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*The key elements of the recently enacted Codes and certain important issues that require deliberation are highlighted in this Issue Note*

## New Labour Codes of India

### *How can dignified economic growth be achieved through responsible legislations?*

With the enactment of three Labour Codes in this Monsoon session of Parliament, namely the Industrial Relations; the Occupational Safety, Health and Working Conditions; and Social Security, the task of consolidating multiple labour laws in the country was completed.

These enacted Codes aim to allow industries flexibility in doing and running a business, hiring and firing employees and regulating industrial strikes. Simultaneously, these Codes aim to promote fixed-term employment and expand the social security net for informal sector workers and gig workers.

While the trade unions have termed these Codes as anti-workers legislations, the government and private sector have called this move as the game changer which will harmonise the needs of workers, industries and other related parties.

### BACKGROUND

These Codes are the result of longstanding deliberation on labour law reforms which was institutionalised through the constitution of the Second National Commission on Labour (NCL) of Atal Bihar Vajpayee's government in 1999.

The objective of these Codes is to amalgamate 29 central labour related laws by the Central Government in the pursuit to improve ease of compliance for enterprises and simultaneously expand the ambit of social security for workers. It is to be noted that the Code on Wages was enacted in 2019 while the rest three were referred to the Parliamentary Standing Committee on Labour before being enacted by the Parliament in September 2020.

It appears that the Codes in their present form show a great appetite for taking the realm of labour governance in a simplified, consolidated and optimal manner. The delegated legislation in the form of rules will be notified for these three Codes, while a draft of Rules has already been circulated for the Code on Wages.

However, at the same time, there are certain contentious issues on these different Codes. This Issue Note highlights the main elements of the recently enacted Codes and certain important issues that require deliberation and corrective action. Finally, it highlights overarching themes

that require a wider consultation to do justice to the objectives envisaged by these labour law reforms and puts forth some recommendations to achieve the same.

## INDUSTRIAL RELATIONS CODE 2020

### Objectives

The objective of this Code is to consolidate and amend the laws governing the employee-employer relationship. The specific aspects governed by this Code relates to:

- trade unions, conditions of employment in industrial establishment or undertaking; and
- investigation and settlement of industrial disputes and related matters.

### Key Elements

#### Definitions

- **Worker:** It includes any person employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical work, (whether the terms of employment be expressed or implied). As per the new provisions, it also includes working journalists, sales promotion employees and persons employed in a supervisory role drawing less than ₹18,000 per month or any amount notified by the Central Government.
- **Industry:** Industry means any systematic activity carried on by co-operation between an employer and worker for the production, supply, or distribution of goods or services to satisfy human wants or wishes. The new provisions exclude institutions wholly or substantially engaged in any charitable, social, or philanthropic services, sovereign functions, and domestic services from the ambit of the definition of industry.
- **Industrial dispute:** It means any dispute or difference arises between employers and employers; employers and workers; workers and workers; or an individual worker and an employer. As per the new provisions, the definition also includes disputes arising out of discharge, dismissal, retrenchment, or termination in workers.
- **Strike:** It means a cessation of work by a body of persons employed in any industry acting in combination under a common understanding, of any number of persons who are or have been so employed to continue to work or to accept employment. As per the new provisions, it also includes the concerted casual leave on a given day by fifty percent or more workers employed in an industry.
- **Employer:** Employer means a person who employs, whether directly or through any person, or on behalf of any person, one or

*The specific aspects governed by Industrial Relations Code relates to trade unions, conditions of employment in industrial establishment; and investigation and settlement of industrial disputes*

more employee or worker in his establishment. As per the new provisions, it also includes contractor, a legal representative of the deceased employer, etc.

### **Introduction of Fixed Term Employment and related protection**

The Code introduces the provision for fixed-term employment. It accords all the statutory benefits like hours of work, wages, allowances, gratuity, etc. available to a permanent worker to a fixed-term employee in the proportion of the service rendered by the said employee. The fixed-term employee is eligible for the benefits even if his/her tenure does not extend to the qualifying period of employment required in the statute.

### **Threshold limit for framing Standing Orders**

As per the Code, an industrial establishment needs to comply with the requirement of adopting Standing Orders if it has 300 or more workers. The code has changed this limit from 100 to 300. Standing Orders are framed in the matters related to the classification of workers, manner of informing workers about work hours, holidays, payday, wage rates, termination of employment, and grievance redressal mechanism.

### **Notice period for a strike**

The new Code prohibits strikes in all industrial establishments without prior notice of 14 days to the employer. It has also increased the validity of the notice of strike to 60 days from 6 weeks. Before the enactment of this Code, the requirement of prior notice of strike applied only to public utility services such as railways, transportation, posts/telegraph/telecommunication, and other notified services. Also, the time of arbitration proceedings has been included in the period during which a legal strike is impermissible.

### **Notice period for lock-out**

Like notice for a strike, the notice period for lockout has been made applicable to all industrial establishments. Before the enactment of this Code, such a notice period was applicable only for public utility services.

### **Threshold limit for prior government permission for retrenchment, lay-off and closure**

The Code has waived the requirement of securing prior permission of the government to retrench workers for establishments with less than 300 workers. The permission has to be sought by the establishments with 300 or more workers. Such permission is not necessary if the lay-off is due to a shortage of power, natural calamity, and in the case of a mine, if such lay-off is due to fire, flood, excess of inflammable gas, or explosion.

*The objective of the Industrial Relations Code is to consolidate and amend the laws governing the employee-employer relationship*

*The appropriate government has the power to exempt any industrial establishment or any class of industrial establishments from the provisions of the Industrial Relations Code*

### **Industrial Tribunals**

The Code prescribes setting up of one or more Industrial Tribunals consisting of a Judicial and an Administrative Member for the adjudication of industrial disputes and performing such other functions as may be assigned to them under the Code.

### **Voluntary reference to Arbitration**

The Code provides for the resolution of disputes between the employer and the employee through arbitration based on a written agreement. Such arbitration shall be subject to the procedure laid down in the Code.

### **Compounding of Offences**

The Code provides for compounding of offences by a Gazetted Officer for a sum of 50 percent of the maximum fine provided for such offence punishable with imprisonment for a term, not more than one year, or with fine.

### **Negotiating Union/Council**

The Code introduces a new provision for recognition of a negotiating union or council. The employer is required to recognise a trade union as the sole negotiating union of the workers. In the case of multiple trade unions, the trade union with the support of at least 51 percent of workers on the muster roll of an establishment will be recognised as the sole negotiating union by the employer. In case, no trade union meets these criteria, a negotiating council will be formed with representatives of unions that have at least 20 percent of the workers as members.

### **Power to exempt**

The appropriate government has the power to exempt any industrial establishment or any class of industrial establishments from the provisions of the Code.

### **Issues of Contention**

#### **Strikes and Lockouts**

The new Code prohibits strikes and lockouts in all industrial establishments without prior notice of 14 days to the employer, with increased validity of the notice to 60 days. It also prohibits strikes and lockouts

- during and up to 7 days after conciliation proceedings before a tribunal
- during and up to 60 days after proceedings before a tribunal

This restriction has a direct impact on the right of workers to dissent freely and further widens the bargaining power gap between employers and employees.

***Increase in the threshold of workers for the applicability of provisions***

The threshold of workers for the applicability of the provisions related to prior government permission for retrenchment, lay-off, closure and framing of Standing Order is increased from 100 to 300 workers. It may institutionalise arbitrariness of employers and may exclude a substantial population of workers from the procedural safeguards.

***Power of appropriate government to exempt industrial establishment from the provisions of the Code***

This power has been accorded to the appropriate government and therefore has been kept out of the purview of the legislature. This process of delegated legislation may exclude required deliberations on the subject matter and dilute checks on the law-making process.

***Power of government to modify or reject the Tribunal awards***

The power of government to modify or reject the Tribunal awards through executive orders raises concerns on the separation of powers between executive and judiciary. Furthermore, in the case where the government is a party to the case, it would amount to a conflict of interest.

***Provision for the formation of a negotiation council***

For a trade union to get registered, it should have a membership of 10 percent of workers or 100 workers, whichever is lesser. There is no clarity in a situation where trade unions have this support but no union has the required support of at least 20 percent of workers to participate in the negotiation council.

*The revised Code on Social Security subsumes nine Central laws related to the provisions of providing different social security benefits to employees*

## **CODE ON SOCIAL SECURITY 2020**

### **Objectives**

The revised Code on Social Security, 2020 (CSS), which subsumes 9 Central laws related to the provisions of providing different social security benefits to employees, aims to achieve the following goals:

- simplify the governance of social security benefits like pension, gratuity, and insurance, amongst others; and
- extend the benefits to all employees and workers in both the organised and unorganised sectors as well as workers of the emerging nature of work like gig economy.

### **Key Elements**

#### **Coverage**

The 2019 version of the Code provided for multiple social security entitlements that were mandated for selected establishments based on a threshold of size as may be notified by the Central Government. It

was a milestone development as it attempted to bring into the ambit certain previously neglected group of workers including home-based workers, self-employed workers, migrant workers, gig workers and platform workers.

The revised Code of 2020 gives the Central Government the power to make provisions mandatory for any establishment, subject to the size-threshold as notified. This is a leap forward in utilising the executive route to correct exclusionary loopholes obstructing coverage of key social security benefits to different employees and workers.

### **Definitions**

The CSS 2020 has retained, modified and added certain key definitions to provide the intended social security benefits under this legislation. Some of the key definitions worth mentioning are as follows:

*The objective of the Code on Social Security is to simplify the governance of social security benefits and extend it to all employees and workers in both the organised and unorganised sectors*

- **Employees:** The definition has been expanded in the new Code to include the workers that are employed through contractors which represent a significant shift in bringing the indirect employees and workers under the ambit of social security protection.
- **Inter-state Migrant Workers:** The definition has been expanded to include home-based workers and self-employed workers who have migrated from different states for employment in any establishment.
- **Platform Worker:** The 2019 Bill introduced the definitions of platform and gig worker. It defined a platform worker as one which works in an arrangement that is outside the conventional employer-employee relationship using digital or online platforms. The 2020 Code expands this definition to also include additional categories of activities or services as notified by the Central Government.
- **Gig Worker:** The Code defines a gig worker as any individual working beyond the traditional employer-employee arrangement of work.
- **Building or other construction work:** The revised CSS of 2020 exempts 'construction works' from the ambit of "building or other construction work" on the following grounds:
  - If such work is related to a factory or mine or any building or other construction work employing less than ten workers in the preceding 12 months
  - If such work is related to own residential purposes of an individual or group of individuals for their own residence and the total cost of such work does not exceed ₹50 lakh

### **Social Security Organisations**

The Code prescribes for setting up of various Social Security Organisations to govern the delivery of intended fiscal benefits to employees and workers through the executive route of notification by the Central Government.

Many of such boards or trusts have been in place in the labour governance realm of our country including the Employees' State Insurance Corporation (ESIC), the Board of Trustees of Employees' Provident Fund and the State Building Workers' Welfare Board for different states.

Other than these, the Code on Social Security 2019 provided for setting up of a national and various state-level boards for administering the social security benefits to unorganised workers in the country. The 2020 Act enlarges the jurisdiction of these boards to administer schemes and benefits for platform and gig workers, in addition to the unorganised workers.

Accordingly, the Code provides for the inclusion of a different set of stakeholders in these boards while catering to the gig and platform workers including representatives of aggregators, gig and platform workers in addition to representatives from ESIC and the state governments.

### **Employees' Provident Fund**

Headed by a Central Provident Fund Commissioner, the EPF is responsible for administering various schemes notified by the Central Government, including the Provident Fund Scheme whereby the employer, employee and the State contributes a portion of the payable wage of any worker.

This fund is then governed by the Central Board and its decentralised machinery to provide benefits under schemes notified by the Central Government. These schemes may include the Employees' Pension Scheme (EPS), Employees' Deposit Linked Insurance and any other scheme that the Central Government may deem fit.

### **Employees' State Insurance Corporation**

With a Director General and a Finance Commissioner to be appointed by the Central Government being the Principal Officers of the ESIC, the mandate of this Corporation is to maintain and administer the Employees' State Insurance Fund which includes donations, charities, Corporate Social Responsibility Funds and other funds paid by Central Government, state governments or any local bodies.

Primarily, the fund receives contributions from employers and employees in a proportion of the existing wages of different workers as per the proportion determined by the Central Government.

This fund is used for payments of medical treatment of insured employees and workers, establishment and maintenance of hospitals, dispensaries and other medical institutions, defraying various costs and expenditures of the Corporation as prescribed by the Central

*The Code of Social Security has retained, modified, and added certain key definitions to provide the intended social security benefits under this legislation*

Government and for any other purpose authorised by the ESIC after prior approval from the Central Government.

The CSS 2020 mandates all employees to be enrolled and insured under ESIC whether electronically or otherwise. The Code also sets out conditions for which accidents will be insured under the ESIC Fund and the liabilities during different accidents at the workplace.

It also provides for setting up of Employees' Insurance Courts, having the powers of Civil Courts to decide on matters related to disputes arising between employer and employee on issues related to ESIC and its operations.

### ***Maternity Benefits and other Entitlements***

The Code also prescribes various rights and entitlements related to maternity benefits that are to be administered to women workers by all establishments (subject to size-threshold). It also prescribes for crèche facility, medical bonus, leaves for miscarriage, nursing breaks, amongst others rights and responsibilities of employee and employer respectively.

Other than this, the Code also consolidates and provides for benefits for employees' compensation in case of fatal accidents and serious bodily injuries and a specific chapter for the Building and Other Construction Workers.

### ***Provision on Appeals***

As per the 2019 Bill, authorised officers had the power to inspect and decide on disputes regarding the applicability of the Provident Fund (PF) and Employees' State Insurance (ESI) to certain establishments. Furthermore, any aggrieved party of these orders had the right to appeal or file for a review of the order, a provision that the CSS 2020 has removed.

### ***Additional Powers during a Pandemic***

The revised Code provides for certain clauses that are to be enforced in times of natural disaster, epidemic, or pandemic. For instance, deferment or reduction of employer's or employees' contribution to various social security funds for a period of up to three months can be brought into force on the directions of the Central Government.

### ***Issues of Contention***

#### ***Exclusionary definition of 'employer' and 'establishment' vis-à-vis other Labour Codes***

A concern arising out of the Code on Social Security stems from the definition of 'employer' in this particular Code, which is different from the other three Codes. In CSS, the term employer is defined as any person who is the occupier of the factory, i.e. someone who has complete control over the affairs of the factory.

In the other three Codes, the term 'employer' denotes both the occupier and the manager of the factory. Excluding managers from the definition of employer for social security, provisions can have an impact

*The Code on Social Security mandates all employees to be enrolled and insured under ESIC whether electronically or otherwise*

on deciding pertinent issues like liability or responsibility with regards to entitlements, rights, compensation and payments.

Another term that has an exclusionary definition is 'establishment', which has been defined in other codes with the usage of terms like business, trade, manufacturing, or occupation. The CSS 2020 does not adhere to the usage of these terms and leaves the definition of establishment loose and open-ended. This can also have an adverse impact on the coverage and application of certain key provisions related to social security benefits intended to be delivered through this Code.

### ***Concerns of the National Commission on Labour not completely addressed***

CSS 2020 also has not taken into consideration some of the recommendations that the NCL and Standing Committee put forward. This becomes an issue of contention as the Statement of Object and Reasons of the Code explicitly mentioned the objective of aligning the laws and regulations in line with the NCL 2002 recommendations.

The NCL recommended a universal coverage of social security benefits to all establishments without any wage ceiling for applicability, something that the Code in its current form largely retains. To add to it, size-thresholds for establishments also act as barriers for universal coverage, especially for benefits like medical insurance and pensions which are only mandated for establishments above the size-threshold of the number of workers employed in them.

Additionally, the NCL also recommended consolidation and functional integration of all schemes whereas the CSS 2020 retains a fragmented approach of institutional and functional operations by keeping organisations like ESIC and Central Board of Trustees, National and State-level Social Security Boards and cess-based Boards for Construction Workers.

### ***Recommendations of Parliamentary Standing Committee not completely adopted***

The Standing Committee upon examining the 2019 version of the Code on Social Security Bill provided some crucial recommendations for enhancing the accountability and reach of the Bill. These included the provisions of 'minimum mandatory entitlements' across states for construction and unorganised workers, portability of migrant workers across states, unified registration and compliance platform and a time-bound framework for achieving universal social security. These concerns are not addressed in the CSS 2020 that has received the President's assent recently.

### ***Compensation for permanent disability***

The Code prescribes compensation amount to the employees to be paid by employers in case of:

- permanent disability arising out of employment injury,
- and in case of death arising out of employment injury, to the legal descendants of the deceased employee.

*A concern arising out of the Code on Social Security stems from the definition of 'employer' in this particular Code, which is different from the other three Codes*

However, the Code prescribes to calculate such amount based on the age of the concerned employee, among other factors. Such calculation of compensation amount tantamount to an exclusionary formula rather than a need based one.

***Lack of clarity to provisions on gig and platform workers***

The CSS 2020 in its current form has a certain element of vagueness to definitions of gig, platform and unorganised workers which may confuse implementing the different schemes and delivery of targeted social security benefits to them. A worker who is outside the purview of traditional employer-employee arrangements can have multiple arrangements of work as well which will qualify her as gig, platform and unorganised worker at the same time, thus creating a jurisdictional overlap to the provisions of this Code.

*This Code on Occupational Safety, Health and Working Conditions aims to consolidate and amend the laws regulating occupational safety, health, and working conditions of the persons employed in an establishment*

Consider Aman, a driver who works part-time for a local taxi operator in the day time and as a driver for a platform-based aggregator during night hours. To generate more business and shield himself from potential shock in the platform based aggregator's market, he also is a registered driver with a competitor of that aggregator. If the conventional taxi service provider has not engaged him through any written contract, Aman will be an unorganised worker, a gig worker and a platform worker at the same time as per the CSS 2020.

## **CODE ON OCCUPATIONAL SAFETY, HEALTH AND WORKING CONDITIONS 2020**

### **Objectives**

This Code aims to consolidate and amend the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment. This subsumes and repeals 13 previously enacted laws governing various aspects of Occupational Safety and Health (OSH) in select establishments across the country

### **Key Elements**

#### ***Coverage and Exemptions***

The Code provides for mandatory implementation of its provisions for establishments employing at least 10 workers and includes establishments engaged in hazardous activities, the list of which will be notified and updated by the Central Government from time to time.

Provisions relating to health and working conditions apply to all employees, whereby employees include all workers and persons receiving remuneration for work including supervisors, managers and others. In the case of establishments employing contract workers, the 2019 version of the Bill provided for a threshold of a minimum of 20 contract workers while the final Code provides for 50 contract workers as the threshold.

It also gives power to the appropriate governments to exempt any establishment from the purview of this Code in cases of pandemic, public emergency, or disaster for up to a year. Additionally, the State can exempt new factories and establishments for a specified period to allow it to grow and generate employment.

### **Registration**

The Code requires all industries and establishments to register with relevant Registering Authorities within 60 days of the commencement of this Code with certain establishments requiring licence to operate. These include factories employing Beedi and Cigar workers and contract workers.

### **Responsibility of Employers and Employees**

The Code fixates the responsibilities and duties of employers and employees. According to the provisions of the Code, employers are required to ensure that the workplace is free from any hazards, annual health examinations are provided to the employees, reporting of any accidents or workplace-related injuries are reported timely to the relevant authorities, and legible instructions are provided to all the employees for safety protocols, amongst others.

Additionally, the Code prescribes specific duties related to employees' occupational safety & health for employers of factories, mines, plantations, docks and buildings and other construction activities.

The Code also puts the onus on the employees to ensure their health and safety by requiring them to adhere to the prescribed safety compliances and protocols and reporting any unsafe workplace incidents to the relevant authorities.

### **Rights of Workers**

The rights of the workers in terms of OSH have been duly provided in the Code. These include provisions related to 8-hour work shifts and payment of double the wage for overtime, one day leave for every 20 days of work in a year, safe and hygienic working conditions as per protocols and standards set by Central Government, amongst others.

### **Institutional Framework**

The Code prescribes various institutions to be set up to effectively implement the provisions of occupational safety and health standards as per the Code. These include:

- Advisory Boards at the national and state level to advise the respective governments on standards and regulations to be drafted to give effect to the Code
- Inspectors-cum-facilitators to inspect and deal with accidents in factory premises
- Safety committees for a certain class of workers within the establishments for functioning as a liaison between employers and workers

*This Code on Occupational Safety, Health and Working Conditions provides certain benefits for inter-state migrant workers including the option to avail benefits of Public Distribution System*

### **Inter-state Migrant Workers**

The Code provides certain benefits for inter-state migrant workers including the option to avail benefits of Public Distribution System (PDS) in either home or destination state, insurance and provident fund related benefits and availing the benefits under the building and other construction worker's cess. The Code also prescribes for setting up of a database by the Central and state governments in the form of an online portal where the migrant worker can register themselves using Aadhar and self-declaration.

### **Issues of Contention**

#### ***Differentiated treatment of workers***

The Code has taken a line of differentiation for providing certain special provisions on health and safety for a select class of workers. These include workers of factories and mines, audio-visual workers, sales promotion employees, contract labour and construction workers. While differentiation based on the hazardous nature of activity in work like mines and factories is a valid argument for special provisions, the rationale for other classes of workers is unclear.

For instance, working journalists and sales promotion employees are provided with a threshold of maximum working hours in a week and additional leaves. The same provisions for other workers are to be prescribed by rules which leaves the question open as to why can't the law treat such provisions for different types of workers in a non-partisan manner.

Moreover, certain legislations exist to provide protection to specific groups such as police personnel. However, in the absence of robust monitoring mechanisms their effectiveness remains questionable. The Code has taken forward this loophole by neither institutionalising monitoring mechanisms, nor introducing any provision for building state capacity on the same.

Another example is of the provision of prescribing that any person with deafness or giddiness may not be employed in construction work owing to risks involved in the workplace but such clauses can also be made universally mandated for all types of workers through the general safety guidelines.

#### ***Barring Civil Courts from hearing any matters related to the Code***

As the Code has adopted a right- and responsibility-based approach to deal with matters related to workplace safety and occupational health, the provision of barring civil courts from hearing disputes under this bill is an issue of contention. Earlier, with the 13 laws, the issues related to health and safety were heard by labour courts and industrial tribunals which is not specified in the final version of the Code.

Additionally, there might be cases where the employer and employee might want to challenge any order passed by the Inspector which the current Code disallows, leaving the only recourse as a writ petition

*These codes are a milestone development in striving towards universal coverage of enterprises and workers*

before the High Courts. This requires additional resources and raises concerns over accessibility and capacity of civil courts and burdening of the High Courts in the country.

### CONCLUSION

With the passage of the Industrial Relations Codes 2020, the Codes on Social Security 2020 and the Occupational Safety Bill, Health and Working Conditions 2020, the process of simplifying the complicated labour law regime in India has taken a leap forward.

These legislations, in addition to the Code on Wages which was passed in the previous session of the Parliament, are poised to reinvent the relationship between monetary and human capital to develop an economy that nurtures the well-being of both enterprises and workers. These developments also come at a time when there is a pressing need for the economy to enhance the domestic capacities of manufacturing and competitiveness in national and international markets.

However, achieving these intended objectives would require a governance system that adheres to the spirit of these legislations in practice and empowers stakeholders to become shareholders of the economy thus enhancing the dignity of human capital.

To do so, the laws should be implemented with the premise of optimal regulation, whereby the rules created should foster and not hinder the growth of the economy. For instance, if a simplification of the plethora of existing labour laws is the objective, the rules and regulations that follow should also be framed by keeping in mind the necessity, legality and proportionality of them. Our tendency to maximise regulations and practices should be reined in.

Furthermore, to fulfill the aim of facilitating job creation while protecting workers, clarity of definitions of different types of workers must be ensured. This will aid in the effective identification of beneficiaries and hence, efficient implementation of the provisions of the Code, particularly on issues related to occupational safety and social security. Both of these factors are crucial for human dignity.

These codes are a milestone development in striving towards universal coverage of enterprises and workers. The limitations and exceptions for certain types of enterprises, on one hand, provide them the regulation-free environment to grow but on the other, compromises on the basic tenets of dignified work including universal social security and workplace safety. This issue can be dealt with the empowerment of authorities at decentralised levels through executive routes, where states can proactively work in alignment with the vision set out by these laws.

For example, the adoption of web-based inspections and digitalised registers and returns can be one of the solutions to ensure universal coverage. Thus, it is the spirit of these reforms and the responsible governance and implementation of these laws that will be the driving force behind this transformation to a 'sustainable economy for all'.

## ISSUES FOR DISCUSSION

- How can we attain universal coverage of provisions of these Codes in light of their current threshold-based applicability on select establishments and groups of workers?
- What can be the potential way to maintain the separation of powers between executive and judiciary in light of the provision which accords power to appropriate government to modify or reject the orders of the Tribunal?
- What alternative can be thought of in place of Standing Orders to provide for the procedural safeguards for workers (in establishments with less than 300 workers) to ensure procedural fairness?
- How can the executive power be curbed and the checks on the law-making process be ensured in light of the power of appropriate government to exempt industrial establishment from the provisions of the Code?
- How can the Constitutional right to form union and right to dissent be guaranteed in the backdrop of the conditions laid down for forming unions as well as the participation of workers in strikes?
- What should be the attributes of the rules and regulations that are to be framed to give effect to these Codes to ensure that regulations foster and not hinder the attainment of objectives laid out by the Codes?
- How can technology be effectively leveraged under the current legislative framework so that it facilitates worker welfare and not acts as an economic liability for the employer?
- How can the Government ensure a gradual transition to a labour governance regime whereby effective behavioural transformations guide the day-to-day interactions between employers and employees?

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