture lateral thinking and problem solving. While no specific litigation followed this particular instance, such cases bring into focus the need for the judiciary to uphold humane working standards and enforce regulations under the Factories Act, 1948 and related labor laws. Judicial intervention could reinforce that practices violating fundamental worker rights, such as denying rest breaks or pressuring employees to meet excessive productivity targets, are unacceptable under Indian law. By maintaining these protections, courts can continue to ensure that large corporations comply with labor standards, safeguarding the welfare and dignity of all employees in the country.

5. Emerging Rights in Need of Protection

- **Right to disconnect:** The "right to disconnect" has emerged as a critical issue in the context of modern employment, particularly with the rise of remote work. In France, legislation was enacted to protect employees from being required to engage in work communications outside of designated hours, thereby promoting a healthier work-life balance.[20] This legal framework reflects a growing recognition of the need for boundaries in a digital age where employees are often expected to be perpetually available. The advent of technology has made employees available twenty four hours a day, it is difficult for the employee to refuse the demands of continuing to work post work hours. In India, while specific laws addressing this right are still a long shot, the increasing prevalence of remote work necessitates a dialogue about employee rights and digital privacy. The implications of such rights extend beyond individual well-being, influencing organisational productivity and employee satisfaction. The Labour Code on Occupational Health and Safety, 2020 needs to regulate work hours out of the workspace by giving the employee the right to refuse work once the mandated work hours are completed. Conversely, the law can provide for a higher pay for such work if voluntarily undertaken by the employee.
- **Right to be protected from unfair use of surveillance:** Employee surveillance practices, including the use of CCTV and productivity tracking software, raise significant concerns regarding privacy rights in the workplace. In *Raptakos Brett and*

Company Limited v The Deputy Commissioner of Labour[21] the Madras High Court acknowledged that installation of CCTV cameras in restrooms for workers would violate their privacy. The European General Data Protection Regulation (GDPR) has set a precedent for privacy protections, mandating that employee monitoring must be justified and proportionate.

With increase in use of technology a huge amount of data is gathered by the employer with or without the consent of the employee. At present there is no law in India that monitors the extent to which the employer can technologically monitor his employee. In India, the legal landscape is evolving, with discussions around the balance between employee monitoring and employee privacy becoming increasingly relevant. There is a necessity for transparency and fairness in surveillance practices, ensuring that employees are informed about monitoring measures and their implications for privacy. This balance is crucial for fostering trust and maintaining a respectful workplace environment.

- **Right to Optimal Mental Well Being:** The recognition of mental health as a critical component of overall employee well-being has gained traction in recent years. Legislative developments in various countries have begun to address mental health protections in the workplace, emphasizing the need for supportive environments. Countries worldwide are increasingly implementing workplace mental health policies to address rising concerns about employee well-being. For instance, Canada mandates mental health support through frameworks like the National Standard for Psychological Health and Safety, which guides employers in creating safe and supportive environments.[22] Similarly, Australia has long before enacted the Work Health and Safety Act, 2011. Furthermore, effective mental health interventions can lead to significant improvements in employee outcomes, including reduced absenteeism and increased job satisfaction. The World Health Organization (WHO) emphasizes that poor mental health at work leads to global productivity losses of up to \$1 trillion annually.[23] This growing focus on mental health rights reflects a broader understanding of employee welfare and the need for proactive measures to support mental well-being.
- **Right To Retrieve And Delete Information For Private Sector Employees:** Unlike public sector employees, who can use the Right to Information Act 2005 to access personal records, private-sector employees in India lack legal rights to access their data, including attendance and performance records. In Europe, the GDPR allows employees to access personal data held by employers, influencing global norms on data rights.[24] Privacy advocates in India argue for similar provisions in Indian data protection laws, to increase transparency and protect employees' rights over their data. The law should also give the right to an employee to get all the unnecessary data gathered about him to be deleted when he quits the workplace.
- **Freedom of Expression on Social Media:** In today's digital age, personal use of social media can significantly impact an individual's professional life, as employers monitor online behavior to protect their organization's reputation. Posts on platforms like LinkedIn, X (Twitter) and Facebook, whether made outside work hours or on personal devices, often reach employers, blurring the line between personal freedom and professional responsibility. Numerous cases in India and abroad illustrate how employees face professional consequences, including termination, for personal online posts deemed controversial or damaging.

A notable Indian instance occurred in Kerala, where a school teacher was dismissed after posting comments critical of state government policies. Her employer viewed these comments as potentially damaging to the institution's reputation, leading to her termination. This incident highlighted employers' sensitivity to employees' public opinions, especially when these might reflect on their professional roles or the organisation's image.[25] Internationally, a high-profile incident involved an individual in the United States who faced job loss after posting comments that seemingly celebrated an assassination attempt on former President Donald Trump. Though unrelated to her professional role, the post was perceived as inflammatory and unacceptable by her employer, who acted to protect the company's image from potential backlash. This case demonstrates that employees are held accountable for social media activities that could harm the employer's reputation, even when opinions are expressed outside the workplace and on personal platforms.[26]

Another recent case in India, covered by The Indian Express, involved a sales executive who was dismissed after she posted about toxic workplace environments and online surveillance on LinkedIn. Her post criticised her own company's practices, drawing attention to issues of workplace monitoring and micromanagement. Her employer terminated her after the post gained widespread attention, citing reputational harm.[27] This case underscores how online posts touching on workplace issues, even framed as personal views, can have serious professional consequences if they appear to harm an employer's image.

These cases reveal a stark contrast to 20-30 years ago, when social gatherings in pubs, clubs, or other in-person spaces were the primary outlets for personal opinions. Without social media, employers were generally unaware of off-duty behaviors or opinions unless widely publicized in traditional media or through word-of-mouth. In that era, private behavior was far less

likely to affect an individual's job, as there was no direct link between personal opinions and the workplace. However, with today's social media, the boundaries between personal and professional lives have blurred. Posts on online platforms are easily accessible, widely shareable, and quickly associated with a person's employer, regardless of the intended audience. This shift underscores the impact of technology in extending workplace oversight into personal lives, making employees more accountable for online expressions that might reflect on their professional identity and job security. Many companies now implement social media policies to guide employees on responsible online conduct, recognizing that even off-duty actions can impact an organization's public image.

6. Judicial Response To Issues Of Social Media Usage And Employer Employee Relationship.

In today's digital landscape, social media use by employees has increasingly become a factor in employment relationships, often raising complex legal issues when posts made outside of work hours impact their professional lives. Indian courts have been addressing cases that involve social media behaviour, particularly where employers argue that posts made by employees have disrupted the workplace or tarnished the organisation's reputation. Two important cases from the Kerala and Bombay High Courts exemplify this trend, illustrating how the judiciary approaches the balance between personal freedom and professional responsibility.

- ***Dr. Prasad Pannian v. Central University of Kerala*[28]**

The petitioner, an Associate Professor and Head of the Department of English and Comparative Literature, faced suspension following his social media post criticising the university's decision to involve law enforcement in a student issue. His post suggested that the matter should have been resolved internally, sparking debate over how much freedom employees, particularly those in public institutions, have to voice criticism of their employers on social media. The Kerala High Court ruled in Dr. Pannian's favor, asserting that his post did not constitute misconduct but rather fell within the permissible boundaries of free expression. The court held that punishing an employee for offering a reasoned critique could unduly harm their professional standing and restrict the valuable exchange of ideas.

- ***Hitachi Astemo Fie Pvt. Ltd. v. Nirajkumar Prabhakar Rao Kadu*[29]**

In this case Bombay High Court addressed the dismissal of Nirajkumar Kadu, an employee of Hitachi Astemo Fie Pvt. Ltd., who faced termination after posting provocative comments on Facebook during an ongoing wage dispute. Kadu's posts were critical of his employer and included comments that the company argued were inciting unrest among workers. The posts, which were widely shared, were made public during a sensitive time when the company was negotiating wage settlements with the workforce. Hitachi maintained that the comments not only tarnished its reputation but also posed a risk to workplace harmony by encouraging other employees to challenge management.

Kadu defended his posts by arguing that they were personal and made outside of work hours, contending that his freedom of expression protected him from disciplinary action for statements unrelated to work duties. He maintained that as long as his online activity was conducted privately and outside the workplace, it should not be grounds for dismissal. The Bombay High Court upheld Kadu's termination, underscoring the importance of discipline in professional settings, especially in cases where online posts are perceived as provocative or disruptive. The court observed that "discipline is the hallmark of any employee," noting that the access provided by mobile devices allows social media posts to reach a wide audience almost instantly.

The judgment highlighted that posts made online even when created outside of work hours are still relevant to an employer's interests if they harm the company's reputation or threaten workplace stability. The court specifically referenced Kadu's posts as inciting "hatred and passion" among fellow employees, given the volatile context of a wage dispute. One particular comment on his post urged fellow workers to adopt an aggressive stance against management, which Justice Milind Narendra Jadhav remarked was "provocative and inflammatory." He stated that such behaviour, even when it occurs online and outside of work premises, can be grounds for disciplinary action if it disrupts workplace order. Justice Jadhav further emphasized the role of social media in the professional realm, noting that in the digital era, "Regulation of behaviour of workmen is essential for peaceful conduct of industrial activity in the vicinity of the establishment as also within the premises of the establishment." In today's technologically advanced world mobile phones are carried 24X7 by every person. Access to Facebook accounts is more conveniently accessed through the mobile phone." The judgement upheld the employer's right to terminate an employee if their social media activity causes reputational harm or provokes unrest, affirming that freedom of expression has limits in professional settings, particularly when it conflicts with organisational discipline and harmony.

7. International Legal perspective

- **European Union**

Under the GDPR framework, EU member states have been encouraged to establish specific rules governing the processing

of employees' personal data. These rules address key concerns such as the validity of employee consent, data usage in recruitment, and processing for legal compliance. GDPR mandates that these rules must include suitable safeguards to protect the human dignity, legitimate interests, and fundamental rights of employees. Special attention is given to ensuring transparency in data processing, managing data transfers within corporate groups, and monitoring systems implemented at workplaces.[30]

In Ireland, the Data Protection Commission has issued detailed guidance[31] for workplace data processing, including employer obligations concerning CCTV monitoring[32], vehicle tracking[33] and compliance with GDPR principles. These guidelines emphasize the need for fair data processing practices and transparency in surveillance.

In Sweden, the Authority for Data Protection has published resources tailored for private and public employers, focusing on GDPR compliance in employee data processing. The guidance ensures that organizations meet GDPR thresholds for transparency, necessity, and proportionality when handling employee information.[34]

- **United Kingdom**

In the United Kingdom, the Information Commissioner's Office (ICO) has issued the Employment Practices Code. This guidance emphasizes that monitoring employees must adhere to data protection principles, ensuring fairness and legality. Employers are provided with six lawful bases for processing employee data i.e consent, contract, legal obligation, vital interests, public task, and legitimate interests. The ICO mandates a three-part test to determine the appropriateness of the selected basis, involving an assessment of its legitimacy, necessity, and proportionality. The least intrusive method should always be used, particularly for remote workers, who have higher privacy expectations. Consent, if chosen as a basis, must be clear, explicit, and provide employees with control and choice over how their data is monitored. Employees retain the right to object to monitoring practices, particularly those based on public tasks or legitimate interests. Additionally, workers can challenge biometric systems like access controls if they believe these mechanisms infringe on their rights to privacy. This framework aims to ensure that monitoring practices are both effective for employers and respectful of worker dignity.[35]

- **United States**

The U.S. lacks comprehensive federal legislation for workplace data privacy, relying instead on sectoral and state-specific laws. For instance, California's Confidentiality of Medical Information Act (CMIA) and Illinois' Biometric Information Privacy Act (BIPA) require consent for collecting sensitive data such as medical or biometric identifiers.[36] Federal laws like the Fair Credit Reporting Act (FCRA) regulate credit checks during hiring, while Health Insurance Portability and Accountability Act (HIPAA) ensures confidentiality of medical records. These fragmented regulations reflect the decentralized nature of U.S. governance, creating gaps in nationwide protections.

- **China**

China enacted the Personal Information Protection Law (PIPL) in 2021 which provides for the legal basis and obligations for employers while processing personal data of their employees. A company can process employees' and job candidates' personal information only upon meeting any of the following three conditions:

- (i) the individual's consent has been obtained;
- (ii) the collection is necessary for performing an agreement to which the individual is a party or for implementing HR management rules; or
- (iii) the collection is necessary for performance of statutory obligations.[37]

Additionally, in the context of public technical equipment such as facial recognition technology, personal information can only be collected for maintaining public security with proper signage and the information so collected can only be used for that purpose.[38] In the context of multinational companies, all the personal information collected in the People's Republic of China (PRC) must be stored in the PRC, and periodically deleted and anonymized. Furthermore, for cross-border data transfer, employees' consent and an impact assessment ought to be obtained.[39]

These laws can be a good guide book for India to develop its own privacy rights security protocol that ensures the primacy of human rights, human welfare and social bonding over invasive technology.

8. Conclusion:

There is an urgent need to address the evolving challenges in tech-enabled workplaces through comprehensive reforms. The immediate implementation of the new labor codes and the DPDP Act is crucial to safeguarding employee rights in a rapidly digitizing economy. Integrating the DPDP Act with labor codes can create a unified framework for balancing data protection and operational efficiency.

The protection of the employees from unbridled supervision through technology at the workplace can be respectful of the rights of the employees by incorporation of standard behavioural guidance in the standing orders of the workplace. The standing orders can define the extent to which the employees can be monitored through technology, the standard orders can also be the seat for building trust between employer and employees.

Equality is guaranteed to every citizen of India through its Constitution, the equality cart can be toppled over by the insidious bias within technology. It therefore becomes imperative that a regulatory body scrutinize the technology to ensure that it is least biased. The feedback by the employees should be taken into consideration by the law to decide whether the business is unbiased.

Furthermore, dedicated legislation on employee surveillance and the right to disconnect is essential to mitigate workplace burnout and enhance autonomy in the digital age. Provisions for mental health, with governmental support, must be included in labor codes to ensure the well-being of not just workmen but also employees across all sectors. A law mandating a steep wage rate in case of overtime can lessen the use of technology to tie up the employee for longer than 7 hours in a day.

Vigilant enforcement of these laws, coupled with transparency and accountability measures, can prevent misuse of technology and ensure adherence to humane working standards. The judicial system should continue its proactive role, ensuring that employee rights are not undermined by technological advancements or corporate policies.

Lastly, the focus should not just be on compliance but on fostering a workplace culture that prioritizes trust in human-beings, dignity, well-being, and equality, creating a resilient and adaptable workforce for the future. By embedding empathy and forward-thinking into labor governance, India can set a global benchmark for balancing technology and employee rights. Laws relating to technology, employment and labour welfare will have to incorporate measures that ensure that technology is utilised in a manner that keeps the workplace, workforce, and employer-employee relationship human.

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DOMESTIC LABOUR LAW NEWS

THE TAMIL NADU GOVT DISTRIBUTES TRUCKS IN BID TO END MANUAL SCAVENGING

The Tamil Nadu government initiated the mechanisation of sewer cleaning to eliminate manual scavenging and improve livelihoods. On December 6, Chief Minister M.K. Stalin distributed 100 sewer-cleaning lorries to 213 beneficiaries, including manual scavengers and their families, under the Annal Ambedkar Business Champions scheme. Beneficiaries, trained by the Dalit Indian Chamber of Commerce and Industry in collaboration with Metrowater, received subsidised loans to operate the vehicles. The initiative aimed to increase monthly earnings from ₹7,500–₹9,000 to at least ₹50,000. However, many expressed concerns about high operational costs and lack of job security, as contracts are temporary. Safai Karamchari Andolan welcomed the move but emphasized the need for permanent jobs for sustainable change. Earlier, 372 workers protested, demanding regular employment.....[Read more.](#)

NINE FREED FROM BONDED LABOUR IN MANCHERIAL BRICK KILN TELANGANA

The District Legal Services Authority (DLSA) of Mancherial, in collaboration with local police, rescued nine people, including three children, from bonded labour at a brick kiln in Indhanpalle village, Adilabad. Lured from Balangir, Odisha, the families were promised ₹40,000 for six months of work but received only ₹500 initially and ₹1,000 after 20 days. They endured 15-hour workdays, verbal and physical abuse, and confinement, with CCTV monitoring and restricted movement. Women faced severe mistreatment, and their mobile phones were confiscated, cutting off outside contact. The rescue, initiated by a victim's relative through the State Legal Services Authority in Odisha, led to their safe repatriation. Legal action was launched against the kiln owner and middleman, highlighting the need for stronger cross-state efforts to combat bonded Labour.....[Read more.](#)

CHHATTISGARH'S 2,900 ASSISTANT TEACHERS ON THE BRINK OF DISMISSAL

Approximately 2,900 assistant teachers in Chhattisgarh, primarily from tribal communities, protested after the High Court cancelled their appointments on December 10, 2024, favouring D.Ed. candidates over B.Ed. holders for primary school teaching positions. The court ruled that only D.Ed. candidates were eligible, citing administrative lapses, and directed their appointments by January 14, 2025. The terminated B.Ed. teachers recruited between 2023 and 2024, argued the original advertisement accepted both qualifications. The job loss threatened their livelihoods, with many highlighting unpaid loans, disrupted education, and family instability. Protesters, including women and marginalised groups, demanded alternative appointments and job security. Tragic incidents, like Hema Singh's death, underscored their plight. Teachers staged protests in Raipur, urging the government to reverse the terminations and secure their futures.....[Read more.](#)

BEED MAN BOOKED AS PALGHAR TRIBAL FORCED INTO BONDED LABOUR GOES MISSING

Police in Palghar booked Amol Dhotre, a Beed resident, for trafficking a tribal man from the Adivasi Katkari community, holding him captive, and forcing him into bonded labour. Dhotre visited Jawhar on November 1 to recruit workers for his sugarcane field, offering an ₹80,000 advance. Enraged by others taking money but not reporting for work, he allegedly abducted the victim from Zap village in Dhopapada and forced him to work in Beed. The victim remains missing, and efforts to locate him are ongoing. Authorities charged Dhotre under the Bharatiya Nyaya Sanhita and the Bonded Labour System (Abolition) Act for trafficking, unlawful labour, and wrongful confinement based on a complaint filed by the victim's wife. No arrests have been made yet.....[Read more.](#)

16,000 INDIAN CONSTRUCTION WORKERS MOVE TO ISRAEL TO REPLACE BARRED PALESTINIANS

Around 16,000 Indian construction workers moved to Israel to fill the labour gap left by Palestinian workers barred from entering the country after the Hamas attack in October 2023. The attack escalated into a war between Israel and Hamas, involving other Iran-backed groups. Had the attack not occurred, the construction sites would have been staffed by Arabic-speaking workers instead of those speaking Hindi, Hebrew, and Mandarin. Indian workers have long been employed in Israel in caregiving, diamond trading, and IT sectors. With the conflict escalating, Israel intensified the recruitment of Indian workers for its construction industry. High earnings in Israel, where some workers earn three times their pay back home, have drawn many like Nishad from India.....[Read more.](#)

ODISHA GOVT SEEKS REPORTS ON AID PROVIDED TO BONDED LABOURERS, FROM COLLECTORS

The Odisha government instructed 11 district collectors to report on aid provided to 2,411 bonded labourers rescued since 2016-17. The directive followed a Supreme Court order urging states to address inter-state trafficking and ensure simplified procedures for financial assistance under the Bonded Labour System (Abolition) Act, 1976. Despite central schemes increasing aid to ₹1–3 lakh since 2017, delays persist due to official apathy, procedural hurdles, and poor documentation.

Recently, 63 labourers rescued in 2010-11 received ₹20,000 under outdated schemes. Experts highlighted issues like inactive bank accounts and language barriers hampering aid distribution. Cases of distress migration, including child labor linked to family debts, underscored the inadequacy of welfare programs like Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) in addressing economic vulnerabilities in Odisha’s districts.....[Read more.](#)

TWO MADHYA PRADESH MINORS RESCUED FROM BONDED LABOUR IN PRAKASAM, ANDHRA PRADESH

Officials rescued two minors from bonded Labour in an aquaculture industry in Karavadi village, Ongole. The boy and girl, from Dindori district in Madhya Pradesh, had their wages withheld and mobile phones confiscated for over two months. They were threatened with severe consequences if they tried to leave without consent. While six coworkers returned to Madhya Pradesh, the minors were left behind in harsh conditions. Alerted by the returning labourers, the Prakasam District Bonded Labour Vigilance Committee launched its first successful operation, directed by District Collector A Thameem Ansariya and led by RDO Lakshmi Prasanna. The Collector met the minors, issued relief certificates, and ensured arrangements for their safe return to Madhya Pradesh. This marked a key step in combating bonded and child labour.....[Read more.](#)

ON INTERNATIONAL DAY TO END VIOLENCE AGAINST SEX WORKERS, A LOOK AT THEIR PRECARIOUS LIVES IN DELHI

Sex workers in Delhi, particularly in Majnu ka Tila and GB Road, faced systemic barriers to reproductive healthcare despite legal provisions like the The Medical Termination of Pregnancy (MTP) Act, 1971. The Supreme Court’s 2022 judgment extending abortion rights to unmarried women largely failed to impact marginalised communities due to stigma, lack of awareness, and bureaucratic hurdles. Many sex workers lacked Aadhaar cards, preventing access to safe abortions and forcing reliance on unsafe alternatives. Discrimination from medical professionals and economic realities further compounded their struggles.

Grassroots organisations played a crucial role in bridging gaps by providing legal assistance and healthcare support. Experts advocated for integrating sexual and reproductive health services, training medical staff, and adopting judgment-free care to address sex workers’ unique challenges. Bridging this gap was deemed essential for true societal progress.....[Read more.](#)

INTERNATIONAL LABOUR LAW NEWS

INDONESIA AND ILO PARTNER FOR EMERGENCY RESPONSE IN PALESTINE

Indonesia and the ILO have signed an agreement to aid recovery efforts in Gaza and the West Bank through the ILO's Emergency Response Programme. Indonesia will contribute IDR 8.15 billion (USD 500,000) to create jobs in areas such as waste management, infrastructure repair, and paramedic care. This collaboration reflects Indonesia's commitment to multilateralism and sustainable development, addressing urgent community needs in the Occupied Palestinian Territory.....[Read more](#)

ILO AND ISA COLLABORATE TO PROTECT SEABED WORKERS' RIGHTS

The ILO and International Seabed Authority (ISA) signed an agreement to promote safety and decent work for seabed-related activities. The partnership focuses on sustainable practices and labor rights, particularly as global interest in seabed resources increases. This initiative underscores the importance of international labor standards in maritime activities, ensuring worker safety and fostering a Just Transition.....[Read more](#)

SURINAME RATIFIES SOCIAL SECURITY STANDARDS

Suriname has become the 67th country to ratify ILO Convention No. 102, setting minimum standards for social security. The government also ratified Conventions Nos. 129, 131, and 183, reinforcing its commitment to workers' rights and gender equality. These actions align with Suriname's Decent Work Programme, bolstering social protection and justice for its citizens.....[Read more](#)

LAO URGED TO EXPAND SOCIAL SECURITY COVERAGE

ILO reports recommend measures to extend social security to informal and self-employed workers in Laos. Challenges include limited awareness of the National Social Security Fund (NSSF) and healthcare concerns. Improving services and communication could encourage enrollment, which currently includes only 7.6% of voluntary members, strengthening social protection systems.....[Read more](#)

TUNISIA'S YOUTH-NEET PROJECT AIMS TO EMPOWER MARGINALIZED YOUTH

Tunisia has launched a Steering Committee for the EU-funded Youth-NEET project to assist young people not in work, education, or training. Running until 2026, the initiative focuses on improving opportunities for NEET youth. It brings together government, EU, and ILO representatives to tackle social exclusion and boost employment.....[Read more](#)

KENYA AND UN LAUNCH \$28.5M MIGRATION INITIATIVE

The UN and Kenya have introduced a \$28.5 million Joint Programme on migration, mobility, and integration, running from 2024 to 2026. This initiative supports Kenya's Vision 2030, aiming to enhance governance, social cohesion, and service delivery. Key partners include ILO, IOM, and UN Women, addressing migration challenges comprehensively.....[Read more](#)

TONGA ADVANCES TOWARD NATIONAL EMPLOYMENT POLICY

With ILO support, Tonga is developing its first National Employment Policy (NEP). A November 2024 workshop gathered input from government, labor, and civil society to refine the draft. The NEP aims to address employment challenges, improve labor market outcomes, and promote decent work in the country.....[Read more](#)

COLOMBIA RATIFIES CONVENTION ON FAMILY RESPONSIBILITIES

Colombia has ratified ILO Convention No. 156, protecting workers with family responsibilities from discrimination. This milestone enhances gender equality, ensuring fair access to employment and training. It aligns with other conventions supporting equal opportunities and promotes work-life balance for individuals balancing work and family roles.....[Read more](#)

NORWAY RENEWS SKILLS DEVELOPMENT PARTNERSHIP WITH ILO

Norway and the ILO have extended their partnership on global skills development through the Global Skills Programme. This initiative supports green and digital transitions by fostering innovation, training, and governance. Norway's contributions will strengthen skills initiatives in Africa, promoting peer learning and partnerships across sectors.....[Read more](#)

ILO LAUNCHES MINING SAFETY PROJECT IN KAZAKHSTAN

The ILO has launched a project to improve safety in Kazakhstan's hazardous mining sector. The initiative, announced on December 3, 2024, focuses on reducing workplace accidents and fatalities. It supports Kazakhstan's Roadmap for Decent Work, bringing together government, labor, and employers for safer practices.....[Read more](#)

ILO ADVOCATES WORKER SAFETY IN PLASTICS TREATY NEGOTIATIONS

The ILO is pushing for occupational safety and labor rights to be central to the UN Plastics Treaty. At the INC-5 negotiations, the organization called for safe practices across the plastics lifecycle. By including international labor standards, the treaty aims to ensure equitable and sustainable implementation.....[Read more](#)

EGYPT JOINS ILO'S GLOBAL COALITION FOR SOCIAL JUSTICE

Egypt has joined the ILO's Global Coalition for Social Justice, aligning with its efforts to advance equality and development. Initiatives like Hayah Karimah were praised for improving rural livelihoods. Egypt's participation highlights its commitment to fostering peace, shared prosperity, and comprehensive social justice.....[Read more](#)



PUBLICATIONS: ARTICLES

'LEGISLATIVE LETHARGY' IN PROTECTING INFORMAL WOMEN WORKERS- UNDERSTANDING THE LEGAL DISCOURSE ON 'PAID DOMESTIC WORK' IN INDIA- SOPHY K J

This paper analyzed the historical approach of the Indian legislature toward domestic workers (DWs) from 1950 to 2020, revealing a pattern of legislative inaction that has perpetuated inequality for this workforce. Despite strong mobilisation efforts since 1953 and numerous private member bills, DWs have not been recognized as a sector deserving of welfare and protection. The study explored the link between social movements and legislative efforts through parliamentary debates, gazette notifications, judgments, and secondary materials. It highlighted the persistent denial of rights and protections for domestic workers, despite ongoing advocacy and attempts to secure their claims, emphasizing the long-standing neglect of their needs in national policy.....[Read more.](#)

BOLSTERING FEMALE LABOUR FORCE PARTICIPATION RATES IN INDIA: LESSONS FROM THE CANADIAN EMPLOYMENT EQUITY MODEL- BY PREET, PRIYANKA

This paper explored the issue of poor female labor force participation (FLFP) in India, where the rate declined from 31.79% to 19.2% between 2011 and 2021, making it one of the lowest globally. The study compared India's situation with Canada's, which has one of the highest FLFP rates, aided by the proactive Employment Equity Act (EEA) targeting systemic discrimination. The thesis aimed to assess whether the EEA model could be adapted to India to eliminate barriers to women's participation in the workforce. It reviewed discrimination faced by women in both countries, the development of the EEA model, and examined how India's quota system could evolve to create inclusive workplaces that improve women's training, promotional prospects, and occupational diversity. The research used a doctrinal and comparative methodology.....[Read more.](#)

REPUTATIONAL RANKING OF PLATFORM WORKERS: ON THE GENDER DISCRIMINATORY IMPLICATIONS OF USERS' FEEDBACK- BY ELISA PARODI

The article examined the potential discriminatory nature of reputational ranking systems used by on-demand platforms to assess service quality. It argued that such rankings do not meet the criteria for exceptions under European Union equality law, as they are not objectively linked to genuine occupational requirements. While assessing workers' performance may be considered a legitimate aim, the article contended that customer ratings likely do not meet the proportionality requirement, as they may not be necessary or appropriate for achieving that goal. Furthermore, the article discussed the broader issue of algorithmic accountability, questioning whether algorithms can be held responsible for perpetuating social biases, particularly sexism, and criticized using this narrative to address the problem of discriminatory ranking systems.....[Read more.](#)

DISCRIMINATION BASED ON EMPLOYER PREFERENCES: THE HEIGHT PREMIUM IN CHINA- BY FEI PENG, ETC.

This paper explored height-based discrimination in China's Labour market using a nationwide survey from 1989 to 2015. The research applied a theoretical framework considering statistical discrimination based on employer preferences for cognitive and non-cognitive skills tied to productivity. The analysis revealed a height premium of about 5.97% per ten-centimeter increase in height, with educational attainment explaining one-third of this premium. Female employees with higher education experienced higher height premiums. The premium was lower in the public sector, senior technical roles, collectivist regions, and during the early transition period (before 2000). The findings highlighted the presence of height-based statistical discrimination and emphasized the need for policy interventions focused on healthcare, nutrition, and anti-discrimination regulations in the Labour market.....[Read more.](#)

THE 'SUSTAINABLE' INDUSTRIAL DEMOCRACY AND THE ROLE OF TRADE UNIONS IN THE JUST TRANSITION- BY ANDREA SGROI

The paper explored the role of trade unions and labor law in balancing workers' rights with economic freedoms, traditionally achieved through law and bargaining. It highlighted the emerging challenge of incorporating environmental protection and sustainable economic growth into this framework. The paper examined how labor and employment law can contribute to a just transition to a green economy, emphasizing the need to align job security with environmental goals. It analyzed the relationship between environmental protection and labor law from a multilevel system perspective, drawing on the experiences of various countries. The paper also discussed the importance of industrial democracy in shaping policies that ensure a fair transition while address.....[Read more.](#)

THE JOB THAT CALLS MY NAME: THEORETICAL EXPLANATIONS FOR GENDERED WORDING IN JOB ADVERTISING AND THE IMPORTANCE OF RECRUITMENT COMMUNICATION: A LITERATURE REVIEW- BY SZABÓ KINCSÓ

This literature review aimed to explore the emergence, functioning, and social implications of implicit gender references in job advertisements. It emphasized that job advertisements, often the first point of contact between employers and potential candidates, can unintentionally contain gendered language, affecting equal application opportunities. The review was structured into six sections, including discussions on the gender gap at national and international levels, the principles of recruitment communication, organizational behavior theories, the impact of implicit gender cues on applicants, and gender linguistics. The article highlighted how such biases in job ads may influence the recruitment process, leading to discriminatory practices that could distort opportunities for job seekers of all genders.....[Read more.](#)

ALGORITHMIC BIAS IN HIRING ALGORITHMS: A KENYAN PERSPECTIVE- BY KAZUNGU MRASHUI

This article discussed the rising use of machine learning algorithms in various aspects of life, particularly in hiring processes. While machine learning could ideally reduce human bias in hiring, it risks introducing new forms of algorithmic discrimination, further exacerbating existing biases. The article emphasized the need for algorithmic fairness, aiming not to create "fair" algorithms but to detect and mitigate fairness-related harms. It highlighted the potential threat of algorithmic discrimination to Kenyan job seekers and noted that, although Kenyan law can address this issue, more efforts are required to effectively detect and reduce fairness-related harms. By balancing innovation with employee rights, a more equitable hiring process could be achieved.....[Read more.](#)

SCHEDULED CASTES IN THE INDIAN LABOUR MARKET: EMPLOYMENT DISCRIMINATION AND ITS IMPACT ON POVERTY- BY SUMEET MHASKAR

The book Scheduled Castes in the Indian Labour Market: Employment Discrimination and Its Impact on Poverty examined caste-based discrimination in India's labour market, focusing on the scheduled castes (SCs). It analyzed theoretical frameworks of discrimination and reviewed empirical data from national surveys to show how SCs face significant disadvantages in employment, wages, and occupational choice compared to higher castes. The authors highlighted the persistence of "graded inequality," with SCs concentrated in lower-wage, lower-status jobs and facing discrimination in both the public and private sectors. The study revealed that caste-based disparities in wages and employment contributed to higher poverty levels for SCs. The authors recommended state interventions like affirmative action, improved education, and land allocation to reduce discrimination and promote economic equality.....[Read more.](#)

RACISM, SEGREGATION, ACCEPTANCE BY M.H.RUTHERFORD

This paper examined the failure of American economists to engage with Black issues and students until recent times. It traced the history of this neglect, starting with overt racism in the early American Economic Association (AEA) and economics journals up to 1910. During this period, W.E.B. Du Bois attempted to gain acceptance within the AEA but was unsuccessful. For around 30 years, economic issues related to the Black population were largely ignored by White economists, despite significant events like the Great Migration. Black scholars working in Black colleges and organizations addressed these issues within sociology and history departments, forming Black labour studies, though their work was largely overlooked by mainstream economics. Only in the 1940s did some Black labour studies gain acceptance in economics journals, with more substantial literature emerging by the 1960s.....[Read more.](#)

THE URGENCY OF RATIFICATION DRAFT BILL ON PROTECTION OF INDONESIAN DOMESTIC WORKERS: A HUMAN RIGHTS PERSPECTIVE- BY M. RIZKI YUDHA PRAWIRA

Domestic workers in Indonesia have faced widespread violations of labor rights, including exploitation, low wages, unclear working hours, and uncertainty about work eligibility. Data from organizations like the Indonesian Migrant Workers Union (SBMI) indicated that around 4 million domestic workers in the country, with 2.7 million experiencing labour rights violations and physical and sexual violence. The National Domestic Workers Advocacy Network (Jala PRT) reported 2,148 cases of violence from 2015 to 2019, while Komnas Perempuan recorded 2,344 cases from 2005 to 2022. Despite the Republic of Indonesia Minister of Manpower Regulation No. 2 of 2015 addressing worker protection, it lacked specific safeguards for domestic workers. Consequently, they remained vulnerable to discrimination and rights violations, highlighting the need for stronger legal protections at the statutory level.....[Read more.](#)

FERTILITY DISCRIMINATION IN THE CHINESE LABOUR MARKET: EVIDENCE FROM A CORRESPONDENCE STUDY AND AN EMPLOYER SURVEY- BY QINGXIAO LI , DI XIAO

This paper examined fertility discrimination in China's Labour market after the three-child policy and extended parental leave provisions were introduced. The study submitted 18,728 resumes to 4,682 job postings, varying the applicant's gender, marital, and parental status. Results revealed that married women, especially those without children, received significantly fewer callbacks than single women. In contrast, male applicants faced no such gap based on their marital or parental status. A survey of 745 hiring managers supported these findings, showing a clear preference against married women without children, driven by concerns about maternity leave and potential childbearing. The survey also indicated that hiring preferences were influenced by the managers' own demographic characteristics, including gender and parental status.....[Read more.](#)

NON-DISCRIMINATION IN ACCESS TO THE LABOUR MARKET AND ITS SUPPORT BY CITIZENS IN 26 COUNTRIES AROUND THE WORLD -BY JÜRGEN GERHARDS AND JOHANNES GIESECKE

This study analyzed public opinion on whether job recruitment should be based on applicants' qualifications rather than ascriptive characteristics like gender, family background, ethnicity, or religion, using a survey conducted across 26 countries. The research tested two theories: world society theory and modernization theory. The results showed strong support for non-discrimination in most countries, but with notable cross-country variation. The study found that a country's integration into world society influenced attitudes toward non-discrimination, while a country's level of modernization did not. At the individual level, factors such as prioritizing equality, higher education, secularism, and post-materialist values were positively associated with support for non-discrimination.....[Read more.](#)

PUBLICATIONS: REPORTS AND BOOKS

Bridging the Gender Pay Gap through Transparency: Comparative Approaches and Key Regulatory Conundrums- by -Sara Benedí Lahuerta, Katharina Miller, and Laura Carlson

The book explored the persistent gender pay gap and the role of pay transparency in addressing it. It examined various factors contributing to the wage disparity, such as historical wage undervaluation, occupational segregation, unpaid care work, and gender stereotypes. The book emphasized the need for comprehensive legislation and social dialogue between labor unions, employers, and governments to achieve pay equity. It also analyzed case studies of existing pay transparency laws in Europe and compared them to identify effective practices. The authors highlighted the importance of understanding the root causes of the gender pay gap to create strategies that ensure economic inclusivity and equality. Ultimately, the book aimed to inspire action towards eliminating the gender pay gap.[read more](#)

Social Dialogue Report 2024: Peak-level social dialogue for economic development and social progress

The second edition of the ILO Social Dialogue Report focused on "peak-level social dialogue," where governments, employers' organizations, and workers' organizations negotiate and exchange information on labor, economic, and social issues at national or sectoral levels. The report utilized case studies, industrial relations data, a global review of peak-level social dialogue processes, and a survey of 71 organizations across 38 countries to assess the effectiveness and inclusiveness of National Social Dialogue Institutions. By highlighting country examples and good practices, the report demonstrated how peak-level social dialogue can address social and economic challenges, promote democracy, and foster balanced, sustainable solutions in the workplace and society.....[read more](#)

Annual Report- Ministry of Labour and Employment

The Ministry of Labour & Employment in India has worked to improve the dignity, safety, and welfare of workers through various initiatives. It enacted four Labour Codes in 2019 and 2020, aimed at simplifying labor laws, reducing market rigidity, and promoting ease of compliance. The ministry also introduced the PM-SYM and NPS Traders Scheme to provide social security to unorganised sector workers, with over 49 lakh beneficiaries registered by December 2023. The eShram portal was launched in 2021 to create a national database for unorganised workers, helping with social security and portability. Additionally, the Shram Suvidha Portal was developed to streamline compliance, improve transparency, and facilitate online registrations, returns, and inspections across multiple labour sectors..... [read more](#)

OPPORTUNITIES

ILO 9th Regulating for Decent Work Conference | Call for Abstracts

Abstract submission: Feb 10, 2025

The theme of the conference is Strengthening labour institutions and worker voice to deliver decent employment and it will be held at the International Labour Office, Geneva, Switzerland from 2-4 July 2025. For further details please visit the conference website at: www.ilo.org/rdw2025
<https://adestra.ilo.org/c/1NG9Q8Sj6jnRTwazdmQbw4w4Zy>

Panel on the future of work beyond growth through labour law at the 18th Conference of the International Society for Ecological Economics (ISEE) and the 11th International Degrowth Conference

Abstract submission: Jan 20, 2025

Elise Dermine, Juliette van Ypersele and Anja Eleveld are organizing a panel on the future of work beyond growth through labour law at the 18th Conference of the International Society for Ecological Economics (ISEE) and the 11th International Degrowth Conference (Oslo 24 - 27 June 2025). Labour lawyers and social security lawyers working on this subject can submit an abstract for our panel. For further details: <https://isee-degrowth2025.no/calls-and-registration/ss180>

Journal of National Law University Delhi

Apply By: Jan 15, 2025

The Journal of National Law University Delhi is the flagship journal of National Law University Delhi. It is a general, double blind peer reviewed journal that publishes original articles in all branches of law, along with separate sections devoted to recent developments in the legislative, judicial and policy fields, case comments and book reviews. The journal seeks to provide a platform for engaging in multi-disciplinary and critical legal discussions on themes of law, society, and justice. For more information: https://nludelhi.ac.in/wp-content/uploads/2024/09/JNLUD_Call-2025-15.09.2024.pdf

International conference “Right to strike under attack – legal counterstrategies” - 28 February in Berlin

Registration Deadline: Feb 27, 2025

The European Lawyers for Workers (ELW) is holding an international conference entitled “Right to strike under attack – legal counterstrategies”. The topics of the conference will include the ICJ opinion on the right to strike under ILO Convention No. 87 and recent rulings by the European courts. The conference will take place on 28 February in Berlin. There will be time for further discussion on 1 March. The conference will be simultaneously interpreted into German, English and Spanish.

For further information: <https://elw-network.eu/european-labour-law-conference-right-to-strike-un...>

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