Impact of ILO on Indian Labor Laws

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Abstract

International labor organization has a great impact in labor law making exercise among the member countries, since its basic objective to protect labor rights, it has some basic convention, and in this research article researchers try to explore what are the impacts of ILO direction and guidelines on Indian labor law for the welfare of Indian labor class.

Keywords

Labor laws, ILO, Factories Act, ID Act, Standing Order Act

I. Introduction

The International Labor Organization (ILO) was set up, with an aim to develop the conditions of labors not only in India but around the world, in the year 1919. India was the instituting member of ILO, which now expanded its primary membership to 145 countries. Indian Labor Organization through its resolutions and recommendations supports countries to lure their own set of labor legislations for the well conduct of the labor class, and the preservation of their rights. The primary objective of action in the ILO is the creation of the International Labor Standards in the form of Resolutions and Recommendations. Resolutions are international treaties and instruments, which generate legally binding responsibilities on the nations that ratify those nations. Recommendations are non-binding but better set out guidelines orienting countrywide policies, procedure and help in developing actions. Labor Law controls matters, such as, remuneration, labor employment, and conditions of employment, trade unions, industrial and labor management relations. They also include social legislations regulating such characteristics as reimbursement for accident triggered to a worker at work place, maternity benefits, fixation of minimum wages, and distribution of the company’s profit of the organization’s workers, etc. Most of these acts regulate rights and the responsibilities of employee.

History of Indian labor legislation is obviously interlaced with the history of British colonialism. British political economy was considered natural paramount in modeling some of these early laws. In the initial phases it was very difficult to get adequate regular Indian workers to run British organizations and hence labor laws became essential. This was obviously labor law giving in order to protect the interests of British bosses. The outcome was the Factories Act. It is well known fact that Indian textile goods offered unbending competition to British textiles in textile market and hence in order to make Indian labor costlier. The Factories Act was first time introduced in 1883 because of the pressure carried on the British parliament by the then textile tycoons of Manchester and Lancashire. Thus we acknowledged the first requirement of eight hours of work for labor, the abolition of child labor, and the rheostat of employment of women in night, and inaction of overtime wages for labor who work beyond eight hours.

Further the attitude of India with respect to International Labor Standards has always been very constructive. The Indian Labor Organization tools have provided procedures and useful framework for the development of legislative and administrative procedures for the protection and progression in the interest of labor. To that point the impact of ILO Resolutions as a regular for reference for both labor legislation and practices in India, rather than legally binding norm, has been substantial. Ratification of a Resolution enforces legally binding responsibilities on the nation concerned and, consequently, India has been very careful in ratifying Resolutions. It has always been in the exercise in India that we ratify a Resolution when we are entirely satisfied that these laws and practices are in conformity with the appropriate ILO Resolution. It is now measured that a better course of action is to proceed with progressive implementation of the standards, leave the formal ratification for consideration at a later stage when it becomes practicable. India have so far ratified 39 Conventions of the ILO, which is much better than the position obtaining in many other countries. Even where for special reasons, India may not be in a position to ratify a Convention, India has generally voted in favor of the Conventions reserving its position as far as its future ratification is concerned.

II. Objective

The main objective of this article is to explore the impacts of ILO direction and guidelines on Indian labor law for the welfare of Indian labor class.

A. Methodology

In present study researchers used the narrative literature review methods for describing the impact of ILO guidelines and directions on India Labor Legislations.

B. Core Conventions of the ILO

The eight Core Conventions of the ILO (also called fundamental/human rights conventions) are:

- Forced Labor Convention (No. 29), Abolition of Forced Labor Convention (No.105), Equal Remuneration Convention (No.100), and Discrimination (Employment Occupation) Convention (No.111) (The above four have been ratified by India).
- Freedom of Association and Protection of Right to Organized Convention (No.87), Right to Organize and Collective Bargaining Convention (No.98), Minimum Age Convention (No.138), Worst forms of Child Labor Convention (No.182) (These four are yet to be ratified by India).
- Consequent to the World Summit for Social Development in 1995, the above-mentioned Conventions (SI.No.1 to 7) were categorized as the Fundamental Human Rights Conventions or Core Conventions by the ILO. Later on, Convention No.182 (SI. No.8) was added to the list.
- According to the Declaration on Fundamental Principles and Rights at Work and its Supplement, each Member country of the ILO is anticipated to give outcome to the principles restricted in
the Core Resolutions of the ILO, regardless of whether or not the Core Resolutions have been approved by them.

Under the reporting procedure of the ILO, detailed reports are due from the member States that have ratified the priority Conventions and the Core Conventions every two years. Under the Follow-up to the ILO Declaration on Fundamental Principles and Rights at Work, a report is to be made by each Member State every year on those Core Conventions that it has not yet ratified.

One of the foremost reforms introduced recently is the introduction of the “Active Partnership Policy” whose main objective is to bring ILO nearer to its constituent countries. The key instrument for execution of the ILO policy is the multi-disciplinary team, which will help in providing support and identify special areas of concern to member States. For South-Asia the multi-disciplinary team is in New Delhi. It consists of specialists on industrial relations, employment, labors and employers’ activity, small-scale industries and International Labor Ethics.

Also ILO’s interest in child labor, young persons and their problems is well known. It has adopted a number of Conventions and Recommendations in this regard. In India, within a framework of the Child Labor (Prohibition and Regulations) Act, 1986 and through the National Policy on Child Labor, ILO has funded the preparation of certain local and industry specific projects. In two projects, viz. Child Labor Action and Support Programmes (CLASP) and International Programme on Elimination of Child Labor (IPEC), the ILO is playing a vital role.

The implementation of IPEC programmes in India has certainly created a very positive impact towards understanding the problem of child labor and in highlighting the need to elimination child labor as expeditiously as possible. A major contribution of the IPEC programme in India is that it has generated a critical consciousness among all the 3 social partners for taking corrective measures to eliminate child labor.

C. Major impact of ILO on Labor legislations in India

With the evolution and expansion of small plants, factories and industries in the Indian subcontinent starting in the mid of the nineteenth century, new possibilities for employment were generated, resulting in an ongoing migration of the labor from poor rural areas to factories and mills located basically in urban areas. During time, in the lack of any control on organization’s labor by the state, the employers were very less concerned for the needs of their workers; wages were very low, very long working hours, and unsatisfactory the employers’ employment conditions. The situation led to the depiction of a large number of labor legislations beginning since the year of 1881. These labor legislations includes, The Factories Act 1881, Workmen’s Compensation Act -1923, Mines Act 1923, Trade Unions Act-1926, Trade Disputes Act -1929, Payment of Wages Act -1936, Employment of children act- 1938 and Maternity Benefit Act in 1939.

The Factories Act 1881

This act is the basis of all industrial and labor laws in India. It contained requirements for working hours of women and workers with the minimum age of children for employment. When International Labor Organization was established in 1919, this Act was amended and subsequently retracted, resulting in the declaration of the Factories Act 1934. It makes provision for health, safety, and hygienic condition of the workers, special provision for women and young workers. It also forbids child labor. It provides limits of work for a child in factories, including seasonal factories.

Mines Act 1923

This Act make provisions for labors working in Indian mines. The working hours for labor employed on surface were limited fifty per week and ten per day. According to Mines Act periods of work shall not be more than 12 hours in any day, this also include rest period. For workers who are employed underground, the daily limit for them is nine hours per day. The Act does not cover provisions related to overtime work. No worker can work more than six days in a week. The Act does not make any provision for wages during the day of rest.

Trade Union Act and Payment of Wages Act

The Indian government under British set up an enquiry committee in 1926 to determine the shortcomings for anomaly of payment of wages to industrial labors. As the result Trade union act of 1926 come up. The Royal Commission on Labor was appointed in 1929, the commission considered the reports and suggestions of the enquiry committee and recommended for implementing prevention of disorders relating to payment of wages. The Payment of Wages Act 1936 was passed to regulate the payment of wages to definite classes of people employed in industry. The object of the Act obviously was to offer a low-priced and quick therapy for employees to whom the Act applied and to recover wages due to these employees. For this purpose, a special tribunal was created, but due to some integral imperfections in the statute the repossess of judgmental wages remained difficult.

The Weekly Holidays Act of 1942

This act recommends one paid holiday in a week for people working in any restaurant, shop, or theatre excluding position of management, and confidential positions. The government is authorized to award additional paid half-day holiday in a week.

The Industrial Disputes Act, 1947

This act came into being on the 1st day of April 1947. The Act provided for establishment of industrial tribunals by the appropriate government in British India. It established a full-fledged industrial tribunal for adjudication of industrial disputes for the first time.

The Industrial Employment (Standing Orders) Act, 1946

This act came into force for the first time to employers in industrial establishments which are employing hundred or more workers. This act provides the way to define the terms and conditions of employment of worker in the form of standing orders. The Merchant Shipping Act, 1923 provided for an agreement between the master of the ship and seaman concerning their terms of service.

Conclusion

Most of the labor legislations in India are before independence. The Fundamental Rights of the Constitution for providing safeguards to labors. Although most of the pre – constitutional labor legislations have been revoked or curtailed following the Doctrine of Severability and Doctrine of Eclipse, but not a lot of changes had been made to the labor legislation which were came before the adoption of Constitution. The achievement of these labor laws must be credited to the ILO. The ILO guidelines provided basic principles on which most of labor legislations were drawn. By observation on various amendments and enactments in labor laws it can be easily seen that the ILO have a countless
impact on the Indian Labor Laws. A large number of laws were passed to incorporate the guidelines of the resolutions of the ILO. All these revised and ratified legislations create provisions for the common welfare and protection of importance of the Indian labors. The constructive effect of ILO is seen in form of appreciation of many new kinds of rights that were previously not available for the Indian labor class, but were made available after creation of ILO.

References