



LABOUR & LIBERTY

CENTRE FOR
ADVANCED
STUDIES IN
LABOUR
WELFARE

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INTERNATIONAL UPDATES

SRI LANKA SET TO TOUGHEN CHILD LABOUR LAWS

Sri Lanka is set to toughen its Child Labour Laws by raising the minimum age for employment to 18 years to stop child exploitation. The decision was taken after the unfortunate death of a 16-year-old girl who was employed as a domestic help in the house of the leader of All Ceylon People's Congress, Rishad Bathiyudeen, an Opposition ally. The girl was admitted to a hospital with burn injuries on July 3rd incurred during the course of her employment. The leader's wife, father-in-law, brother-in-law and a broker have been arrested, after the girl passed away on July 15. Demonstrations have been held all over the country highlighting the abuse and slavery of children and women in the island nation.

According to Piyal Nishantha, the State Minister of Women and Child Development, the Cabinet is set to propose a raise in the Minimum Age to 18 years. The Ministry of Labour has also agreed to increase the list of jobs that are considered harmful to children aged 16 to 18. Prabath Chandrakeerthi, the Labour Commissioner stated that the list would be expanded from 52 to 76. The National Child Protection Authority (NCPA) has stated that strict laws are required to prevent child exploitation.

In January 2021, Sri Lanka raised the minimum age of employment from 14 to 16 following an Amendment to the Employment of Women, Young Persons and Children Act No. 47 of 1956. Comparatively, in India, the Constitution prohibits

employing children below the age of 14 at factories or mines where the environment may be harmful. Any violation or non-compliance in this regard is likely to invite imprisonment or fines. Additionally, children are not be made to work for over six hours a day and are supposed to be allowed a break every three hours.

CANADIAN EMPLOYERS PLAN TO MAKE VACCINES MANDATORY

The Canadian government has previously mandated all federal workers to get vaccinated amid the growing threat of the Delta variant. Private businesses, however, are left to come up with their own vaccine policies. With 90% of employers saying they are already well-prepared and organised in bringing employees back to offices, employers are still treading on the legality of requiring their staff to provide proof of vaccination.

"With so many different approaches across the country, Canadian companies are seeking legal guidance and advice on vaccination policies for their workplaces," said Norm Keith, Partner, Employment and Labour Law, KPMG Law LLP, and a leading advisor in Canadian safety law, in a media release.

More than half of small- and medium-sized businesses in Canada are considering mandating vaccines for their employees, a new study has revealed.

On one hand employers are concerned about the safety of their staff and on the other hand it's unclear whether they can legally ask the staff to get vaccinated before coming to their workplace. Employers are trying to find a balance between keeping staff healthy and avoiding legal repercussions when it comes to mandating vaccination jabs.

NATIONAL UPDATES UTTAR PRADESH AMENDS KEY LABOUR LAW

Uttar Pradesh has amended one of its key labour laws - Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act, 1978. The Act provided for provisions to imprison the employer for not paying the wages to the workers on time. The amendment was approved at a cabinet meeting chaired by Chief Minister Yogi Adityanath.

According to Suresh Chandra, additional Chief Secretary, Labour and Employment, under Section 5 (2) of the Uttar Pradesh Industrial Peace (Timely Payment of Wages) Act 1978, if an employer owes Rs 1 lakh or more in wages to a worker and has not paid it, there was a provision for imprisoned from three months to three years, along with a fine of Rs 50,000.

"The cabinet has cleared the amendment in which the employer will no longer be jailed but will henceforth only be fined Rs 50,000 to Rs 100,000.



There has been a long-standing demand from the industry to abolish imprisonment and it is also in line with the Government of India's directive to decriminalise investment," Chandra stated, adding that to attract investment, stress is being laid on reducing the regulatory compliance burden. "It is felt that criminal action on trivial issues will deter investment.

The government intends to make it easier for more and more entrepreneurs to invest and set up industrial units in UP. This will create more employment opportunities. This amendment will give a big relief to the entrepreneurs,".

The said amendment has been brought to ensure the ease of doing business and ensure the arrival of different industries in the State. Uttar Pradesh has been amending its labour laws since the COVID 19 crisis in order to attract entrepreneurial spirit. The impact of these changes are yet to be seen.

LEGISLATIVE DEVELOPMENTS

AADHAAR MADE MANDATORY FOR NATIONAL PENSION SCHEME (NPS)

The Central Government has recently made the Aadhaar card mandatory proof for identification for availing benefits under the National Pension Scheme (NPS) for those who are eligible to receive perks under the scheme.

The scheme was launched by the Central Government for traders and self-employed individuals with annual turnover not surpassing Rs 1.5 crore in September 2019 to make available an investment opportunity, wherein they can save for their retirement. The Ministry of Labour and Employment handles the scheme, which provides a Rs 3000 monthly pension to traders and self-employed individuals as soon as they turn 60. The scheme is a voluntary and contributory pension scheme. People between the age of 18 to 40 years can start investing in the scheme, in which the Central Government provides a 50 per cent share of the monthly contribution. The remaining 50 per cent contribution is made by the beneficiary.

Traders, shopkeepers, and self-earning individuals can self-enroll themselves in the NPS by visiting the official online portal at www.maandhan.in/vyapari. Eligible individuals can also visit their nearest Common Service Centres (CSCs) to enroll themselves under the state-sponsored scheme.

However, GSTIN is required for individuals who have an annual turnover exceeding Rs 40 lakhs.

LABOUR MINISTRY LAUNCHES NATIONAL DATABASE FOR UNORGANISED WORKERS

On August 26, National Database for Unorganised Workers, or E-Shram portal has been launched by the Labour Ministry. It is a platform for registering an estimated 38 crore informal and unorganised workers.



"It will not only register them but would also be helpful in delivering of various social security schemes being implemented by the central and state governments," Labour Minister Bhupendra Yadav said.

All informal workers will be allotted an E-Shram card containing a 12-digit UAN for availing the benefits of various social security schemes. The UAN will be valid throughout the country.

All informal workers will be allotted an E-Shram card containing a 12-digit UAN for availing the benefits of various social security schemes. The UAN will be valid throughout the country. The database will serve as a reference point for the authorities and will help in better monitoring and supervision of government policies to ensure that benefits reach the targeted group of unorganised workers at the grassroots level.

LABOUR MINISTRY EXPANDS COVERAGE OF ATMANIRBHAR BHARAT ROJGAR YOJNA

The Labour Ministry has expanded the coverage of Atmanirbhar Bharat Rojgar Yojna (ABRY) to 71.8 lakh in comparison to 58.5 lakh. "As on July 12, 2021, benefit of Rs 993.26 crore has been provided to 22.57 lakh employees through 84,390 establishments under the scheme," labour minister Bhupendra Yadav said. The Yojna was launched to incentivize employers for creation of new employment together with social safety advantages and restoration of loss

employment throughout COVID-19 pandemic. The scheme is being carried out via Employees' Provident Fund Organisation (EPFO), and seeks to scale back the monetary burden of the employers and encourages them to rent more employees.

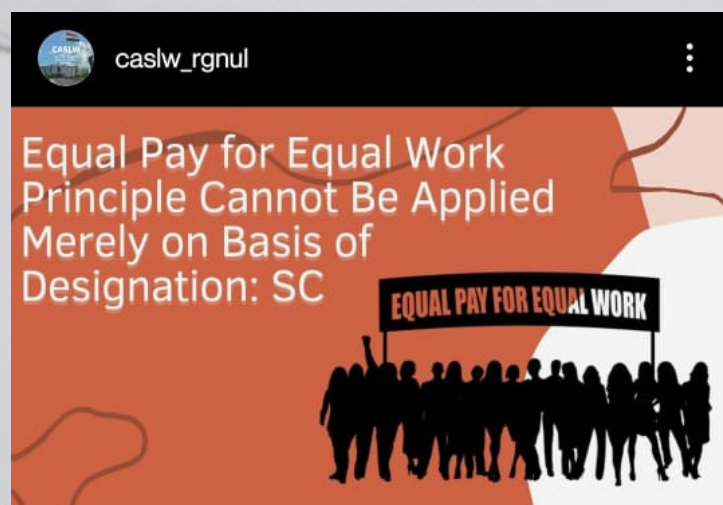
Under the scheme, any worker drawing a monthly wage of lower than Rs 15000, who was not working in any institution registered with the EPFO earlier than October 1, 2020 is eligible for the profit. Even the staff who lost their job in the Covid-19 pandemic and didn't take part in any EPFO coated institution up till September 30, 2020 are also eligible for the profit. The scheme, which commenced on October 1, 2020, has now been extended till March 31, 2022 as in opposition to the sooner deadline of March 31, 2021.

DID YOU KNOW?

*Violation of the Child Labour
(Prohibition & Regulation) Act, 1986
shall be punishable with
imprisonment for a term not be less
than 3 months*



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