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**CENTRE FOR LABOUR LAW  
RESEARCH AND ADVOCACY**



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

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

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

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

Best regards,  
**Sophy**

# LABOUR LAW INSIGHTS

Decoding Labour Discourse: Insights, Updates, and Analysis

## LANDMARK LABOUR JUDGEMENTS

### Supreme Court

#### Workplace

#### ALLEGED RAPE AND MURDER OF TRAINEE DOCTOR IN RG KAR MEDICAL COLLEGE HOSPITAL KOLKATA AND RELATED ISSUES

#### IN RE : ALLEGED RAPE AND MURDER OF TRAINEE DOCTOR IN RG KAR MEDICAL COLLEGE HOSPITAL KOLKATA AND RELATED ISSUES | SMW(CRL) 2/2024

**Facts:** The National Task Force (NTF), was constituted by the Supreme Court in response to violence against medical professionals in light of the RG Kar rape case. It was comprised of doctors from all over the country to give recommendations on modalities to be followed all over the country to ensure the safety of medical professionals. Recently, the NTF reviewed the need for a central law.

**Judgment:** The NTF in its report has opined against the need for a central law to protect healthcare professionals. According to the NTF, the provisions of the existing penal laws are already sufficient to deal with crimes against medical professionals. The NTF report pointed out that twenty-four states have passed special laws to deal with offences against medical professionals. The NTF has also made recommendations to improve the safety at hospitals, such as deployment of trained security personnel, night-shift safety protocols and transportation for medical staff, increasing CCTVs and security checks.

#### Pension

#### PENSION BENEFITS FOR EMPLOYEES RETIRED FROM HIGH COURT OF BOMBAY AT GOA

#### RE PENSION BENEFITS FOR EMPLOYEES RETIRED FROM HIGH COURT OF BOMBAY AT GOA V. STATE OF GOA, WP(C) NO. 464/2023

**Facts:** The Goa government altered service rules for Bombay High Court (Goa bench) staff, deviating from the Chief Justice's draft. This led to pension disparities, causing hardship for retirees, some having to wait 3-7 years for benefits.

**Judgment:** The Supreme Court criticized Goa's justification, deeming the changes unconstitutional and undermining judicial independence as they had been made in contravention with the Chief Justice's directions and without the necessary consultations. It summoned the Chief Secretary of the state to explain the rules' misrepresentation and directed compliance with the original draft rules.

#### Appointment

#### COMPASSIONATE APPOINTMENT IS TO PROVIDE FINANCIAL RELIEF

#### TINKU V. STATE OF HARYANA, 2024 INSC 867

**Facts:** The petitioner sought a compassionate appointment following his father's death in 1997, applying in 2008 after attaining majority. His claim was denied under the rules of the Haryana government, limiting applications to three years post-death.

**Judgment:** The Supreme Court upheld the policy of the government, stating that the aim of compassionate appointments was to provide immediate financial relief. It was thus not a vested right but must be given on proper and strict scrutiny of various parameters to help the family of the deceased out of sudden pecuniary destitution. Accordingly, it dismissed the petition.

## Welfare

**RATION CARDS ARE LIMITED BY THE STATUTORY LIMIT AND EXCESS RATIONS CANNOT BE GRANTED**

### **IN RE: PROBLEMS AND MISERIES OF MIGRANT LABOURERS MA 94 OF 2022 IN SMW(C) NO. 6 OF 2020**

**Facts:** The Supreme Court was hearing the matter pertaining to providing free ration cards to migrant workers and unskilled labourers found eligible under the e-Shram portal. The petitioners had sought food security for unregistered migrants outside the NFSA coverage.

**Judgment:** The Union Government informed the Supreme Court that under the National Food Security Act (NFSA), it cannot issue ration cards to migrant workers beyond the statutory ceiling of 81.35 crore beneficiaries. The Union stated that to breach such a limit would be to render the legislation open-ended. The Supreme Court in response expressed concern about food security for all workers, urging the government to reassess implementation frameworks to address migrant needs. The matter was adjourned for further deliberation.

## Regularization

**WRIT COURTS TO NOT REAPPLY MIND AFTER THE TRIBUNALS WITHOUT CONPELLING REASONS**

### **GANAPATI BHIKARAO NAIK V. NUCLEAR POWER CORPORATION OF INDIA LTD., 2024 INSC 871**

**Facts:** The appellant, employed under a rehabilitation scheme, was terminated after allegations of fraud regarding his marital status. The Labour Court reinstated him, but the High Court overturned this decision.

**Judgment:** The Supreme Court held that Labour Court's factual findings should not be disturbed by writ courts without compelling reasons. The High Court's interference was deemed erroneous as it had ignored some relevant materials, and emphasized that the writ courts should not apply their mind again to the case on appeal once a Labour Court has issued a ruling on the merits.

## Recrutment

**ELIGIBILITY CRITERIA MUST REMAIN FIXED AFTER RECRUITMENT STARTS UNLESS THE GOVERNING RULES EXPLICITLY ALLOW CHANGES**

### **TEJ PRAKASH PATHAK AND ORS. V. RAJASTHAN HIGH COURT AND ORS., 2024 INSC 847**

**Facts:** The Rajasthan High Court had invited applications for law graduates for several posts, but had changed the cutoff criteria after the process had commenced. A three-judge bench of the Supreme Court had held that once the recruitment process commences, the State cannot change the eligibility criteria, but were undecided as to whether this should also apply to changing the procedure for selection. In that context, the Court directed for the matter to be placed before a larger Bench, which was answered in this case.

**Judgment:** The Supreme Court ruled that eligibility criteria must remain fixed after recruitment starts unless the governing rules explicitly allow changes since recruitment commenced from the issuance of the advertisement calling for applications. Such alterations must also comply with Article 14 of the Constitution to prevent arbitrariness. It reaffirmed that select lists do not confer automatic rights to appointment, and the State could choose for bona fide reasons to not fill up the vacancies. The judgment stated that the appointing authority, in the absence of rules to the contrary, can devise a procedure for the selection of a candidate suitable to a post. It may also set benchmarks for different stages of the recruitment process. But if any such benchmark is set, the same is to be stipulated before the commencement of that recruitment process.

## Maternity

**SUPREME COURT SOUGHT RESPONSE ON LENGTH OF MATERNITY LEAVES FOR ADOPTIVE MOTHERS**

### **HAMSAANANDINI NANDURI V. UNION OF INDIA, W.P.(C) NO. 960/2021**

**Facts:** The petitioner, an adoptive mother, challenged Section 5(4) of the Maternity Benefit (Amendment) Act, 2017, which restricts maternity leave for adoptive mothers to 12 weeks only if the adopted child is under three months old. She argued this provision is arbitrary, impractical, and violative of Article 19(1)(g), citing procedural delays in adoption processes.

**Judgment:** The Supreme Court sought a response from the Union in the pursuit of public interest as to the rationale of entitling only a woman who adopts a child below the age of three months to maternity benefits. The matter was posted for final disposal on 17th December, 2024.

## Termination

**EMPLOYER MAY TERMINATE FOR ABANDONMENT OF DUTY, PROVIDED IT MAKES SUFFICIENT ATTEMPT TO COMMUNICATE**

### **LIFE INSURANCE CORPORATION OF INDIA & ORS. V. OM PARKASH, CIVIL APPEAL NO. 4393/2010**

**Facts:** The respondent, an employee of LIC, was absent from duty without informing the employer. Despite multiple notices to resume duties, he failed to respond, and was eventually terminated under the Staff Regulations of the appellant for abandonment of service. He later contested the termination, arguing a lack of inquiry before dismissal.

**Judgment:** The Court upheld the employer's right to terminate the employee for abandonment of service, provided the employer makes reasonable attempts to communicate with the employee about his absence from duty. The SC upheld the termination decision, stating that the employee's absence, failure to communicate, and concealment of new employment can justify such an action and the employer can treat such as abandonment of service.

## Regularization

**COURT UPHELD THE RECRUITMENT OF THE CANDIDATES ACQUIRING QUALIFICATION BY THE INTERVIEW AND ORDERED REINSTATEMENT**

### **MUKUL KUMAR TYAGI V. THE STATE OF UTTAR PRADESH & ORS., CIVIL APPEAL NO. 9026 OF 2019**

**Facts:** Candidates selected for Technical Grade-II (Electrical) roles in 2014 were terminated due to not possessing a requisite certificate at the time of application, although they held it by the interview date. They challenged the termination, claiming it was arbitrary and inconsistent with judicial orders.

**Judgment:** The Supreme Court recently found that Uttar Pradesh Power Corporation Limited "grossly erred" in terminating the services of those Applicants who were duly selected and possessed the certificate for computer literacy at the time of interview as required in the advertisement. Exercising extraordinary powers of complete justice under Article 142, the Court directed that those candidates who possessed/produced the certificate at the time of interview and were a part of the original select list be reinstated.

## Pension

**PENSION AND SERVICE BENEFITS OF JUDGES CANNOT BE DIFFERENTIATED BASED ON THE SOURCE OF THEIR APPOINTMENT**

### **JUSTICE AJIT SINGH (RETD.) V. UNION OF INDIA AND ORS., WP (CIVIL) NO. 102 OF 2024**

**Facts:** The All India Judges Association challenged the low pension received by retired Allahabad High Court judges, particularly those elevated from the district judiciary. The pensions received could be as low as Rs. 6000-7000 per month. The petitioners argued the disparity in pension between judges appointed directly and those elevated from the district judiciary was arbitrary and unconstitutional.

**Judgment:** The Supreme Court expressed shock and concern at such low figures, which they observed was due to differences in the pension rules and disparities between states. It further stated that the pension and service benefits of judges cannot be differentiated based on the source of their appointment, and decried the practice of treating elevated judges separately. It directed the Union to address the issue, emphasizing fairness and parity in pension benefits for all judicial officers.

## Proceedings

**RECORDING EVIDENCE IS MANDATORY IN PROCEEDINGS, OR FAIRNESS AND TRANSPARENCY**

### **SATYENDRA SINGH V. STATE OF UTTAR PRADESH & ANR., 2024 INSC 873**

**Facts:** The appellant faced disciplinary proceedings based on allegations of irregularities. The issue involved the failure to record evidence in disciplinary proceedings where major penalties were proposed against an employee. The appellant challenged the decision, arguing that the lack of evidence recording violated the principles of natural justice.

**Judgment:** The Supreme Court ruled that recording evidence is mandatory in such proceedings, emphasizing that it is crucial for maintaining fairness and transparency. The Court held that non-compliance with this procedural requirement renders the proceedings unjust.

# High Court

## Bombay High Court

1. Maharashtra State Cooperative Cotton Growers' Marketing Federation Ltd. v. Appellate Tribunal, Employees Provident Fund, 2024:BHC-NAG:12276 - Retention allowances paid to seasonal workers is to be included for PF contributions under the EPF Act, 1952.
2. Rakesh Lal Meena and Others v. Union of India through the Secretary, Ministry of Home Affairs and Ors., 2024:BHC-AS:42704-DB - Long-term contract employment cannot override regular recruitment process.
3. Maharashtra Rajya Bandhkam Kamgar Sanyukt Kriti Samiti vs State of Maharashtra, WP (L) 33597 of 2024 - Registration, renewal and welfare schemes for construction workers cannot be suspended citing the Election Code's suspension of administration.
4. Air India Charters Ltd. v. Tanja Glusica, First Appeal No. 1854 of 2013 - Imposition of penalty upon principal employer under Employees Compensation Act is unjustified.

## Calcutta High Court

1. Tata Steel Limited (Hooghly Met Coke Division) Haldia Contractors' Mazdoor Sangh and Another v. State of West Bengal and Ors., W.P.A.8602 of 2023 - The Calcutta High Court has quashed a notification by the State of West Bengal through which the state government sought to regulate employment of persons to private industrial establishments.

## Delhi High Court

1. Godambari Raturi v. Employee State Insurance Corporation Ltd. & Anr. (Neutral Citation: 2024:DHC:8647 - Special incentives given to employees cannot be treated as part of wages.
2. Dr. G K Arora v. State & Anr., 2024:DHC:8394 - Harsh decisions by an employer in the absence of mens rea do not amount to abetment of suicide.

## Gujarat High Court

1. Rajkumar Sitaldas Keswani v. General Manager & Ors., R/Letters Patent Appeal No. 964 Of 2017 In R/Special Civil Application No. 20726 Of 2015 - An Industrial Tribunal cannot delve into the fairness of the procedure in the absence of inquiry officer's report.
2. I C Mahida - M.D. Of Surat District Co-Op Bank Ltd v. State Of Gujarat & Ors., 2024:GUJHC:51682 - Merely being the caretaker of a society does not attract vicarious liability for non-deposit of provident fund.

## Jammu and Kashmir High Court

1. UT Of J&K v. Sajad Ahmad Shah & Anr., LPA No.111/2020 - Absence from duty does not imply automatic termination and a fair hearing is still essential.

## Karnataka High Court

1. The Taj West End Hotel v. Sri K. Venkateshwrit Petition No.1474 of 2020 (L-TER) - Leniency cannot be shown to an employee once the fact of theft or misappropriation has been proven, regardless of the value of the stolen item.
2. Nagaraj G K v. The Hon'ble Addl. Labour Commissioner & Ors., WP No. 28361 Of 2024 - Appellate authority under POSH Act has implied power to consider passing of interim order of stay pending the final decision.
3. S Purushothama v. The Chairman & Ors., Writ Petition No. 26318 Of 2023 - Insubordination is a malady in public service, and cannot be viewed leniently.

## Kerala High Court

1. Adv P U Ali v. High Court of Kerala, WP(C) NO. 40455 OF 2024(R) - The Court is set to review whether the upper age limit of 55 years is justified for mediators.

1. Jannath v State of Kerala & Other Cases, WPC No. 31205 of 2024 - The High Court appointed a Amicus Curiae to collect different perspectives for drafting a law special to women, especially in the workplace.
2. Superintendent of Police and Others v. V. V. Kumaran, 2024:KER:79223 - If the charges and evidence are the same in criminal and departmental proceedings, then acquittal in the criminal case absolves the employee from departmental proceedings.
3. Aneesh Kumar v. State of Kerala, WP(C) NO. 38724 of 2024 - The High Court admitted a plea against the 'meagre wages' and in violation of minimum wage standards, contending that this would amount to forced labour under Article 23 of the Constitution.

### Madras High Court

1. X v. State, W.P.(MD)Nos.13981, 9747 & 12601 of 2024 - The Madras High Court has directed the State of Tamil Nadu to frame rules for the effective implementation of the POSH Act.
2. S.Saravanan v. The Director General of Police, W.A(MD)No.831 of 2022 - Executing a security bond for good behaviour cannot be construed as criminal proceedings and the same cannot be used to deny an applicant employment.
3. G.Kulanchiyappan v. Vice Chancellor, IMU, 2024:MHC:3667 - Long service and transparent recruitment merit regularization despite the absence of explicit rules.
4. A Suhail v. State of Tamil Nadu & Ors., W.P.No.22766 of 2021 - A self-financing institution which is run by a temple would not come within the purview of Article 16(1) and Article 16(2) of the Constitution, and thus could impose "Hindu-only" requirements in appointments.
5. DMK ICF Labour Union v. Union of India, 2024:MHC:3605 - The Court directed the implementation of a Secret Ballot System for trade union recognition in the Railways replacing the existing Staff Council model, setting a precedent.
6. S Kalavathi v. State & Ors., W.P.No.19668 of 2024 - Prisoners cannot be treated as slaves and compelled to do work in inhuman ways.
7. M. Palanisamy v. The Director of Town Panchayats, 2024:MHC:3620 - The Court cannot direct promotions outside established rules and seniority framework.
8. The Union of India v. The Registrar, CAT, 2024:MHC:3636 - Chronic vacancies and essential service needs justify the regularization of contract employees despite Article 320 of the Constitution.
9. Sujatha v. The Additional Chief Secretary to Government & Ors., WP No.31526 of 2024 - The Court decried the practice of deploying "uniformed personnel" in the residences of higher police authorities and prison authorities, and called for stringent government action to stop this practice.

### Punjab and Haryana High Court

1. Punjab and Sind Bank v. Jai Singh & Ors., 2024:PHHC:136054 - Criminal acquittal cannot revive a dismissed labour dispute, especially after an unreasonable delay.





## International Cases

### Permanent retention pay

ATTEMPT TO REMOVE PERMANENT RETENTION PAY VIOLATES THE CONTRACTUAL RIGHTS OF THE EMPLOYEES IF IT CREATES LEGITIMATE EXPECTATIONS

### MISS E CAROZZI V. (1) UNIVERSITY OF HERTFORDSHIRE (2) MS A LUCAS: [2024] EAT 169

**Court:** Employment Appellate Tribunal (EAT), United Kingdom

**Facts:** The claimant alleged direct religious and race discrimination linked to remarks about the claimant's Brazilian accent and further victimisation when she complained of such discrimination.

**Judgment:** The EAT held that the employer's conduct fulfilled the test of the British Equality Act of 2010. Under the legislation, for harassment to occur, the conduct must only be "related to" a protected characteristic of an individual, and does not have to be "because of" the characteristic. The protected characteristic need not motivate the conduct; it is sufficient that the behaviour is related to it and has the purpose or effect of violating dignity or creating a hostile environment. The EAT also recognised that comments about a person's accent could relate to their race if the accent is part of their ethnic identity. The claimant's appeal on this ground was upheld.

### Bonus

PRE-TERMINATION HEARINGS CAN BE PROTECTED UNDER CONFIDENTIALITY IF DONE CORRECTLY

### MR KEVIN GALLAGHER V. MCKINNON'S AUTO AND TYRES LTD: [2024] EAT 174 (UNITED KINGDOM)

**Court:** Employment Appellate Tribunal (EAT)

**Facts:** The claimant was an employee brought a claim for unfair dismissal after his role was terminated due to redundancy. Before his dismissal, the employer held a meeting with him, described as "off the record," where he was offered a settlement agreement. The claimant sought to introduce evidence of this pre-termination negotiation in his claim. The lower tribunal held that these discussions were now inadmissible.

**Judgment:** The EAT upheld the lower tribunal's ruling and found that pre-termination meetings, including offers and settlements, when conducted properly and without undue pressure would be protected under confidentiality laws. Accordingly, such pre-termination discussions could not be brought up in future redundancy proceedings. This case highlights the importance of due process and procedure even in pre-termination discussions for employers and employees.

### Work

HOLISTIC EVALUATION OF THE POSITION HELD ESSENTIAL WHEN DECISION IS TO BE MADE ON THE PAYMENT AND RESPONSIBILITIES

### DR NIGEL MACLENNAN V. THE BRITISH PSYCHOLOGICAL SOCIETY, [2024] EAT 166 (UNITED KINGDOM)

**Court:** Employment Appellate Tribunal (EAT)

**Facts:** The claimant was a charity trustee who was elected to the role of President-Elect, and thus sat on the Board of Trustees responsible for the management and administration of the charity in a pro bono capacity. During his tenure, he made several protected disclosures (whistleblowing) and was eventually terminated from this position. He claimed that he should be treated as a worker in order to be protected for whistleblowing. The lower tribunal held that he was not a worker, as there was no written contract between the employer and the claimant and further that the claimant worked in an unpaid capacity.

**Judgment:** The EAT held that the actual position and responsibilities of the position must be looked into, and stated that the lower tribunal had not considered the claimant's significant responsibilities as a trustee sufficiently seriously and had focused too narrowly on the issue of his unpaid, volunteer status. Although the EAT noted these were relevant factors, they were 'not determinative', and accordingly remitted the case back to the lower tribunal. This ruling may be notable for resulting in charity trustees and several kinds of volunteers being legally protected from whistleblowing detriment.

# POLICY AND LEGISLATIVE UPDATES

## HARYANA INTRODUCES ONLINE DASHBOARD TO STREAMLINE LABOUR SERVICES

The Haryana Labour Department has launched an online dashboard (Order No. 3741, October 15, 2024) to enhance ease of doing business and support industrial growth. This initiative complies with the DPIIT's national reforms to simplify regulatory processes. The dashboard provides real-time updates on applications, including submissions, approvals, and statutory fees paid for services under laws such as the Contract Labour Act, Shops and Establishments Act, and Factories Act. Applicants can track information day-wise or application-wise, and updates will display the last refreshed date and time for transparency. The move is expected to reduce administrative delays, enhance efficiency, and make compliance easier for businesses. By digitizing critical services, Haryana aims to attract more investment and strengthen its industrial ecosystem.

## EPFO ISSUES GUIDELINES FOR DIGITAL SIGNATURE CERTIFICATES (DSC/E-SIGN)

The Employees Provident Fund Organization (EPFO) has introduced guidelines (File No. Compliance/SOP(DSC)/2022/5550, October 10, 2024) to streamline the approval process for Digital Signature Certificates (DSC) and E-Signs as part of its e-governance initiative. The guidelines ensure authenticity and prevent misuse of DSC/E-Signs used for statutory documents and returns. Requests must be submitted on official letterheads, include three specimen signatures, and be countersigned by the employer with a visible name and seal. Additionally, Form 5A (establishment details) must be up-to-date in the EPFO system or attached with the request letter. Non-compliance will result in rejection of requests. These measures aim to enhance transparency, secure transactions, and streamline the digital authentication process, facilitating ease of business for employers and establishments.

## KERALA UPDATES LABOUR WELFARE FUND RULES WITH DIGITAL FEATURES

The Kerala Labour and Skills Department amended the Kerala Labour Welfare Fund Rules, 1977 (Notification No. G.O. (P)No.68/2024/LBR, October 1, 2024), introducing digital functionalities. Key changes include enabling online payments, transferring funds directly to beneficiaries via NEFT or modern banking systems, and allowing the electronic maintenance of registers and forms. The amendments aim to modernize fund management, reduce administrative burdens, and improve accessibility for workers and beneficiaries. Employers and fund administrators can now manage records more efficiently, ensuring timely disbursement of benefits. By integrating digital technologies, the Kerala government seeks to strengthen its welfare framework and enhance service delivery, reflecting a commitment to worker welfare and administrative efficiency.

## ESIC URGES IMMEDIATE ACTION ON AADHAR SEEDING

The Employees State Insurance Corporation (ESIC) issued directives (File No. I-21013/1/2022-ICT-Part(1), October 21, 2024) to address a significant decline in daily Aadhar seeding counts. Regional and sub-regional offices have been instructed to take corrective actions immediately. Measures include enabling Aadhar seeding through IP and employer portals, facilitating bulk seeding for employers, and providing support via ESIC branches. Additionally, the AAA+ mobile app has been updated to allow convenient Aadhar linking using OTPs or face identification. Employers can also generate new insurance numbers for employees through biometric verification. These initiatives aim to ensure robust compliance with Aadhar requirements, streamline employee records, and improve access to ESIC benefits.

## EPFO RATIONALIZES BENGALURU OFFICES AND ADDS TWO NEW UNITS

The Employees Provident Fund Organization (EPFO) has approved the rationalization of Bengaluru regional offices (Order No. HRD/50/2023, October 25, 2024). This decision follows recommendations made during the 103rd Executive Committee meeting held on October 19, 2024. The reorganization involves redistributing workloads among existing offices with overlapping jurisdictions to balance resources more effectively. Additionally, two new regional offices have been sanctioned for Bengaluru to address the growing demands in the region. The current total sanctioned staff strength will remain unchanged, with employees reallocated proportionally based on workload. Jurisdictional details, including pin code distributions, are included in the annexures to the order. This move aims to enhance operational efficiency and improve service delivery for EPFO beneficiaries in Bengaluru and surrounding areas.

## DESK DISPATCHES

# Unionizing for Change: The Case for Worker Empowerment at Samsung India and Beyond

Shreya Jain, Rajiv Gandhi National University of Law, Patiala

## Abstract

This article discusses the strike at Samsung India, focusing on the workers' demand for the recognition of the Samsung India Workers Union (SIWU) under the Trade Unions Act of 1926. Despite the withdrawal of the strike following negotiations, the workers' quest for union recognition remains unresolved. Drawing on insights from Nobel laureates Daron Acemoglu, Simon Johnson, and James A. Robinson, the article tailors the concepts of 'extractive' and 'inclusive' institutions to the micro-level dynamics of labour relations. It advocates for collective bargaining, recognised by catena of cases in India, as a means to empower workers and foster a cooperative relationship with management, aligning with theories from Kahn-Freund and Sinzheimer on economic democracy. By highlighting successful models like Tata Steel, the article underscores the necessity of an inclusive institutional framework for sustainable organizational growth and the resolution of labour conflicts. Ultimately, in consonance with the theory of 'constitutionalization of industrial relations', it argues that legal recognition of trade unions is crucial for enhancing worker representation and promoting a level playing field within the enterprise.

Introduction: Recalibrating Labour Relations

At the heart of the protests by Samsung India workers at Sriperumbudur in India lie the demand for registration of their trade union-Samsung India Workers union ("SIWU") under the Trade Unions Act, 1926. It is the version of the State Government and Samsung that SIWU is backed by the Centre of Trade Unions ("CITU"), having communist leanings. Workers have also raised issues pertaining to stressful work intensity, low wages and rigorous overtime targets. The strenuous working conditions in these enterprises is driven by their management mantra of *Kaizen*, having origins in the post-World War II Japanese quality circles. The Japanese production method of *Kaizen* involves 5 steps to increase work efficiency drastically- identification and analysis of the problem, developing solutions, implementing solutions, reviewing and standardization. It aims to create a regimented approach to continuous improvement in the factory by ensuring that there is maximum utilisation of labour at minimum costs and subsequent reduction in idle time of workers. While the strike has been withdrawn after negotiations between the workers and Samsung management, their demand for recognition of SIWU remains unrealised.

In this article, the author proposes that the studies pertaining to "how institutions are formed and affect prosperity" carried out by three US-based economists (Nobel Prize in Economics awardees, 2024) - Daron Acemoglu, Simon Johnson and James A Robinson on a macro level can pave the way forward for the resolution of these issues faced by enterprises like Samsung on a micro scale. Accordingly, in the further sections of the article, the demarcation between 'extractive and inclusive institutions' carved out by the economists influencing the trajectory of growth of nations would be tailored to be applicable to the micro-level dispute at hand. Furthermore, the theories proposed by Sinzheimer and Kahn-Freund would be synced with the concept of 'inclusive institutions' to lay stress on the idea of collective bargaining to amicably resolve the dispute by agreement rather than coercion. The legal position in India with respect to formation of associations and collective bargaining, stemming from the case of *B.R Singh v. UOI* would be analysed to chart the course for future resolution of these disputes between the workers and the management.

## Extension of Democracy from the Political Sphere to the Economic Sphere- an Inclusive Institutional Framework

The tale of Nogales, on the border between USA and Mexico, is taken as a reference by the economists to analyse the demarcation in their institutional framework, responsible for the remarkable difference in the progress and prosperity of the two regions despite their cultural homogenisation. Nogales which is cut in half by a fence has two parts- North Nogales and South Nogales. North Nogales in Arizona, USA is a wealthy area with long lifespans, high school diplomas, secure property rights, and free elections. However, compared to South Nogales in Sonora, Mexico, residents are generally poorer, face organized crime, and struggle to replace corrupt politicians. The key difference lies in their type of institutions, not geography or culture. North of the fence residents benefit from the USA's economic system, which is open and democratic, while south residents face challenges owing to the lack of political and economic freedom.

This reflects the difference between 'extractive institutions' and 'inclusive institutions' which on a macro-scale determines as to why nations succeed or fail. Institutions connote the rules that govern and shape the symbiotic life of politics and economy and

can either be extractive or inclusive. The purpose of extractive institutions is to steer the economic rewards towards a relatively small elite. Two dimensions characterise extractive institutions: concentration of power economically and constrained political freedoms which results in deep economic pain. The economists take the instance of Mexico where political institutions were extractive as the PRI was most dominant and there was dearth of inclusiveness. This resulted in the post-Revolutionary state economically weak in many aspects, such as in the fiscal system which led to a meagre 10% of national income as tax revenues till the 1970's, resulting in inadequate infrastructure in the state. In contrast, inclusive institutions push for a mechanism in which power is vested with a broad coalition. Politically inclusive institutions propel economically inclusive institutions which harness energy, creativity and entrepreneurship in society by providing for incentives and opportunities. Scandinavian countries (characterised by high development) exemplify this ecosystem, where mutually reinforcing institutions grounded in democracy provide both political choice and freedom in economic activities to their citizens. Accordingly, democracy has been classified as an imperative 'inclusive' institution for long term economic prosperity.

These insights with respect to democratisation and inclusive institutional framework on a nationwide scale remains equally valuable to determine the trajectory of growth of an enterprise which is contingent on the cordial relations between the management and the workers. Collective Bargaining, an attribute of democracy and 'bottom up approach' is effectuated by unionisation of workers.

Kahn Freund's theory of 'collective laissez faire' and Sinzheimer's theory of 'constitutionalization of industrial relations' resonates with this aspect of democratisation and 'inclusive institutional framework' on a micro scale. The base of Kahn Freund's theory was the postulation of two universal truths. Firstly, 'in a contract of employment, there exists an inequality of bargaining power between the employer and individual worker as in this relation, one is a bearer of power and one is not which results in submission by the individual workers'. Secondly, there is a perennial conflict in any enterprise between the aims of management and those of labour as the aim of the management is to maximise investment and the priority of labour is high wages. From these two universal truths emerge two requirements: strengthening the bargaining chip of the workers and a method of regulating the conflict between the management and labour. To alleviate the inequality of bargaining power between the employer and employee, collective worker representation limited to representation by trade unions in collective negotiations with management is the solution proposed by Freund. As per Freund's **scheme**, collective negotiation determining the terms and regulations is more feasible and desirable than statutory regulation as collective negotiation spearheaded by trade unions is more flexible and creates an equilibrium between both parties. The role of law is to act as a countervailing mechanism to minimise the inequality of bargaining power which is inherent in the employer-employee relationship.

This is where Sinzheimer's theory of 'constitutionalization of industrial relations' holds relevance as he argued that the transfer of ownership from capitalists to workers as suggested by Karl Marx would not, by itself, redress the issue relating to private ownership of the means of production. It was the transfer of the power to manage and not mere transfer of ownership that is relevant to the domain of democratisation of the economic sphere (which determines prosperity and progress of a nation). His theory syncs with the theory of 'inclusive institutions', when he argued that democratization in the political sphere does not suffice and it is only when political democracy is supplemented with economic democracy, to be effectuated by the elimination of despotism at the workplace and entrenched through constitutionalization, would true democracy be realised. Accordingly, constitutionalization of industrial relations is instrumental to bring equity in the economic sphere and to free workers from the subservience inherent in the relation of employment.

### **Way Forward- A Blueprint for Resolving Labour Disputes**

In light of the discussion in the previous section, it is argued here that an 'inclusive institutional framework' which grants room to the workers to express their grievances through collective bargaining would pave the way forward for prosperity in an enterprise. Sustained growth in an organisation is possible when they move away from an extractive political institutional framework to one which is inclusive. Political inclusiveness has a positive correlation with the economic progress and prosperity of the nation at macro level and an enterprise at a micro level. As long as the purpose of the enterprise is to concentrate the fruits of produce to a relatively small elite ("the management") and constrain economic freedom of the workers by curtailing the recognition of their trade union, it would stay in the trap of an "extractive institution", acting as a bottleneck obstructing structural changes in the organisation. An inclusive institutional mechanism in enterprises like Samsung promise power being devolved to multiple stakeholders including the workers, resulting in manifold increase in productivity of labour as empowering them would provide them an incentive that their future gains will not be expropriated by the management. Power maximalization by the management runs contrary to the idea of economic democracy proposed by Sinzheimer.

Accordingly, to minimise the inequality in the bargaining chip of the workers in an enterprise like Samsung, 'constitutionalization of industrial relations' (countervailing force) is paramount, which can be attained when their trade union-'SIWU' is registered under the Trade Unions Act, 1926. The registration of their trade union would pave the way forward for

collective bargaining and correspond with the solution proposed by Freund to resolve the unending conflict between the workers and management as it would place the workers on an equal pedestal, leading to redressal by collective negotiation. A case at point is Tata Steel, which provides for an 'inclusive institutional framework' in the organisation and serves as an inspiration for collective bargaining, contributing to the overall strength of the enterprise. Tata Steel has attained the unique distinction of being a world-renowned steel manufacturer through careful employee consultation and engagement. Tata Workers' Union traces its roots to the Jamshedpur Labour Association in 1924, which was active in raising complaints relating to absence of weekly rest days, gruelling working hours and low wages to women employees. The company believes that the advancement of the union and management are closely intertwined as a responsible union that consistently meets the needs of the Company, and an experienced management that shares its wealth with the employees and looks out for their welfare contributes to the success of the enterprise.

This position is in consonance with the dicta laid down in the case of B.R Singh v UOI, where the court recognised the right to form association or unions as a fundamental right under Article 19(1)(c) of the Constitution, actualised by **Section 8** of the Trade Unions Act which provides for registration of a trade union. The rationale for registration of a trade union was to confer certain rights on trade unions for voicing the grievances of labour and act as mouthpieces for their demands. Furthermore, in line with Freund's theory, the case of Karnal Leather Karamchhari V. Liberty Footwear company spelled out that the purpose of the Trade Unions Act, 1926 was to achieve social justice through collective bargaining. The court reiterated that the recourse to amicable agreement and voluntary arbitration between labour and management, which is imperative for the dispensation of justice in industrial adjudication warrants collective bargaining.



# Collective Bargaining Challenges in the entertainment industry: Lessons from the Sag-Aftra Strike

Authors: Bharti Meena and Aayushi

## Introduction

The entertainment industry is always characterised by the forces of change and innovation. The nature of the creative work involved is changing rapidly with the advent of newer technologies and streaming services. The people making up this industry include Directors, producers, actors, technicians, camera operators etc. having their own bundle of rights which are often ignored in the glamorous world of lights and camera. One of the ways in which their rights can be protected is through the process of collective bargaining, an efficient tool in the hands of workers.

The process of collective bargaining, a negotiation between the employers and the employees related to working conditions, wages, working hours, and security, has a long and complex history with respect to the entertainment industry. The role of Collective Bargaining becomes all the more crucial in protecting workers' rights. The movie unions and the employers (in the case of entertainment industry, production houses & Studios) negotiate and enter into Collective Bargaining Agreements ("CBAs") whereby they decide terms and conditions like wages, employment benefits, working hours, safety protocols on sets etc. One of the controversial areas in the entertainment industry pertains to the issue of residuals and royalties[1] which are essentially payments that are given to the performers and actors when their work is reused repeatedly like in reruns or streaming etc. One another aspect where collective bargaining plays an important role is with respect to health plans and pension. The agreements help in ensuring long-term health benefits for the union members in an area which is characterised by unstable employment.

Today's generation may find the idea of a 'movie union' relatively new, however, it is interesting to know that unions or organised groups of professionals which protect their members have been there for a long time. Professionalisation in the entertainment industry began in the early 20th century with the inception of Hollywood and the growing popularity of films, radios and later televisions. However, the working conditions including the wages, the long hours, the unsafe work environment, of the workers in the industry were horrible. To combat such conditions, the idea of unions, societies and guilds became popular. The International Alliance of Theatrical Stage Employees ("IATSE")[2] was one of the earliest movie unions founded as early as 1893 which catered to a variety of professions in the entertainment industry and had different branches and compartments focusing on individual concerns. One another union which was established in 1933 is the Screen Actors Guild as it was then known, which we now know by the name of SAG-AFTRA comprising the Screen Actors Guild and American Federation of Radio Artists (the merger took place in 2012)[3].

The SAG-AFTRA has conducted strikes since its inception, the latest one being in 2023. The concerns of the entertainment workers have now changed with the advent of Artificial Intelligence (AI) and OTT Platforms, the problem with residuals and royalties, the financial implications for the workers etc. Movie Union strikes have been an important feature of the entertainment industry since its inception. The Writers Guild of America[4] (WGA) has conducted many strikes in 1960[5], 1988[6] and 2006-07[7] for payment of residuals, internet distribution, compensation to script writers etc. Similarly, IATSE has also conducted strikes, most recently in 2021 where the issues were with regard to payment, working conditions etc. of behind-the-scene workers[8]. SAG-AFTRA has also conducted many strikes like in 1980 where the issue was of home-video rights and the rights of commercial actors. The latest strike by SAG-AFTRA in 2023 is by far the largest strike that has taken place in almost 60 years.

## The SAG-AFTRA Strike: An Overview

With pandemics like COVID-19 halting the running of several businesses across various industries, strikes like the SAG-AFTRA led to a similar outcome. With the formation of multiple labour unions across the world and their initiatives to go on strikes, such a strike was indeed a surprise to the world at large. The reason behind that was the active involvement of big movie stars, small screen actors and other artists – irrespective of their position in the industry to come together for such a cause and support every community in the entertainment industry. Several actors such as Jennifer Lawrence, Mark Ruffalo, Patrick Adams and many others stood in clear support of the strike by signing an open letter with regards to the same.[8]

With the labour union of writers called WGA, the actors joined them to initiate the SAG-AFTRA strike in order to raise their

concerns with regards to negotiations on contract between them and Alliance of Motion Picture and Television Producers (“AMPTP”).[9] AMPTP is an association responsible for representation of various studios and streamers such as Netflix, Universal, Paramount, and many similar streaming services.[10] The main reason behind the widespread protests were the requirements of enhanced wages and working environment. The actors were also alarmed about the particular provisions referring to usage of technologies such as artificial intelligence.[11] Furthermore, residuals [12] were also way less than what they actually deserved. As an actor who has contributed towards the show in the form of their art, expressions as well as skills, they were asking for such a compensation with them being on the right foot. According to the Strike Notice and Order, all the members of the union were forbidden from taking part in a list of varied activities which included, acting, singing, dancing and various other similar activities. [13] This in turn led to there being no actors going for red carpet shows, late night talk shows, not engaging in promotional activities for movies. A clear depiction of a united front was visible across various members of labour unions. The parties utilised the concept of collective bargaining to negotiate the terms and conditions of their agreement. However, they faced certain challenges during this process, which will be discussed further in this paper.

## **Challenges In Collective Bargaining**

### **A. Technological Advancements And Their Impact**

The increasing technological advancements have augmented threats to many professions and industries who have been replaced by the escalated usage of such technologies. The artists and performers face a much larger threat to their livelihood when they are being substituted by artificial intelligence. Initially, the performers had one thing to worry about – which was their performer’s rights. However, now, with the introduction of artificial intelligence, there are growing concerns of less compensation being given even though the studios and streaming sources are earning huge profit.[14] The demand of the performers and artists is informed consent and fair compensation of such usages by the owners of the studios.[15] Further, the performers should be compensated if the studios plan on streaming their performances multiple times. Another peculiar issue which arises is the invention of synthetic performers who would be able to learn from the performances already conducted by the performers and then replicate the same.[16]

When the strike ended in the month of November last year, the members were particularly not happy with the outcome surrounding the regularisation of artificial intelligence. The reason behind it was because of the language in which the protection was given. It was too broad in nature, ultimately leading to creation of loopholes and defeating the purpose with which these negotiations began. The Draft Memorandum of Agreement between the parties in this strike essentially was unable to satisfy the demands of the labour union.[17] Firstly, the provisions exclude the performers from getting any protection against the use of artificial technology, if they earn more than eighty thousand dollars for a film. Secondly, it also says that if there are no substantial changes in the script which is being performed, then no consent is required to be taken from the actors.[18] Thirdly, the only remedy provided in such scenarios is monetary compensation and no such protection with regards to no further usage of the performances is given. This essentially works in the favour of the studios who after paying a meagre compensation could get away with using the performer’s images, performances for lifetime without paying them any compensation for the same. These are only a few of such loopholes which are there in the memorandum which have left the community bewildered.

Another community which has come together to raise their demands in such a strike are the video game performers. Their reason for joining in is to make sure that the producers of such video games and further the streamers are taking their consent before using their voices and furthermore, providing them with fair compensation.[19] With there already being disappointment in the actor’s community with regards to the use of artificial intelligence, this is another setback when it comes to talking about issues that might arise in collective bargaining amongst labour unions. With the rise in inflation, every individual had to suffer through a lot and in spite of that they are coming together as a united front to represent their community. It thus becomes important to actually listen to their demands and then negotiate in a way that does not make their position more vulnerable in the society.

### **B. Residuals And Royalties In The Streaming Era**

There are multiple issues involved when it comes to calculating residuals and royalties in the entertainment industry. From Globalisation to the complex revenue systems, the payment of residuals and royalties has now become a separate area for research in the entertainment industry. Many streaming or Over-the-Top platforms have gained momentum in recent years like Netflix, Amazon Prime Video, Hulu etc. on which the content is often distributed with different pricing strategies like subscription based or ad-supported etc.[20] Moreover, newer technologies like virtual reality (VR), Augmented reality (AR) and Artificial intelligence are generating unique content. So, the unions have to deal with this upcoming technology without any precedent or guidance. Additionally, there are different ways in which revenue is generated in the industry like from theatrical

releases, television shows, home video sales etc. All these channels have their own economic models and thus, calculating residuals and royalties becomes a difficult task.[21] The concept of Bundled deals also presents its own challenges where a group of films or TV shows are sold by the studio to one streaming network thereby making it difficult to calculate the value of individual pieces. There is a power imbalance between the studios and the workers since these big production houses have enormous financial resources and therefore, it becomes difficult for the unions to secure a good deal with them.

Another challenge in this area is currency fluctuations, tax regimes of different countries since globalisation has ensured international content distribution. The lack of transparency presents another new problem for the unions since now-a-days, the streaming platforms release all the episodes on one day which leads to binge-watching and therefore, a decline is observed in the long-term viewership (which was a beneficial point with traditional TV). Moreover, statistics is required in terms of judging viewership, downloads and streaming for the purposes of calculating residuals and royalties. However, the big platforms are very reluctant to share their data which poses a huge problem for the unions.[22]

### **C. Diversity And Inclusion In Contract Negotiations**

Before entering into contract negotiations, it is essential to first assess the situation. This will ensure that the necessary weaknesses of the particular provisions as well as their strengths are being culled out. It is essential to take into account the needs of varied individuals whose rights are getting affected due to the execution of such a contract. After which, it becomes crucial to have a clear vision and set of goals which you, as a union representing the interests of thousands of people, intend to achieve. These goals would only be possible to achieve in a scenario where effective implementation strategies are built. This would lead to enhanced cooperation amongst the members of the union, so that there is less possibility of any inter-community conflicts.

The negotiation strategy adopted by SAG-AFTRA essentially takes into account the concerns of the WGA as well as the Directors Guild of America (“DGA”) in order to put forth a more inclusive approach of the unions. As the situation of the performers and various artists worsened, it became pertinent to actually take into consideration their needs, economic situations such as – inflation. This would further ensure that protection of performers’ rights is done on a more uniform basis.

American President Joe Biden while referring to the way collective bargaining should work stated that: “When both sides come to the table to negotiate in earnest, they can make businesses stronger and allow workers to secure pay and benefits that help them raise families and retire with dignity. Over the last three years, workers have won historic victories that ensure record pay, record benefits, and an economy that grows from the middle out and bottom up. SAG-AFTRA members will have the final say on this contract, but the sacrifices they’ve made will ensure a better future for them, their families, and all workers who deserve a fair share of the value they helped create.”[23]

### **D. Working Conditions And Safety Concerns**

The nature of the entertainment industry is such that it is characterised by long and unpredictable working hours which include night hours, weekends and holidays. The workers sometimes work for around 12-18 hours which ultimately results in stress, fatigue and loss in productivity. The environment on set is often laden with high pressure in terms of fulfilling deadlines on time and budget constraints which leads to loss of focus on safety concerns and protocols for the workers. Workers in the entertainment industry hardly have any job security since they work on a project-by-project basis. One another challenge is the diversity of people involved in the industry. There are actors, directors, electricians, set designers, camera operators etc. which have their own unique set of safety requirements for which a standardised safety protocol is difficult. Moreover, due to this diversity, the specialised unions like DGA for directors, WGA for writers or IATSE for technical crew demand different concessions in the agreements which often leads to problems in negotiation because of lack of unity.

The working conditions on sets can often involve dangerous equipment like machinery etc. which can lead to accidents. The accidental killing of a cinematographer by Hollywood Actor Alec Baldwin is one such example where the woman was killed by what Alex thought to be a dummy gun[24]. Special provisions regarding emergency medical treatment, insurance etc. should be made for stunt performers and body-doubles who often engage in high action battle sequences and are exposed to danger on a daily basis. The mental health of the workers is often put in jeopardy due to the harsh and demanding nature of the entertainment industry and it is important to maintain work-life balance to ensure productivity and mental peace of the workers.

The rapidly changing technology and the advance of newer techniques like virtual reality, Drones and AI pose new challenges for the workers since they are often not able to operate these technologies safely. Moreover, the coming of these technologies generates fear of job displacement for the workers.



## **Economic Implications**

A successful collective bargaining by the unions can have wide economic implications for both the industry and its workers. It can lead to increase in production costs, scheduling conflicts, effects on profits etc. The financial impacts on the industry, effects on production schedules and releases and long-term economic consequences for the workers are some of the most pressing issues in the entertainment industry.

### **A. Financial Impacts On The Industry**

One of the major and immediate economic implications of a successful collective bargaining is the increase in labour costs. When a union secures higher wages and better benefits, the studios and the production houses will have to increase their expenses and divert some funds from other areas like marketing or talent acquisition to meet these expenses. This can lead to budget adjustment and decrease in profit margins especially if the high labour cost is not balanced by increasing revenue. Another financial impact of collective bargaining can be the influence on production decisions of the studios. Due to higher production costs, the studios might go for a smaller number of projects, only greenlighting those shows with the maximum profit potential. Moreover, the production houses may also change the content they produce with their focus being on shows that are less expensive like reality TV or animated series etc. rather than scripted films and dramas.

### **B. Effects On Production Schedules And Releases**

Delays in production are the most expensive consequence of collective bargaining especially if it involves strikes or work stoppage. The production delays will lead to incurring additional costs for the equipment that is rental, location fees and payment to staff and crew. There are also challenges involved if rescheduling is undertaken because the location or key talent are only available for a limited period. These challenges pose bigger problems for small production houses which don't have sufficient financial resources. Delays in production can affect the release dates of the films or shows which can further lead to loss of significant revenue. Producers always try to take advantage of holiday season or summer releases when maximum profit is generated. Missing the release window can lead to losses and delay in the promotional campaigns that are undertaken simultaneously with the release.

### **C. Long Term Economic Consequences On Workers**

A successful collective bargain by the union can lead to better benefits to the workers, during their careers and in retirement like better wages, health benefits and pension flows. This ensures their economic security in the long-term especially if the nature of the work they undertake is sporadic. Negotiating a fair residual payment is also one of the benefits for the workers since they will get paid every time their work is exploited, providing a substantial safety net to these people. While there are positive impacts of collective bargaining, the negative impacts are also there if the bargaining involves strikes and work stoppage since that will lead to loss of income for these workers and financial hardships. The strike can also negatively impact their future career prospects.

## **Legal And Regulatory Framework**

The National Labor Relations Act of 1935[25], also known as the Wagner Act, is one of the major labour legislations in the USA which protects the workers' right to organise, form unions and collectively bargain[26]. It has provisions establishing the National Labor Relations Board (NLRB) which conducts investigations as to whether a strike is lawful or not or whether the employees are liable for employer retaliation. It mediates between the employers and the unions and ensures that no unfair labour practices are undertaken. The decisions by the NLRB can set significant legal precedents for future disputes in the entertainment industry. The law is of particular concern to entertainment unions such as SAG-AFTRA, WGA or IATSE. The law prohibits unfair labour practices by the employers and doesn't include agriculture, domestic workers, airlines and the government workers. The Fair Labor Standards Act of 1938[27] is another important legislation which sets minimum wages, overtime pay and child labour standards. Another related piece of legislation is the Occupational Safety and Health Act of 1970[28] which has provisions for regulating the workplace environment and protection of workers from hazardous environments like exposure to chemicals, heat and cold stress etc.

The entertainment industry has faced a number of strikes since the time of its inception and consequently, it has shaped the legal regime in this sector. The 1940s saw the emergence of Hollywood Blacklist[29] where workers with communist beliefs or ties were denied employment. This led to legal battles which evolved the labour law on worker's right to political beliefs. Another achievement in the entertainment industry came in the 2007-08 WGA strike that led to recognition of new media like streaming services. The payment of residuals for digital distribution was the major aspect of the strike. The strike ensured that

the agreements also changed with changing technology. Similarly, the recent 2023 SAG-AFTRA and WGA strikes also focused on the increasing role of Artificial Intelligence in the industry and the issues with residuals and royalties.

### Emergence Of Strike By The Writers' Guild Of America

While the SAG-AFTRA strike was the one mostly covering performers and artists, another strike was led by the Writers' Guild of America ("WGA"). The needs of the union were similar to the ones raised by SAG-AFTRA revolving around residual rights as well as negotiations over the wages received by the writers.[30] The agreement reached between the parties – although not fulfilling to the greatest extent – had an impact over the entire entertainment industry.[31] There were several issues in which WGA definitely was able to achieve victory such as – increase in the amount of residual money received, increasing weekly pays over the writing period.[32] Furthermore, weekly compensation should be provided to the writers, because at the end of the day, it is the script written by the writers which is going to stream for multiple weeks on these platforms. Thus, it is essential to give them the compensation that they deserve after their immense contribution in this industry.

The collective bargaining which occurred between these stakeholders led to the tentative agreement which took care of the needs of the labour union. Producers of films or series with higher budgets would have to provide a hike in residual payments. [33] On the artificial intelligence aspect they were able to make a stand that the content which is being generated through such sources should be contemplated as a part of literary work.[34] There was another essential demand of the union – increased transparency among the streaming platforms. Looking at these strategies might pave a better way for other unions to negotiate on such a big scale.

### Conclusion

Collective bargaining in the entertainment industry involves complex economic, social and legal factors that interact producing different results for the industry and the workers. While collective bargaining has significant benefits for the entertainment workers in terms of higher wages, health and pension benefits and increase in job security, it poses complex challenges to the studios and production houses who have to manage high labour costs, production delays and legal checks and balances. The balance between the rights of the workers and the viability of the industry is delicate and the role of agencies like NLRB becomes important to maintain that balance. Large-scale strikes such as the 2023 SAG-AFTRA have shown that changing times call for change in the traditional legal regime. The entertainment industry is ever evolving and so is the need for adapting newer strategies that cater to the needs of both the workers and the industry.

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# DOMESTIC LABOUR LAW NEWS

## MANUAL SCAVENGING: FOUR DEPLOYED TO CLEAR WASTE FROM KOVAI MANHOLE

In Coimbatore, officials deployed four manual scavengers to clean manholes without safety gear, violating the Supreme Court and government bans on manual scavenging. The workers, paid ₹550 per day, entered the drains unprotected while officials wore surgical masks. Following public and activist outcry, the officials provided gloves, boots, and masks, photographing the workers for documentation. The incident sparked widespread condemnation. Coimbatore City Municipal Corporation (CCMC) Commissioner M. Sivaguru Prabakaran announced an inquiry to determine if workers were clearing stormwater drains or sewage drains, emphasizing that only external waste removal is permitted. He assured action against those responsible for the illegal deployment. The event highlighted ongoing disregard for laws and worker safety in manual scavenging practices.....[read more](#)

## AMAZON FACES INDIAN COURT SCRUTINY FOR LABOUR CONDITIONS AT WAREHOUSE

Amazon faced legal scrutiny in India for alleged labor law violations at its Manesar warehouse near Delhi. A labor inspection report revealed inadequate safety gear, non-compliance with regulations, and exploitative work conditions. Workers were pressured to meet strict hourly targets and discouraged from taking breaks. An incident in May involved a manager coercing workers to pledge against breaks, leading to disciplinary action. Workers reported monitoring through the ADAPT system, which flagged underperformance and risked job termination. Female workers lacked appropriate clothing near machinery, posing safety risks. The Haryana government submitted evidence in court, with the next hearing set for December. Amazon defended its practices, stating targets were achievable and working conditions competitive. Workers demanded fair treatment and abolition of excessive monitoring. ....[read more](#)

## CHENNAI DOMESTIC HELP MURDER: ARE DOMESTIC WORKERS LEGALLY PROTECTED?

Chennai Police arrested Mohammad Nishad, his wife Nasriya, and four others in connection with the death of a 15-year-old domestic worker in Aminjikarai. The girl, from Thanjavur, had been employed in December 2023 to care for the couple's child. Investigators uncovered evidence of mistreatment, leading to charges under the Protection of Children from Sexual Offences (POCSO) Act. The couple fled after the incident but were located and detained along with their domestic help, Nishad's sister, and two associates. The case highlights ongoing concerns about the welfare of domestic workers, particularly minors, in India. Previous incidents, such as the cases involving diplomat Devyani Khobragade in 2013 and a 12-year-old worker in Assam in 2021, underscore the need for stronger legal protections in this sector. ....[read more](#)

## US LABOUR DEPARTMENT LINKS SUGARCANE HARVESTING IN BEED TO FORCED LABOUR

India's urban unemployment rate for July-September 2024 was 6.4%, slightly lower than 6.6% during the same period in 2023, according to the Periodic Labour Force Survey (PLFS). The unemployment rate for men stood at 5.7%, while it was higher at 8.4% for women, highlighting persistent disparities in job access. The Labour Force Participation Rate (LFPR) for individuals aged 15 and above rose to 50.4% from 49.3% a year earlier, reflecting increased workforce engagement. The Worker Population Ratio (WPR) also improved to 47.2% from 46% in the previous year. The government continues to prioritize employment generation through initiatives like internships, investments, and job portals. Experts emphasize that sustained efforts are needed to create sufficient jobs to meet the demands of a growing workforce.....[read more](#)

## LITTLE CHANGE IN INDIA'S UNEMPLOYMENT RATE IN URBAN AREAS: PLFS DATA

India's urban unemployment rate for July-September 2024 was 6.4%, slightly lower than 6.6% during the same period in 2023, according to the Periodic Labour Force Survey (PLFS). The unemployment rate for men stood at 5.7%, while it was higher at 8.4% for women, highlighting persistent disparities in job access. The Labour Force Participation Rate (LFPR) for individuals aged 15 and above rose to 50.4% from 49.3% a year earlier, reflecting increased workforce engagement. The Worker Population Ratio (WPR) also improved to 47.2% from 46% in the previous year. The government continues to prioritize employment generation through initiatives like internships, investments, and job portals. Experts emphasize that sustained efforts are needed to create sufficient jobs to meet the demands of a growing workforce..... [read more](#)

## FIVE STATES NOT READY WITH DRAFT RULES ON 3 LABOUR CODES: LABOUR MINISTER

Five states did not pre-publish draft rules under the Industrial Relations, Social Security, and Occupational Safety Codes, and four states or Union Territories failed to do so for the Code on Wages, 2019, as reported by Minister of State for Labour & Employment Shobha Karandlaje in Parliament. The minister emphasized that labor falls under the Concurrent List, and both central and state governments hold rule-making authority.

The central government pre-published draft rules and conducted tripartite consultations in 2020 and 2021. While 31-32 states/UTs completed the process for the four codes, the remaining were guided through meetings. The labor reforms merged 29 laws into four codes, streamlining regulations to uniformly enforce workers' rights, including minimum wages and workplace safety..... [read more](#)

## SUPREME COURT SEEKS REASONS FOR DENYING MATERNITY LEAVE TO WOMAN IF ADOPTED CHILD AGED ABOVE THREE-MONTHS

The Supreme Court of India questioned the Centre on the rationale behind limiting maternity leave benefits to women adopting children below three months of age under the Maternity Benefit Act, 1961. A Bench of Justices J.B. Pardiwala and Pankaj Mithal observed that the provision, challenged for its constitutionality, lacked reasonable classification and discriminated against adoptive mothers and children above three months.

The Centre defended the provision but was directed to file a detailed reply within three weeks, addressing concerns raised. The petitioner argued that the provision unfairly excluded older children and failed to align with the Act's objectives, contrasting the 12-week leave for adoptive mothers with the 26-week leave for biological mothers. The case is set for final hearing on December 17. .... [read more](#)

## SEPARATE CENTRAL LAW TO DEAL WITH OFFENCES AGAINST MEDICAL PROFESSIONALS NOT REQUIRED

The National Task Force (NTF), constituted by the Supreme Court following the RG Kar Medical College rape-murder case, recommended against the need for a central law to protect healthcare professionals. It opined that existing state laws and the Bharatiya Nyaya Sanhita (BNS) sufficiently address violence against medical staff. The NTF noted that 24 states have special laws for such offences, with minor offences covered by state laws and major crimes addressed by BNS.

Chaired by Surgeon Vice Admiral Arti Sarin, the NTF proposed measures to improve hospital safety, including deploying trained security personnel, enhancing night-shift protocols, installing CCTVs, and ensuring swift FIR registrations. It also suggested senior residents be present during night shifts to enhance emergency unit safety..... [read more](#)

## SUPREME COURT SHOCKED AT GOA GOVT NOTIFYING HC SERVICE RULES DIFFERENT FROM CHIEF JUSTICES' DRAFT, ASKS CHIEF SECRETARY TO APPEAR

The Supreme Court criticized the Goa government for altering service rules for employees of the Bombay High Court at Goa, which were notified in the Chief Justice's name but significantly deviated from the draft submitted by the Chief Justice. A Bench of Justices Abhay S. Oka and A.G. Masih expressed shock at the Chief Secretary's justification of the modifications and summoned him to explain via video conferencing. The issue stemmed from grievances over delayed pension benefits for retired Goa bench employees, with some waiting 3-7 years for payments.

The Court noted disparities between Goa and other High Court benches. Despite directives for compliance, the Goa government failed to rectify the situation, prompting stern remarks from the Court on undermining judiciary autonomy..... [read more](#)

## DEPARTMENT OF PENSION COLLABORATES WITH CGDA TO CONDUCT DIGITAL LIFE CERTIFICATE CAMPAIGN 3.0 AND SPARSH AWARENESS CAMPAIGN

The Department of Pension and Pensioners' Welfare (DoPPW), in collaboration with CGDA, organized a mega Digital Life Certificate (DLC) Campaign 3.0 in Hyderabad under the leadership of Secretary (Pensions) Shri V. Srinivas. The campaign aimed to promote the face authentication technique for submitting life certificates, ensuring convenience for pensioners, including the elderly and disabled. Over 600 defence pensioners attended the event, expressing satisfaction with the initiative.

Representatives from banks, UIDAI, and pensioners' associations assisted with Aadhaar updates and resolving technical issues. Ms. Devika Raghuvanshi, CGDA, highlighted reforms on the Sparsh platform benefiting 73,000 pensioners in Telangana and Andhra Pradesh. DLC camps were conducted across 60 locations in Telangana, demonstrating a strong commitment to enhancing pensioners' ease of living..... [read more](#)



# INTERNATIONAL LABOUR LAW NEWS

## G20 BACKS ILO'S VISION FOR SOCIAL JUSTICE AND DECENT WORK

ILO Director-General Gilbert F. Houngbo commended the G20 leaders during the Rio de Janeiro summit for emphasizing social justice and decent work in achieving the Sustainable Development Goals. Houngbo announced the ILO's participation in the newly launched Global Alliance against Hunger and Poverty, which aims to finance and implement large-scale programs to reduce poverty worldwide. He highlighted universal social protection as essential but stressed the need for productive job opportunities to combat inequality and hunger effectively.

## EGYPT ADVANCES MARITIME LABOUR STANDARDS UNDER ILO GUIDANCE

Following its ratification of the Maritime Labour Convention 2006 (MLC, 2006), Egypt hosted a roundtable in Cairo to align national maritime regulations with global standards. High-ranking officials and experts, including Egypt's Minister of Labour Mohamed Gebran and ILO representatives, discussed implementing the convention, set to take effect on June 7, 2025. This collaboration strengthens Egypt's maritime workforce protections and ensures compliance with international labour benchmarks.

## ILO LAUNCHES GALAB PROJECT TO END CHILD LABOUR IN DRC COBALT MINING

The ILO, with U.S. Department of Labor funding, has launched the GALAB Project in the Democratic Republic of Congo (DRC) to eliminate child labour in artisanal cobalt mining. Building on the earlier COTECCO Project, GALAB focuses on enhancing government capacity, stakeholder collaboration, and promoting ethical supply chains. The initiative targets the DRC's cobalt sector, crucial for green technologies, aiming for a future free of child labour in mining.

## LEBANON INTRODUCES CASH ASSISTANCE FOR PEOPLE WITH DISABILITIES AMID CRISIS

Lebanon's Ministry of Social Affairs allocated \$5 million from the 2024 budget for emergency cash transfers to individuals with disabilities. Beneficiaries with valid Personal Disability Cards will receive \$100 as part of a broader social protection strategy supported by international donors and UNICEF. This measure addresses the needs of vulnerable groups amid Lebanon's displacement crisis and humanitarian challenges, reaffirming commitment to inclusive social protection policies.

## ILO TO ADVOCATE LABOUR RIGHTS AT COP29 FOR A JUST GREEN TRANSITION

At COP29, the ILO will emphasize labour rights and decent work as pillars for a fair green transition. The agency will advocate for social dialogue, gender-responsive policies, and protections for affected workers and communities. Highlighting occupational safety, skills development, and inclusive policies, the ILO seeks to ensure that climate resilience efforts prioritize social justice while fostering quality jobs in the green economy.

## ARMENIA ENHANCES WORKING CONDITIONS FOR DISABILITY CARE WORKERS

Armenia, in collaboration with the WHO and ILO, held a workshop to validate findings from a report on care workers' rights and conditions. Conducted with Disability Rights Agenda, the study analyzed care work frameworks in Armenia, focusing on strengthening community-based services in the deinstitutionalization context. The initiative seeks to improve labour standards for those supporting persons with disabilities.

## PHILIPPINES RATIFIED ILO LABOUR INSPECTION CONVENTION

The Philippines ratified ILO's Labour Inspection Convention No. 81, marking its 41st ratification. The move enhances the country's labour inspectorate system, ensuring safer working conditions. It reflects the government's commitment to aligning with global labour standards under President Marcos Jr.'s administration. This milestone builds on earlier ratifications, including Convention No. 190, to strengthen labour protections nationwide.

## IRAQ LAUNCHES SOCIAL SECURITY AWARENESS CAMPAIGN WITH ILO

Iraq, in partnership with the ILO and the EU, launched a campaign to promote its Social Security and Pensions Law No. 18. The law, a milestone for Iraq's private sector workers, expands social protection and maternity benefits while addressing informal sector gaps. Labour Minister Ahmed Al-Asadi called it a transformative step towards worker empowerment, urging widespread adoption to boost private sector participation.

## ILO AIDS KENYA IN ESTABLISHING MIGRANT WORKERS WELFARE FUND

Kenya's Ministry of Labour, with ILO support, is advancing the Kenya Migrant Workers Welfare Fund (KMWWF). The initiative aims to provide holistic social security for migrant workers through strategic regulations and labour market policies. The ILO's guidance focuses on closing protection gaps, ensuring financial sustainability, and enhancing skills training, reflecting Kenya's commitment to safeguarding its migrant workforce.





# PUBLICATIONS: ARTICLES

## AKASA AIR: STEERING THROUGH PILOT DEPARTURES AND SKY-HIGH CHALLENGES- BY SATYENDRA C. PANDEY, PINAKI NANDAN PATNAIK

The case explored Akasa Air's crisis in August 2023, when 43 pilots abruptly exited for Air India Express, disrupting operations and forcing over 800 flight cancellations. Akasa Air responded with legal action, citing six-month notice violations, while the defense argued bond payments compensated training costs.

Represented by legal firm Nora Chambers, Akasa Air navigated complex legal and ethical issues amid fierce industry competition. The crisis exposed retention challenges, prompting the airline to reconsider its HR strategies, including raising pilot salaries to attract talent. This case highlighted Akasa Air's critical choice to reform HR policies, negotiate, or escalate legal action to secure its market position..... [read more](#)

## SEXUAL HARASSMENT AND EMPLOYEE PERFORMANCE IN THE CONSTRUCTION INDUSTRY: THE MEDIATING ROLE OF PSYCHOLOGICAL DISTRESS AND EMPLOYEE ENGAGEMENT- BY ERNEST KISSI, EVANS KWESI MIREKU, AND OTHERS

This study explored the impact of sexual harassment on employee performance in the construction industry, focusing on the mediating roles of psychological distress and employee engagement. Data from 188 professionals were analyzed using partial least square-structural equation modeling. The results showed no significant direct negative relationship between sexual harassment and performance. However, sexual harassment significantly reduced employee engagement, which fully mediated the relationship, enabling engaged employees to mitigate its impact on performance.

The findings emphasized the importance of fostering employee engagement and open communication to counter the effects of harassment and sustain performance. This research contributes to understanding workplace dynamics in the construction sector, highlighting the need for proactive strategies to address harassment and enhance well-being for a productive work environment..... [read more](#)

## POLITICISING THE PUBLIC SPACE: ON DALIT WOMEN SANITATION WORKERS IN INDIA -BY SMITA M. PATIL

This article examined the lived experiences of Dalit women sanitation workers in urban public spaces, focusing on their stigmatized labor and its relationship with caste and gender hierarchies. It explored their roles in universities, housing colonies, and slums in Delhi, highlighting how caste ideology continues to condition access to and mobility within public spaces. Despite modern legal interventions, traditional notions of purity and pollution subtly persist, reinforcing systemic inequalities.

The study critiqued dominant feminist and public sphere theories, including Habermas's and Fraser's frameworks, for their inadequacy in addressing the realities of Dalit women workers. It called for a rethinking of Brahmanic feminism and sought to foreground the epistemic experiences of these workers to challenge entrenched caste and gender inequities in public spaces.....[read more](#)

## GENDER DYNAMICS AND ECONOMIC IMPACTS: THE FEMINIZATION OF INDIAN AGRICULTURE IN INDIA-BY NIBEDITA MISHRA, CHITRASENA PADHY, AND OTHERS

The feminization of agriculture in India emerged as more women assumed roles in farming due to male migration to urban areas. Women contributed significantly to agriculture and rural economies, filling labor gaps and sustaining small-scale farming. Despite performing tasks equal to men, women faced barriers such as lower wages, limited access to land, credit, technology, and markets. These challenges hindered empowerment and reinforced gender disparities in decision-making. Women's contributions remained undervalued despite their vital roles in household income and food production. Researchers highlighted the need for policies promoting gender equality, resource access, training, and social support. Empowering women through land ownership, agricultural management skills, and collective action could enhance productivity, reduce poverty, and address inequalities in the agriculture sector..... [read more](#)

## WHAT DETERMINES THE DICHOTOMY BETWEEN FORMAL AND INFORMAL EMPLOYMENT: EVIDENCE FROM MAHARASHTRA, INDIA- BY KRISHNA, M.

This paper analyzed the dynamics of formal and informal employment in Maharashtra using data from NSSO's 2011–12 Employment and Unemployment Surveys and subsequent Periodic Labour Force Surveys. It examined how personal, household, and labor market factors shaped employment patterns. Findings revealed significant wage disparities between formal and informal employment, influenced by gender, marital status, education, vocational training, experience, and industry. Women faced marginalization in the labor market, with a large proportion engaged in unpaid domestic work. Formal employment coverage in rural areas remained inadequate, while informal employment continued to grow. The study emphasized the need for inclusive economic policies to increase women's labor market participation and expand formal employment opportunities to improve living standards and reduce inequalities..... [read more](#)

## A LITERATURE REVIEW ON THE EFFECTS OF THE MINIMUM WAGE: FROM EMPLOYMENT TO WELL-BEING-BY SAMIR AMINE & JOËL ÉRIC OLINGA MEBADA

The chapter aimed to explore the potential impacts of the minimum wage on three key areas: jobs and incomes, poverty and inequality, and health and well-being, particularly in light of recent studies addressing changes due to Covid-19. The author noted, "The effects of the minimum wage on employment appeared mixed, with some studies indicating small or modest negative results." Methodological differences were highlighted as influencing the findings. Interestingly, the predicted decline in youth employment was not confirmed in the reviewed studies.

Regarding poverty and inequality, the author stated, "The impacts were ambiguous, as minimum wage laws sometimes proved inadequate for targeting poor households." In terms of health and well-being, there was increasing agreement that minimum wage laws could lead employers to enhance health insurance offerings and positively affect individuals' self-reported health and overall well-being. The chapter underscored the complexity of minimum wage effects in contemporary contexts.....[Scan QR to read more](#)

## SCHEDULED CASTE WOMEN DEVELOPMENT THROUGH LIVELIHOOD DIVERSIFICATION – A STUDY IN KERALA- BY ANJU A. AND M. RAJESWAR

This study examined the livelihood diversification strategies employed by Scheduled Caste (SC) women in Kerala, India, and their socio-economic impacts. It highlighted how diversification, encompassing agriculture, entrepreneurship, and wage labor, reduced dependence on traditional marginalized occupations, enhancing economic security, autonomy, and social status. SC women leveraged diversification to boost household income, build assets, and foster employment generation.

The research also explored whether improved economic conditions led to better educational outcomes for these women. Findings underscored livelihood diversification as a vital tool for social inclusion, poverty alleviation, and empowerment, contributing to gender equality and sustainable development. The study emphasized the transformative potential of economic diversification in improving the livelihoods and social standing of marginalized communities ..... [read more](#)

## INDEBTED LABOUR MIGRANT CARE AND DOMESTIC WORK IN THE OUTSOURCING OF REPRODUCTIVE LABOUR- BY ELISABETH WIDE

The paper looked into the reprivatisation of social reproduction through an empirical analysis of migrant care and domestic work in Finnish households. The author noted, “Social reproduction, the everyday activities necessary to replenish labour-power, is increasingly commodified and outsourced.” In Finland, the demand for reproductive labour often intersects with migrant workers. The thesis highlighted that current research typically views paid care work separately from production relations, which obscures critical links to capitalism.

The author aimed to explore how paid domestic work fits within broader production relations and how it is affected by global class formations and legal restrictions on migrant labour. Drawing on 85 in-depth interviews and various legal documents, the study found that migrant workers experience their labour as “indebted labour,” intertwining obligations with migration regulations. The findings revealed that migration policies devalue migrant labour compared to local workers, while enabling employers to extend their working hours by outsourcing reproductive tasks, thus reshaping class relations and affective meanings of labour.....[Scan QR to read more](#)

## “HUMAN BEINGS ARE TOO CHEAP IN INDIA”: WAGES AND WORK ORGANIZATION AS BUSINESS STRATEGIES IN BOMBAY'S LATE COLONIAL TEXTILE INDUSTRY- BY ELISE VAN NEDERVEEN AND ADITI DIXIT MEERKERK

This article analyzed the business strategies employed by early 20th-century Bombay mill owners to navigate competitive domestic textile markets shaped by colonial free trade policies. Mill owners adopted strategies like workforce flexibility, product diversification, tailored sales approaches, and increased labor inputs, driven by their reliance on short-stapled Indian cotton.

Using detailed data from the 1920s and 1930s, the study examined how employers used wage-setting systems to minimize wage bills. It highlighted how gender and social-class stratifications influenced these strategies, creating wage disparities across roles like weaving, spinning, and reeling. These labor-intensive approaches, shaped by colonial constraints, contributed to lower worker productivity and long-term negative impacts on India's industrial development. The study underscored the colonial roots of persistent industrial challenges..... [read more](#)

## ECONOMIC POLICIES AND LABOUR OUTCOMES IN INDIA - BY HONKOTE, SUKANYA

This thesis presented two empirical studies in development economics. Chapter 2 evaluated the impact of Special Economic Zones (SEZs) in India (2006–2018) on gender employment gaps using a staggered-entry approach. The study found no overall impact on male or female employment rates but revealed that operational SEZs increased formal employment for younger female workers and improved high-school education attainment among females, suggesting education as a key pathway. Chapter 3 examined Rajasthan's 2014 labor law reforms, analyzing labor market effects using survey data (2009–2020). The reforms increased temporary employment among formal workers, driven by eased hiring regulations for temporary roles. However, changes reducing workplace safety requirements and easing restrictions on firing permanent workers had minimal impact..... [read more](#)

## RIGHT TO WORK UNDER MARTIAL LAW: LEGISLATIVE ASPECT IN UKRAINE- BY N. CHEREVKO

This study analyzed the regulation of labor relations in Ukraine under martial law, focusing on balancing the constitutional right to work with wartime restrictions. It emphasized that while stability and security are critical during conflict, restrictive measures must remain temporary. The study highlighted the importance of maintaining a balance between employer and employee interests and adapting labor laws to address wartime challenges. It found that human rights, including the right to work, must be upheld in both peacetime and wartime, with the state fostering conditions for labor development and human potential. Using formal legal analysis and comparisons of regulatory documents, the study identified challenges in preserving the right to work and proposed legislative improvements to ensure fair labor practices during military conflict..... [read more](#)



# PUBLICATIONS: REPORTS AND BOOKS

## Global Wage Report 2024-25: Is wage inequality decreasing globally?

The Global Wage Report 2024–25 analyzed wage and labor income trends globally. It found that nominal wages began outpacing inflation in 2023 after years of negative real wage growth. While labor productivity in high-income countries grew faster than real wages (29% vs. 15%) between 1999 and 2024, minimum wage adjustments in most countries during 2022–23 fell short of compensating for inflation. Wage inequality has declined globally since the 21st century's start, with more pronounced reductions in low-income countries. However, inequality remains high, especially when including non-wage workers, who are concentrated at the lower end of income distributions. The gender wage gap and disparities between formal and informal workers persist, especially in low-income nations. To address these challenges, the report emphasized strengthening wage-setting mechanisms, enhancing productivity, promoting social dialogue, and formalizing informal economies. Additionally, it highlighted the importance of progressive tax systems and targeted social transfers to reduce household income inequality and support low-wage earners.....[read more](#)

## Capital's Food Regime Class Struggle, the State and Corporate Agriculture in India- Jostein Jakobsen

Capital's Food Regime: Class Struggle, the State and Corporate Agriculture in India analyses how India is being integrated into the global food regime at the current conjuncture, and with what consequences for the country's classes of labour. The book is an in-depth study of agrarian transformations in contemporary India through the lens of food regime analysis. While the food regime approach has emphasized global-scale studies, this book breaks new ground in downscaling the approach to account for specific historical-geographical cases. The book thus develops an innovative Marxist approach to food regime analysis that challenges prevailing scholarly accounts in agrarian studies and beyond..... [read more](#)

## Sociolegal Challenges for the Social Justice Continuum Perspectives from India and South Africa (Book)

This book emerges from a collaborative initiative between Nirma University, India, and the University of Johannesburg, South Africa, as part of their shared commitment to fostering comparative legal scholarship in the Global South. In 2021, during the COVID-19 pandemic, the two institutions launched a seminar series to explore pressing sociolegal challenges facing both nations. This initiative provided a platform for academia, legal practitioners, and civil society to engage deeply on issues such as social justice, climate change, gig economies, and the fourth industrial revolution. Set against the backdrop of colonial legacies and the constitutional journeys of post-independence and post-apartheid societies, the chapters in this book delve into the dynamic dimensions of social justice—its conceptual, legal, and practical implications. This collection not only reflects the robust discourse from the seminar series but also aims to expand the dialogue, addressing the urgent need for inclusive policies and legal frameworks in the Global South..... [read more](#)

# OPPORTUNITIES

## III International Congress Labour 2030 – Call for papers

Law Academy is once again organizing the International Congress - Labour 2030. The third edition will return to the city of Porto on September 11 and 12, 2025. They would like to inform you that the call for papers is open until January 31, 2025 and invite you to submit your abstract at [www.labour2030.eu](http://www.labour2030.eu)

## Call for Papers | NLUD Journal on LABOUR

The NLUD Journal on LABOUR, published by the Centre for Labour Law Research and Advocacy at National Law University, Delhi, is now accepting submissions for its inaugural issue. The theme for this edition is “Sociology of Labour,” inviting interdisciplinary contributions from scholars, researchers, practitioners, and activists. Submissions must be original and adhere to the specified guidelines.

Deadline: December 30, 2024

For more details, visit the journal's submission portal or contact [jol@nludelhi.ac.in](mailto:jol@nludelhi.ac.in).

## Assistant, Associate and Professor vacancy at NLSIU

The National Law School of India University (NLSIU), a premier institution in legal education and research, invites applications for multiple faculty positions in Law and Social Sciences. Renowned for its excellence and ranked first among Indian law universities for seven consecutive years, NLSIU seeks dynamic scholars to join its mission of global leadership in legal academia and research. Positions include Professors, Associate Professors, Assistant Professors, and roles at the Centre for the Study of Social Inclusion. Applications must be submitted via the designated Google forms by 31st December 2024, 5 PM. Visit the official notifications for detailed roles and responsibilities..

## National Law University Delhi (NLU Delhi) invites applications for one Academic Fellow

Position, offering a consolidated salary of ₹50,000 per month for a six-month contractual term, extendable based on performance. Candidates must hold an LL.M. or a relevant Master's degree in Social Sciences with at least 55% marks and demonstrate proficiency in criminal law, interdisciplinary research, and fieldwork experience. Responsibilities include research, writing, and academic contributions. Applications must include a cover letter, statement of purpose, resume, writing sample, and relevant academic documents. Submit applications via the provided online form by December 20, 2024, 11:59 PM. Only shortlisted candidates will be contacted.

## ALLA National Conference - 8-9 November 2024, Novotel Geelong

Registration is open for the 2024 ALLA National Conference: Assessing the Impact of Change and Reform in Australian Labour Law, to be held on 8-9 November at the Novotel Geelong, VIC.

Full program details, registration and accommodation specials can be found at the ALLA website: <https://austlabourlaw.asn.au/>



NLUD Journal on 'LABOUR'



# CALL FOR PAPERS

Call for Papers:

Inaugural edition of NLUD Journal on LABOUR, themed 'Sociology of Labour'.

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- ✓ Nature of work, work relationship and occupational style
- ✓ Various sectors within informal/formal sector and its political economy
- ✓ Labour and Development discourse on work
- ✓ Feminist analysis of Labour, Migration and Development
- ✓ Intersectional analysis of Labour confluence
- ✓ Marginalised labour categories and historical injustices
- ✓ Structure of Labour Law and its influence on Labouring Lives
- ✓ Just transition debates on labour
- ✓ New industries, new cities and new labour
- ✓ Urban development and labour

## SUBMISSION PROCESS

All the submissions must be made online at submission portal [cllra.com] or at [jol@nludelhi.ac.in](mailto:jol@nludelhi.ac.in)

## TYPES OF SUBMISSIONS

- Special Articles [8000-10000 words]
- Short Articles [5000-8000 words]
- Insights/Perspectives [3500-4500 words]
- Book Reviews/ Case Notes [2500-3000 words]
- Field Notes/Pictorial Commentaries [1-2 Pages]

## SUBMISSION GUIDELINES

- All submissions (except Book Reviews) should be accompanied by an abstract of not more than 300 words and 5 important keywords.
- All word limits are inclusive of footnotes.
- Referencing and citations must conform to the APA Citation style

## IMPORTANT DATE

20TH JULY 2024

Paper submission begins

30TH NOV 2024

Paper submission deadlines

15TH FEB 2025

Acceptance and Review Process

30TH APRIL 2025

Final Acceptance and Confirmation

15TH JULY 2025

Publication Date

# EDITORIAL TEAM



## Managing Editor

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



## Editor in Chief

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## Editor

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## Editor

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



## Editor

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## Editor

Vidushi is a fourth year student at National Law University, Delhi. She has been engaged with the Centre since its inception. Her research interests include wide set of sociological issues and their intersection with law.

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