



## **WORKPLACE EVOLUTION AND LAW: ADAPTING TO THE REALITIES OF DIGITAL AND REMOTE WORK**

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### **Abstract**

*This research paper examines the evolution and impact of four key labour laws in India: The Factories Act, 1948; the Employee Provident Fund Act, 1952; the Maternity Benefit Act, 1961; and the Industrial Disputes Act, 1947. Recognising the inherent right to both equality and liberty for workers/employees, the study analyzes how these laws, within the framework of the Indian Constitution, have sought to balance these principles.*

*The researcher has used a comprehensive literature review, examined the historical context of labour law development in India, analysed the provisions of the four key acts, and incorporated insights from academic research, government reports, and expert opinions.*

*The study aims to critically evaluate the effectiveness of these laws in protecting the rights and improving the working conditions of workers/employees in both organized and unorganised sectors. Through this paper, the researcher has offered constructive recommendations for enhancing the existing legal framework and ensuring greater equity and justice for all workers/employees in India.*

**Keywords:** *Labour Law, Workers rights, Social Justice.*

## **INTRODUCTION**

A laborer not only wants equality but also needs liberty; it is intolerable and detrimental when the system proposes equality but denies liberty. The Constitution in which equilibrium between the two is established is the ideal Constitution for the laborers. Bharat Ratna, Dr. B.R. Ambedkar. The Constitution adopted by the country, which enlarged itself as the sole primus and absolute

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authority on which today's Contempered Nation was formally and officially adopted. The date of 26<sup>th</sup> January 1950 was proudly celebrated as Republic Day with utmost pride, representing the vibrant diversity and unity of the country.

After a critical and pragmatic analysis of the Constitution, it can be derived as a codified law, and the lawmakers, politicians, lawyers, and freedom leaders, also the founding fathers of the nation, systematically divided the powers to make laws and legislation and formally to administrate the country into 3 different and separate lists, i.e., the Central, State, and Concurrent lists as placed beneath the Constitution. The prime reason to divide such powers was giving the authority to the Central (Union) and various state governments for the implementation of laws for the systematic functioning of the democratic machinery in India. Post-Independence, the country has seen many laws that were implemented along with amendments to better enforce the laws. Among the laws passed by the Parliament and State Legislations, labor law is a distinct category of law and legal system that was placed in the 3rd (concurrent) list. The concurrent list implies that both state and central governments can make laws on the given subject. A concrete history of passing labor laws in India starts from the ESIC (Employee State Insurance), the 1st major substantial law, to the passing of 4 major distinct and specific labor codes in the year 2020. The human personnel working in various sectors and fields on which labor laws are applicable have seen a tremendous and paramount amount of change in various spheres. In this extensive list and category of Labor Laws Applicable in India, the above research work is particularly concerned and tries to invade particularly 4 specific Labor Laws that are applicable to the organized as well as unorganized sectors in India. Factories Act, 1948.

Employee Provident Act, 1952.

Maternity Benefit Act, 1961.

Industrial Dispute Act, 1947.

Further, the research consists of an extensive review of the literature (ROL) of the 4 major labor laws through the Bare Act interpretations, along with any recent amendments, further containing data and material from published articles of newspapers, research papers, newsletters, government reports, etc. After a review of the literature, a host of constructive and progressive suggestions and recommendations can be implemented in the real-life domain of the 4 labor laws to further improve the existing fragmented and extremely distant conditions. The research work is also filled with secondary data collected through various official

government reports like the Labor, Commission Report, the Central Government's booklet, suggestions from expert lawyers, research literature, etc.

India, after gaining its righteous independence through immense struggles and many hardships in the year 1947, used the constitution as a powerful tool to empower the country. The Constitution framed by the Drafting Committee consisted of some core and important aspects such as the Rule of Law, Fundamental Rights, Fundamental Duties, and DPSP, which are utmost relevant even in contemplative time. Since such judicial terms were accepted by the people, it lays down that "India," i.e., Bharat, will be obliged to obey the concept of "Rule of Law." Further, it follows the implementation of the Ultimate Democracy form of polity to govern the country, and it is essentially based on 3 strong and fundamental pillars, i.e., judicial, legislative, and executive. Since the formal applicability of democracy, India till date presently has implemented various laws that complement and monitor every aspect of the people's lives, such as safety, personal rights, workplace, criminal, civil, and many others.

India, as a developing country on the very forefront, consists of a tremendous human resource, which can be easily seen in day-to-day life. In fact, there are many people who work in a 9-to-5 professional corporate job with a huge lump sum salary and also many people who still work in several unorganized working sectors with daily wage earnings. All of this human personnel is knowingly or unknowingly covered under the Labor Law Category. EPFO, ESIC, Factories, and Minimum Wages are applicable to almost everyone on a varied basis. If seen through a realistic approach, there are many laborers who toil their way hard to earn merge amounts for long drain shifts. Initially, from the Factories Act 1948 to the current 4 labor codes, all the stakeholders in relation to the Labor Law Category have seen many prospective and fundamental changes.

## **REVIEW OF LITERATURE**

### **Factories Act 1948.**

Following is the objective of the Factories Act 1948 for the betterment of workers.

To formally regulate and stricter implementation of Rules and Regulations for overall development and improving the conditions of workers. Providing a fair livelihood for improving the financial position of workers. Reduction in any dispute or disparity among the workers or laborers working in the factory. Enacting special provisions and privileges for women, children, and young people as given in the act.

### **Scope of the Act.**

The Erstwhile Factories Act 1948 is applicable on any premises or any establishment where 10 or more workers are working on any given day in the preceding year.

Or any place where activity of any manufacturing process is conducted in a year.

### **Suggestions for improving the act.**

1. The reality of factories in many industrial and commercial places in India still consists of adverse and dangerous conditions.
2. To practically curtail the authorities under the Factories Act and also occupiers to better implement the act.
3. Precise communication of various benefits and perks available to workers as given to them through the Factory Act 1948.
4. To integrate AI-based safety systems for monitoring compliance.
5. Financial incentives for factories that earn workplace safety certifications like Subsidies, tax breaks, or other benefits which could encourage companies to prioritize health and safety improvements.
6. Mandatory to review and update the Act every five years to ensure it stays relevant to contemporary industrial standards, technological advancements, and workplace practices.

### **Industrial Dispute Act 1947.**

The Industrial Dispute Act 1947 is statutory legislation that tends to resolve any issue that arises or any problems due to various legal consequences and issues such as layoffs, strikeouts, bailouts, lockouts, shutdowns, etc. between the workers working in the industries and the employers respectively.

1. Settlement of any dispute arising among the workers, employers, and employees (as defined in the act) for securing industrial peace and harmony among the entire industry.
2. Maintenance of peaceful work culture in India. (As given in Statute).
3. Actions, procedures, and legal action to be taken against any illegal, arbitral, or unfair act, omission, or practice by the employee or trade union as well.

### **Scope of the Act:**

The Industrial Dispute Act is applicable in place, industry, or establishment where any systematic activity is carried out for any profit-earning activity on any given day in the preceding year. Further, any activity carried out by the employer or industrial owner in which any capital investment or monetary funds are invested for the same.

### **Ways to Improve the Act:**

1. To consider the applications of various provisions which are given under the Factories Act 1948 as there is a direct and appropriate nexus of both the Acts.
2. Need to fast-track the decision-making of the dispute arising as it leads to excessive financial burden and legal baggage on the poor labourers.
3. Reduction or limitation of any external social dynamical or political exaggeration for effective decision-making.
4. Implementation of the erstwhile Contemporary Mediation Act 2023 and its allied provisions so that disputes can be resolved in a more progressive manner.
5. Make conciliation process as mandatory initial step for resolving Industrial disputes with exemptions only in cases of emergency or urgent need.
6. Establish a legal aid fund for low-income workers, enabling them to access legal advice and representation in industrial disputes. This initiative could be funded through government contributions or employers.
7. Mandatory periodic reviews of the Industrial Relations Code to ensure it keeps up with changing industry practices, labour issues, and technological advancements. These reviews be given by industry stakeholders, trade unions, and labor experts.
8. Develop a digital portal to track industrial disputes in real time, enabling authorities and stakeholders to monitor each stage of the process. The portal could provide updates on dispute status, timelines, and outcomes, improving transparency and accountability.

### **Maternity Benefit Act 1961**

The maternity benefit is a statute passed by the legislature as of 12 December 1961. The act primarily deals with providing benefits to women during their pre- and post-maternity benefits, along with certain other benefits as given below.

Salient and Important Features of the Act.

1. Every woman who is employed in an establishment can be mandatorily entitled to have a leave of 26 weeks.
2. Along with a commissioning mother, the equivalent features shall also be applicable to an adopting mother.
3. Every mother shall be applicable to payment of total wages on average daily wages period up to her actual absence up to the preceding day.
4. Along with her current employment, the adoptive/commissioner mother shall be allowed to work from home with adequate facilities.

### **Suggestions to improve Act.**

1. The creche facilities shall be modernized in areas or workplaces where such facilities are available in lesser quantity.

2. Awareness of various government schemes passed by the central government, such as

**A. Janani Suraksha Yojana.**

**B. Vande Mataram Scheme.**

**C. Pradhan Mantri Matru Vandana Yojana.**

So that women working in any sector, irrespective of whatever salary, place, designation, or sector she works in.

3. Mandatory paternity leave of at least 15-30 days. This would help balance caregiving responsibilities and support women in returning to work sooner if they choose. The concept will give legal recognition in the horoscope of maternity benefit.

4. This act be extended to informal sector also, like daily wage labourers, domestic workers.

5. This act be extended to adoptive and surrogate parents too.

6. Partial paid leave for the mothers undergoing miscarriages or stillbirths.

### **Employee Provident Fund Act 1952.**

Employees' Provident Fund Organization (EPFO) is a statutory body incepted by the government of India. Being the country's largest social security organization, it mainly encourages people to save for retirement, among others. EPFO comes under the purview of the Ministry of Labor and Employment and was established in 1952.

### **Scope Of the Act.**

The EPFO act is actually applicable on every establishment, corporate office, business place also on a factory engaged or working in any type of industry specified in Schedule I of the Act in which 20 persons are employed.

Further the scope of act is further covering any employee working with the Central Government may, by notification in the Official Gazette, specify in this behalf.

An establishment to which this Act applies shall continue to be governed by this Act notwithstanding that the number of persons employed therein at any time falls below twenty.

### **Suggestions to improve the act:**

1. The EPFO Act largely benefits employees in the organized sector, excluding millions in the unorganized sector. EPFO benefits be extended to unorganized sector workers, through government subsidies.

2. Launch awareness campaigns and financial literacy programs to educate employees on the importance of EPFO, how to maximize its benefits, and ways to make the most of their contributions. Include guidance on tracking their UAN and planning for retirement.
3. Invest in a more user-friendly, intuitive digital infrastructure with self-service options, real-time tracking, and multilingual support.

### **SUGGESTIONS AND RECOMMENDATIONS:**

Post-analysis of the various aspects of the different acts and their bare interpretations, along with all the available research material, is available. Following are some lists of developing and constructive suggestions that can be implemented to improve the existing disturbing and fragile situations.

1. Factories Act, 1948, and its various facilities available to the organized and unorganized workers, such as creche, restroom, work shift hour, lunch room, canteen, ambulance facilities, and many more, should be provided to every worker at the end.
2. The legal community, i.e. lawyers, along with government institutions, should provide all awareness and legal aid to marginalized workers who drastically suffer at the time of any major industrial disputes like strikes out, bailouts, etc.
3. The political interference of any political trade union or political workers union should be reduced so that the workers or laborers don't leave in any coercive pressure or opportunistic heap.
4. Consideration of Maternity Benefit by making it applicable to Fathers by introducing Paternity Leave should also be considered.
5. In case any mother is ready to adopt any child after willful consideration and following the legal process, she should be entitled to maternity benefits.
6. Apart from this are many recommendations which can still be used to improve the existing situations of overall labor law condition.

### **CONCLUSION:**

After an overall and comprehensive understanding of the labor law situation in India, the countrymen actually requires to upliftment the labor laws reforms through various law and on ground practical reforms. Post study, we have derived that it's not only about the 4 labor laws but overall understanding of the labor codes passed by the government.

## BIBLIOGRAPHY

- Government of India. *The Code on Wages, 2019*. Ministry of Law and Justice, Government of India, 2019. Accessed online at: <https://labour.gov.in>
- Bhattacharjee, Koyel. "India's Code on Wages 2019: An Overview and Key Changes." *Economic and Political Weekly*, vol. 54, no. 36, 2019, pp. 1-7.
- NCEUS (National Commission for Enterprises in the Unorganized Sector). *Report on Conditions of Work and Promotion of Livelihoods in the Unorganized Sector*. Government of India, 2007. Available online at: <http://nceus.gov.in>
- Singh, Manish, and Shalini Sharma. "Impact of the New Labor Codes in India: Insights and Analysis." *Journal of Indian Law and Society*, vol. 13, no. 2, 2021, pp. 225-245. DOI: 10.2139/jils.1357.
- ILO (International Labour Organization). *India Wage Report: Wage Policies for Decent Work and Inclusive Growth*. International Labour Office, 2018. Accessed online at: <https://ilo.org>
- Jain, Praveen, and Tripathi, Parul. "Examining Minimum Wage Policy and the Code on Wages in India." *Labour Economics Review*, vol. 17, no. 1, 2020, pp. 120-138. DOI: 10.1016/j.labecon.2020.101001.
- Ministry of Labour and Employment, Government of India. *Code on Wages, 2019: Highlights and Analysis*. Ministry of Labour and Employment, 2020. Available at: <https://labour.gov.in>
- Awasthi, Aparna, and Arora, Meenakshi. "The Impact of Labour Law Reforms on Wage Disparities in India." *Asian Journal of Social Science Studies*, vol. 9, no. 4, 2022, pp. 56-69. DOI: 10.30845/ajsss.v9n4p7.
- The Economic Times*. "Code on Wages: Key Provisions and Expected Impact on the Indian Labor Market." *The Economic Times*, 5 Sep. 2020. Accessed at: <https://economictimes.indiatimes.com>
- Balani, Shreya. "Implications of Wage Code 2019 on Indian Informal Sector." Working Paper, Centre for Policy Research, 2020. Available at: <https://cprindia.org>
- Sarkar, Amrita. "Wage Standards and Industrial Relations in India: An Analysis of New Labor Codes." *Labour Law Journal*, vol. 58, no. 3, 2021, pp. 152-167. DOI: 10.1080/0023656x.2021.1834175.
- Patnaik, Prabhat, and Patnaik, Utsa. *Labor Laws and Wage Reform in India: An Evaluation*. New Delhi: Oxford University Press, 2021.
- World Bank. *India's Labor Market Policies and the Effect of Wage Reforms*. World Bank Publications, 2020. Available online at: <https://worldbank.org>