

ALL INDIA INSURANCE EMPLOYEES' ASSOCIATION
LIC BUILDING SECRETARIAT ROAD HYDERABAD 500 004
(E-mail: aiieahyd@gmail.com)

Cir. No. 15/2025

May 2, 2025

To,
All the Zonal/Divisional/State/Regional Units

Dear Comrades,

As you are aware, the Union government has repealed 29 labour laws of the country and has come out with four labour codes, viz; **Code on Wages, the Industrial Relations Code, the Code on Social Security and the Occupational Safety, Health and Working Conditions Code**. These labour codes have the potentiality of taking away whatever little protection labour is having thanks to the labour laws of the country, quite a few of them secured through struggle during British colonial rule. It is due to the collective resistance of the working class that these laws could not be implemented by the government till now. While the government seems intent on notifying these codes anytime now under the pretext of 'Ease of Doing Business', the pliant media seems to be canvassing support for these disastrous moves by way of a one-sided campaign. **Since withdrawal of the labour codes is one of the fundamental demands of the 20th May 2025 One Day Countrywide General Strike, it is important that our members have a proper understanding of the issue.**

Keeping this in mind, we reproduce hereunder an edited version of an article on this topic in the **May 2025 issue of Insurance Worker**, authored by Com. S. Siva Subramanian, Treasurer SZIEF. We request our units to make ample use of this material.

With Greetings,

Comradely Yours

Shreekanth Mishra

General Secretary

Labour Codes- An Intensified Attack on Labour

Ten years of Modi led BJP government has seen a relentless attack on the lives and livelihoods of the Working Class of this country. The hard-won rights of the workers are being curtailed/snatched away by the subsequent neo-liberal regimes headed by Modi. To further satisfy the corporates and the big business, to earn more and more profits at the cost of labour, there is an intensified attack in the form of Labour Codes.

The Modi government merged 29 existing labour laws in to four labour codes. The Code on Wages was passed in the Parliament in August 2019. The Industrial Relations Code, the Code on Social Security and the Code on Occupational Safety, Health and Working Conditions - all these were passed on September 22 and 23, 2020 in the Lok Sabha and the Rajya Sabha respectively. The four labour codes signify a clear neo-liberal economic shift and are bound to undermine/snatch away the hard-won rights of the Working Class.

Curtailling Trade Unions/Banning Strikes:

The labour codes grant arbitrary power to the Registrar of Trade Unions to grant or revoke the registration of Trade Unions. The Factory Act, which is within the code raises the threshold for the number of workers in a factory/company for the applicability of labour laws. The Labour Codes potentially exclude about 75% of factories/companies from the coverage of labour laws. In the year

2024, the struggle of the workers of Samsung in Sriperumbudur near Chennai to form a Trade Union of their own is to be remembered here.

The new Labour Codes, as per their provisions, tend to ban strikes by the workers terming them illegal. Just before the introduction of the labour codes, the government enacted the Essential Defence Services Act in 2020 through the ordinance route. This not only prohibits strikes by civilian defence service employees but also labels strikes as a “criminal act” with provisions even for the imprisonment of participants.

The Labour Codes empower the labour authorities to extend the Essential Defence Services Act (EDSA) to any other industry/establishment, in addition to the Essential Services Maintenance Act (ESMA). In the Industrial Relations Code, stringent conditions for strike are outlined, requiring a 60-day advance notice, preventing strikes if the dispute is admitted for conciliation, and imposing a 60-day prohibition on strikes after conciliation, among other restrictions. The code imposes fine on Trade Unions, Office bearers and members for illegal strike, helping, abetting or continuing strike and for failing to submit required returns, submitting false information, or not serving notices as per the code. Serving of the notice of strike leads to conciliation, and strike pending conciliation is deemed illegal attracting punishments. The new laws brought in by the Modi government, namely, Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Saakshya Adhiniyam (BSA) establish a legislative framework that criminalises even protest demonstrations.

The Labour Codes grant powers to the Centre and the States to formulate rules within their jurisdictions extending the working hours up to 12. This opens the door for the employers to exploit the working class of this country. The Labour Codes, by introducing fixed term employment and encouraging it, throws the biggest challenge of making post-retirement social security irrelevant. Pension and other social security provisions which are available post-retirement as of now will be thrown to the winds pushing the lives of crores of workers who avail these benefits in to pains.

Concessions galore to the employers:

The four labour codes provide a lot of concessions to the employers/companies diluting the existing provisions under various acts. The Jan Vishwas Act of 2023 decriminalised 180 provisions across 41 legislations through which imprisonment clauses for violations or non-compliance are removed along with replacing the term ‘fine’ with ‘penalty’.

The removal of plantations or illicit cultivation punishable by imprisonment, a fine, or both are replaced with only fines under The Tea Act of 1953. Offences under the Indian Forest Act of 1927, punishable by imprisonment, is now replaced with only penalty for encroachment of forest lands by wealthy corporations. Safety standards in food processing industries, the quality of medicines and drugs by pharmaceutical companies and the sale of quality medicines by licensed pharmacy shops and druggists are all critical for public health. Offences related to these punishable by imprisonment under the Food Safety and Standards Act, 2006, The Pharmacy Act, 1948 and the Drugs and Cosmetics Act 1940 are decriminalised replacing imprisonment by penalties.

The Labour Codes allow employers to pay reduced fines for violations through the process of ‘Compounding of offences’ instead of imprisonment. When it is compounded, the Court is requested to discharge the accused. Codes provide for an advisory of the Inspector cum facilitator to the employers to rectify the offences committed and avoid payment of even fine also.

The debate on Working hours and the reality:

In India, in the neo-liberal environment today, which is being promoted by the government itself, we could observe open discussions on extending the working hours of the workers. Narayan Murthy, co-

founder of Infosys, has, some time back expressed his views on work hours, advocating for a 70-hour workweek to boost India's global competitiveness, citing his own long working hours as an example. L&T Chairman S.N. Subrahmanyam advocated for a 90-hour workweek including working on Sundays. During an internal company meeting, Subrahmanyam expressed regret at not being able to make employees work on Sundays and suggested that working 90 hours a week was key to success. These are all a few examples how the Corporates are waiting for the opportunity to implement their agenda.

The neo-liberal Modi government promptly responds to the aspirations of the Corporates. Modi's government grants the appropriate governments the authority to dilute the concept of an eight-hour work day, at the behest of the Capital class. The spread over time specified in the Factories Act was initially ten and a half hours. Now it has been extended to twelve hours. Modi government eliminated the fixed weekly holiday on the first Day of the week, that is Sunday, through the Occupational Safety Health and Working Conditions Code, granting the appropriate government the power to deny this right to the workers. The OSHWC Code is designed to extend working hours to virtually any length. It empowers the appropriate government to prescribe the total number of hours of overtime without any specified limits. Shortly after the Code was enacted, several state governments rushed to extend daily work hours to 12 hours, especially during the Pandemic period.

According to the latest data from the ILO, in 2023, Indians work an average of 47.7 hours per week. Americans work roughly 36.4 hours a week, in South Korea it is 37.9 hours, in Russia it is 37.6 hours and in the United Kingdom it is 36 hours. In Germany it is 37 hours. According to the ILO report, India ranks 5th among the countries with the longest working hours in the world. Only Gambia, Mongolia, Maldives and Qatar are the countries where workers have average working hours than India.

According to ILO, a male Indian Urban worker in the 15 - 59-year age group spends nearly 521 minutes daily and 60 hours and 47 minutes weekly on direct employment and related activities. This explains the extent of exploitation of the Indian working class by the ruling class.

The Labour Codes are nothing but the designs of the neo-liberal government to exploit the workers further without any hurdles to the satisfaction of the Corporates and the big business. These Labour Codes have to be prevented from implementation.

In summary the four labour codes aim to

- 1.increase the working hours from the present one
- 2.exclude a significant number of factories/companies from the provisions of the labour laws
- 3.introduce/encourage fixed term employment
- 4.lower the existing wages of the workers
- 5.impose hurdles in the registration of Trade Unions and even facilitate easy re-registration and
- 6.create obstacles for strikes.

The struggle ahead:

In these circumstances, the May Day and the nation-wide struggle on 20th of May 2025, the call for which was given by the National Convention of Workers assume enormous importance.