

UNIT-I

INTRODUCTION

LABOUR LAWS IN INDIA

- The term 'labour' means productive work especially physical work done for wages.
- Labour law is the body of laws, administrative rulings, and precedents which address the legal rights of, and restrictions on, working people and their organizations.

Nature of Labour Laws

- ☐ It treats an individual as a worker or employer and will only affect an individual in the capacity of a worker or employer.
- ☐ It deals with the problems arising out of occupational status of individuals such as hours of work, wages, working conditions, trade unions, industrial disputes.
- ☐ It is governed by social justice than general justice.
- ☐ It protects workers and secures justice for them.

Need for Labour Laws

The following conditions necessitated laws specifically for labour:

- Industrial Revolution changed the society from agricultural society to industrial society which necessitated labour laws to specifically address labour issues.
- Working class was excessively exploited by the employers.
- Rules of capitalism like, 'Hire and fire', 'Master and Servant', 'Carrot and Stick' were in practice.
- Law of contract governed the relationship between workers and employers and no special laws for workers.
- Anti-combination laws were in place, which treated union of workers as criminal conspiracy.
- Work place was characterized by Longer working hours, low wages, lack of safety and welfare provisions, employment of young children

- State adopted the policy of laissez faire and did not interfere in employer-employee issues.

Factors influencing Labour laws in India

Labour laws originated as a result of struggle for emancipation of working class from the clutches of aggressive capitalism and to transform the status from slave to partner. The views expressed by important nationalist leaders during the days of national freedom struggle largely influenced the labour laws earlier. Other factors that contribute to the formation or influential in shaping the Indian labour legislations are:

- prevailing social and economic conditions
- debates of the Constituent Assembly
- human rights (right to work of one's choice, right against discrimination, prohibition of child labour, just and humane conditions of work, social security, protection of wages, redress of grievances, right to organize and form trade unions, collective bargaining and participation in management)
- International Conventions, Standards and Recommendations emerge from UN and ILO
- deliberations of the various Sessions of the Indian Labour Conference and the International Labour Conference.
- recommendations of the various National Committees and Commissions (eg; First National Commission on Labour (1969), National Commission on Rural Labour (1991), Second National Commission on Labour (2002))
- provisions of the Constitution
- judicial pronouncements on labour related matters specifically pertaining to minimum wages, bonded labour, child labour, contract labour etc.

The need for protecting and safeguarding the interest of labour as human beings has been enshrined in Chapter-III (Articles 16, 19, 23 & 24) and Chapter IV (Articles 39, 41, 42, 43, 43A & 54) of the Constitution of India keeping in line with Fundamental Rights and Directive Principles of State Policy.

Under the Constitution of India, Labour is a subject in the concurrent list where both the Central and State Governments are competent to enact legislations. As a result, a large number of labour laws have been enacted catering to different aspects of labour namely, occupational health, safety, employment, training of apprentices, fixation, review and revision of minimum wages, mode of payment of wages, payment of compensation to workmen who suffer injuries as a result of accidents or causing death or disablement, bonded labour, contract labour, women labour and child labour, resolution and adjudication of industrial disputes, provision of social security such as provident fund, employees' state insurance, gratuity, provision for payment of bonus, regulating the working conditions of certain specific categories of workmen such as plantation labour, beedi workers etc.

The Labour laws can be categorized as follows:

- 1) Labour laws enacted by the Central Government, where the Central Government has the sole responsibility for enforcement.
- 2) Labour laws enacted by Central Government and enforced both by Central and State Governments.
- 3) Labour laws enacted by Central Government and enforced by the State Governments.
- 4) Labour laws enacted and enforced by the various State Governments which apply to respective States.

Objectives of Labour laws

- To safeguard the workers against exploitation.
- To maintain harmonious relationship between employees and employers.
- To provide and improve the welfare, amenities of workers.
- To settle industrial disputes
- To ensure the protection of interest of women and children
- To provide a guarantee of fundamental rights at work

INTERNATIONAL LABOUR ORGANISATION (ILO)

- The International Labour Organization (ILO) was founded in 1919 as part of the Treaty of Versailles.
- ILO Headquarters is located in Geneva, Switzerland.
- Its unique tripartite structure gives an equal voice to workers, employers and governments to ensure that the views of the social partners are closely reflected in labour standards and in shaping policies and programmes.
- In 1946, it became the first specialised agency of the United Nations. The ILO embodies a vision of universal, humane conditions of labour to attain social justice and peace among nations.
- International Labour Organisation was one of the first organisations to deal with labour issues. The ILO's original and most important task has been the development, promotion, and monitoring of international labour standards. To date, the organisation has created 189 globally applicable, legally binding Conventions and 202 legally non - binding Recommendations for the regulation of labour conditions.

Objectives of ILO

- to promote and realize standards and fundamental principles and rights at work
- to create greater opportunities for women and men to secure decent employment
- to enhance the coverage and effectiveness of social protection for all
- to strengthen tripartism and social dialogue on work -related issues

Labour Standards of ILO

- The Labour standards of ILO emphasises on fundamental rights at work
- They are
- freedom of association and the right to organise
- the right to collective bargaining
- the abolition of forced labour
- a minimum age for employment and the effective abolition of child labour
- the prohibition of workplace discrimination

- the mandate for equal pay for women and men for work of equal value.

The main subject areas of the international labour standards include the fundamental rights at work, called core labour standards of the ILO. These are freedom of association and the right to organise; the right to collective bargaining; the abolition of forced labour; a minimum age for employment and the effective abolition of child labour; the prohibition of workplace discrimination, equal pay for women and men for work of equal value.

The ILO has two main decision making bodies:

- the International Labour Conference held in June each year – also known as World Parliament of Labour and
- the Governing Body.

In each of the two bodies, the national governments hold half of the seats, and employers' and workers' organisations one quarter each of the voting power. This feature of tripartite representation is to ensure that the views of the social partners are closely reflected in labour standards and in shaping policies and programmes. It makes the ILO unique within the family of the United Nations and more democratic than other organisations in the multilateral system.

Labour welfare

Labour welfare relates to taking care of the well-being of workers by employers, trade unions, governmental and non-governmental institutions and agencies. Welfare includes anything that is done for the comfort and improvement of employees and is provided over and above the wages.

- According to ILO, labour welfare can be defined as a term, which is understood to include such services, facilities, and amenities as may be established in or in the vicinity of undertakings to enable the persons employed in them to perform their work in healthy, congenial surroundings and to provide them with amenities conducive to good health and high morale.
- Oxford dictionary- “Labour welfare is efforts to make life worth living for workmen.”
The need for providing such services and facilities arise from the social responsibility of