



The rights of workers in a globalized world and the 2020 labour code on social security

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Abstract

India has had a number of effects from globalization. Some benefits have been brought about by it, such as more options for employment. However, it also has certain negative effects on workers' rights. Globalization has decreased workers' social security rights and informalized labour through subcontracting and contracting. In India, only a small portion of the labour force has access to social safety in times of crisis. The insecure nature of labour, low pay, job insecurity, inadequate health care, and lack of social security are only a few of the rights abuses that the majority of workers encounter in the workplace. By combining the several labour laws into four codes, the new labour codes transformed labour jurisprudence in India. This paper analyzes whether the new Social Security Code 2020 takes into account the difficulties faced by workers in the globalized world.

Keywords: Globalization, Social Security, Informal Labour, Labour Codes, Workers' Rights, Employment

Introduction

The globalization has improved labour mobility across international borders and eliminated trade barriers on a global scale. It has been proved that organized workers benefit from globalization in terms of job prospects and higher living conditions. Informal workers now have more job options, but the nature of employment has changed to more contractual. The informal nature of employment led to the deterioration of impoverished and marginalized worker's basic rights, such as economic stability and social security, and increased their susceptibility to oppression. Medical care, sickness benefits, maternity benefits, survivor's benefits, invalidity benefits, old age benefits, employment injury benefits, unemployment benefits, and family benefits are among the basic elements of social security that the International Labour Organization (ILO) has highlighted. The Second National Commission of Labour had submitted its report in 2002 which said that there was multiplicity of Labour Laws in India and therefore, recommended that at the Central level multiple Labour Laws should be codified in 4 or 5 Labour Codes^[1]. The 2020 Code of Social Security consolidates the current social security laws and grants some new rights.

Right to social security

According to the basic documents, social security is a human right. *The Universal Declaration of Human Rights (UDHR)1948* proclaims that every individual has the right to social security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. There shall be a standard of living that is adequate for the health, food, clothing, housing and medical care of a person and his family^[2]. The declaration also recognises the components of social security like right to work, right to just and favourable working conditions, right to free choice of employment, right to protection against unemployment, right to equal pay for equal work, right to just and favourable remuneration, right to rest and leisure, reasonable limitation of working hours, periodic holidays with pay and right to form and to join trade union^[3]. *International Covenant on Economic,*

Social and Cultural Rights (ICESCR)1966 guarantees the right to social security in wider terms. It recognize that everyone has the right to social security including social insurance^[4]. Every one has the right to work and freedom to select his work. State shall arrange its citizens technical and vocational guidance and training programmes. The employment shall be productive and there shall not be any conditions that violate the fundamental political freedoms and economic freedoms^[5].

In actual practice, the right to social security is not available to informal workers due to various factors. Majority of the schemes are contributory in nature. The employer and the employee shall make regular payments to get the benefits of the schemes. The precarious nature of work, absence of permanent employer employee relationship, inability to pay contributions, lack of registration, ignorance of laws, extreme poverty are some of the factors that deprive the social security rights of informal workers. The organised workers get social security rights.

The Transition from the Informal to the Formal Economy Recommendation 2015 recognises that the informal sector is devoid of adequate social security benefits and requires the States to extend social security coverage to workers in the informal economy. National Commission for Enterprises in the Unorganised Sector (NCEUS) defined unorganised workers as "Unorganised workers consist of those working in the unorganised enterprises or households, excluding regular workers with social security benefits, and the workers in the formal sector without any employment/social security benefits provided by the employers"^[6]. The employees with informal jobs generally do not enjoy employment security (no protection against arbitrary dismissal) work security (no protection against accidents and illness at the work place) and social security(maternity and health care benefits, pension, etc.)^[7].

Income security is a basic right of a worker. The work shall enable a person to gain his living^[8]. *The Universal Declaration of Human Rights (1948)* affirms that remuneration of a worker shall be worthy of human dignity for himself and his family^[9]. States must ensure fair wages without any discrimination, periodic holidays with pay and

remuneration for public holidays ^[10]. Article 43 of the Constitution of India, provides for the living wages for workers.

a. Components of social security rights

Right to work and social security are intrinsically related to other basic rights because human rights are indivisible in nature. *The Social Security (Minimum Standards) Convention (1952)* which is considered as the flagship of social security instrument identifies nine standard branches of social security namely medical care, sickness benefit, unemployment benefit, old-age benefit, employment injury benefit, family benefit, maternity benefit, invalidity benefit and survivors' benefit ^[11]. State shall ensure its citizens the basic components of social security through its administrative and legislative actions.

According to Constitution of India, the State has the duty to make effective provisions for securing the right to work, to education and to public assistance in cases of unemployment, old age, sickness, and disablement and in other cases of undeserved want ^[12]. Article 39 (a) of the Constitution provides for the right to an adequate means of livelihood for both men and women. In *Olga Tellis V Bombay Municipal Corporation*, the Supreme Court held that the right to life under Article 21 includes the right to livelihood ^[13].

Social protection includes the basic necessities for survival of life. It consists of adequate standard of living for a worker and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. Every one has the freedom from hunger ^[14]. The Committee on Economic, Social and Cultural Rights commented that "The right to adequate food is indivisibly linked to the inherent dignity of the human person and is enshrined in the international bill of human rights. It is also inseparable from social justice ^[15]."

Right to food can be realised only when people have access to resources. "The right to adequate food is realized when every man, woman and child alone or in community with others, have physical and economic access at all times to adequate food or means for its procurement ^[16]." Article 11 of I CESCR 1966 states that the methods of production, conservation and distribution of food should be improved to make people free from hunger. The Constitution of India speaks about distributive justice. The directive principles of state policy requires that there shall not be any concentration of wealth and income. The material resources are to be distributed to serve the common good ^[17].

In *Re Problems and Miseries of Migrant V Union of India*, while dealing with the plight of migrant labour in the COVID pandemic the honourable supreme court held that "The Right to Life as guaranteed by article 21 of the Constitution gives right to every human being to live a life of dignity with access to at-least bare necessities of life. To provide food security to impoverished persons is the bounden duty of all States and Governments" ^[18]. Article 47 of the Constitution states that State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties ^[19]." *National Food Security Act, 2013* is a welfare legislation aimed at providing right to food.

International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966 states that everyone is entitled to highest attainable standard of physical and mental

health. States shall take steps for the reduction of the stillbirth-rate and of infant mortality and for the prevention, treatment and control of epidemic, endemic, occupational and other diseases. There shall be access to medical service and medical attention in the event of sickness ^[20]. Right to health includes improvement of hygiene, control and prevention of epidemic, endemic, occupational and other diseases, access to timely medical care, participation in health related decision making, adequate supply of safe food, access to safe and potable water, adequate sanitation, nutrition and housing, healthy occupational and environmental conditions and access to health related education and information ^[21]. *Medical Care and Sickness Benefit Convention 1969* provides that in relation to medical care, wives and children of employees should also be covered. The Constitution enjoins the State to direct its policies to secure the health and strength of workers ^[22].

b. Maternity benefits

Maternity benefit is a basic right. In *Municipal Corporation of Delhi V Female Workers (Muster Roll)*, the honourable Supreme Court observed that "Women who constitute almost half of the segment of our society have to be honoured and treated with dignity at places where they work to earn their livelihood. The employer has to be considerate and sympathetic towards her and must realise the physical difficulties which a working woman would face in performing her duties at the work place while carrying a baby in the womb or while rearing up the child after birth."

^[23] *The Universal Declaration of Human Rights (U DHR) 1948* recognises that Motherhood and childhood are entitled to special care and assistance ^[24]. *International Covenant on Economic, Social and Cultural Rights (ICESCR) 1966* provides that special protection should be granted to mothers during a reasonable period before and after childbirth. Working mothers should be accorded paid leave or leave with adequate social security benefits ^[25]. *International Convention on the Elimination of Discrimination against Women (CEDAW) 1979*, the comprehensive human rights document that deals with gender rights grants certain protection on reproductive health of women. CEDAW provides that States shall protect right to social security of women on contingencies like retirement, unemployment, sickness, invalidity, old age and other incapacity to work. Workers are entitled to protection of health and to safety in working conditions and the safeguarding of the function of reproduction. The convention prohibit the dismissal of woman on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status. The employer or the establishment shall provide child care facilities so that women workers can combine the family obligations and work responsibilities ^[26]. Maternity care shall include pre-natal, confinement and post-natal care and shall enable the women to restore her health, ability to work and to attend to her personal needs ^[27].

The Maternity Protection Convention 2000 states that medical benefits must include prenatal, childbirth and post-natal care. There shall be work break for breast feeding. Domestic Workers are one of the most vulnerable group of female work force who are deprived of basic entitlements and social security. ILO has drafted a convention to lay down standards of labour for domestic workers. The important rights provided to the domestic workers are minimum wage and daily and weekly rest hours ^[28].

Article 42 of the Constitution of India requires the State to make provision for securing just and human conditions of work and for maternity relief. In *Air India V Nergesh Meerza*, Air India Rule that an air hostess, shall retire on first pregnancy was held to be unreasonable and unconstitutional. Supreme court observed that the rule is violative of articles 14 and 15 of Constitution of India as it would force the poor air hostess not to have any children and interfere with and divert the ordinary course of human nature. It is an open insult to Indian womanhood ^[29]. In *Maniben Maganbhai Bhariya V District Development Officer*, the apex court held that right to nutrition and healthcare constitutes the most basic and fundamental right of children. Reproductive health of the mother and the health of the infant child are closely related ^[30].

Maternity Benefit Act 1961 is the primary legislation in India that contains detailed provisions for maternal care, maternity benefit, maternity leave, nursing breaks, prohibition of dismissal on the ground of pregnancy and medical bonus etc.

c. Employment injury

Workers shall get social security benefits on employment injury. "Employment injury includes any condition that impacts negatively on health and which is due to a work accident or an occupational disease, and the incapacity to work and earn that results from it, whether temporary or permanent, total or partial ^[31]."

Employment injury benefits includes access to essential medicines, hospitalization, general medical care and specialist care. ILO has drafted *Employment Injury Benefits Convention 1964*, *Workmen's Compensation (Accidents) Convention 1925* and *Equality of Treatment (Accidents Compensation) Convention 1925* to provide for employment injury benefits. *Employment Injury Benefits Convention 1964* cover contingencies like a morbid condition, incapacity for work, invalidity or a loss of faculty due to an industrial accident or a prescribed occupational disease, and the loss of support as a result of the death of the breadwinner following employment injury. State shall grant medical care, cash benefits in the event of incapacity for work and loss of earning capacity (invalidity), and cash benefits in the event of the death of the breadwinner. United Nations Convention on the *Rights of Persons with Disabilities (CPRD) 2006* states that the worker shall not be discriminated on the ground of any disability. The disabled persons have the right to equal access to the labour market, free choice of employment, just and favourable conditions of work, trade union rights, safety, opportunities for self-employment, entrepreneurship, the development of cooperatives and starting one's own business, training programmes, freedom from forced labour and social protection ^[32].

The Employees Compensation Act 1923 fixes the liability of an employer in India if any personal injury is caused to a worker by accident arising out of and in the course of his employment. Contracting of occupational diseases is considered as employment injury.

d. Survivors benefit

The survivors or the dependent of a diseased worker are entitled to social security benefits. The Committee on Economic, Social and Cultural Rights commented that

benefits should cover funeral costs. The survivors shall not be discriminated on any grounds while granting benefits ^[33]. Part X of the *Social Security (Minimum Standards) Convention 1952* articles 59 to 64 deal with survivors benefit. The ILO Convention on *Invalidity, Old-age and Survivors' Benefits 1967* states that in the case of old-age and survivors' benefit, the minimum amount should correspond to at least 45 per cent of the reference wage. *The Employees Compensation Act 1923* provides for dependents benefit in the case of death of an employee.

e. Unemployment benefits

According to ILO "Unemployment benefits schemes helps to provide income security, prevent poverty, support structural changes in the economy and provide safeguards against informalisation ^[34]."

The Social Security (Minimum Standards) Convention (1952), *Unemployment Convention (1919)* and *Termination of Employment Convention (1982)* provide for unemployment benefits. The *Employment Promotion and Protection against Unemployment Convention 1988* protects unemployed persons through periodical payments and through the promotion of employment. Government policies shall be directed at the promotion of full, productive and freely chosen employment.

The Mahatma Gandhi National Rural Employment Guarantee Act 2005 guarantees an employment of 100 days in a year. The daily wage is fixed as per the minimum wage which applies in a particular territory. The Act provides for unemployment allowances also ^[35].

f. Old age benefits

According to the Committee on Economic, Social and Cultural Rights, the old age benefits shall be made available on the basis of resources of the States. The retirement age should be fixed on the basis of national conditions, nature of work, working capacity of the aged persons etc ^[36]. The ILO Convention on *Invalidity, Old-age and Survivors' Benefits 1967* states that in the case of old-age, the minimum amount should correspond to at least 45 per cent of the reference wage. *Social Protection Floors Recommendation 2012* lays down that States shall try to achieve at least four basic social security guarantees including access to essential health care and basic income security for children, persons of active age who are unable to earn sufficient income, and older persons. *The Pensions Act 1871* and the Service Rules governs the law relating to pensions in India. The *Maintenance and Welfare of Parents and Senior Citizens Act 2007* protects rights and welfare of senior citizens in India. There are various government welfare schemes that give monetary benefits to elderly people like Atal Pension Yojana (APY), Rashtriya Vayoshi Yojna (RVY), Indira Gandhi National Age Pension Scheme etc.

g. Medical Care and Sickness Benefits

The ILO convention namely, *Medical Care and Sickness Benefits Convention 1969* states that the workers are entitled to medical care which include general practitioner care, including domiciliary visiting, specialist care at hospitals for in-patients and out-patients, and such specialist care as may be available outside hospitals, the necessary pharmaceutical supplies on prescription by medical or other qualified practitioners, hospitalisation, dental care and medical rehabilitation, including the supply, maintenance and

renewal of prosthetic and orthopaedic appliances^[37]. *The Social Security (Minimum Standards) Convention (1952), Workmen's Compensation (Occupational Diseases) Convention (1934), Employment Injury Benefits Convention (1964) and Old Age, Invalidity and Sickness Benefit Convention (1967)* also provides for sickness benefit to workers.

The Employees' State Insurance Act 1948 (E SI Act) is the social security legislation that ensure benefits to employees in case of sickness, maternity, and employment injury in India. The Employees need to take insurance and pay monthly contributions to avail the benefits.

It is relevant to examine the observation of honourable Supreme Court about health of workers. In *C.E.S.C. Ltd. Etc V Subhash Chandra Bose* honourable Supreme Court held that "To the tillers to the soil, wage earners, labourers, wood cutters, rickshaw pullers, scavengers and hut dwellers the civil and political right are 'mere cosmetic rights. The health and strength of a worker is an integral fact of right to life. The term health implies more than an absence of sickness. Medical care and health facilities not only protect against sickness but also ensures stable man power for economic development. Facilities of health and medical care generate devotion and dedication to give the workers' best, physically as well as mentally, in productivity^[38]."

New labour codes

The four labour codes are the result of extensive discussions and researches in labour reforms. They are aimed at bringing simplicity and uniformity in labour laws. It modernised the colonial laws to accommodate the changes of a globalised world. Code envisions delivering justice to the workers by providing social security to 50 crores of workers in the country. The Central Government enacted four labour codes substituting 29 existing labour laws. The labour codes are not implemented till date. The new labour codes are Industrial Relations Code, 2020 (IRC), The Occupational Safety, Health and Working Conditions Code 2020 (OSHW), Code on Wages 2019(W C) and Social Security Code 2020(SS) 2020.

a. Industrial Relations Code, 2020 (IRC).

The Act was passed to consolidate and amend the laws relating to trade unions, conditions of employment in industrial establishment or undertaking, investigation and settlement of industrial disputes and for matters connected therewith or incidental thereto^[39]. The Industrial Relations Code of 2020 would replace the following three laws^[40].

1. The Trade Unions Act 1926
2. The Industrial Employment (Standing Orders) Act 1946
3. The Industrial Disputes Act 1947.

b. The Occupational Safety, Health and Working Conditions Code 2020 (O SHW)

The Act was passed to consolidate and amend laws regulating the occupational safety, health and working conditions of the persons employed in an establishment. The Act will replace the following legislations^[41].

1. The Factories Act 1948
2. The Mines Act 1952
3. The Dock Workers (Safety, Health and Welfare) Act 1986

4. The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act 1996
5. The Plantations Labour Act 1951
6. The Contract Labour (Regulation and Abolition) Act 1970
7. The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act 1979
8. The Working Journalist and other Newspaper Employees (Conditions of Service) and Miscellaneous Provisions Act 1955
9. The Working Journalists (Fixation of rates of wages) Act, 1958
10. The Motor Transport Workers Act 1961
11. The Sales Promotion Employees (Condition of Service) Act 1976
12. The Beedi and Cigar Workers (Conditions of Employment) Act 1966
13. The Cine-Workers and Cinema Theatre Workers Act 1981.

c. Code on Wages 2019

The Act was passed to consolidate and amend the law relating to wages and bonus and other related matters. The code would repeal the following four legislations^[42].

1. Minimum Wages Act 1948
2. Payment of Wages Act 1936
3. Payment of Bonus Act 1965
4. Equal Remuneration Act 1976

Social Security Code 2020.

Social Security Code 2020 consolidated and improved the existing social security legislations. The Code defines social security as "the measures of protection afforded to employees, unorganised workers, gig workers and platform workers to ensure access to health care and to provide income security, particularly in cases of old age, unemployment, sickness, invalidity, work injury, maternity or loss of a breadwinner by means of rights conferred on them and schemes framed, under this Code^[43]". The code provided for the repeal of following legislations^[44] namely

1. 1.The Employees' Compensation Act 1923
2. The Employees' State Insurance Act 1948
3. 3.The Employees Provident Fund and Miscellaneous Provisions Act 1952
4. The Employment Exchanges (Compulsory Notification of Vacancies) Act 1959
5. 5.The Maternity Benefit Act 1961
6. 6.The Payment of Gratuity Act 1972
7. 7.The Cine Workers Welfare Fund Act 1981
8. 8.The Building and Other Construction Workers Welfare Cess Act, 1996
9. The Unorganised Workers' Social Security Act, 2008.

The Code provide for the constitution, composition and powers of different social security organisations to carry out the functions of the Code namely Board of Trustees of the Employees' Provident Fund to be called the Central Board, (section 4) Employee's State Insurance Corporation (ESIC) (section 5), National Social Security Board and State Unorganised Worker's Board (section 6) and State Building and Other Construction Workers' Welfare Board (section 7)

a. Benefits from ESI Corporation (ESIC)

Chapter IV, sections 24 to 52 of Social Security Code deals with the benefits granted by the ESI Corporation. Section 32 of the Code states that the workers or their dependants are entitled to certain social security benefits including sickness benefits, dependants benefits, medical benefits, funeral expenses and disablement benefits. Maternity benefit is available in case of child birth, confinement, miscarriage or sickness arising out of pregnancy, confinement, premature birth of child or miscarriage. According to section 33, the Corporation has the duty to improve the health and welfare of insured persons. It shall take measures for the rehabilitation and re-employment of insured persons who have been disabled or injured. If any worker contracts any occupational diseases peculiar to industries listed in the Third schedule, it is deemed as an employment injury arising out of and in the course of employment and the employer is liable (Section 36). Section 38 explains dependent benefits on the death of the worker as a result of an employment injury. Code states that establishments working in hazardous sectors would mandatorily be linked with ESIC, even if there is only one worker working in it. There are provision for making scheme for linking unorganised sector and Gig workers with ESIC, option to link workers working in Plantations is being given to Plantation owners and option for becoming member of ESIC is also being given to establishments with less than 10 workers ^[45].

b. Benefit of Gratuity

Chapter V, sections 53 to 58 of the S.S Code deals with the conditions for payment of gratuity. According to section 53, gratuity shall be payable to an employee on the termination of his employment (after he has rendered continuous service for not less than five years)

on his superannuation, or on his retirement or resignation, or on his death or disablement due to accident, or on termination of his contract period under fixed term employment or on happening of any such event as may be notified by the Central Government. Code extended the coverage of EPFO to all establishments having 20 workers. Option to join EPFO is also being given to establishments having less than 20 workers. Schemes would be formulated for bringing workers coming under the category of 'Self-employed' or falling under any other category under the aegis of EPFO ^[46].

c. Maternity benefits

Chapter VI, sections 59 to 72 of the S.S Code deals with the maternity benefits. Section 59 prohibits the employment of a woman in any establishment during the six weeks immediately following the day of her delivery, miscarriage or medical termination of pregnancy. She gets protection from doing any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus or is likely to cause her miscarriage or otherwise to adversely affect her health. According to section 65 she is entitled to leave with wages at the rate of maternity benefit, in cases of miscarriage, or medical termination of pregnancy for a period of six weeks immediately following the day of her miscarriage. She is eligible get leave with wages at the rate of maternity benefit for a period of two weeks immediately following the day of

her tubectomy operation. A woman suffering from illness arising out of pregnancy, delivery, premature birth of child, miscarriage or medical termination of pregnancy shall get an additional benefit of leave with wages at the rate of maternity benefit for a maximum period of one month. Section 66 provides for nursing breaks for a mother until the child attains the age of fifteen months. Section 67 imposes a duty on employer to establish crèche depending on the number of female workers. Section 68 states that an employer shall not discharge or dismiss a female worker or change conditions of her service to her disadvantage on the ground of her absence on maternity period,

d. Sickness benefit and medical care

Chapter VII, sections 73 to 99 of the SS code deals with the liability of an employer. Section 74 states the liability of an employer to pay compensation for personal injury caused to an employee by accident or an occupational disease listed in the Third Schedule arising out of and in the course of his employment and the conditions. Section 75 deals with Compensation in case of death of or injury in plantation.

e. Social security and welfare of building workers

Chapter VIII, sections 100 to 108 of the S.S Code deals with social security and welfare of building workers. Section 100 states that a cess shall be levied and collected for the purposes of social security and welfare of building workers at such rate not exceeding two per cent but not less than one per cent of the cost of construction incurred by an employer. According to section 106, every building worker who has completed eighteen years of age, but has not completed sixty years of age, and who has been engaged in any building or other construction work for not less than ninety days during the preceding twelve months are eligible for registration as beneficiary. Section 108 explains about Building and Other Construction Workers Welfare Fund.

f. Social security of unorganised workers

Chapter IX sections 109 to 114 of the SS Code deals with social security of unorganised worker, gig worker and platform workers, funding of schemes, eligibility for registration etc.

"Unorganised sector means an enterprise owned by individuals or self-employed workers and engaged in the production or sale of goods or providing service of any kind whatsoever, and where the enterprise employs workers, the number of such workers is less than ten ^[47]," and "unorganised worker means a home-based worker, self-employed worker or a wage worker in the unorganised sector and includes a worker in the organised sector who is not covered by the Industrial Disputes Act 1947 or Chapters III to VII of this Code ^[48]." Registration of unorganised workers would be done on an online portal on the basis of Self Certification through a simple procedure to make a national database for unorganised sector workers.

Section 108 provides that the Central Government shall frame suitable welfare schemes for unorganised workers including matters like life and disability cover, health and maternity, old age protection, benefits and education. The State Government shall frame suitable welfare schemes for unorganised workers relating to provident fund, employment injury benefit, housing, educational schemes for children, skill upgradation of workers, funeral assistance and old age homes.

Globalisation altered the traditional work relationship. For the first time, the Code acknowledged the rights of gig workers and platform workers who faced significant disadvantages due to their temporary employment. “Gig worker is a person who performs work or participates in a work arrangement and earns from such activities outside of traditional employer-employee relationship ^[49].” “Platform work means a work arrangement outside of a traditional employer employee relationship in which organisations or individuals use an online platform to access other organisations or individuals to solve specific problems or to provide specific services or any such other activities which may be notified by the Central Government, in exchange for payment.” Section 114 gives the details of social security schemes for gig workers and platform workers. Central Government may frame schemes on matters including those relating to life and disability cover, accident insurance, health and maternity benefits, old age protection and crèche. The most important thing for getting employment is the information about job vacancies. With this aim, it has been made mandatory for all establishments with 20 or more workers to report the vacancy position in their establishments. This information would be given on online portal.

Conclusion

For both organized and unorganized workers, new labour laws will be advantageous. India's informal workforce dominates the country's economy. The globalization is followed by informalization of labour. Profit is the driving force behind international corporations, and they favour locations with more lenient labour laws. Urbanization and industrialization have supplanted the old employment paths. Big investors and policymakers overlook the agriculture sector. Poor workers are increasingly disenfranchised and denied their inalienable rights, which are protected by the Constitution and human rights agreements. The lives and working circumstances of Indian workers will be enhanced by the proposed new labour Codes. The main advantages of the Codes are the simplicity in procedure for getting registration, licences and filing. New categories like Gig workers and Platform workers are recognised for the purposes of getting social security benefits. Government claims that about fifty crores workers will get protection from social security fund created under the new Social Security Code. It is expected that Code will lead to employment generation and a favourable atmosphere for new industries.

References

- labour.gov.in/labour-code-english last accessed on 21-10-2022
- Articles 22 and 25 of UDHR (1948)
- Article 23 of UDHR (1948)
- Article 9 of ICESCR (1966)
- Article 6 of ICESCR (1966)
- National Commission for Enterprises in the Unorganised Sector (NCEUS), Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector 2007 paragraph 1.13
- National Commission for Enterprises in the Unorganised Sector (NCEUS) Report on Conditions of Work and Promotion of Livelihoods in the Unorganised Sector (NCEUS) 2007 paragraph 1.14
- Article 6 of ICESCR (1966)
- Article 23 of UDHR (1948)
- Article 7 of ICESCR (1966)
- <https://socialprotection-humanrights.org/legal-depository/legal-instruments/ilo-social-security-and-other-labour-standards/> last accessed on 12-2-2022.
- Article 41 of the Constitution of India
- Olga Tellis v. Bombay Municipal Corporation*, AIR 1986SC180
- Article 11 of ICESCR (1966)
- Paragraph 4 of the General Comment No.12 of the Committee on Economic, Social and Cultural Rights, on the Right to Adequate Food, art.11, E/C.12/1999/5 dated 12/5/1999.
- Paragraph 8 of the General Comment No.12 of the Committee on Economic, Social, and Cultural Rights, on the Right to Adequate Food, art. 11, E/C.12/1999/5 dated 12/5/1999.
- Article 39 of Constitution of India
- In Re Problems And Miseries Of Migrant V Union Of India*, Suo motu writ petition (Civil) 6 of 2020
- Article 47 of the Constitution
- Article 12 of ICESCR (1966)
- Paragraph 11 of the General Comment No.14 of the Committee on Economic, Social and Cultural Rights, on Substantive Issues arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights, E/C.12/2000/4 dated 11/8/2000.
- Article 39(e) of the Constitution
- Municipal Corporation Of Delhi V Female Workers (Muster Roll) AIR 2000 SUPREME COURT 1274*
- Article 25 of UDHR (1948)
- Article 10 of ICESCR (1966)
- Article 11 of CEDAW 1979
- Art.49 of the Social Security (Minimum Standards) Convention (1952).
- Domestic Worker's Convention, 2011
- Air India V Nergesh Meerza, AIR 1981 SUPREME COURT 1829*
- Maniben Maganbhai Bhariya vs District Development Officer, Civil Appeal No 3153 of 2022*
- Part VI of Social Security (Minimum Standards) Convention (1952). See also Paragraph 17 of the General Comment No.19 of the Committee on Economic, Social and Cultural Rights, on the Right to Social Security (art. 9), E/C.12/GC.19 dated 4/2/2008.
- Art. 27 of the United Nations Convention on the Rights of Persons with Disabilities (2006) (CPRD)
- Paragraph 21 of the General Comment No.19 of the Committee on Economic, Social and Cultural Rights, on the Right to Social Security (art. 9), E/C.12/GC.19 dated 4/2/2008.
- ILO, World Social Protection Report 29 (2014-2015).
- Sections 3 to 7 of the *Mahatma Gandhi National Rural Employment Guarantee Act 2005*
- Paragraph 15 of the General Comment No.19 of the Committee on Economic, Social and Cultural Rights, on the Right to Social Security (art. 9), E/C.12/GC.19 dated 4/2/2008.
- Article 13 of Medical Care and Sickness Benefits Convention 1969
- C.E.S.C. Ltd. Etc V Subhash Chandra Bose AIR 1992 Supreme Court 573.*

39. The statement of objects and reasons for Industrial Relations Code, 2020 (IRC)
40. Section 104 of Industrial Relations Code, 2020 (IRC)
41. Section 143 Of The Occupational Safety, Health and Working Conditions Code2020 (O SHW)
42. Section 69 of Code on Wages 2019.
43. Section 2(78) of Social Security Code 2019
44. Section 164 of Social Security Code 2020
45. <https://pib.gov.in/PressReleasePage.aspx?PRID=16578>
98 last accessed on 21-02-2023.
46. <https://pib.gov.in/PressReleasePage.aspx?PRID=16578>
98 last accessed on 21-02-2023
47. Section 2(85) of Social Security Code 2020
48. Section 2(86) of Social Security Code 2020
49. Section 2(35) of Social Security Code 2020