



SHOULD THERE BE MORE LAWS TO PROTECT WORKERS? IF SO, WHAT SHOULD THEY BE?

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Introduction-

Workers' rights should be a central focus of development. To protect the rights of the worker's several labor laws came into force. Labour laws are the most common type of law that is formed to protect the rights of the workers they are also known as the employment law. The labor laws are the laws that maintain the relationship between the workers, trade unions, and the government. Labour laws in India are both implemented by the central and the state government. In India, there are a lot of labor laws that are related to employment standards and the laws that are governing labor. Labour laws from the beginning have provided the utmost protection to their employees. Yes, there should be more laws regarding the protection of labor and the employees working in the firms. There should be the introduction of more laws because in current pandemic times many people are especially laborers are facing serious issues related to their employment. They are not getting the salaries and wages that they should get. That's why because of these conditions there should be the introduction of several laws that should protect the laborers and should provide them with their rights.

In 2020-2021 the Indian government has subsumed over twenty-nine central laws and corresponding states laws and put them under the broad category of labor codes with the

main aim to simplify, restructure, modernize the current existing labor laws, and increase the ease of business in India. The labor laws are enacted and are likely to be implemented in the year 2021. Due to changes in the labor laws, many businesses will face ease in their working environment and this will also change the working of the workers. The government of India now has four labor codes are code on wages 2019, the industrial relation code 2020, the occupation safety health working code 2020, and the code on the social security 2020. All these labor codes work in the same field and their aim also remains the same is to widen the scope of coverage, rights, and protection, reducing the problems that are faced by the laborers, and making the registration of the laborers more easy and increasing the protection against women. The labor codes are the extension of the codes that were already there. And where there is no significant change in the existing law. The constitution of India is the touchstone for any particular law that is passed in our country. The fundamental rights and the directive principle of state policy are enriched in part III of the Indian constitution and part IV also mentions the same thing related to the working class of peoples. **Part III of the Indian Constitution is the benchmark for the Labour laws in India. There are several articles such as Article-14, Article-19(1)(c), Article-23, Article-24, Article-38, Article-41, Article-42¹** and there are many articles that are related to the rights of the labor and there are many other important Acts that are related to the protection of the right of labor they are-

- **Minimum wage Act-1948**
- **The Payment of wages Act-1936**
- **The Trade union Act-1926**
- **The Industrial dispute Act-1947**
- **The Factories Act-1948**



Several laws are related to the protection of the labor workers and in 2020-2021 there is a need for several implementations that should be made and the several changes that are necessary to be changed because the need for the new labor law is felt in the certain times of pandemic when there are a lot of people who are suffering and the working class of the people has to face a lot of problems.

1) Article 12 to 35 contained in Part III of the Constitution deal with Fundamental Rights. These are Right to equality, including equality before law, prohibition discrimination on grounds of religion, race, caste, sex or place of birth, and equality of opportunity in matters of employment.

Several implementations are being made in the year 2020-2021 related to the labor laws and now they are being divided into labor codes. They don't only protect the rights of the labor but also protect each and everything that is concerned with the rights of the labor. There are yet many amendments that are needed in the labor laws in India.

Significance of This Development-

Labour laws are considered to be one of the most controversial topics in a country like India. A labor surplus economy in India means that where nothing can be done without the help of the worker in such a country the rights of the workers should be protected. If there are no proper laws then the rights of the workers are being hindered like they are not getting equal salaries or wages for the amount of work that is being done or they are tortured for the small things ultimately due to these activities the business has to suffer a lot and this will automatically decrease the employment rate in a country

like India and no one will able to work and want to work if their rights are not protected. In India, labor is the matter of the concurrent list and hence has both central and state governed laws. The earlier labor laws are full of defects and they need to be updated and then the new labor legislation by the government has been provided. The main error in the old labor law was that they are based on the size of the firm. For example, taking the example of Industrial Dispute Act 1947 there was the rule that if the firm has more than a hundred workers then they will get the benefits from the government and if the worker is less than a hundred workers then they will not get any benefits from the government. And this was the same case in the Factoris Act the same case with that Act also all the laws that are made in the older time are wholly dependent upon the size of the firm like in this Act if there are fewer than twenty workers then these types of firms do not fall into this Act.

The main reason why the implementation of the new laws is needed is that only the old laws are not able to protect the rights of all the workers. According to the recent economic survey it was found that almost 80%-90% of workers face many problems that leads to less employment rate. According to the old laws that believed that small markets and the workers that are working there have no image and don't contribute anything to the society but the harsh truth is that the small markets and the workers that are working there are the main sources of the export activities that are taking place in India. The main purpose of the labor regulation is to provide them with social security while the case with the older laws was reverse that the worker who is working in the formal sectors get the more important as compared to the person in the informal sectors. The new labor



codes go a great mile in reflecting the structure of the economy and include all the firms and workers that are working there making it less complicated as before and applies to all the firms and the workers without the concern of the size of the firm.

- The main aim is that the worker should get equal rights and should enjoy during the term of their employment. The new labor codes are the need of an hour and this further will increase the ease of doing business global wide.
- Several provisions are made inter-state migrant and their definition is modified and defined as the group of people who move from one state to another to just get employment and there is several provision that has been made for the benefits of the interstate migrant.
- These all include the benefit of availing the public distribution both in the native place or in the place of employment. They also get the benefit available under the building and the construction fund in the state of employment and the insurance and the provident fund that is available to the workers at the same point in time.

Impact-

The new labor codes that are adopted by the Indian government in the year 2020-2021 are the most important step that is carried out by the Indian government by implementing the new laws that are considered to be the most important step for any worker. The impact was such earlier laws are dependent upon the size of the firm and now after amending the certain laws their main focus is on the point

that there should be some protection that should be there for the workers that are working in an organization. Now the workers should not be worried about their salaries as they are worried about the times of old laws. Labour laws that are developed have far-reaching goals for every business organization. Firstly, they are crucial and build the relationship between the employees and the employee. Secondly, the labor and the employee cost constitute between **10% to 50%** of the total cost for almost every business organization. The new laws have a much wider impact on the cost system. And the main impact the new laws have on business organizations are-

- **Consistency in the definition of wages-** several definitions are given by different scholars for the same word that that is wages and like that, in these new laws there are 12 ways in which the term wages is defined as. This was raising the issue and confusion in the mind of several companies that what the wages means then these new laws came out with the wider explanation of the same word that is being used in the different ways. The term wages have been uniformly defined under the four code and this removes the point of confusion in the mind of the peoples.

- **Business needs to understand the inclusion and exclusion in the wages in the wider terms-** according to the new laws the wages are one of the most important things that are needed to be included in the new laws. The term wages include both the points that are exclusion and inclusion in the definition of wages. It is mentioned in the code that if the total exclusion exceeds the given limit of 50% then it will be added to the account of



remuneration and remuneration is added in the wages as per the definition that is laid down by the new codes. Every company is bound to follow the definition of wages and ensures that the wages are paid on time to the workers to maintain the rights of the workers.

- **Impact of new codes on social security and take-home salary-** due to change in the definition of the wages there was the introduction of various social security term that was added to the definition of the wages that can be a positive impact on the workers are working in the firm. Social security such as provident fund, gratuity, ESIC, and several other social security was added in the definition of wages.
- **Much wider concept- the current labor laws cover every aspect of the work** that is done by the worker and there are different laws for the different work and it is the wider concept and set of rules as compared to the previous laws that were adopted by the government. The labor codes not only cover the labor part but also cover contract laborers, fixed-term workers, and gig workers it covers all the areas where the person is working under some person. The new labor codes are very much wider concept as compared to the laws that the government earlier adopted.

There was a positive impact that was seen after the implementation that was made in the labor laws. The impact was such earlier laws are dependent upon the size of the firm and now after amending the certain laws their main focus is on the point that there should be some protection that should be there for the workers that are working in an

organization. Yes, there was an improvement that can be noticed after the new laws are adopted.

Provisions that are made for the protection of rights of workers-

Several provisions in India are related to the protection of the rights of the workers in India. Several steps are taken to implement the existing laws and to make the changes as per the need of the workers. The main aim is to only protect the interest of the workers and to make them satisfied that their rights are being protected so that they can work in full capacity. Several changes are made in the year 2020-2021 the main reason behind it was the serious pandemic due to which many workers have to suffer a lot. There are many more changes that are needed in the laws of the worker as we can see in today's time many workers have to suffer, many lost their jobs and many have to work without any salary. There is the introduction of several new codes then also there are many laws that are needed to protect the rights of the workers. Many existing laws are related to the right of the workers they are-

- **Trade union act 1926-** trade union activity is considered to be one of the most important acts that are made for the protection of the employees. These unions have the power to compel their higher management to accept their reasonable demands. This is one of the most important acts that are important for the protection of the workers.
- **The payment of wages act 1936-** the wages act is related to the payment of wages of the work done by any worker on time. This act also says that the wages of the worker should be paid on time



without any deduction in it. And section 6 of the payment of wages act 1936 says that the wages should only be paid in the form of cash only not in the form of any kind.

- **Industrial dispute act 1947-** in this act all the rights related to the protection and the fair treatment of the workers is mentioned that there should be fair treatment towards the permanent workers. According to this law if the worker is working for more than one year then he can only be dismissed if permission is sought from the appropriate government authorities. A person should know the proper reason when he is removed from the particular post and if the person is a permanent worker then he can only be removed in the cases of serious crimes.
- **Minimum wages act 1948-** the act ensures about the point that the wages should be given to the employees on time and the full authority is given in the hand of the state and the central government related to the matter of discussion of the wages. The wages can be ranged between Rs.143 to Rs 1120 per day and the minimum wage that is to be given depends upon the state to state. The average salary of any unskilled worker that is set up by the government body MGNREGA is said to be 11% from Rs 182 to Rs 202 and other things like how much the wages are to be given depending upon the matter of state to state.
- **Maternity benefit act 1961-** the act is related to the protection of women in the different fields the act says that pregnant women should get maternity leave at least

twelve weeks this is done to protect the rights of the women in the employment areas. And the act also says that they should be paid whole wages without any work. And this act was amended in the year 2017.

- **Sexual harassment of women at workplace act 2013-** this act is one of the most important acts in the matters of women as it deals with the matters of the sexual harassment that is faced by the women at the workplace and this step is only taken to protect the rights of the women at the workplace. The act of Sexual harassment of women at the workplace came into force on 9th December 2013 to protect the rights of the women.

Despite these provisions, several other provisions are made in the year 2020-2021 that are related to worker rights and now they are being categorized into codes for the better understanding and the better protection of the worker rights.

- **The code on wages 2019-** this is the most important code that deals with the wages that what the term wages mean and what are the different definitions of wages. It includes all the employees that are involved in the organized as well as unorganized sectors. The main aim of this act is to ensure that every worker should get an equal amount of remuneration for the equal amount of work and the act also ensures that the remuneration should be paid keeping in mind that the remuneration and the bonus should be given on time.
- **The code on occupational safety and health issues 2020-** this is considered to



be an important code as it is related to the health and safety measures that should be there for the protection of the employees.

- **The code on social security 2020- this code consists of the nine laws that are related to social security and maternity benefits.**
- **The code on industrial relation 2020-** this code consists of three labor laws as the industrial dispute act 1947, the trade union act 1926, and the industrial employment act 1946. The main aim of this code is to improve the business environment in the country largely by reducing the problems of the workers. These are the four codes that are implemented by the government in the year 2020-2021.

Case Laws that are related to the protection of the workers-

Many landmark judgments are related to the protection of the workers right and some of the important judgments are-

- **Randhir Singh V. Union of India**¹- in this case, the petitioner Randhir Singh who was working as the driver with the police officer of Delhi claims that his salary was not equal to the salary of the other police officers who were doing the same work. Then the apex court said that in the Indian constitution it was not mentioned that there should be equal wages for the equal amount of work then it was seen that according to **Article 39(d)**

of the directive principle of state policy states that there should be equal wages for the equal amount of work. **Then the court came out with the judgment considering in mind the importance of Article-14, Article-16,** and Article 39(d) of the directive principle of state policy that there should be equal wages for equal work then the court passes the order and instructs the Delhi police that there should be equal wages for equal work.

- **Bandhua Mukti Morcha V. Union of India**² this is the case of bonded labor and is considered to be one of the landmark cases that is related to the protection of the rights of the workers. The case was about the bonded labor that was working the stone quarries in some part of Faridabad. The letter that was sent by the petitioner to Justice P.N. Bhagwati is considered to be a writ petition and the apex court decided to call upon the meeting and after investigation, the court gets to know that the complaint that was filed was true and there was this true incident of bonded labor that takes place. Then the court gave the judgment that the state is responsible as the state must ensure the proper working of the labor laws. The court says that it's not only the violation of **Article 21**³ that is to live with dignity but also the violation of the human rights laws. And the court holds the state as well as the company responsible for the act of bonded labor.

¹ 1982 AIR 879

² 1984 AIR 802

³Protection of life and personal liberty No person shall be deprived of his life or personal liberty except according to procedure established by law



Conclusion-

Yes, there should be more laws regarding the protection of labor and the employees working in the firms. There should be the introduction of more laws because in current pandemic times many people are especially laborers are facing serious issues related to their employment. They are not getting the salaries and wages that they should get. That's why because of these conditions there should be the introduction of several laws that should protect the laborers and should provide them with their rights.

