

ILO centenary celebrations and its report 'Future of Work'

February 5, 2019

Manifest Pedagogy

Labour as an issue should be studied from 3 dimensions :

1. Social
2. Economic
3. Role of International Organisations on them

The issue become relevant because of the Centenary celebrations of ILO.

In news

ILO's centenary celebrations this year

Placing it in the syllabus

1. Indian Society – Social empowerment
2. International Organisations (ILO)
3. Indian Economy (Issues related to Labour)

Static dimensions

1. ILO : History, formation, functions and success
2. Labour issues and Labour reforms since Independence
3. Growth of Trade Unions in India
4. Trade Union Act, 1926

Current dimensions

1. Centenary celebrations of ILO and *Future of Work Report*
2. Labour reforms under present government
3. Amendments proposed to Trade Union Act, 1926 and controversies surrounding them

Content

Important points of the report

The world of work is undergoing a major process of change. There are several forces transforming it, from the onward march of technology and the impact of climate change on the changing character of production and employment, to name a few. In order to understand and to respond effectively to these new challenges, ILO Director-General Guy Ryder has launched a Future of Work initiative.

The **Commission on the Future of Work** has produced an independent report on how to achieve a future of work that provides decent and sustainable work opportunities for all.

The Global Commission was set up to undertake an in-depth examination of the future of work and make recommendations on how to achieve social justice in the 21st century. It is made up of eminent individuals with outstanding personal achievements and vision. They represent a balance of geographical regions and experience.

The work of the Commission has been organized around 4 “centenary conversations”:

- Work and society
- Decent jobs for all
- The organization of work and production
- The governance of work

The key issues considered by the Commission are new forms of

work, the institutional ramifications of the changing nature of work, lifelong learning, greater inclusivity and gender equality, the measurement of work and human well-being, and the role of universal social protection in a stable and just future of work.

Global commission on future of work proposes following **recommendations:**

1. A human-centered agenda for the future of work that strengthens the social contract by placing people and the work they do at the center of economic and social policy and business practice. This agenda consists of three pillars of action, which in combination would drive growth, equity and sustainability for present and future generations:

- Increasing investment in people's capabilities
- Increasing investment in the institutions of work
- Increasing investment in decent and sustainable work

1. Taking responsibility : It calls on all stakeholders to take responsibility for building a just and equitable future of work.

2. Lifelong learning for all : It calls for formal recognition of a universal entitlement to lifelong learning and the establishment of an effective lifelong learning system

3. A transformative agenda for gender equality : It also call for a transformative and measurable agenda for gender equality for the future of work.

4. Strengthening social protection : It recommends for guaranteed universal social protection from birth to old age.

5. Establishing a Universal Labour Guarantee– It calls for a Universal Labour Guarantee including fundamental workers' rights, an "adequate living wage", limits on hours of work and ensuring safe and healthy workplaces.

6. **Expanding time sovereignty** : It also calls for measures that create working time autonomy that meets the needs of both workers and enterprises.
7. **Revitalizing collective representation** : It calls for public policies that promote collective representation and social dialogue
8. **Technology for decent work** : It calls for the use of technology in support of decent work and a “human-in-command” approach to technology.
9. **Transforming economies to promote decent and sustainable work** : It calls for incentives to promote investments in key areas that promote decent and sustainable work

About the ILO

- The ILO was founded in 1919, in the wake of a destructive war, to pursue a vision based on the premise that universal, lasting peace can be established only if it is based on social justice. The ILO became the first specialized agency of the UN in 1946.
- It was created in **1919**, as part of the **Treaty of Versailles** that ended World War I, to reflect the belief that universal and lasting peace can be accomplished only if it is based on social justice.
- It is **the only tripartite U.N. agency** since 1919 the ILO brings together governments, employers and workers of 187 members, to set labour standards, develop policies and devise programmes promoting decent work for all women and men.

Aim

The main aims of the ILO are to promote rights at work, encourage decent employment opportunities, enhance social protection and strengthen dialogue on work-related issues.

Structure

- **The International Labour Conference (ILC) is the ILO**

superior body convened at least once a year. The Conference deals with examining and adopting the international norms in the social and labour sphere, and with discussing universally important questions.

- **The Governing Body is the ILO executive body** which directs the Organization's activities in the period between the ILC sessions and defines the order of the Conference decisions' implementation. The Governing Body meets three times a year.
- **The International Labour Office is the ILO permanent secretariat.**

Achievements of ILO

Following are some achievements of the ILO:

- The ILO was awarded the Nobel Peace Prize in 1969.
- The Code of Practice on HIV and the World of Work (2001) was printed and distributed in 30 languages.
- The establishment of Decent Work Country Programmes to provide support to member nations. DWCPs facilitate decent work as a major element for national development strategies.
- The implementation of the International Labor Code (revised in June 2008) for setting standards. One of the principal achievements of the ILO has been the formulation of an extensive international labor code through the drafting and adoption of various standard-setting conventions and recommendations. The first international convention adopted was the 1919 Hours of Work Convention, establishing the 8-hour day and the 6-day week in industry.
- At first, the effort to build up minimum labor and social standards that would be internationally valid was considered by many as utopian. In these fields, international action used to be virtually unknown. But the freely accepted conventions and recommendations and the ILO machinery of mutual supervision have helped to

improve working conditions and management labor relations, protect the fundamental rights of labor, promote social security, and lessen the frequency and intensity of labor conflicts.

Functions

The main functions of the ILO are:

1. Creation of coordinated policies and programs directed at solving social and labour issues.
2. Adoption of international labour standards in the form of conventions and recommendations and control over their implementation.
3. Assistance to member-states in solving social and labour problems.
4. Human rights protection (the right to work, freedom of association, collective negotiations, protection against forced labour, protection against discrimination, etc.).
5. Research and publication of works on social and labour issues.

Problems of labourers in India

1. Illiteracy -as compared to other countries, the percentage of educated workers is very low.
2. Problem of absenteeism and migration- most of the Indian labours are restless and does tedious towards frequent migration because life in the town does not provide for their needs.
3. Low level of Health, Nutrition and Healthy Recreation as compared to most of the European countries.
4. Extreme poverty and lack of training
5. Unfair recruitment process
6. Lack of predefined wage structure
7. Less exposure to Information and Technology
8. Limited security

Various measures under the new government

Various legislative, administrative and e-governance initiatives have been taken by the Central Government to generate employment and to facilitate ease of doing business. The various initiatives taken by the Central Government are as follows:

1. In the first two years itself, the government partially removed the arbitrary inspection system (the so-called Inspector Raj), allowed firms to file one self-certified return for a clutch of laws, implemented employees provident fund (EPF) number portability, and initiated moves to make EPF and National Pension System alternative social security schemes for organized sector employees.
2. The ministry also included the category of '**Fixed Term Employment Workman**' for all sectors in the **Industrial Employment (Standing Orders) Act, 1946** and rules made there. The objective of fixed term employment on one hand is to provide flexibility to the employers in order to meet the challenges of globalization, new practices and methods of doing businesses while on the other, this would be beneficial for workers as it gives the 'FTE Workman' the same statutory benefits as that of regular workers in a proportionate manner.
3. EPF number portability.
4. Companies allowed filing one self-certified return for a clutch of labour laws.
5. In line with the recommendations of the **Second National Commission on Labour**, the ministry has taken steps for formulating four labour codes on wages; industrial relations; social security and welfare; and occupational safety, health and working conditions by amalgamating, simplifying, and rationalizing the relevant provisions of the existing central labour laws.
6. **Maternity Benefit (Amendment) Act, 2017** which came into force from April 1, 2017 – increased paid maternity leave from 12 weeks to 26 weeks and benefited 18 lakh

women employees.

7. The **Industrial Disputes Act** could have been amended to improve ease of doing business.
8. The ministry had also sought comments on the **Code on Occupational Safety Health and Working Conditions** in March 2018. After tripartite consultations, the **draft Occupational Safety, Health and Working Conditions Bill, 2018** has been circulated for inter-ministerial consultation recently.
9. The Labour ministry also got the **Payment of Gratuity (Amendment) Bill, 2018** passed by Parliament which provides for a hike in the upper ceiling on tax-free gratuity amount from Rs 10 lakh to Rs 20 lakh.
10. The government also approved a Memorandum of Understanding (MoU) among Brazil, Russian Federation, India, China, South Africa, regarding Cooperation in the Social and Labour Sphere. The MoU was signed in August 2018 during **BRICS Labour and Employment Ministers (LEM) Meeting**. The pact provides a mechanism for cooperation, collaboration and maximum synergy amongst BRICS member countries with the common objective of inclusive growth and shared prosperity in the new industrial revolution.
11. Another Memorandum of Understanding (MoU) was signed between India and Italy for training and education in the fields of labour and employment.
12. Considering the change in employment pattern and the current scenario of employment in India which has transformed from long-term employment to short-term engagement in form of contract and tempting, the ESI Corporation has approved a Scheme named **"ATAL BIMIT VYAKTI KALYAN YOJANA"** for insured persons covered under the **ESI Act, 1948**.
13. This scheme is a relief payable in cash directly to insured persons' bank accounts in case of unemployment and while they search for new engagement.

Amendments to Trade Union Act and its criticisms :

- The Bill seeks to provide for recognition of trade unions or a federation of trade unions at the central and state level by the central and state government, respectively. Such trade unions or the federation of trade unions will be recognized as Central Trade Unions or State Trade Unions, as the case may be.
- These amendments will facilitate recognition of trade unions at central and state level; ensure true representation of workers in tripartite bodies; check on the arbitrary nomination of workers' representatives by the government, and reduce litigations and industrial unrest.
- The proposed Bill will ensure that the nomination of workers' representatives in tripartite bodies by the government will become more transparent. The trade unions so recognized will be accountable in maintaining industrial harmony.
- The recognition of trade unions at the central/state level will reduce duplicacy of such exercise by different departments. Recognized trade unions may be assigned specific roles at the central or state level.
- Recognized trade unions will be accountable in maintaining industrial harmony. It will ensure true representation of workers in the tripartite bodies and put a check on the arbitrary nomination of workers' representatives by the government. Besides, it will reduce litigations and industrial unrest.
- A recent decision by the Union Cabinet to amend certain provisions of the Indian Trade Union Act, 1926 has evoked protests from most of the central trade unions. While the **Centre of Indian Trade Unions (CITU)**, the **All India Trade Union Congress (AITUC)** and the **Hind Mazdoor Sabha (HMS)** have been categorical in their criticism of the proposed amendments and the manner in which the announcement was made without due consultations.
- The proposal to reduce the percentage of outsiders was also discriminatory as eventually it would result in

keeping out of unions any retired, retrenched and victimized workers who would not come under the category of regular workers.

- The latest move to amend the Trade Union Act is seen as the first step in the direction of effecting more legislative changes in the area of labour. Most of the trade unions have little doubt that such changes will prove detrimental to labour.