

Ayuba Wabba

President
Président
Präsident
Presidente

**The Honourable Shri Narendra Modi
Prime Minister of India**

**South Block, Raisina Hill,
New Delhi 110011
India
By email**

Sharan Burrow

General Secretary
Secrétaire générale
Generalsekretärin
Secretaria General

HTUR/MW

13 May 2020

Suspension of Labour Laws and Amended Working Hours by State Governments

Dear Prime Minister,

The ITUC and ITUC Asia-Pacific condemn the recent decisions made by the state governments of India to suspend the major labour laws and extend the standard daily working hours from eight to twelve. On 6 May, the cabinet of Uttar Pradesh passed the Temporary Exemption from Certain Labour Laws Ordinance 2020 to exempt all business and industrial establishments from 38 local labour laws for a period of 1,000 days. This was followed by the state government of Madhya Pradesh exempting employers from key provisions in the state Factories Act, as well as the laws on industrial relations, industrial disputes, labour contract, and employers' contributions to the Labour Welfare Board. By now, six state governments in Madhya Pradesh, Rajasthan, Haryana, Himachal Pradesh, Gujarat and Punjab have adopted directives to bypass the eight-hour regulation under the Factories Act of 1948 and extend the daily working hours to twelve for various periods.

These legislative changes – which run contrary to the constitutional protection of workers' welfare, international labour standards, and which are strongly opposed by the major national trade unions – are part and parcel of the anti-worker labour law reform initiated by the central government in 2015 to ease labour regulations for the advance of business interests. The leading central trade unions in India, including the ITUC and ITUC Asia-Pacific affiliates INTUC, HMS, SEWA and CFTUI, mobilised hundreds of millions of workers to oppose the regressive reform and the lack of meaningful consultations with trade unions.

It is deplorable that the suspensions and amendments were made in a bid to attract businesses, while in the same week, the tragic gas leakage at the chemical plant in Visakhapatnam of Andhra Pradesh killed eleven and injured thousands where safeguards were overlooked in a rush to re-open business after the lifting of the lockdown.

The measures adopted by the state governments further took advantage of the incumbent travel restrictions under which workers and trade unions are unable to mobilise protests for defence of their basic interests.

We oppose the temporary ordinances and directives passed by the state governments, which are flagrant violations of international labour standards. The relegation of normative enforcement of labour standards, labour dispute settlement and inspections to self-reporting by employers and third-party certification in Uttar Pradesh and Madhya Pradesh contravenes ILO Convention No. 81 on labour inspection, as well as the conclusions drawn by the Committee on the Application of Standards in the 108th session of the International Labour Conference in 2019. Suspension of industrial relations and labour dispute laws breaches the State's obligations to respect the right to freedom of association and

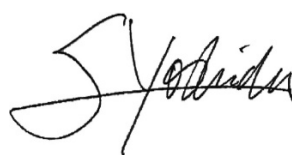
collective bargaining under Convention No. 87 and No. 98. Furthermore, the extension of the daily working hours to twelve is a clear violation of article 2 of Convention No. 001 on Hours of Work (Industry) which the government of India has ratified.

The ITUC and ITUC Asia-Pacific condemn the adoption of 19th-century solutions by the state governments of India as post-Covid-19 resurgence strategies. We urge your government to respect the obligations as a member state of the ILO and bring the local laws into compliance with the Declaration of the Fundamental Principles and Rights at Work and the ratified conventions. The suspensions and amendments of the labour laws at the central and state government level must be halted to enable the re-convening of inclusive consultations with the trade unions on the labour law reform, as well as pro-worker policies in anticipation of the easing of the lockdown.

Yours sincerely,



Sharan Burrow
General Secretary
ITUC



Shoya Yoshida
General Secretary
ITUC Asia-Pacific

cc:

Shri Santosh Kumar Gangwar
Minister of State for Labour and Employment
Via: anita.tripathi76@nic.in

Embassy of India to Belgium, Luxembourg and the European Union
Email: consular@indembassy.be