

“COVID-19: Suspension of Labour Laws”

**Meenakshi Sharma
UPES, Dehradun*

***Ritik Sharma
UPES, Dehradun*

Introduction

The worldwide outbreak of COVID-19 has brought the world in a standstill, this epidemic has a very turbulent and riotous impact on the Indian Economy. Following the opinions and facts of Prime Minister, that Within Crisis, are the seeds of opportunity, the State authorities with the objective of stimulating the economy amidst the blockades, are quite engaged in suspension of the labour legislation.

The States Governments are terminating and eliminating the legislation governing labour class workers in their respective states, as an attempt to keep a tight rein on the economic fall of our country and moreover these suspension has been provided with a view to provide versatility and mobility to the industries and businesses in order to retrain the economic impact of the epidemic and lockdowns.

Labour legislations square measure necessary for the correct functioning of the industries and is important to possess amicable surroundings at the work place. Labour legislation regards individuals as labourers, whereas the general legislation regards him a citizens. The principles governing labour legislations square measures which are influenced by the postulates of social justice than general justice. Workers are the weaker class of industrial society and have suffered long at the hands of employers, thus these sets of legislations protects the labourers and workers and secure justice to them.

Labor legislation seeks to deal with problems arising out of occupational status of the individual and the objective which sought to achieve by these legislations are establishment of Social, Political and Economic justice, provision of opportunities to all workers, irrespective of caste, creed, religion, protection and improvement of labour standards, etc.

The workers class of our economy represents the foundation of our country and hence labor legislation plays an important role in the protection of rights of the backbone of our country, and these legislations might contribute to the upliftment of economy.

With the beginning of the fourth round of blockade, most of India's workforce continues to sacrifice at the expense of public health and even the economy. In the past few weeks, Maharashtra, Madhya Pradesh, Haryana, Uttarakhand, Himachal, Uttar Pradesh and Gujarat have announced a series of labor law bans. In Gujarat, there are proposals to exempt certain labor regulations as carrots for new businesses, while in Uttar Pradesh, almost the entire scope of the proposed labor laws will be suspended and among these states others are also working on this idea. Recently, on 8th May, 2020,

the State Government of Uttar Pradesh, has propagated a circular with the aim and aspiration to suspend the labour legislations for a phase of three years.

These ordinances result in the suspension of regulative, protective, welfare and wage related labour legislations.

The census broadcast by the Indian Economic Monitoring Centre, shows that 24% of workforce in India is unemployed at present scenario and moreover a perpendicular escalation of 8% in unemployment rate is expected. The unemployment data amounting to half of the rate is published by numerous industrial arena, which indicates about the expected large-scale layoffs. Although the outbreak of the COVID-19 epidemic may have prompted a corresponding moratorium, but the temporary suspension of labour legislations will only result in the hike of exploitation and upsurge in the worse living condition of workers.

The motive behind such amendments and policies are first, the upliftment of economy by providing employment opportunities to the workers who migrated back to their state and secondly liberal and constructive ambience will stimulate investment opportunities. However, these policies are not supported by any empirical and factual observations, because if they were backed by statistics then it would not have occurred at all, because of the study which audits and scrutinises the repercussions of the amendment imposed by several state authorities in 2015, regarding the diminution of the labour legislations. It held that there was no effect of these relaxations on the employment, expansion of capital and blooming of industrial arena, in contravention, these relations result in the excessive exploitation of the working class.

Although the economic reasons for the suspension are clear, its legal and socio-political foundations are still serious and dangerous. The design of the Indian labor law framework is the product of its obligations under the ILO conventions, constitutional obligations, decades of jurisprudence and the hard work of the working class. Fundamentally, the socio-political case of the labor law framework comes from the power asymmetry between labor and capital. Therefore, the labor law aims to offset the inequality of bargaining power by preventing the capital owner from unilaterally determining the terms of service.

Advantages of Temporary Suspension

1. It might be necessary to revitalise the stagnation of the economy in a blocked state.
2. It was claimed by State Authorities that in addition to encouraging existing industries in the states, it should also encourage new investment, the latest infrastructure and new industrial activities.
3. Governments believe that this move will also create employment opportunities for all workers who migrate back to the state, because it will increase the flexibility of employment.
4. It was also assured by the state authorities that they will continue to protect their basic rights for workers because three laws are still being developed for them.

5. It will help to re-upgrade the skills of workers from different industries who wish to work in new industries and develop the skills required to work in the industry.

Disadvantages of Temporary Suspension

It was believed as expected as per the statistic that this policy will result in the exploitation, discrimination and harassment of the working class at this time of epidemic.

This move will be anticipated to shifting of working class from formal to informal arena as it will destitute them of social security.

This was also expected that these amendments will widen the discrimination on grounds of gender and sex, as excessive exploitation will reduce the contribution of female in the sector.

Workers will be deprived of their basic rights and their wages will be lower than before.

Longer working hours and less safety will threaten workers' health. Similarly, this will lead to labor lack of job security.

Conclusion

Due to the loss of livelihoods, conspiracies in the state, and many avoidable workplace accidents, a large number of former refugees have been hit, and many workers have expressed great pain for the betrayal felt by their employers. The future will be defined by the working class 'own response. One option is to continue to trust the framework of the rights of the single workers who are now deprived and return to work under conditions of debt bondage. Another option is to recognise that labor participation can be used to promote the development of laws protecting collective industrial actions. Collective action and negotiation equalise the power relations between employers and employees in ways that the country has not done in India. Both options will involve a fundamental change from the status quo, and the socio-economic costs of this change will not be insignificant. Legislatures must determine whether the signal of political virtue is worth the loss of life, livelihood and property on the ominous omen that is coming. The front should not be allowed to bear the cost of the blockade.

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