

Labour Laws in Uttar Pradesh (India)



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A report by



Collective Against the Violation and Abuse of Civil and Human Rights

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Background

On the 23.04.2020, the Prime Minister of India announced a **three weeks' lockdown** beginning from the very next day. While this was done to curb the spread of Covid-19, it came at a very short notice of a few hours. Workers in several factories and daily wage labourers got stranded in their city of work without any pay and between **100 to 140 million workers started their journeys back to their villages by foot**. Given that workers often get employment in cities thousands of kilometres away from their home, this walk home lasted for weeks in the scorching sun with hardly any food or water. They often walked hundreds of kilometres only to be beaten by the police while crossing a state border, and often sent back. **More than one hundred workers have died in road accidents while walking back and hundreds more have been [injured](#)**.

Uttar Pradesh (UP) an Indian state in the northern part of the country cleared an ordinance on the 8th of May that suspends all but three labour law in the state for the next three years. While this move has received criticism nationally and internationally, German shoe brand **Von Wellx** has decided [to shift](#) all its production units from China to Agra (a city in UP).

Labour exploitation in Uttar Pradesh (UP)

Even before the suspension of labour laws, the conditions of workers in Northern state in India was precarious. Work in the leather supply chain is risky and hazardous. India is the **second largest producer** of footwear and leather garments. **Agra, a city in UP** produces around **200 million** pairs of shoes a year and employs between **25 and 40 percent of the city's population**. A whopping **90%** of the shoes manufactured are exported to the European Union.

Few highlights of the plight of laborers in UP before lockdown and suspension of labour laws ([Indian Committee of the Netherlands \(ICN\) report](#)):

1. A huge section of the workforce involves **children** (as young as eight) almost **half of whom have never been to a school**.
2. The children get paid per piece which means they work over **extended hours** in [hazardous conditions](#) in poorly **ventilated rooms**.
3. Leather workers are often neither completely protected nor thoroughly trained hence risking their lives.
4. Quitting due to health factors is also very prevalent amongst the workers.
5. In cases of injury from accidents at the workplace, only immediate first aid is provided. Employers neither provide any compensation nor do they pay for any medical treatment. Additionally, since informal workers

do not have a contract, they also lack Employee State Insurance (ESI) coverage.

6. Existing laws such as the Factories Act (which takes care of health, safety, welfare facilities, working hours etc) applies to only around **28.5%** of all the workers. This is because this law is valid only for production units employing more than a certain number of workers. Production companies circumvent this by subcontracting the work.
7. Contract labour law which is supposed to ensure same benefits as permanent workers to contract workers is circumvented by hiring workers for temporary jobs such as loading trucks, packing, sewing, etc.
8. The worker gets approximately **2%** of the selling price of the final product while the brand itself gets **25%**. A homemaker gets only **0.1%** of the final selling price.
9. According to a report in 2008, **78%** of workers in the footwear factories in Agra did not get minimum wage and **90%** of them did not get social insurance benefits they are entitled to.

Thirty percent of 2.5 million workers in leather industry in India are women and they get **almost no maternity protection**. Instead they face violence, abuse, and harassment at work.

Suspension of labour laws in UP

As the economy struggled with the lockdown and thousands of firms and workers stared at an uncertain future, some State Governments decided to suspend and dilute a bunch of Labour Laws by way of ordinance or executive orders.

Thus, on 06.05.2020, Indian State of Uttar Pradesh issued an ordinance **nullifying, for a period of three years, 35 out of 38 labour laws** governing trade unions, compensation, minimum wages, bonus, contract labour and interstate migration. **The Temporary Exemption from Certain Labour Laws Ordinance 2020 has left only three laws intact:** (i) Building and Other Construction Workers Act 1996, (ii) Bonded Labour System (Abolition) Act 1976 and (iv) Workmen Compensation Act 1923. Section 5 of the Payment of Wages Act, 1936 relating to right of the employee to receive timely wages, has been made applicable on existing and new industries and factories. To come into effect, the Ordinance must be signed by Governor of UP and President of India. The UP government also tried to increase daily workday from 8 to 12 hours but was forced to withdraw after a court notice.

Violation of International laws

It is pertinent to note that the suspension of the present labour laws is in violation of International laws as following:

1. **India is a signatory to International Labour Organisation (ILO) Conventions and has ratified 39 ILO conventions. 37 of these are still in force.**

2. Out of the ILO's eight fundamental conventions, India has ratified four: Forced Labour 1930, Abolition of Forced Labour 1957, Equal Remuneration 1951, and Discrimination (employment and occupation) 1958.

3. **Forced Labour Convention of ILO, 1930 (No. 29):** The basic obligation undertaken by a State which ratifies the Forced Labour Convention, 1930 (No. 29),

Article 1: Each Member of the International Labour Organisation which ratifies this Convention undertakes "to suppress the use of forced or compulsory labour in all its forms within the shortest possible period".

4. **Hours of Work (Industry) Convention, 1919** ratifies the "application of the principle of the 8-hours day or of the 48-hours week", by the Members of the International Labour Organisation. India has ratified the ILO's Hours of Work (Industry) Convention, 1919.

5. **International Covenant on Economic, Social and Cultural Rights, 1976**

Article 6:

The States Parties to the present Covenant recognize the right to work, which includes the right of everyone to the opportunity to gain his living by work which he freely chooses or accepts and will take appropriate steps to safeguard this right.

Article 7:

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of just and favourable conditions of work which ensure, in particular:

- i. Remuneration which provides all workers, as a minimum, with: Fair wages and equal remuneration for work of equal value without distinction of any kind, in particular women being guaranteed conditions of work not inferior to those enjoyed by men, with equal pay for equal work; and A decent living for themselves and their families in accordance with the provisions of the present Covenant.
 - ii. Safe and healthy working conditions.
 - iii. Equal opportunity for everyone to be promoted in his employment to an appropriate higher level, subject to no considerations other than those of seniority and competence.
 - iv. Rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.
6. **ILO Convention on freedom of association and collective bargaining, is a fundamental human right proclaimed in the Universal Declaration of Human**

Rights (1948). It ensures that workers and employers have a voice and are represented and therefore, is essential for the effective functioning not only of labour markets but also of overall governance structures in a country. The right of workers and employers to form and join organizations of their own choosing is an integral part of a free and open society.

7. **Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)**

Article 11

Each Member of the International Labour Organisation for which this Convention is in force undertakes to take all necessary and appropriate measures to ensure that workers and employers may exercise freely the right to organise.

8. **Right to Organise and Collective Bargaining Convention, 1949 (No. 98)**

Article 1

1. Workers shall enjoy adequate protection against acts of anti-union discrimination in respect of their employment.
2. Such protection shall apply more particularly in respect of acts calculated to—
 - a. make the employment of a worker subject to the condition that he shall not join a union or shall relinquish trade union membership.
 - b. cause the dismissal of or otherwise prejudice a worker by reason of union membership or because of participation in union activities outside working hours or, with the consent of the employer, within working hours.

Article 2

Workers' and employers' organisations shall enjoy adequate protection against any acts of interference by each other or each other's agents or members in their establishment, functioning or administration.

9. **Such suspension is also violation of International Labour Organisation convention number 144.**

It is clear that UP government's decision to suspend the labour laws in the state violates above international conventions and agreements ratified by India.

Workers can be denied access to court, paid leaves, compensation, safe working environment, minimum wage and more. If some workers decide to form a trade union, they can all be fired as factory owners can fire and hire at will. Suspending Factories Act puts the health of the workers at risk and suspension of the Minimum Wages Act opens the door for even easier exploitation of labour. India has been [warned](#) by the UN about scrapping of labour laws.