

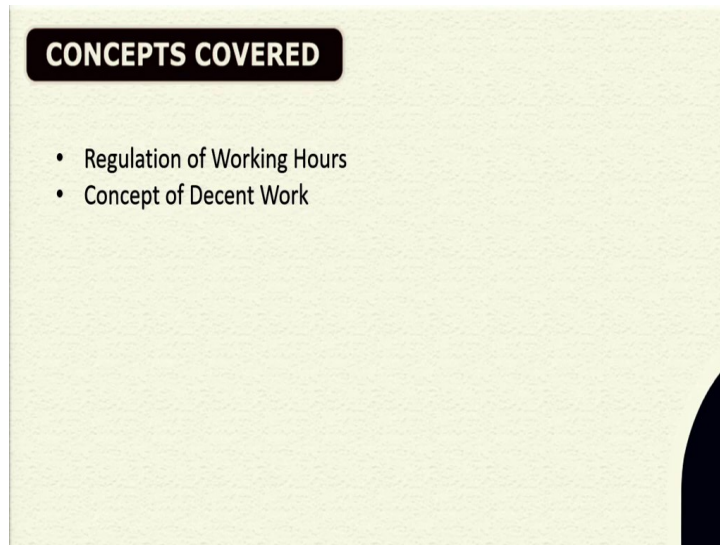
New Labour Codes of India
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Lecture 49
Regulation of working hours and the concept of decent work

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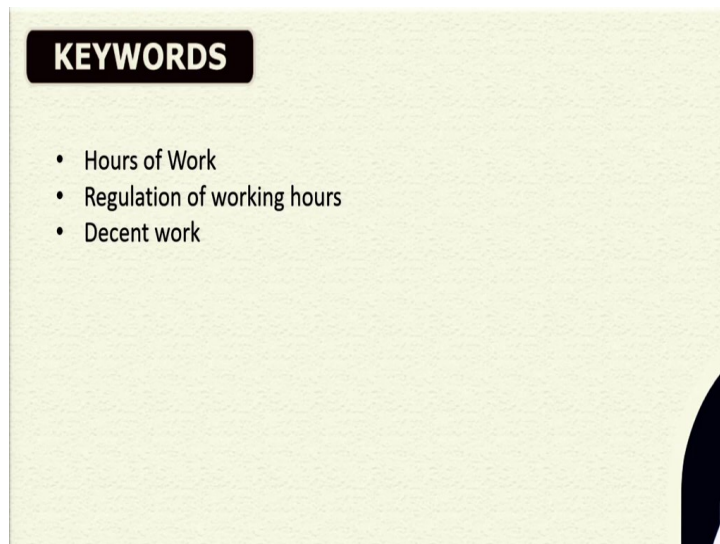
Dear students, in this lecture we are specifically going to look into these working hours and also we are going to discuss the ILO's recent agenda of decent work. So, the ILO is working on this particular concept of decent work for quite some time. So, we will look into, see that what is this particular concept, and the work programs adopted by the countries, specifically India. So, what is the work program adopted according to this decent work agenda of the ILO?

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So, first, we will look into the regulation of working hours, in the old Act as well as in the new Acts and different Acts. I would say that the regulation of working hours is regulated under different Acts.

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Different Acts include, we can say different, for example, factories, or in plantations or different establishments, or different legislations like the Minimum Wages Act, which is regulated through many other legislations.

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So, we will see some of those legislations.

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❑ Working Hours

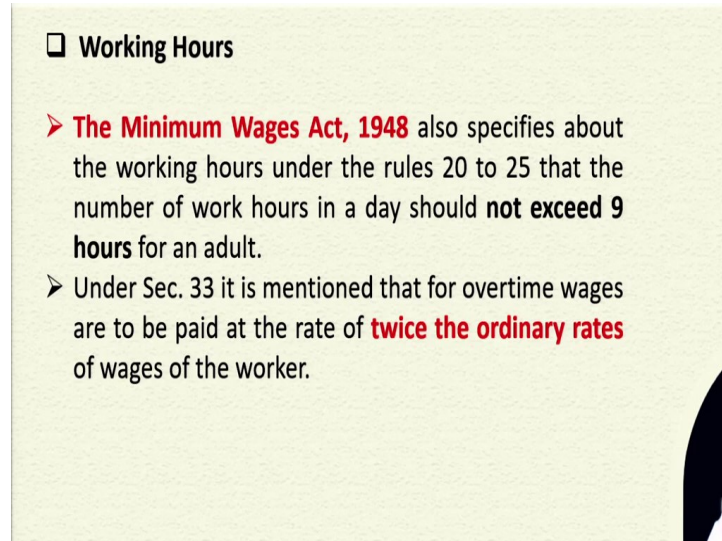
- Under Sec. 59 it is mentioned that where a worker works in a factory for more than 9 hours in any day or for more than 48 hours in any week,
- he/she shall, in respect of overtime work, be entitled to receive wages at the rate of **twice** his/her ordinary rate of wages.

So, working hours usually it is very clear under the fact that the factory site which clearly says that a worker works in a factory for more than 9 hours on any day or for more than 48 hours in any week. So, this is the minimum working hours which are mentioned in a factory. So, as a general rule overtime work, every worker is entitled to wages at the rate twice his ordinary rate of wages.

That is the established practice, twice his ordinary rate of wages, that is for overtime work. So, the Factories Act, says that 9 hours in any day, not more than 9 hours. But when we look

into this new code, the new code has shifted to 8 hours. So, we can see that the new code, in most industries, has shifted to 8 hours per day. And so the maximum per weekly hours also remains the same. So, it is 9 hours in the old act and 48 hours per week and the minimum overtime wages are twice his or her ordinary wages rate of wages per day.

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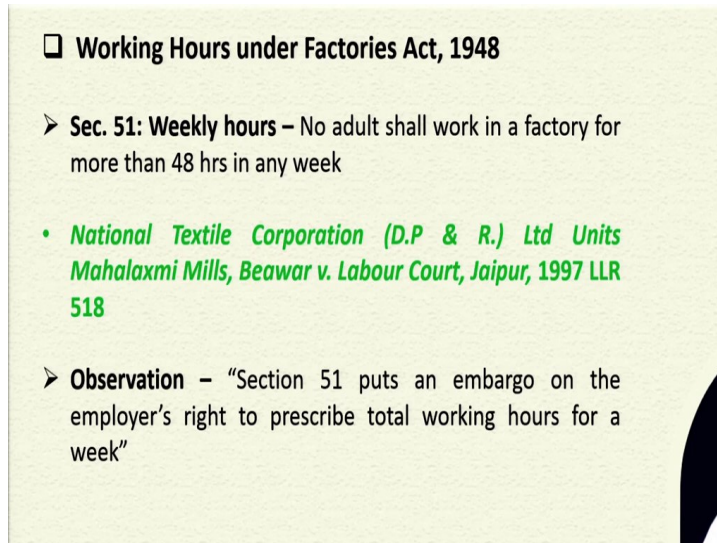


❑ **Working Hours**

- **The Minimum Wages Act, 1948** also specifies about the working hours under the rules 20 to 25 that the number of work hours in a day should **not exceed 9 hours** for an adult.
- Under Sec. 33 it is mentioned that for overtime wages are to be paid at the rate of **twice the ordinary rates** of wages of the worker.

So, the Minimum Wages Act, says that the working hours are under the rules 20 to 25 and that the number of work hours in a day should not exceed 9 hours for an adult. So, we can see that most of the older legislation, talks about 9 hours per day. But the new code, which talks about 8 hours. And also, the overtime work is the same, that is, twice the ordinary rates, twice the ordinary rate of wages of the worker. So, it is very clear. So, the earlier proposition is that 9 hours per day, and also overtime works twice the ordinary rate of wages for every worker. So, the Minimum Wages Act, of 1948 also prescribes the same criteria.

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□ **Working Hours under Factories Act, 1948**

- **Sec. 51: Weekly hours** – No adult shall work in a factory for more than 48 hrs in any week
- *National Textile Corporation (D.P & R.) Ltd Units Mahalaxmi Mills, Beawar v. Labour Court, Jaipur, 1997 LLR 518*
- **Observation** – “Section 51 puts an embargo on the employer’s right to prescribe total working hours for a week”

And here, when we look into this Sections 28 to 30, which talk about no person employed in a mine, so the mines, in many classes which we talked about mines, the peculiar situation of mines and the risk, the risk factor is very high in mines. So, it says that it is required or allowed to work in any mine for not more than 10 hours, on any day inclusive of overtime. So, inclusive of overtime work, not more than 10 hours per day, in any mines. So, because this mainly due to these particular provisions are with regard to mine is because of the very specific conditions of mines.

And here, the weekly hours. So, it says that a total of 48 hours per week. So, here in the National Textile Corporation Limited versus Limited Units of Mahalaxmi Mills, Beawar versus Labour Court, Jaipur, 1997 case. In this particular case, the court observed that Section 51 puts an embargo on the employer’s right to prescribe total working hours for a week. So, the employers should very clearly mention what is the working hours per week. So, the Section 51 very clearly says they have to mention the working hours, and also the maximum working hours prescribed under that particular provision is 48 hours, which is mentioned.

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□ Sec. 52: Weekly holidays

- No adult worker shall be required to work in a factory on the first day of the week unless –
 - i. He has a holiday for a whole day on one of the three days immediately before or after the said day;
 - ii. The manager of the factory has, before the said day or substituted day:
 - a) Delivered a notice at the office of the Inspector of his intention to require the worker to work on that day;
 - b) Displayed a notice to that effect in the factory

And also, weekly holidays are also mentioned. So, these weekly holidays, say that all adult workers shall be required to work in a factory on the first day of the week unless he has a holiday for the whole day, one of the three days immediately before or after that particular day. And also, the particular day can be substituted by any other day, so they have to give notice of this weekly holiday with wages to the Inspector. And also, he has to give notice of his intention to work on that particular day. So, that means the notice board must be very clearly talking about the weekly holidays. So, Section 52 prescribes that there must be a weekly holiday and that must be very clearly mentioned on the notice board.

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□ *Motor and Machinery Manufacturers Ltd. v. State of West Bengal, 1964 (2) LLJ 562*

- **Observation** – *“the primary objective of Section 52 is to provide weekly holiday for the workers and such day was fixed to be the first day of the week, i.e., Sunday. But, for any special reasons, it becomes necessary to make Sunday a working day, a substitutional holiday is made compulsory. But the intendment of the section is not that the employers will at their sweet will convert successive on all the Sundays primarily intended to be holidays as working days and make any other working day of the week a holiday instead of Sunday.”*

So, in *Motor and Machinery Manufactures Limited Versus State of West Bengal*, this old case of 1964, the court said that the primary objective of Section 52 is to provide a weekly holiday for the workers, and such day was fixed to be the first day of the week, that is Sunday. But for special reasons, it will become necessary to make Sunday a working day, a substitutional holiday is made compulsory. But the intendment of the Section is not that the employees will at their sweet will convert successive or all the Sundays primarily intended to be holidays as working days, and make any working day of the week a holiday instead of Sunday.

So, the court put a restriction on this particular weekly holiday. And the court clearly mentioned that ideally, it should be Sunday. Only in exceptional circumstances, Sunday can be made the working day, but there must be a substitutional day. So, it means that Sunday should be the weekly holiday. An ideal day for the holiday is Sunday. So, that is why uniformly throughout India, we can see that Sunday is a holiday. At the same time, if the factory is working on Sunday, there must be a substitutional day.

So, the court made it very clear that it is not the sweet will of the employer to make all Sundays working days and some other days a holiday. So, Sunday must be the holiday usually, in the ordinary course of trade. So, only in exceptional circumstances, a substitutional holiday can be made available to the employees, but proper notice is to be given to the inspectors and also the authorities.

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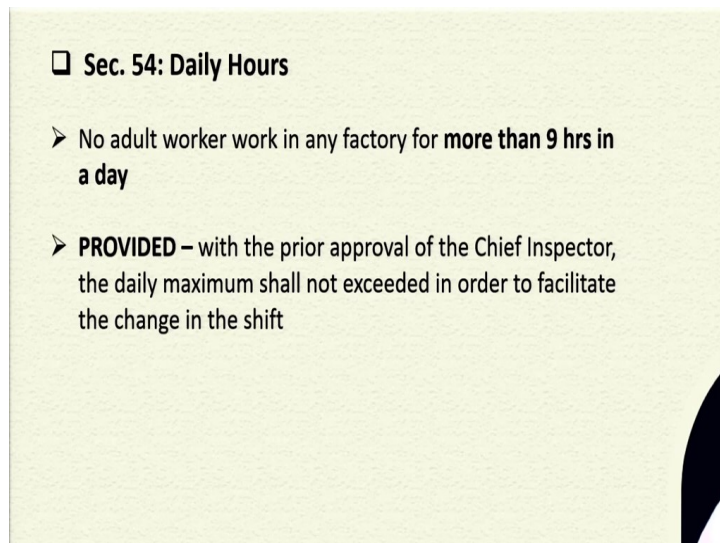
❑ Sec. 53: Compensatory holidays

- Any worker who is deprived of any of the weekly holidays under the provisions of sec. 52, he shall be allowed, within a month in which the holidays were due to him or within 2 months immediately following that month, compensatory holidays of equal number to the holidays so lost.
- The State govt prescribes the manner for providing compensatory holidays

And, now, compensatory holidays. So any worker who is deprived of any weekly holidays under Section 52, the court has already described the importance of Section 52. And he shall be allowed, so if somebody is working on Sunday, he should be allowed within a month, in which the holiday was due.

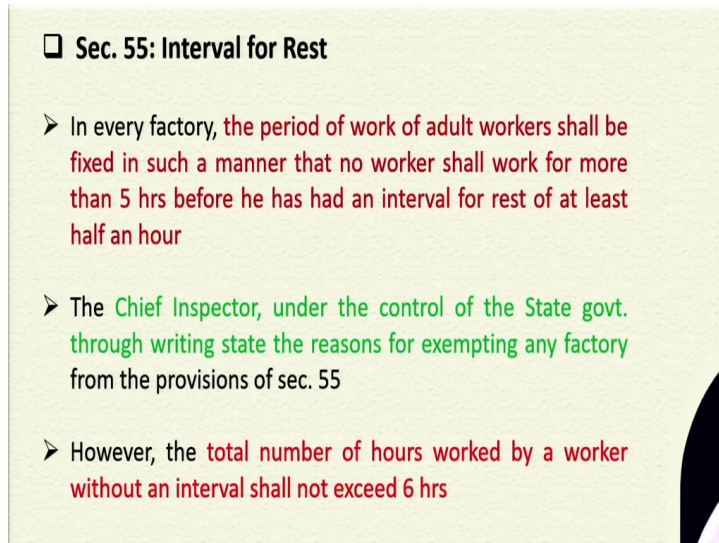
So, immediately following the month, within two months immediately following the month, compensatory holidays, an equal number of holidays he lost due to his working on Sundays to be provided to the worker. So, as the government shall say, the holiday is to be provided, and it can be mentioned by the State Governments through the rules. So, state governments can make rules for compensatory holidays. But the compensatory holidays are to be provided, under Section 53.

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And now, it comes the daily working hours. So, we already said that in most of the legislation, it is 9 hours in a day, but due to the collective bargaining in some of the areas like plantations, it is 8 hours earlier. But now the new codes are going in the direction of 8 hours. So, it is, everywhere it is mentioned 9 hours in the older system.

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❑ **Sec. 55: Interval for Rest**

- In every factory, the period of work of adult workers shall be fixed in such a manner that no worker shall work for more than 5 hrs before he has had an interval for rest of at least half an hour
- The Chief Inspector, under the control of the State govt. through writing state the reasons for exempting any factory from the provisions of sec. 55
- However, the total number of hours worked by a worker without an interval shall not exceed 6 hrs

So, it was 9 hours, which is mentioned in the older system and 8 hours in the new system. So, at the same time, there is an interval. So, where is the lunchtime, see these 9 hours include lunchtime. So, here in every factory as far as the factory is concerned, the period of work of the adult workers shall be fixed in such a manner that no worker shall work for more than 5 hours before he has had an interval for the rest of at least half an hour.

So, somebody is joining the work, day work at 8 o'clock in the morning, the maximum time period which he can work is up to 1 pm. And after 1 to 1:30 pm, there must be a large lunchtime or a rest time should be provided for half an hour. Then only he can work for the rest of the hours. And also the state government can accept any factory because of these particular conditions of that there in the nature of work they can accept this.

And also the total number of hours worked by the worker without an interval shall not exceed 6 hours. So, the maximum time period mentioned is 6 hours without any rest time, with intervals of rest between. And no point of time should not exceed 6 hours. So, usually in the cases after 5 hours, there must be a rest time of half an hour.

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□ ***State of Orissa v. Bahinipall, AIR 1965 Ori 164***

- **Observation** – *“The well settled principal of law that unless the statute either expressly or by necessary implication rules out mens rea as a constituent part of a crime the accused should not be found guilty of an offence is also applicable to the cases under the Factories Act, 1948. Absence of mens rea is good defence in contravention of sec. 55.”*

In our State of Orissa versus Bahinipall, 1965, Orissa. So, the Orissa High Court held that, the well-settled principle of law that unless the statute either expressly or by necessary implication rules out mens rea as a constituent part of a crime, the accused should not be found guilty of an offence which is applicable to the cases under the Factories Act, 1948. The absence of mens rea is a good defence in contravention of Section 55.

So, the court very clearly made not providing holidays cannot be a crime under the Indian Penal Code. Because the mens rea is a must in case of any criminal offences. So, the court was discussing the applicability of the mens rea. So, the guilty mind or intention. So, that is very important but that is not applicable to the offences under sections of the Factories Act. Because intention may be there or intention may not be there but the punishments are the same with regard to the application of, criminal offences, are not applicable to offences under the Factories Act, 1948.

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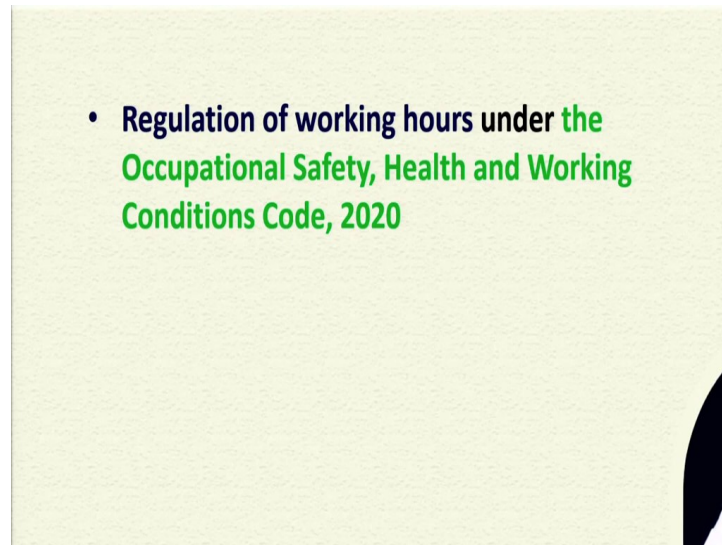
□ **Sec. 57: Night shifts**

- Where a worker in a factory works on a shift which extends beyond midnight –
 - i. A holiday for a whole day refers to a period of 24 consecutive hours beginning when the shifts end;
 - ii. The following day for him shall be deemed to be the period of 24 hours beginning with such shift ends, and the hours he has worked after midnight shall be accounted for the previous day

So, here also, the period of work of an adult shall be arranged in a manner that inclusive of his intervals for rest. So, they shall not be spread over more than ten and a half hours in a day. So, it means that even though somebody is working, the total working hours will be not more than ten and a half hours a day. So, the Chief Inspector with special reasons can spread over this working time a maximum up to 12 hours. So, otherwise, it is ten and a half hours.

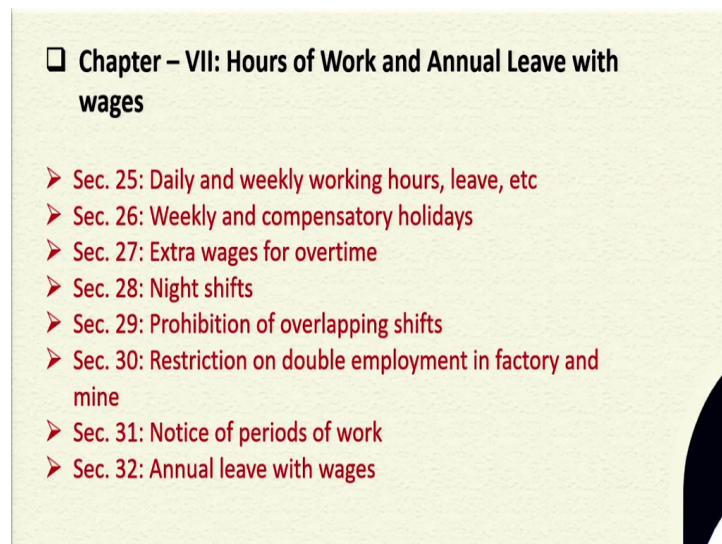
And there are restrictions with regard to night shifts. So, the night shift cannot be beyond midnight. So, a holiday for a whole day refers to a period of 24 consecutive, beginning when the shift ends. So, that means if a shift is ending at midnight so consecutive 24 hours will be the holidays. And here we can see that the period of 24 hours and also the shift ending, he has worked at midnight, shall be accounted for the previous day. So, that means if somebody is working up to midnight so you have to effectively give another 24 hours as a rest day for him and that is the night shifts.

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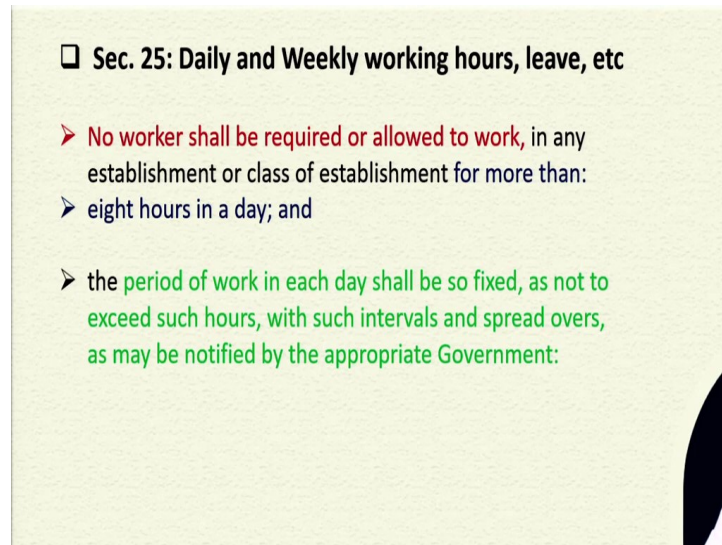
So, now we will see these provisions in the new Occupational Safety, Health and Working Conditions Code.

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So, for daily hours, and weekly hours, we will see compensatory holidays, extra wages for overtime, and night shifts, and provision of overlapping. So, we can see that all exactly the same nature of leaves are present in the new code as well. So, we will see them one by one, under the new code.

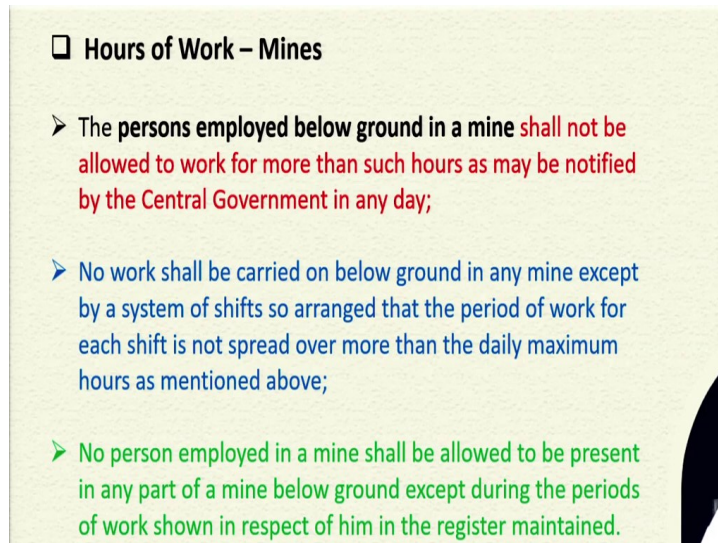
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So, here it is saying that Section 25 very clearly says about daily working hours or weekly working hours. So, you can say that now I have already said that not more than 8 hours per day. So, the earlier concept of 9 hours has been reduced to 8 hours of work. So, this is commonly applied to all industries. So, the code is applicable to many industries, all industries. Now, the 9 hours is reduced to 8 hours. So, the hours of work each day shall be fixed and not exceed these 8 hours.

And interval spread overs must be notified by the state government. So, earlier we saw the spread overs up to 12 hours, 10 and a half hours minimum. So, this will be changing the rules in accordance with the new Act. So, the first important point is, the working hour has been reduced to 8 hours. Second, the spread overs is also going to be changed, in accordance with the minimum working hours, or maximum working hours. So, the state governments will be notifying it once the Act and rules come into force.

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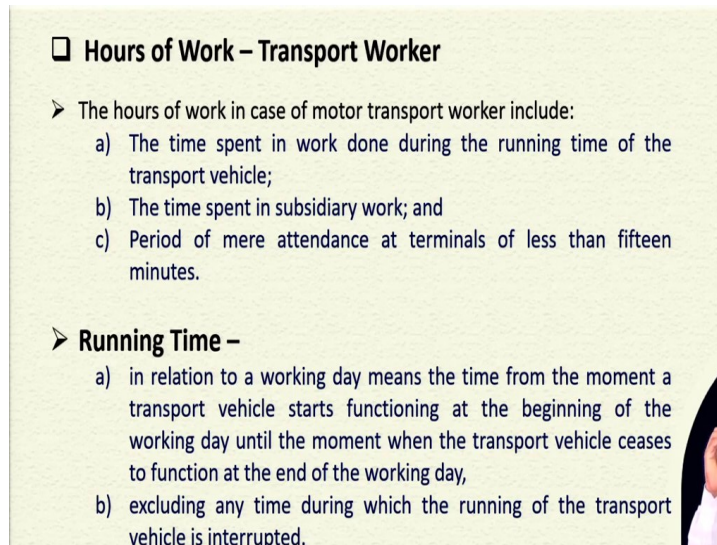
□ **Hours of Work – Mines**

- The **persons employed below ground in a mine shall not be allowed to work for more than such hours as may be notified by the Central Government in any day;**
- No work shall be carried on below ground in any mine except by a system of shifts so arranged that the period of work for each shift is not spread over more than the daily maximum hours as mentioned above;
- No person employed in a mine shall be allowed to be present in any part of a mine below ground except during the periods of work shown in respect of him in the register maintained.

So, there are specific provisions for mines, we always say that there are special provisions with regard to mines because they are working underground. And they shall not be allowed to work for more than such hours as may be notified by this under government in any day. So, no work shall be carried out below the ground, in any mine except by a system of shifts. The shifts must be arranged, and it should not be spread over more than the daily maximum hours as mentioned above.

It is very clear, the minimum working hours or maximum working hours should not exceed 8 hours. So, also, it provides that no person employed in a mine shall be allowed to be present, in any part of a mine below the ground except during the periods of work shown in respect of the register maintained. So, the employer must maintain a register and mention the working hours of a workman, who is working in a mine. This is mainly because of the special working conditions in a mine.

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□ Hours of Work – Transport Worker

- The hours of work in case of motor transport worker include:
 - a) The time spent in work done during the running time of the transport vehicle;
 - b) The time spent in subsidiary work; and
 - c) Period of mere attendance at terminals of less than fifteen minutes.

- **Running Time –**
 - a) in relation to a working day means the time from the moment a transport vehicle starts functioning at the beginning of the working day until the moment when the transport vehicle ceases to function at the end of the working day,
 - b) excluding any time during which the running of the transport vehicle is interrupted.

There are specific working hours mentioned in the new code with regard to transport workers. Because as you know that you cannot prescribe a specific working time for the transport worker because the transport may be starting from Mumbai and end maybe in some of the southern cities in Chennai or in Bangalore. So, this 8 hours of working time is not applicable to them. But the new code wants to regulate the working hours, the actual working hours of the transport workers, the drivers and other workers.

So, the whole running time is to be taken into consideration. Not only for the driving hours but also the subsidiary work. What do you mean by subsidiary work? So, that means, subsidiary work which includes loading, unloading and also time spent in the check post. So, running time in relation to the transport worker, means the transport actually vehicle starts, functioning at the beginning of the working day until the moment when the transport vehicle ceases to function or end of the working day.

That means it includes the time spent loading the goods and also unloading the goods, any time spent on the way. So, if any transport time is interrupted due to other reasons, then that is not going to be calculated, otherwise, the running time has to be taken into consideration, the starting and end of the day.

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□ Subsidiary Work – Transport Worker

➤ Subsidiary work means **the work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle**, including in particular:

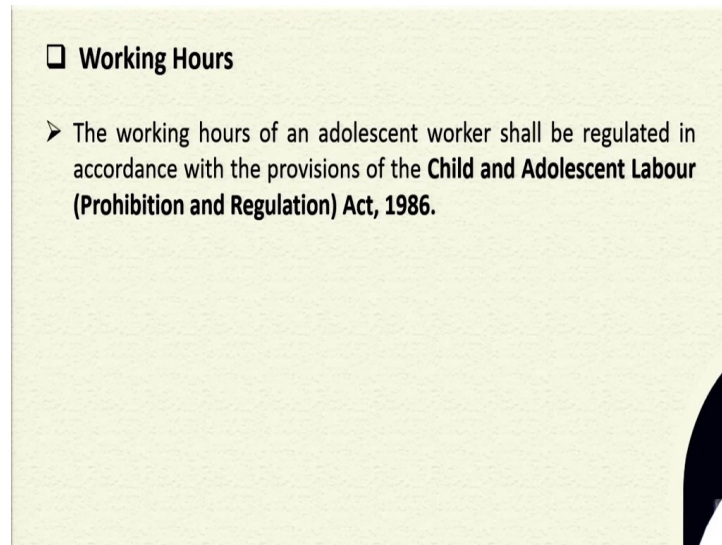
- a) The work in connection with accounts, paying of cash, signing of registers, handover of service sheets, the checking of tickets and other similar work;
- b) Taking over and garaging of the transport vehicles;
- c) Travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;
- d) Work in connection with the upkeep and repair of the transport vehicle; and
- e) The loading and unloading of the transport vehicle.

As we already said that is a special situation for the transport worker, so, the passenger or its load is done outside the running time of the transport vehicle. So, this will be taken into consideration, when the work in connection with accounts paying cash, signing of the register, handing over of service sheet, checking of tickets, and other similar work. This is also to be taken into consideration. And then taking over and garaging of the transport vehicle, that also to be taken into consideration, that also will be added to the running time.

And travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off, that time also is to be taken into consideration. And work in connection with the upkeep of repair of transport vehicle, in between there may be some repairing of transport vehicle, that also to be taken into consideration. The loading and unloading of transport vehicles, that also, this time will be included in the running time.

So, as far as a transport worker is concerned, there is a lot of other time that is going to be added to his total working time. It includes loading, unloading, repairing transport vehicles, travelling for taking charge of the vehicle, going back, checking tickets, checking cash, checking, signing registers, handing out service sheets, etc all this timing will also be considered as far as the transport worker is concerned, within his working time.

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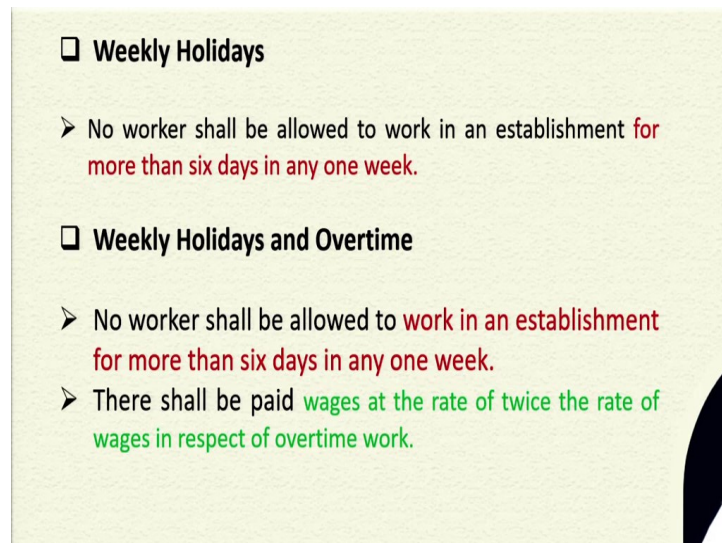


❑ Working Hours

- The working hours of an adolescent worker shall be regulated in accordance with the provisions of the **Child and Adolescent Labour (Prohibition and Regulation) Act, 1986.**

And the working hours of adolescent workers. So, the last class also mentioned about who is adolescent workers. The adolescent worker from the age of 15 to 18 will be in accordance with the Child and Adolescent Labour Prohibition and Regulation Act of 1986. The working hours of the adolescent will be different from the major worker or adult worker. For adolescent workers and adult workers, the working times are going to be different.

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❑ Weekly Holidays

- No worker shall be allowed to work in an establishment **for more than six days in any one week.**

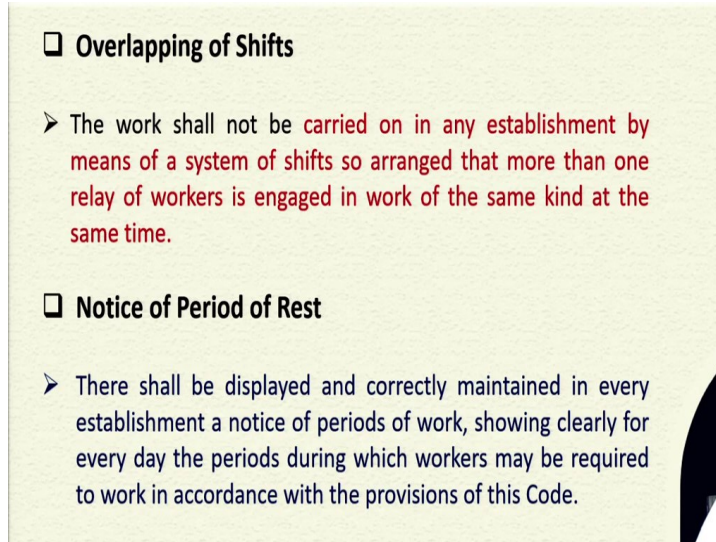
❑ Weekly Holidays and Overtime

- No worker shall be allowed to **work in an establishment for more than six days in any one week.**
- There shall be paid **wages at the rate of twice the rate of wages in respect of overtime work.**

So, we already said that there must be a weekly holiday. So, no worker shall be allowed to work in any establishment for more than 6 days in any one week. So, he should be given a weekly holiday. And he should be given the wages at the same rate or during this weekly

hour or weekly day weekly holidays, and double wages, twice the rate of wages in respect of overtime. So, these are the same provisions were, same as that of the Factories Act, of 1948.

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❑ Overlapping of Shifts

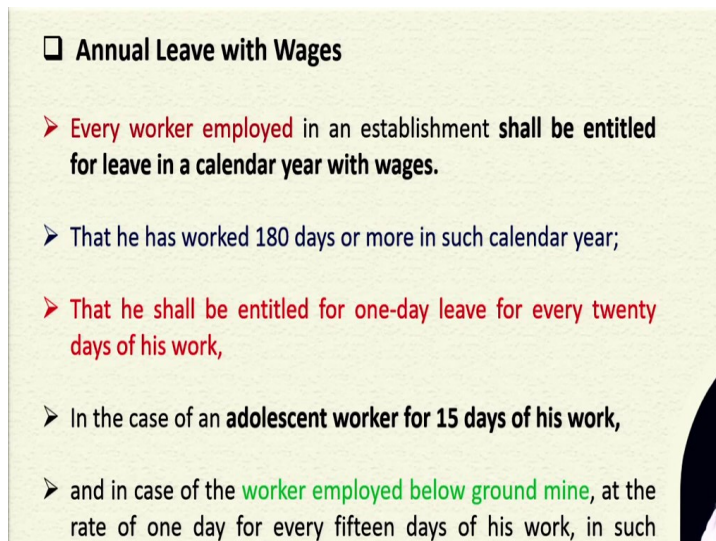
- The work shall not be carried on in any establishment by means of a system of shifts so arranged that more than one relay of workers is engaged in work of the same kind at the same time.

❑ Notice of Period of Rest

- There shall be displayed and correctly maintained in every establishment a notice of periods of work, showing clearly for every day the periods during which workers may be required to work in accordance with the provisions of this Code.

In the case of overlapping shifts, the provision says that the work shall not be carried on in any establishment by means of a system of shifts so arranged more than one relay of workers is engaged in work of the same kind at the same time. And notice of the period of rest must be displayed. So, we already said that these are similar provisions as, same as that in the Factories Act earlier.

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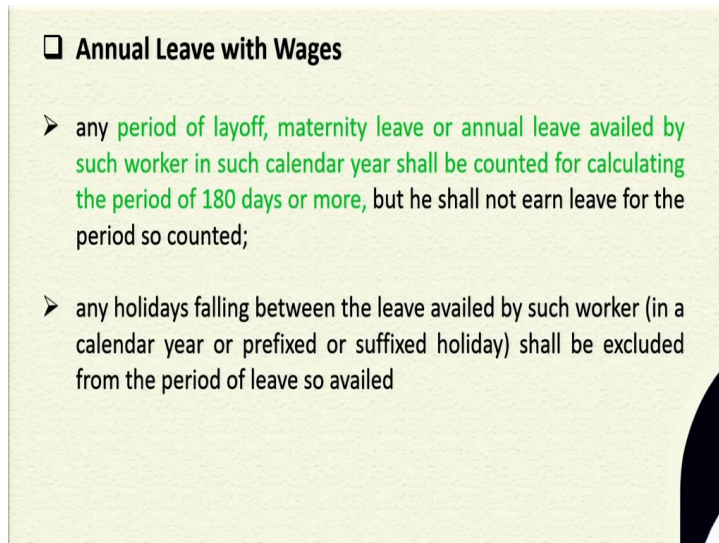
❑ Annual Leave with Wages

- Every worker employed in an establishment shall be entitled for leave in a calendar year with wages.
- That he has worked 180 days or more in such calendar year;
- That he shall be entitled for one-day leave for every twenty days of his work,
- In the case of an adolescent worker for 15 days of his work,
- and in case of the worker employed below ground mine, at the rate of one day for every fifteen days of his work, in such

And annual leave with wages. So, every worker employed in an establishment shall be entitled to leave in a calendar year with wages. And if anybody worked 180 days in a calendar year, he is eligible to get annual leave with wages. So, this annual leave with wages is 1 day for every 20 days of his work. So, every employee is eligible to get it. So, in the case of an adolescent worker, this is for every 15 days of work, he is eligible to get 1 day leave with wages.

There are leave with annual wages, leave with annual wages or annual leave with wages. And in the case of mine workers, the rate of 1 day for every 15 days of his work in the same calendar year. So, with regard to main workers, the leave with wages, and annual leave with wages are the same as that of the adult or adolescent workers 15 days for every, 15 days, 1-day annual leave with wages for every 15 days of work. Mine also, is 15 days, 1 day for every 15 days.

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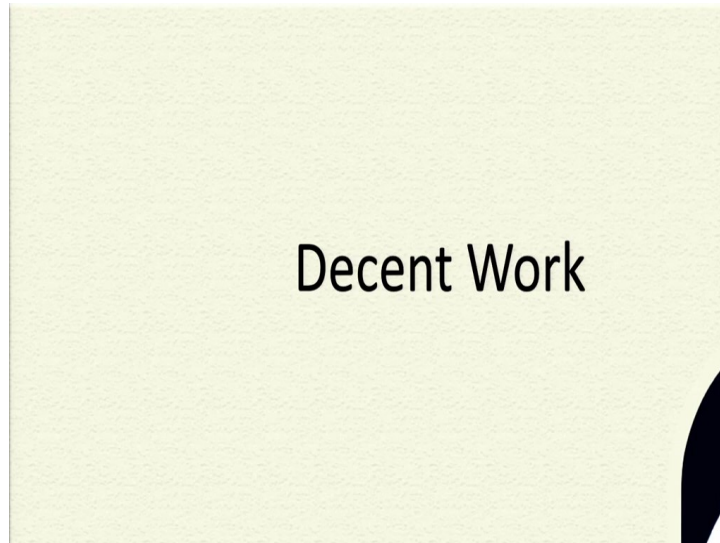


□ Annual Leave with Wages

- any period of layoff, maternity leave or annual leave availed by such worker in such calendar year shall be counted for calculating the period of 180 days or more, but he shall not earn leave for the period so counted;
- any holidays falling between the leave availed by such worker (in a calendar year or prefixed or suffixed holiday) shall be excluded from the period of leave so availed

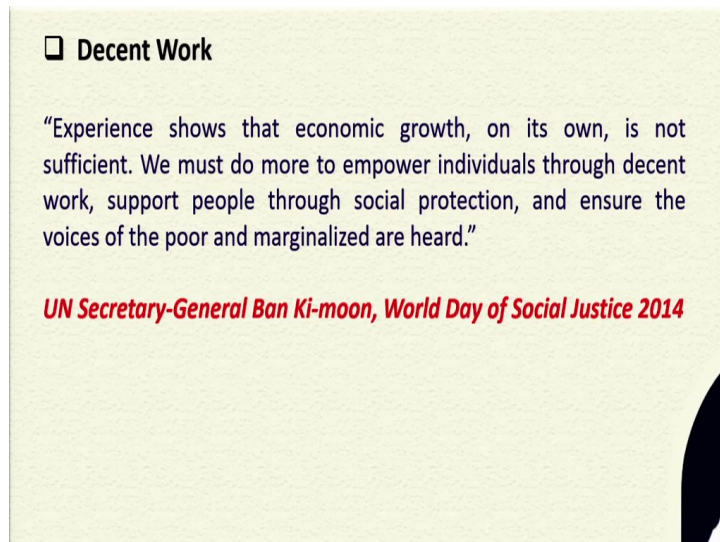
And also, for the calculation of this 180 days period, the period of layoff, maternity leave annual leave availed by such workman in any calendar shall be counted for calculating the period of 180 days. So, earn leave cannot be calculated but paid layoff, maternity leave, and other annual leaves, will be included under these 180 days of work. Then holidays, falling between the leave availed by such worker in a current year shall be excluded from the period of leave so availed. So, the annual leave with wages, very clear, that 1 day holiday for every 20 days is allowed. So, these are the leave, leave rules which are in the old Act as well as in the new code, the Occupational Safety Code.

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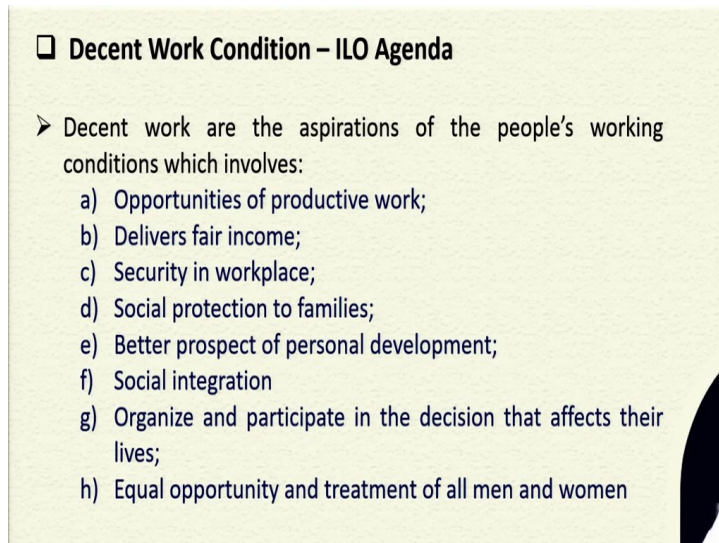
Now, we will discuss about the ILO concept. Why this ILO is talking about decent work, and what is this particular concept of decent work?

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So, here the earlier UN Secretary-General, Ban Ki-moon said, in the World Day of Social Justice, in 2014, he said that experience shows that economic growth on its own is not so, not sufficient. We must do more to empower individuals, through decent work, support people through social protection and ensure the voices of the poor and marginalized are heard. So, he was talking about decent work. So, empower individuals through decent work. This, he talked about.

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□ Decent Work Condition – ILO Agenda

- Decent work are the aspirations of the people's working conditions which involves:
 - a) Opportunities of productive work;
 - b) Delivers fair income;
 - c) Security in workplace;
 - d) Social protection to families;
 - e) Better prospect of personal development;
 - f) Social integration
 - g) Organize and participate in the decision that affects their lives;
 - h) Equal opportunity and treatment of all men and women

And when we look into the components of decent work, the decent work it is, the ILO says it is the aspirations of the people's working conditions. It includes a set of components. This set of components is opportunities for productive work, fair income, security in the workplace, social protection to families, the better prospect of personal development, social integration, organisation and participation in the decision that affects their lives, equal opportunity and treatment of all men and women. So, decent work is not a single concept. It includes a component a set of components and the concept. And this set of components is part and parcel of decent work.

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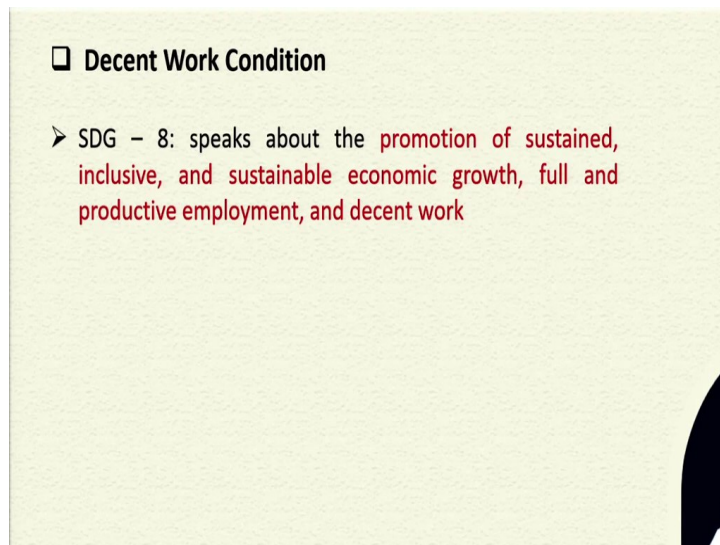
□ Decent Work Condition

- **Productive employment and decent work are the key elements of achieving fair globalization and poverty reduction**
- Adopted by General Assembly of UN on September 2015 – Decent Work and 4 pillars of Decent Work Agenda:
 - i. **Employment creation;**
 - ii. **Social protection;**
 - iii. **Rights at work;**
 - iv. **Social dialogue**
- Integral element of Sustainable Development Agenda 2030

So, productive employment and decent work are considered to be the key element of achieving fair globalization and poverty reduction. So, people talk about the, after the 1990s about globalization. And everybody talks about the globalization era. So, in 2015 the UN General Assembly adopted, there are four pillars of the decent work agenda which include employment creation, social protection, rights at work and social dialogue.

So, this UN agenda is an integral part of the Sustainable Development Agenda of 2030. So, the UN has come out with this particular agenda in 2015 and looked forward to another 15 years of work programs, at the level of member countries to implement the components of this particular work program. So, they talk about employment creation, social protection, rights at work, and social dialogue.

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So, decent work, this particular agenda item speaks about the promotion of sustained, inclusive and sustainable economic growth, full and productive employment and decent work. So, decent work is a part of the sustainable economic growth agenda to be achieved by 2030.

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So, with this decent work agenda, we can see that mainstreaming decent work, full and productive employment and decent work for all. And decent work for all including women and young people is the most effective route out of poverty. So, with poverty, if you talk about decent work, nobody can survive. So, this is employment creation, the UN very clearly said that the first point is employment creation, participation of productive employment, and participation of women, and young people.

And secondly, the global financial-economic crisis. Again, the emphasis is on the need to fully integrate ILO's decent work approach into the broader economic and social strategy to stave off this slowdown, stimulate the recovery and shape fair globalization. So, in between, we can see that at the end of 2019 or the beginning of 2020 up to 2022, the whole world has witnessed the pandemic, lockdown and slowdown of economies and economic problems all over the world.

So, this ILO, unexpected events can also affect the endear working class. It will affect decent work. So, if there is no economic stimulation, if there is no employment creation, so you cannot alleviate poverty, and you cannot eliminate poverty. So, decent work has a very close relation with economic development as well as the economic growth of every country.

So, I was going through the work program of India, we saw that the Government of India has very clearly said that, yes we are going through increased growth, and we are expecting an increased growth rate up to 2025. So, this growth rate is going to decrease poverty in the country. So, we know that we are above 100 in the poverty line. So, the country is at the poverty line. So, the government says if the work program is implemented properly then this can be eliminated. So, the poverty line can come down.

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❑ Measuring Decent Work

The ILO Declaration on Social Justice for a Fair Globalization thus recommends that member States may consider “the establishment of appropriate indicators or statistics, if necessary with the assistance of the ILO, to monitor and evaluate progress made”.

And how you are going to measure this particular decent work? So, the ILO declaration on social justice for fair globalization recommends that the member state must consider the establishment of appropriate indicators or statics, if necessary, with the assistance of the ILO, to monitor and equate, evaluate progress made. It is not simple statements but there must be a measurable agenda or measurable indicators, measurable statics to be collected by the members to implement this work agenda.

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❑ Policy Coherence Initiative

The ILO's Policy Coherence Initiative (PCI) for growth, employment, and Decent Work aims at assisting countries to formulate and adopt policy portfolios that support coherence between the objectives of economic growth and the generation of decent work for all.

Elements of this approach are

- (a) better balance between objectives such as sustainable growth, equity, employment and Decent Work
- (b) more comprehensive policy mix and better sequencing to obtain these objectives, and
- (c) the creation of more policy space to implement national policy priorities.

So, there must be policy coherence. So, the Policy Coherence Initiative of ILO talks about employment and decent work, assisting countries to formulate and adopt policy portfolios. So, the objective is economic growth and generation of decent work, generation of employment for all. And the elements which you can look into this particular policy

coherence, a better balance between objectives of sustainable growth, equity employment and decent work.

And a policy mix and better sequencing to obtain these objectives, and the creation of more policy space to implement national policy priorities because every country has different national policy priorities. So, every country can have their own goals to be achieved. So, the balance between objectives and sustainable growth must be stated in the decent work agenda of individual countries.

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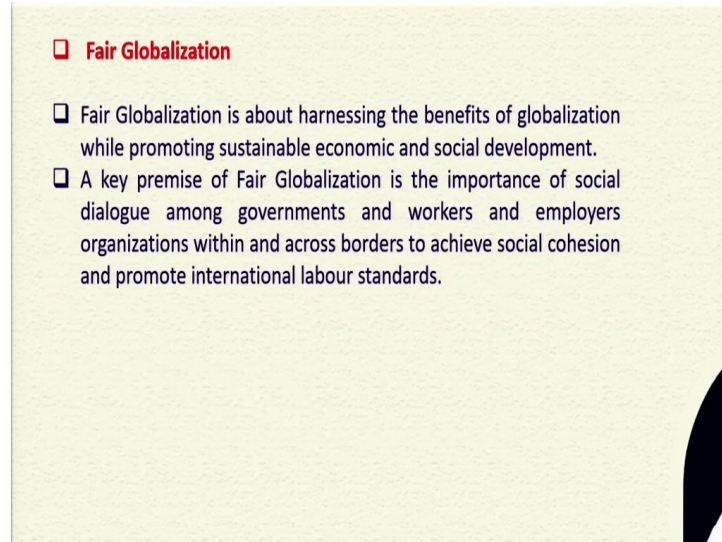
We talked about globalization. Now, the countries or the ILO are talking about fair globalization. Globalization has created developmental opportunities as well as it created wide, and it created wideness between developed countries and developing countries. It is wider and wider, the rich and poor are growing wider and wider, and the distance is going beyond control.

And also, now it talks about diffusing technology. How the technology can be used for the development and widening of markets for goods and services, expanding investment internationalizing business and business process. So, potentially, the negative impact of globalization, particularly on employment, working conditions, equality, international labour standards, and social protection.

So, increased globalization may take away jobs from developed countries to developing countries. That is why even American presidents are not hesitant to say that we are not going to allow or we are not going to migrate these jobs from developed countries to developing

countries. Because it is going to affect employment opportunities in developed countries because most of these jobs are coming to developing countries like India or this Brazil or even China.

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So, developed countries are forced to put a curtailment on the level of globalization. But the employment generation is also a core part of decent work. So, I already said that fair globalization is talking about the benefits of globalization, promoting sustainable economic growth and also social development.

So, sustainable social sustainable economic growth and social development which is on fair globalization premises are important for social dialogue, the ILO says that tripartite dialogues governments, between workers and employees and the governments. So, tripartite talks, and dialogues are very important for achieving globalization, that is sustainable globalization or fair globalization.

So, that is why there are international organizations like ILO working on this particular thing. So, that is why the ILO emphasises the implementation of international labour standards, international labour standards or in all the ILO member countries. So, 183 countries are members of ILO but very few countries are adopted international labour standards. So, we will have another discussion on core labour standard conventions.

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❑ Decent Work and India – 2018-2022

- ❑ This Decent Work Country Programme (2018-22) carries a lot of significance as it provides an opportunity to reaffirm the relevance of social justice and decent work in the country.
- ❑ workers leaving agriculture and taking up jobs in growing sectors in urban areas around the country.
- ❑ There has been a steady growth in the number of persons enrolled in educational institutions in India from the 2000s onwards, especially among women and in rural areas.
- ❑ Along with the growing demand for education, workers who join the labour force, especially from rural India, will also have higher expectations from their jobs to counter the opportunity cost of shifting to non-agricultural occupations.

And I was talking about the Indian work program, which was started in 2018 up to 2022. So, this decent country work program, there is a lot of significance, especially in developing countries. It talks about the opportunities, the opportunities leading to social justice and decent work in the country.

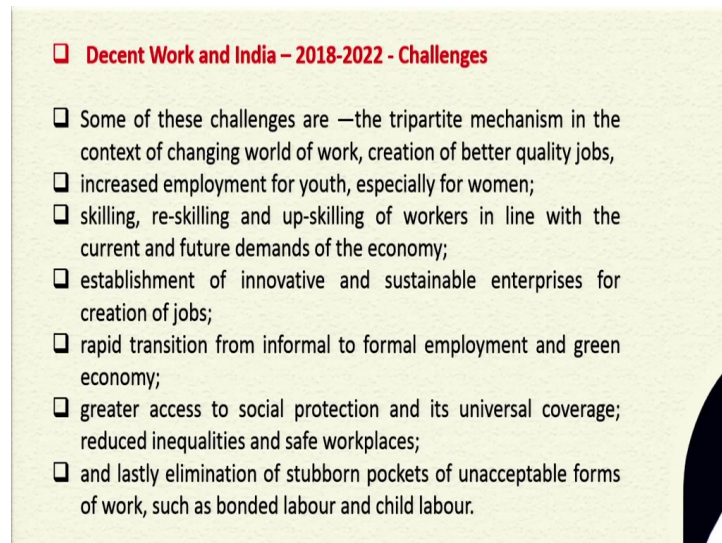
So, we can very well say that the present government has come out with the new codes as a part of the ILO agenda of decent work. So, it enhanced the efficacy or efficiency of the business and also provided social justice and decent work in the country. And here, we know that, so the country paper talks about how more and more people are joining the industry, and more and more people are migrating from rural areas to urban areas.

The contribution of the service sector is increasing day by day in India. Remember, the service sector is the lowest provider of employment in the country. Agriculture is the largest provider of employment in the country, and industry is constant. So, people migrating from agriculture to the service sector is not going to be good for the country. At the same time, that is why sustainable development, and sustainable economic growth.

So, simply increasing, simply increasing the service sector or increasing the manufacturing sector is not going to provide economic growth to the country. At the same time, we should look into the social conditions. So, also the steady growth of the number of persons in education institutions. So, India has a law which provides free and compulsory education up to the age of 40. So, what about higher education? So, there is a growing demand for higher education.

So, workers who are joining the force, we already said about rural India. So, they also have high expectations from their job, to counter the opportunity cost of shifting from non-agricultural to occupations and other jobs. So, when they are shifting from agriculture to other jobs their expectations are high. So, the opportunity cost is very important. So, the contribution to GDP is, the decreasing factor of agriculture also being looked into under the decent work agenda. But at the same time, employment creation is very important.

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Decent Work and India – 2018-2022 - Challenges

- ❑ Some of these challenges are —the tripartite mechanism in the context of changing world of work, creation of better quality jobs,
- ❑ increased employment for youth, especially for women;
- ❑ skilling, re-skilling and up-skilling of workers in line with the current and future demands of the economy;
- ❑ establishment of innovative and sustainable enterprises for creation of jobs;
- ❑ rapid transition from informal to formal employment and green economy;
- ❑ greater access to social protection and its universal coverage; reduced inequalities and safe workplaces;
- ❑ and lastly elimination of stubborn pockets of unacceptable forms of work, such as bonded labour and child labour.

And India, specifically under the work program, India is facing certain challenges. These challenges are very important for the sustainable growth agenda, which we have set up for 2030. This includes the tripartite mechanism. We already talked about the tripartite mechanism of dialogue in the changing world, the creation of better quality jobs, the creation of more employment, increased employment for youth, and the participation of women.

Unfortunately, in our country, the participation of women workmen is only 20 percent. Only 20 percent of the country, is probably one of the lowest when compared to other developing countries. So, you have to increase the participation of women in the workforce. Then skilling, reskilling, or upscaling of workers is in line with the future demands of the economy because if the technology is changing, reskilling and upskilling of workers are very important.

And also, job creation in innovative and sustainable enterprises is very important. And transition, and more importantly, rapid transition from informal to formal employment. And now, international organizations talk about the green economy, sustainable development, and

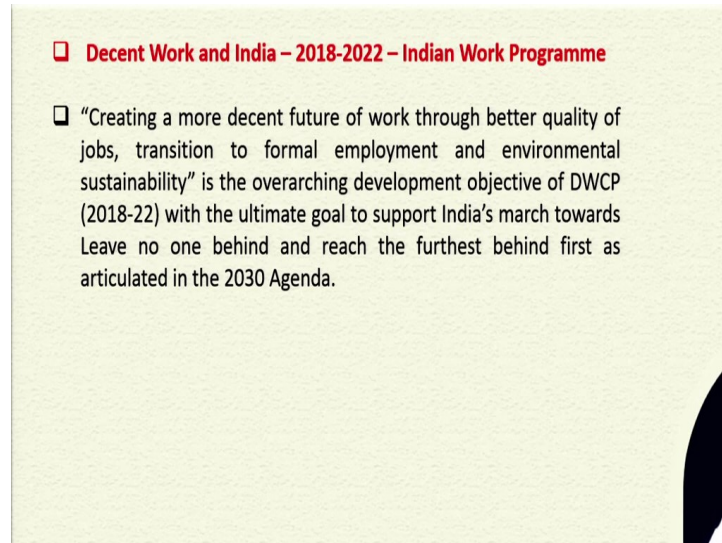
sustainable economic growth. And also, talks about social security measures for universal coverage.

So, we can see that the new codes are going to provide universal coverage of most of the social security legislations like PF, ESI etc. And reduced universal, not only universal coverage, reduced inequalities in safe, and also safe working places, reduced inequalities and safe working places, especially for women workers.

And lastly, we can say that the elimination of the stubborn pockets of unacceptable forms of work, for example, bonded labour, and child labour, unacceptable to any developed country, any developing country, any civilized country, bonded labour system and child labour is unacceptable. We saw in the previous classes that India contributes a huge chunk of child labour.

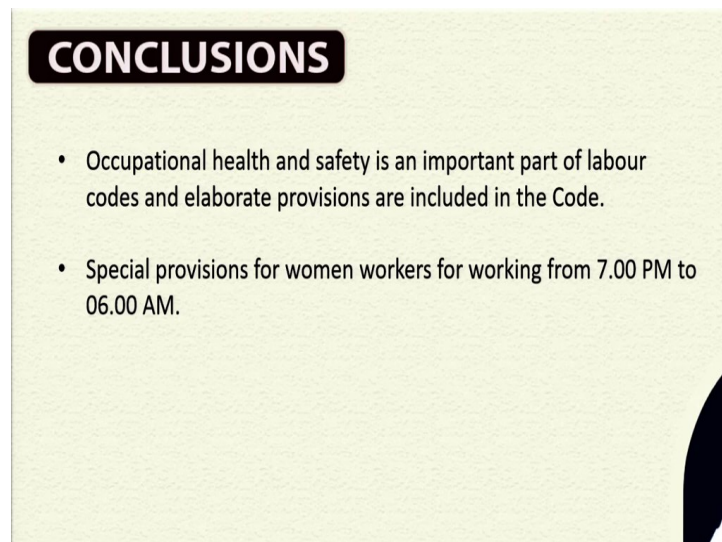
So, policymakers should look into why the number is increasing day by day rather than decreasing. And also we talked about the connectivity between compulsory education and child labour. So, the ILO also talks about certain standards and the parameters of decent work and sustainable development. So, this decent work agenda with a goal of social, better, quality jobs and also for social reforms in the country.

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So, we hope that with the advent of these new codes, this is going to be achieved in a period of time. And the Indian work program is mainly focused on creating a more decent future of work through better quality jobs, the transition from formal employment and environmental sustainability. And the ultimate goal is to support India’s march towards leaving no one behind and reaching the furthest behind first as articulated in the 2030 Agenda. So, we presume that India is going to achieve these particular goals of environmental sustainability, and also the shifting, transition from informal to formal employment.

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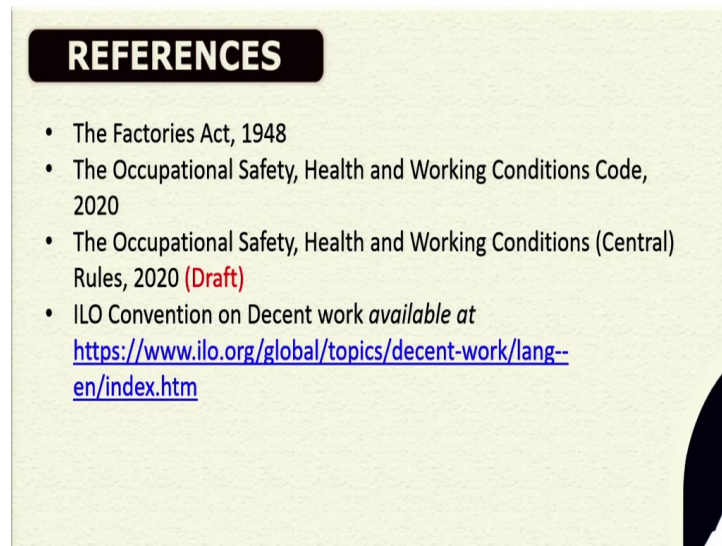


So, in conclusion, I would say that in one part we talked about the working hours and also the health and safety of workmen, and also the special provisions with regard to the women

workers. And now under the new codes, the woman workers are permitted to work from 7 pm to 6 am with certain conditions, with their consent and with adequate safety measures.

So, there is a shift in approach and policy. And the ILO agenda item of decent work provides more opportunities for developing countries, and more opportunities in terms of social security, more in the sense of sustainable growth, sustainable economic growth, sustainable employment growth and eliminating poverty.

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Thank you.