

Challenges in Social Dialogue in India in Times of Crisis and Pandemic

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Implications on
Securing of SDGs

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List of Abbreviations

AICCTU	All India Central Council of Trade Unions
AITUC	All India Trade Union Congress
AIUTUC	All India United Trade Union Centre
ASHA	Accredited Social Health Activist
ATUC	Asean Trade Union Council
BMS	Bharatiya Mazdoor Sangh
CITU	Centre of Indian Trade Unions
CTUs	Central Trade Unions
GBGBA	Ghar Bachao Ghar Banao Andolan
GDP	Gross Domestic Products
HMS	Hind Mazdoor Sabha
ILO	International Labour Organisation
INTUC	Indian National Trade Union Congress
IR	Industrial Relations
ITUC	International Trade Union Confederation
LPF	Labour Progressive Federation
MOSPI	Ministry of Statistics and Programme Implementation
NCEUS	National Commission for Enterprises in the Un-organised Sector
NEP	National Employment Policies
NGO	Non-Government Organisation
OECD	Organisation for Economic Co-operation and Development
PLFS	Periodic Labour Force Survey
SD	Social Dialogue
SDG	Sustainable Development Goals
SEWA	Self-Employed Women's Association
TUCC	Trade Union Co-ordination Centre
UTUC	United Trade Union Congress
VRS	Voluntary Retirement Scheme
YE	Youth Employment

Part 1: The Setting

It has been globally recognised and accepted that COVID-19 is not just a health crisis but also an economic and labour market crisis (Walter, 2020). Global markets continue to reel under immense uncertainty about economic recovery and possibilities of large-scale unemployment. Continuation of lockdowns, barriers and constraints in opening the economies has fractured the economic recovery of developing countries. Disruptions in global value chains are triggering possibilities of stagflation. The prolonged pandemic has gradually exposed structural fault lines of the dominance of dual economic structures in these economies. Further, lack of access to technology, limits in the distribution of resources, vast gender-based inequalities and regional imbalances have marginalised millions across the world.

India is no exception. A large portion of the labour force is engaged in the informal sectors, either as self-employed or in micro and small-scale enterprises. Glaring images of workers moving back to rural areas in the first phase of the COVID-19 outbreak, in 2020, and crawling back of economic activities continue to haunt the public memory. Labour force in both formal and informal sectors have lost their access to jobs/livelihoods due to this pandemic. Data released in Periodic Labour Force Surveys (PLFS) 2021 shows that according to the broad current weekly status of employment there has been a significant transformation of employment conditions in India. Estimates of workers aged 15 years and above show that even in the pre-lockdown period of January-March 2020, the proportion of regular/wage salary workers (largely representing formal employment) accounted for 22.3 per cent of the total labour force. The announcement of nationwide lockdown in March 2020, negatively impacted the workers employed in this category. Even though the un-lockdown process was announced by September 2020, the proportion of workers in formal employment remained only at 20.4 per cent (October-December 2020). In contrast, the size of informal employment reduced from 25.3 per cent to 20.9 per cent. Meanwhile, unemployment which increased in the pre-lockdown period from levels of 3.1 per cent to 6.0 per cent (July-September 2020), reduced to 4.5 per cent. This reflects the burgeoning of the “not in labour force” category of the working population (Government of India, 2021).

The formal sector has some kinds of social and employment benefits whereas the informal sector does not have such provisions. In the middle of the pandemic, BRICS (Brazil, Russia, India, China and South Africa) member countries had committed to taking effective actions to protect the labour market from such unprecedented challenges i.e., support enterprises in an inclusive manner with emphasis on human-centric development. Through this preventive mechanism, they strive to ensure a healthy and safe work culture, protect vulnerable segments (i.e., women, young and older workers) in the labour market, eradicate workplace violence and harassment especially for women, promote women empowerment and invest in the care economy. Along with these, they also seek to rebuild the social protection system and formulate policies that could ensure the inclusion of all workers in general and digital workers (i.e., gig economy), in particular.

The International Trade Union Confederation (ITUC) conducted a Global Poll covering 16 countries with more than half the world’s population in the weeks before the World Health Organisation (WHO) declared COVID-19 a pandemic. The poll revealed the extent of the degeneration of labour markets in the international economy (Burrow, 2021). Among the various issues about income and employment conditions impacting this process, the poll found a significant slump in global wages, with 75 per cent of the people saying that their income had stagnated or fallen. It observes that threats to workers, economies and democracy were already prevalent in workplaces and countries before the COVID-19 pandemic, which has now disrupted lives and livelihoods. It is worrying to observe that the repression of unions and the refusal of governments to respect their rights and engage in social dialogue has exposed workers to illness and death both at home and in workplaces. The lack of effective participation of trade unions at the local level has left workers to fend for themselves or rely on other local civil society organisations to fight the pandemic effectively (Chen, 2020). It is evident that labour market institutions are not only defined by local processes anymore, they are interlinked to global experiences, albeit being weakly based on the intersection with the global value chains.

The 21st-century globalisation has transformed the World of Work, from being associated with regularity, stability and security to the one we are experiencing today as entailing irregular, gig-based jobs and valorising 'crypto' wealth. The neo-liberal process has encouraged flexibility of work, eventually expanding the capitalist class, but contracting rights and entitlements of the working class. Engaging with the countervailing processes of growth and economic crisis in the past thirty years (Nayyar, 2019) draws our attention to concerns on the increased vulnerability of the poor to globalisation forces. He argues that perpetual global crises (both economic and ecological) had embedded greater fluctuations in income and expenditure in the emerging economies in Latin America and Asia in the 1990s and the North Atlantic financial crisis of 2007-2009 causing hunger, poverty and forms of deprivations leading to 'vulnerable employment' and the 'working poor'.

In India, a large part of the Gross Domestic Product (GDP) depends on labour-intensive activities e.g., agriculture and allied activities, petty manufacturing etc. It continues to be an economy driven by informal sector activities where the labour force is employed with limited or no social and employment safety nets (Chen, 2020). Employers recruit the workers on a 'hire and fire' basis. Usually, the workers do not collectivise and they do not have social voices. Constitutionally, a trade union is part of the concurrent list, where the state and central governments provide frameworks. There are workers' unions and as well as employers' unions. In that complex milieu, it is

interesting to see how the social dialogue is driven by capitalism-dominated economic processes. A few states like Uttar Pradesh, Gujrat, Rajasthan, Madhya Pradesh, Maharashtra, Assam and Uttarakhand have introduced revisions to the labour legislation to incentivise enterprises.

Against this backdrop, the present paper seeks to critically examine the process of Social Dialogue in India in times of crisis and pandemic. This paper draws on the prevalent literature on the status of employment and unemployment and discusses the consequent status of workers' representation in the formal and informal unions at the national level. There are three major sections in the paper: Section 2 presents the conceptual understanding of Social Dialogue and the changes experienced by the developed and the developing countries. Section 3 highlights the nature of social dialogue in India. It questions the implications of the limited preparedness of the labour market institutions in protecting, representing and enabling the collective voice of workers in the pre-COVID-19 pandemic times. Section 4 highlights the complex nature of State and Central Government responses to industrial codes and revisits the role of trade unions in the last two years when lockdowns were imposed. It presents the voices of workers from various enterprises on how they coped with economic and social uncertainties and vulnerabilities during the COVID-19 pandemic. The last section presents the debate on how India's footloose labour has been isolated labour in pandemic times. This section raises challenges for Social Dialogue in India in the post-pandemic realities.

Part 2:

Social Dialogue in India

2.1 Concept of Social Dialogue

The term “social dialogue” (in the meaning of the ILO) originated in 1985 in the European Context¹. In every convention and recommendation, ILO puts social dialogue at the core to achieve the decent work agenda. So, in simple terms, we can consider social dialogue to be a problem-solving mechanism in the labour market. Efforts to integrate decent work and social dialogue are crucial. Earlier, socio-economic securities encompassed income, employment, job, work, skill reproduction, old-age and representation security. Here representation security refers to a collective voice in the labour market through collectivisation (Standing, 2012). This representation security is a conjugated part of employment security. Over the years, challenges to conceptualise and operationalise decent work and social dialogue processes led to framing of conventions and policy papers that have mainstreamed social security and social dialogue in an integrated manner.

The International Labour Conference 2008, at its Ninety-seventh Session on the Declaration of Social Justice for Fair Globalisation, defined social dialogue as “all types of negotiation, consultation or information sharing among representatives of governments, employers and workers on issues of common interest relating to economic and social policy” (ILO, 2008, p.7). Social dialogue involves multiple stakeholders in policy decisions processes, often tripartism to facilitate democratic governance. It seeks to foster good governance practices, enhance economic and social progress and deal with crises. There is no “one size fits all” model of social dialogue that can be readily exported from one context to another; there is a rich diversity of experiences and practices of social dialogue throughout the world.

Adapting social dialogue to a particular context is key to ensuring full ownership by the parties involved and sustainability of the process. The International Labour Organisation (ILO) assists member States for the consolidation of their institutions and legal charters. It facilitates the formation of machinery to support healthy social dialogue practices and capacity development of the tripartite actors to endorse inclusive social dialogue and tripartism. Through the Social Dialogue and Tripartism Unit (DIALOGUE), knowledge creation focuses on products

of social dialogue and industrial relations (ILO 2013). Furthermore, the ILO promotes intra-regional and sub-regional social dialogues to build harmonious relations, good governance and sustainable social development. To this end, DIALOGUE is encouraging cross-border social dialogue by promoting and publicizing knowledge on global industrial relations, significance and role of actors and institutions involved, in agreements. In various ways, social dialogue helps and preserves the stability of the labour market institutions. Tripartism is the main instrument of the social dialogue that enables the process of sustainable and far-reaching social and economic policy formulation, through consensus between Governments, Employers and Workers’ Unions.

The new social contract of workers needs to envision well-being that sustains complex realities of crisis and pandemics. This also calls for a need to revisit the prevailing tripartite structures, as conjunctures of economic development and opportunities for social dialogue have become extremely dynamic. Transformations in the notion of work, job, and social security in an integrated world, thus implies that countries now need to align their frameworks of labour market institutions to these ever-changing realities.

2.2 Indicators, Parameters and Measurement of Social Dialogue

In various ways, social dialogue helps and preserves the stability of the labour market institutions. Neo-liberalism has changed the labour market conditions and thereby influencing the nature of tripartite cooperation (Fashoyin, 2004). Several labour and non-governmental organisations (e.g., SEWA, Mathadi Workers Organisation, Mazdoor Kisan Sangh) have emerged as integral to the social dialogue process. In recent years, the scenario has been changed drastically and tripartite cooperation has involved some non-market actors along with the traditional actors, such as Non-Governmental Organisations (NGO) and civil society (Fashoyin, 2004). These new forms of tripartite cooperation have occurred mainly in the last few decades, owing to the changes in the product market conditions and emerging links with global value chains, that have impacted the nature of industrial relations as well. Newer forms of jobs such as platform and gig economy, and

formalisation of work-from-home, would be guiding the future changes in employment relations.

Social dialogue encompassing the capacity of governments, social partners and other stakeholders is going to be crucial in shaping policies for decent work. In this regard, ILO-driven assistance to countries has been bringing stakeholders together to develop tripartite recommendations related to extending social protection schemes, minimum wages, organising or implementing a plan of action to improve decent work, for example for domestic workers, and supporting stakeholders. However, given the unequal balance between capital and labour the institutional development is often embroiled in complex processes. The much-anticipated tripartite cooperation across these actors has weakened due to periodic crisis; and often it is the NGOs and Civil society organisations who have been bridging this vacuum (Fashoyin, 2004). The inclusion of these new actors is relevant as in the last few decades the product market has changed a lot and the industrial relations have also changed accordingly. For instance, platform and gig economy, casual labour on hire and fire basis etc., are distanced workers from their enterprises.

Most developing countries are placed uniquely with regard to the possibilities of coherent social dialogue processes. There are vast variations across regions, levels of economic progress, forms of nation-state and the existence of amicable conditions for discussion and respect for the counterpart's opinion. In an evaluation of 16 countries (Argentina, Belgium, Brazil, Bulgaria, Canada, Chile, China, France, Germany, India, Japan, Russia, South Africa, South Korea, the United Kingdom and the United States) before the spread of the COVID-19 pandemic, an International Trade Union Confederation (ITUC) Global Poll held between February and March 2020 showed growing insecurities and vulnerabilities in the world of work. Policies implemented by governments lacked support from labour institutions and there was a clear demand among the majority of people for change. To amplify the challenge, the poll showed that over two-third workers were worried about climate change, rising inequality and loss of jobs. The perception of most workers was that their economies are experiencing economic uncertainties. Almost three-quarters (71 per cent) of people felt that their countries' economic system favoured the wealthy. This view was held by the majority of people in every country surveyed and shows the widespread breakdown of the social contract.

Collective bargaining coverage is another indicator where all stakeholders come together and form common terms and conditions of employment and labour relations (Hayter and

Stoevska 2011). ILO has identified two major indicators for effective social dialogue i.e., membership of organisations and the coverage of collective bargaining agreements. The membership of the organisation is a quantitative aspect for both workers and employers and it is represented by trade union density. However, workers and unions are extremely fragmented across sectors, geographies and activities. This makes the collation of data extremely challenging. Next, data on employers (the density and membership strength) are not easily available. The most recent data available on trade union density rates across countries shows vast disparities across countries (See Figure 1). The average global trade union density is about 22 per cent. The red line represents global average trade union density. Countries such as China, South Africa and Sri Lanka have far higher trade union density. The coverage of trade unions in India is sparse. Low representation security and declining share of organised labour market conditions, also can be seen as a reason for worsening economic prosperity and ensuring decent work for workers. The impact of union coverage can be mixed. An analysis of Organisation for Economic Co-operation and Development (OECD) countries has shown that high density and coverage of trade unions improve the capacity of the labour bargaining system to help the economy to adjust to shocks effectively. However, for the Indian context, there is an imbalance in the coverage of trade unions across the organised and unorganised sectors, in both central and state unions. Unlike the advanced countries, in India, this has also led to wage discrepancies, and exclusion for other social security benefits (Rodgers, 2014). Even though there are new (independent) unions that have been trying to organise among the construction workers, home-based workers, domestic workers, agricultural workers, scheme-based workers (Anganwadi and ASHA workers), and workers' associations, these are limited to only a small proportion of the total workers engaged in these sectors.

2.3 Industrial Relations and Collective Bargaining in India

Industrial and labour relations have been extremely crucial in securing workers' 'right to represent. The latter are often add-on constituents to industrial policies and legislations. In the India context, the foundation of present-day social dialogue can be traced to the trade union movements in pre-and post-colonial times; it has played a pivotal role in contributing to expanding the scope and coverage of the legislative framework (Bhowmik, 2009). The Trade Union Act, 1926 set out procedures for registration of unions and protection of unions from harassment. It is since then that the regulatory structure for work and social

security has been laid.² Under the Constitution of India, Labour is a subject in the Concurrent List where both the Central and State Governments are competent to enact legislation. This also includes not only social security, insurance, employment and unemployment issues but also encompasses trade unions and industrial and labour disputes. In the post-independence years, industrial development too gained momentum. The legislative framework enabled the membership of workers to large trade unions in sectors such as mining, plantations, and industrial sectors. Large and dominant unions were recognised as the sole representatives of workers both through Central and State-level Trade Unions.

The process of economic reforms since the 1990s not only led to a sudden change in the role of the State and the private sector but also challenged the capacity of trade unions to face the nuances of globalisation and liberalisation. This made employers very powerful, allowing them the right to hire and fire workers at will (Ghosh, 2008). The vast body of literature on employment and unemployment issues has vividly explained the rise of new industrial organisations, the amorphous nature of informal work relations, changes in the skill levels of working 'classes', etc., (Jose, 2000, p.32). The indiscriminate use of the Industrial Disputes (Amendments Act 2001) Chapter V-A and V-B providing a more enabling environment for enterprises to offer Voluntary Retirement Scheme (VRS) and the Exit Policy led to retrenching of the organised workforce and closing down most of the sick industrial units. The burgeoning informal sector in the pre-reform years, received a further impetus to expand such that India's industrial sector has become 'strictly' dualistic with two very diverse forms of economic sectors co-existing.³ This facet needs to be borne in mind even

as we seek to revisit the contradictions in development outcomes emerging due to industrial relation policies and labour relations.

The restrictions imposed by the amendment also impacted the ability of the trade unions to secure the support of at least 10 per cent (minimum seven) or 100 of the workmen (whichever was less), of an establishment, and the trade unions began losing recognition. The introduction of contractual employment and growing casualisation of the workforce also affected trade union membership, as these workers faced multiple insecurities related to both income and employment. Select state governments like the Government of West Bengal, like many others, have amended the Trade Union Act, 1926 to strengthen the position of a union as a bargaining agent. Now, only a single union in one industry/factory or a majority union elected through secret ballot can be the sole/principal bargaining agent.

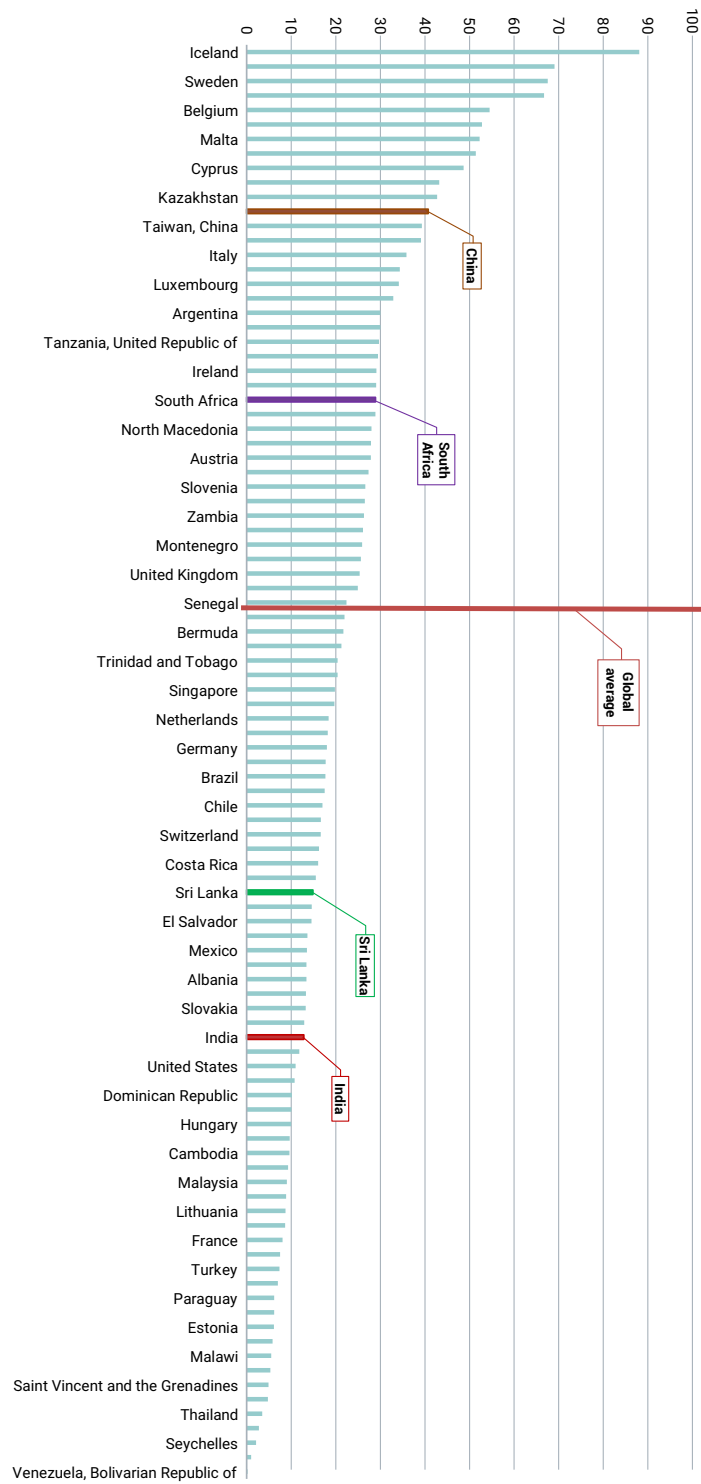
The data systems of trade unions in India are scattered and limited in providing information about the coverage and scale of networks (Table 1). The most recent official data available for trade union membership is till 2013. In the early 2000s, there were over forty-one thousand trade unions; subsequently, there has been a sharp fall in the number to less than twelve thousand, spread across all economic activities. The rate of decline was about 3 per cent between 2000-07, but the pace seems to have accelerated considerably in the later period. Next, the number of trade unions submitting returns too has reduced during this period, indicating financial challenges faced by the unions. Most trade unions continue to be very small with the average membership ranging from around 200-300 workers.

Table 1. Physical Indicators of Trade Unions in India since 2000-2013

Indicator	2000	2007	2013	Annual rate of change (%)		
				2000-2007	2007-2013	2000-2013
Registered Number of Trade Unions	41545	40249	11556	-3.12	-71.29	-72.18
Number of trade unions Submitting Returns	7253	7408	2534	2.14	-65.79	-65.06
Total members in the Workers' Unions ('000)	5416	7872	3231	45.35	-58.96	-40.34
Total members in the All Unions ('000)	5420	7877	3231	45.33	-58.98	-40.39
Avg. size of Trade Union	130	196	280	50.01	42.86	114.31

Source: Ministry of Statistics and Programme Implementation (MOSPI)

Figure 1: Average Trade union density rate across Countries (%): 2010-2016



Note: Computed by authors

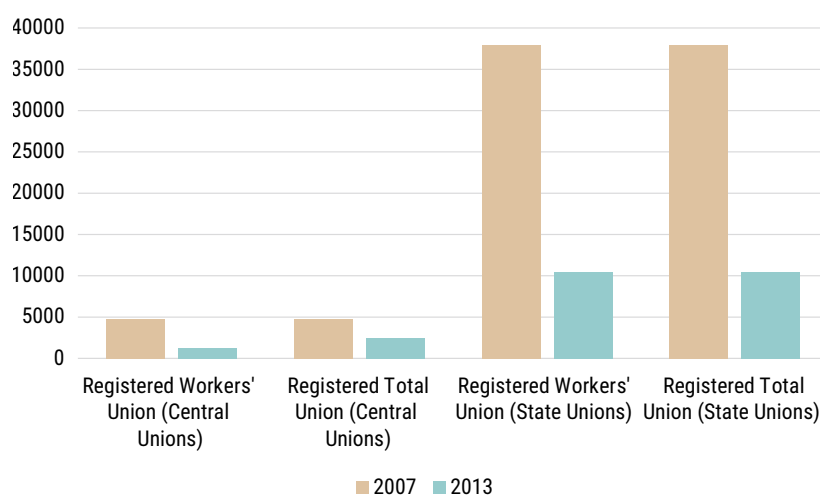
Source: (International Labour Organisation, 2021)

A look at the distribution of trade unions registered under Central Unions and State Unions indicates that most unions in India are at the sub-national level (Figure 2). States-based Trade Unions continue to account for the highest proportion of representations. Next, data available for 2007 and 2013 show that there has been a sharp fall in the number of unions across both Centre and State Unions.

Among various responsibilities, trade unions also seek to provide membership benefits to workers. Examples of Mathadi Workers (headload workers), Strehitakarni (mill workers Women's Association), or Self-Employed

Women's Association (SEWA) demonstrate the ability of trade unions to protect the lives and livelihoods of their members. It is disturbing to see that trade unions are facing a financial crisis. Incomes of trade unions have dropped sharply from Rs.1391 million to less than Rs. 600 million through 2000-18 (Table 2). This is making most trade unions conservative in their spending. The expenditure of trade unions has been reduced by more than half. The Trade Union Act amendment sought to regulate unions through strict membership conditions, which seems to have affected trade unions and is limiting their scope to support workers.

Figure 2: Distribution of Trade Union across Centre and State level



Source: MOSPI

Table 2: Financial Status of Trade Unions in India since 2000-2013

Indicators	2000	2007	2013	Annual rate of change (%)		
				2000-2007	2007-2013	2000-2013
Income (including balance carried over from previous year) in Million	1391	856	590	-38.46	-31.07	-57.58
Expenditure in Million	596	310	261	-47.99	-15.81	-56.21
Opening Balance Workers' Union	640660	675545	299922	5.45	-55.60	-53.19
Income Workers' Union	746360	429715	290153	-42.43	-32.48	-61.12
Expenditure Workers' Union	594066	429637	260832	-27.68	-39.29	-56.09

Source: MOSPI

2.4 Social Dialogue and Labour Welfare

The globalisation of capital has reduced the power of trade unions across the globe (Roy Chowdhury and Shankar, 2021). Despite that reality, India being one of the founder members of the ILO, it becomes imperative to uphold the tripartite consultation convention, 1976, which means all three stakeholders have to discuss and participate in the law and policymaking process (Shyam Sundar, 2020). Even ILO always upholds the dignity of social dialogue as a democratic right. In the last decade, it is witnessed, that the changing contour of the labour scenario is in complete violation of this tripartite consultation. Even today, most are operating in the absence of the workers' representation. Recently, we all were made aware of the platform economy where the majority of the workforce has neither the occupational identity nor financial stability. They often fall into a volatile working condition termed as 'precariat' (Standing, 2012). This precariat is the mainstay of corporate capital. When the entire global production is transforming to automation, possibilities of rise in unemployment rates if going to be inevitable. A large portion of people will be losing their job and livelihood by this process and face chronic poverty and social distress. India due to its unique position as a middle-income country, will face dual challenges with Industrial Revolution 4.0. The high skilled activities will become more competitive and workers through reskilling would be able to be retained/absorbed in the labour market. But the declining cost of machines will put at risk those workers in low-skill jobs and engaged in routine tasks. These are the occupations most susceptible to automation. Displaced workers are likely to compete with (other) low-skill workers for jobs with low wages. Even when new jobs are created, retooling is costly, and often impossible (World Development Report, 2019, p.18)

In the Indian context, post-liberalisation, global competition has led the organised private sector to reshape the production processes with technology, innovation and aligning local and global value chains. This did not lead to enhanced employment opportunities; in fact, prevailing labour legislations were seen as an obstacle for the enhancement of private sector investments as well as Foreign Direct Investment (FDI). The unorganised informal sector on the other hand has continued to shoulder the burden of labour markets as it continues to be labour-intensive.

It is interesting to see that both these drivers led to similar outcomes, labour market flexibilities (Papola, 2007), and breakdown of social security and alienation of workers from product, production and labour market processes.

There is the plural engagement of actors in a social dialogue process, that includes the trade unions, social networks and voluntary organisations, associations advocating protection and promotion of the labouring poor in the society. The institutional mechanisms to deliver these instruments are found in the institutions of private (employer), public (government), and civil society. The National Commission on Enterprises in the Unorganised Sector (NCEUS) constituted on 20 September 2004 noted that in India, very few civil society organisations and almost no trade unions were involved in the shaping of the social security codes. Most companies operating in India prefer self-regulation when it comes to partnerships with civil society organisations, and their participation is limited to the implementation of community development projects.⁴

Presently, the social dialogue process in India is muddled across primary actors and secondary facilitators. The State, enterprises and unions comprise the former while civil society organisations (also NGOs), individual philanthropy and Corporate Social Responsibility (CSR) the latter. Since statutory processes maintain accountability on state-led policies, market actions and the role of trade unions, it enables greater monitoring of their actions. In the case of secondary actors, often they remain sporadic, localised processes that provide a 'neighbourhood' access to social welfare but it need not guarantee sustainable access to all. The Government of India brought in sweeping changes to the Indian Companies Act in 2013 and made it mandatory for certain business firms to spend at least two per cent of their net profit on CSR activities.⁵ The erstwhile voluntary activity of business firms has thus become mandatory in India. This is an anomaly in the world of CSR, as it is an attempt to legally link corporate regulation and social welfare. The axis of social dialogue in India in the pre-pandemic years seems to have moved away from worker-led organisations to more corporate-sector driven agendas. It seems to have created a space where there was worker's agency to determine welfare to a situation to which there is a patron-client relationship.

Part 3:

Lockdown and COVID-19 Pandemic in India: Response of State and Trade Unions in India

3.1 The Challenge

In the age of world crisis where everyone is affected very badly, the social dialogue would have been possible when processes would have placed equality at the centre of workers' well-being. But the reality in India's COVID-19 pandemic has thrown up a plethora of contradictions. Thus, even though we may envision inclusive policies and strategies to uplift the weaker sections of the population in terms of productivity and stimulate promoting economic growth; labour market outcomes in the last fifteen months have demonstrated two very divergent realities. On the one hand, we find the index of industrial production gradually crawling back to normalcy and recovery of economic growth rates, but this has not necessarily led to inclusive labour market outcomes. Estimates from the PLFS data shows that labour market conditions in India have become increasingly precarious. The decoupling of economic processes has created a systematic inability of the economic sectors to absorb the ever-expanding labour force. The clear mismatch between the growth rates of labour force vis-à-vis the growth rates of employment is clear testimony of the same. An interesting structural shift of the labour market is seen with a sharp reduction in part-time employment and casual work in recent years which perhaps is heartening as a possible movement towards greater decent jobs, but this is not backed by increased standards of living (seen from high unemployment rates). But the full-time workers do not reflect the "secure jobs" rather only represent longer working hours. Most casual workers in small and medium scale enterprises work on an average for 10-12 hours a day at low incomes and social security. Given that most are micro-enterprises these workers rarely collectivise.

3.2 COVID-19 Pandemic & Changes in Industrial Codes across Centre-State

As stated earlier, the Constitution of India has placed labour in the concurrent list. We find a slew of measures introduced: Government of India introduced amendments to consolidate the existing labour laws into four codes i.e., Industrial Relation (IR) code, Social Security code,

Occupational Safety, Health and Working Conditions code and the Code on Wages. With the exception of the Code on Wages, all other codes seem to have been introduced at a time when the country was in a state of lock-down and economic slowdown. According to the Industry Relation Code Bill 2020, the government has introduced many conditions and restrictions on the rights of workers to strike. The standing order for employers has been changed from 100 workers to 300 hundred workers and more, implying that enterprises with a strength below 300 workers can lay off and retrench workers without prior approval of the Government.

At the sub-national level, some major states too have introduced amendments to crucial labour laws. These include Uttar Pradesh, Madhya Pradesh, Gujarat, Maharashtra, Assam and Uttarakhand, to name a few (Table 3). The condition of minimum working hours has been relaxed and also some clauses in the Industrial Relations Act have been abolished. Thus, the workers cannot easily participate in protests, strikes or collective bargaining. The new IR code has also amended the existing strike provision. In the new IR code, workers cannot go on strike without notice to the establishment before 60 days. Along with these major changes, the central government has tried to restructure some of the existing laws related to social security.

A few states have gone ahead to amend their labour laws on an urgent basis to absorb return migrants due to the announcement of the lockdown. For instance, Uttar Pradesh, Madhya Pradesh, Gujarat, Himachal Pradesh, Rajasthan, Uttarakhand, Assam and Goa.⁶ All these states have argued in favour of amendments to stimulate the domestic economy by injecting the 'flexibility' mechanism. Here the whole axe has fallen on the workers' rights. It has been stated that due to the pandemic and prolonged lockdown, both manufacturing and service sectors in some of the industrial states have become inactive and are badly affected. The possibilities of migrants going back to their home states are uncertain. Since some of these states rely on remittances, lock-down due to the pandemic has increased the risk of high rates of unemployment, rise

in poverty rates, and closing down of enterprises. Many small and micro enterprises have closed due to inadequate capital, insufficient labour and shortage of raw materials.

Many existing legislations have been either removed or amended. The basic welfare legislation relating to weekly hours, daily hours, intervals for rest, etc., was removed for about three months (approximately) and states have increased the daily working hours from 9 to 12 hours. Along with this, the weekly maximum work hours have been increased from 48 to 72 hours (See Table 3). This may directly affect the work-life balance of the workers.

Representation security has been narrowly linked with fears of protest and strikes. The state governments have maintained that such a decision might help to put the economy on the right track and in the long term, it will also help generate more employment. Madhya Pradesh for instance has regulated any kind of strikes and protest. Trade unions will not be entitled to call for strikes without prior intimation of 100 days. Additionally, for particular

enterprises, the formation of trade unions and all kinds of collective bargaining is prohibited. A similar scenario is seen in Uttar Pradesh and Gujarat as well. In other states, they have amended some of the sections of the Factories Act, 1948.

3.3 Life, Livelihood and Living Matters: Evidence of Breakdown of Socio-Economic Security

The complexity of India's labour market conditions needs to be placed within the larger process of economic development. The prevalence of vast inter-state inequalities in economic activities, enterprise development, and availability of social safety nets have shaped the local labour market conditions. Within this is the presence of migrant workers. They have been part of both core and periphery sectors and thus are present in the trade union landscape. Yet, there are nuances about their lives, livelihoods and living conditions, which seem to have alluded not only to public scrutiny but also representation in trade union processes. COVID-19 pandemic has not

Table 3: State-wise changes to maximum daily and weekly work hours

State	Establishments	Maximum weekly work hours_ Old	Maximum weekly work hours_ New	Maximum daily work hours_ Old	Maximum daily work hours_ New	Overtime Pay (2x ordinary wages)	Time period
Gujarat	All factories	48 Hours	72 hours	9 hours	12 hours	Not Applicable	3 months
Himachal Pradesh	All factories	48 Hours	72 hours	9 hours	12 hours	Applicable	3 months
Rajasthan	All factories distributing essential goods and manufacturing essential goods and food	48 Hours	72 hours	9 hours	12 hours	Applicable	3 months
Haryana	All factories	48 Hours	Not specified	9 hours	12 hours	Applicable	2 months
Uttar Pradesh	All factories	48 Hours	72 hours	9 hours	12 hours	Not Applicable	3 months*
Uttarakhand	All factories and continuous process industries that are allowed to function by government	48 Hours	Maximum 6 days of work a week	9 hours	12 hours	Applicable	3 months
Assam	All factories	Not specified	Not specified	9 hours	12 hours	Applicable	3 months
Goa	All factories	Not specified	Not specified	9 hours	12 hours	Applicable	Appx. 3 months
Madhya Pradesh	All factories	Not specified	Not specified	Not specified		Not specified	3 months

Note: *The Uttar Pradesh notification was withdrawn. Compiled by authors

only exasperated prevalent labour market inequities but has also highlighted the structural gaps in the labour market. Ensuring SDGs for Decent work would be incomplete if job security, employment security and income security are considered and treated as substitutes rather than complementing to prevailing labour welfare and shaping social security opportunities. Workers' enduring dilemma raises pertinent questions about the 'realistic capability' of the trade unions in deepening their sphere of influence among the vast majority of informal workers in the country. Some of the images in the early lockdown in Phase-1 pandemic have been examined in numerous studies, most from the perspective of plight of migrant workers. Yet, the voices of workers stranded during the lockdown provide an endearing reality as to how social security is no longer driven by the classical ILO-type definition (Convention No 102), but is in fact intertwined with food security, housing, public health, access to public utilities and public spaces.

The nature of informality and type of occupation within the informal sector precludes many in availing the schemes and entitlements being offered (Sinha, 2020). While State policies by sub-national governments (such as Delhi and Uttar Pradesh) had announced one-off cash transfer of 1000 INR (roughly 22 US Dollars) to its

residents, it was barely enough to feed a family of five for five days. The most common reason cited by governments was lack of data to extend provisions and security. The local government in Delhi (and in other places) urged employers to continue paying wages and property owners to avoid evictions of tenants but this mere appeal without sanctions did not result in action (Chandran, 2020). A Stranded Workers Action Network (SWAN) survey recently conducted across various states showed that out of 11,159 migrant workers, 96 per cent did not get rations and 90 per cent of them did not get wages.

Curiously, COVID-19 has also exposed the shortfalls present in the social dialogue architecture in India. Numerous helpless voices of workers in urban settings indicated that when workers and vulnerable families ran out of food, cash and patience, it was largely citizen-led initiatives, that included youth, women and select philanthropic individuals, who stepped in and mapped out the needy via WhatsApp group chats and Google spreadsheets, (Box 1). Volunteers and members of civil society organisations have spent hours listening to people in distress, providing door-to-door meals, ensuring physical distancing and serving frontline workers. They also mediated with government officials to send relief. In a report filed with the Supreme Court in April, the Centre submitted

Box 1: Citizen and Civil Society groups help stranded migrants in Mumbai

When a youth aged 34, from a suburb in Mumbai, heard of construction workers from Bihar "eating raw wheat flour mixed with water and masala" he used social media to raise money. He was employed as a head of analytics and product management at a payment solutions firm. He mobilised Rs 4 lakh to supply ration to 4,000 adults for two weeks. He then plunged into fieldwork with, a citizen-led initiative. He provided food packets in informal settlements in Dharavi, Kurla, Chembur, Govandi and Mahul.

Similar examples were seen when Ghar Bachao Ghar Banao Andolan (GBGBA) and Helping Hands Charitable Trusts led by Bilal Khan, Lara Jesani and Anil Hebbar initiated a fundraiser on Ketto.org on March 26, 2020, as the Lockdown began. The Mumbai Responds Network comprises civil society organisations that provide COVID-19 relief to the poor and migrants. The organisation provided ration kits to community kitchens, old age homes, hamlets or slums (also called bastis in hindi) in the Mumbai Metropolitan Region. Cash transfers were also given to the needy.

More than 12,000 meals were dispensed through six kitchens in four bastis in Mumbai. These meals also reached some areas in Bhiwandi. Intra/interstate travel was provided for migrants. P. P. E Kits for frontline workers, thermal guns and pulse oximeters were also supplied to various hospitals. A camp was organised for over 300 migrants in various suburbs.

Litigation by GBGBA and other organisations on the issue of food crisis in the bastis, migrants' travel, etc., has resulted in significant directives by the Bombay High Court. Due to various litigations on health care and testing for COVID-19, the Bombay High Court was monitoring the situation closely. July 4, 2020, saw the completion of 100 days of relief work by the Mumbai Responds Network.

that NGOs across the country had served 30.11 lakh (3.11 million) meals during the first phase of the lockdown – in many states, they were ahead of the government in providing this relief.

The deeply entrenched contradiction of India's informal labour market is the tendency to dismiss the interconnected nature of employment and life in urban settlements. Even as the strict lockdown was called off for a few hours, many workers reported that they were asked by their house owners to immediately vacate the rented premises or worksites where they lived. Tens and thousands of others realised that they could not survive the lockdown at the destination region, being unable to manage the consumption expenditure without income. Large crowds gathered at bus stations and railway stations, compromising the lockdown goal of social distancing. In the absence of transport, the desperate migrant workers and their families, including women and children, had no other choice than to make their journey homewards on foot, across distances of hundreds of kilometres, carrying all their belongings. This took hundreds and thousands of hitherto invisible migrant workers and their families to the streets – a sight in Surat city is a point that cannot be shrugged away. Among them, there were also persons with disabilities, pregnant women and families with infants (ILO, 2020).

WHO guidelines were to tell people to stay home and follow the practice of social distancing, where the emphasis is laid on the maintenance of distance of at least six feet between individuals. In overcrowded slums, measures like physical distancing and self-quarantining remain far from being implemented. The most urbanised and in-migration states like Maharashtra, Delhi, Gujarat and Telangana show higher incidences of infection (Rinju and Mishra, 2020). At the same time, there is a reasonable rise in COVID-19 cases in Bihar, Jharkhand, West Bengal and Uttar Pradesh because of reverse migration following

the lockdown. Most of the migrant families of migrant workers who live in single rooms, depending on public toilets and common water taps. The tendency to look at rural and urban areas in strict compartments seems to have its limitations. The fact that workers from low-income states come to urban centres in industrialising areas, to engage in creating wealth, yet seems to be ambivalent in public discourse.

In case of such an outbreak and the associated measures for its containment, the basic shortcomings of the urban poor are overlooked, not just in terms of their compromised living, but also limited access to medical care (Lingam and Sakpal, 2020). The debate raised in the late 1990s by scholars such as Ethisam Ahmed, Burgess and Nicholes Stern, Jean Dreze and Amartya Sen about the need for socio-economic security encompassing protective and promotional security seems to be the call of the time (Prabhu, 2001).

3.4 Voice of Workers in Industrial Locations: Impoverishment, Vulnerabilities and Helplessness

How resilient are industrial centres for shocks and crises? Centres such as Delhi National Capital Region (NCR), Tirupur-Salem belt, Tamil Nadu, Vijayawada-Tamil Nadu, Maharashtra, or Gujarat could have been drivers of economic growth for India's GDP, but their mitigation capabilities to support workers and enterprises have also fallen short. To limit the crowding of public spaces, the lockdown classified certain activities as essential services and frontline services. Only workers belonging to these sectors could continue to work, the rest had to struggle for a living (Box. 2). While there are certain provisions for the informal sector, the multi-layered nature of informality for India's sub-class within the informal economy (in this instance, service providers and rickshaw pullers, who don't own the means of production but rather rent them)

Box. 2: When Work was Classified as "Non-Essential Service"

Asha and Sham, both workers in the informal sector, rely on their daily wages to support their family of three children. Since the COVID-19 lockdown, both Sham and Asha have struggled to make ends meet. During the first stage of lockdown, they recalled being able to manage and sustain their livelihood through safety nets and seeking help from their relatives and neighbours in the area. However, with the extension to the lockdown, they were unable to continue to rely on this network, as there was a general sense of fear in these households because of the spread of the virus. With limited supplies and lack of access to cooking fuel, they faced challenges in obtaining government provisioning. Though the government scheme gave coverage to rickshaw pullers they could not get benefits as they did not have suitable documents of 'identification'.

face an institutional barrier in making claims for services and relief goods.

In Haryana, although 34,375 industries had resumed work as of 11th May 2020, some migrant workers from the region have been telling us that their companies have been selective about calling workers back (Goregaonkar, 2020). For many indirectly dependent on factories (at daily wages of 300-400 INR in ancillary units), work is yet to start. Only permanent workers were called back to work, while contract workers and casual workers continued to wait for their turn (Box 3).

Gory images of outmigration from urban centres did remind us about the strength of migrant workers in urban spaces. But the vulnerabilities they faced during the strict lockdown period is also a testimony of the fact that at times of crisis these workers were marginalised by the State, enterprises and trade unions. Around 2,000 migrant workers were spotted in Gummidipoondi in

Thiruvallur district which lies on NH-16 that connects Chennai and Kolkata. They had already walked 45 kilometres from Chennai to Gummidipoondi towards their homes in Uttar Pradesh, Bihar, West Bengal, Jharkhand, Kolkata, Odisha and Himachal Pradesh. Workers reported that they neither had money nor food and ambivalence from governments compelled them to walk back. Even Shramik trains were inadequate as most workers didn't have money to buy tickets. They preferred to go back to their villages as their elderly parents, wife and children, are dependent on them. Most worked on construction sites for a living. They faced police atrocities, yet limped back home. It is uncertain if workers would come back to the same urban destination giving the uncertainties related to the pandemic and indifference associated with their employment.

Box. 3: Failed Formal Sector Forgot the Unorganised workers

Munna, one such daily wage worker who used to work around a Hero Honda factory in Manesar, Haryana said, "Abhi toh kaam sirf bade logon ke liye khula hai. Hum toh factory ke baahar waale mazdoor hai. (Work has started only for the senior people. We are outside labourers)." (Goregaonkar, 2020) Niranjana, working in Lumax Industries Ltd. in Gurugram, who was only partially paid for March 2020, said that workers like him are now expected to work overtime, without payments. When asked if he has taken it up with anyone in authority, he said, "Hum kahan kis ko bole? Woh thekedaar hame darata, dhamkata hai. Woh toh local aadmi hai, hum bahar ke hai. (Where do we go, whom do we tell? The contractor threatens us. He is a local, whereas we are migrants)." Manju Devi, who sews garments for an export company, was relieved when she heard the news that her company was restarting work. However, her relief was short-lived. She says, "Hume thekedaar ne kaha ki ladies ko pass nahi denge, sirf gents ko hi wapis bulaenge. (The contractor told us that only men would be called back to work)." Narratives from Tamil Nadu and Andhra Pradesh are similar. Automobile manufacturers like Yamaha Motors Ltd., Hyundai Motors India Ltd., Ford India Ltd, and Royal Enfield run assembly lines here peopled by hundreds of thousands of migrant workers from across the country. The district, which has become one of India's leading manufacturing hubs, includes a sprawling industrial park in Sriperumbudur developed by the State Industries Promotion Corporation of Tamil Nadu (SIPCOT) (Choudhury, 2020).

Part 4:

Linkages of Social Dialogue in Achieving Decent Work and SDG 8

Social Dialogue is one of the strategic pillars that ILO considers crucial to ensure Decent Work in general and SDG 8 in particular. Over the years there have been several initiatives implemented across Asia, Africa and Latin American countries (ILO, 2015a; 2017a). Some have integrated economic growth with labour market opportunities for young unemployed women and men, targeting mainly low qualified young people and promoting decent work. The participation of public, private stakeholders and civil society was encouraging as part of developing co-ownership and empowerment of the national partners. Within this project, activities of mapping of relevant stakeholders, creating of dialogue forums, stakeholder consultations, defining of interventions through participatory processes and stakeholder engagement were conducted. The programme on “ILO–SIDA Partnership 2012–2013: National Employment Policies (NEP) and Youth Employment (YE)”, in Botswana, the Comoros, Lesotho, Liberia, Malawi, Mozambique, Cambodia, Sri Lanka, El Salvador, Kyrgyzstan and Yemen encouraged the development of domestic employment policies. Efforts were made at the national levels to enhance the capacity of tripartite constituents to apply innovative approaches, set priorities and influence the development and implementation of coordinated employment policies adapted to the diversity of local situations and contexts (ILO 2017b). The purpose is not to discuss all initiatives of ILO but highlight the nuanced approaches of how social dialogue has enabled countries to shape their employment policies for workers’ well-being.

ILO’s standards on social security provide four different types of social security coverages under different economic systems and stages of development. Social Security Conventions offer a wide range of options and flexible clauses. Some of the main ILO instruments are the following: (a) the Social Security (Minimum Standards) Convention, 1952; (b) the Social Protection Floors Recommendation, 2012; (c) the Equality of Treatment (Social Security) Convention, 1962; and (d) the Maintenance of Social Security Rights Convention, 1982. In this field, the available evidence shows several ILO interventions where either social dialogue contributed

to the achievement of the objectives, or where the development of tripartite/bipartite social dialogue was required.⁷ Mainstreaming Tripartite approaches has enabled most national governments and working groups to enhance the effectiveness of policy designs and strengthen its legitimacy.

Trade unions play a key role in building a culture of prevention on occupational safety and health issues, both at the national and at the workplace level. As a consequence, countries characterised by a higher share of workers covered by collective agreements tend to display a lower prevalence of fatal occupational injuries among employees. On another note, an analysis for India has shown that among the regular wage/salaried employees, between 2004-05 to 2018-19, the proportion of regular wage/salaried employees having no written job contract rose from 60 per cent to 70 per cent (Jha, 2021). At the same time, the proportion of workers benefitting from the ILO-kind social security reduced from 55 to 52 per cent (ILO, 2021).

4.1 Employment Security

Employment security is defined as the basic amenity (i.e., securities) received by workers from the employers/state. In the last three decades, the arena of work has become more flexible and the jobs have become much more vulnerable (ILO, 2002b). A large proportion of the working force is surviving through a low standard of living, and earnings below the minimum wage.

4.2 Income security

A large segment of the working population survived through the low level of wages, which mostly contradicts the traditional Lewisian framework of surplus labour (Roy, 2007). The surplus-labour will be absorbed into the formal sector, automatically securing the workers through income security and other social securities. However, in the last few decades, globalisation has encouraged more flexible and informal working ambient that challenges the long-term, regular wage employment. Hence, income

security is the safety net for all the workers to deal with the sudden risks i.e., “sickness, maternity, employment injury, unemployment, invalidity, old age and death” (Standing, 2000). In similar ways, we can say that those who have faced unemployment or are chronically unemployed get insurance or other income security to cope up with such unprecedented situations. In the current flexible working scenario, there is no demarcation of working hours and workers put in extra hours without any extra wages (Standing, 2000). In such situations, income security is a safety net for their labour power and prevention of exploitation by capital. ILO in their social security agenda has placed income security to promote decent work.

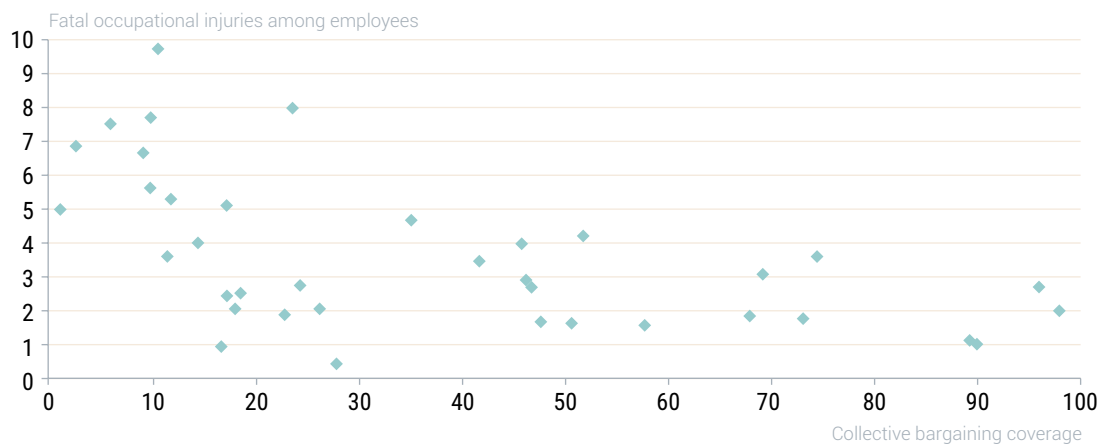
4.3 Unemployment protection

Similar to income and employment security, unemployment protection is a very crucial instrument to protect the working population. All kinds of support, either cash or in-kind, to protect workers from lack of work-related income caused by sickness, disability, maternity, employment injury, unemployment, old age or death of a family member call for attention. ILO has introduced the Social Protection Floor to help the vulnerable sections of the society for developing their capabilities for better and decent job opportunities with high and sustainable levels of income. Hence, unemployment protection is compensation for job loss (both employment and wage) for those people who are without a job or seeking higher earnings and productive employment. This unemployment protection is an integral part of the nationally defined social protection floor and comprehensive social security system. It has been seen that this unemployment

protection measure has an impact to eradicate poverty. Firstly, a rapid protection package for those who lost their livelihood and secondly, those who are passing through a vulnerable situation and seeking more remunerative decent jobs (Standing, 2000). The basic objective of this measure is to provide income compensation especially for job loss through different schemes. Along with this it also promotes skill development and other labour market up-gradation. Through this approach, a government can protect the unemployed and their families, facilitate their return to employment and upgrade skills and capabilities.

Social Dialogue extends beyond representation security as it includes traditional Tripartism structure and also includes the participation of civil society organisations. ‘Tripartism’ generates a consensus and negotiated proposals between Governments, Employers and Workers’ Unions for the social wellbeing of all involved. The three stakeholders i.e., Workers’ organisations, Employers’ organisations and the Government together play an important role to settle their respective demands through negotiation and discussion (ILO, 2013; 2018). Drivers of workers’ welfare in times of economic crisis, pandemics and inequalities have led to the deepening of social dialogue processes across countries (ILO, 2021). Pandemic has brought to the fore transformation in social dialogue processes into bipartite (State and workers) and classical tripartite approaches. Some of the lessons learnt include: enhancing the framework to encompass emergencies; adjustment and recovery strategies, and including plural actors such as civil society, philanthropy etc. It has been noted that countries that have a strong social security system and also prominent organised sectors have been able to

Figure 3: Social dialogue and safety of the working environments (SDG target 8.8)
Collective bargaining coverage and fatal occupational injuries among employees (per 100,000) employees).



Source: (OECD, 2020)

protect the lives and livelihoods of workers during COVID times (Figure 3). In a recently released research brief, it was noted that countries that have ensured an enabling environment of social dialogue have been able to secure workers against risks and vulnerabilities of pandemics (Box. 4).

There are many such instances where countries have sought to ensure labour welfare through social dialogue. There is increasing acceptance that long-term recovery demands proactive social dialogue in increasingly important areas.

Box. 4: International Experiences of Social Dialogue in times of Pandemic

In Sri Lanka, a tripartite task force on COVID-19 was established to provide recommendations on the measures needed to protect workers and businesses (ILO, 2020). This task force facilitated the signature of a tripartite agreement between the Ministry of Skills Development, Employment and Labour Relations, the Employers' Federation of Ceylon, and trade unions in May 2020. It was for the first time that the minimum wages were fixed for the country that was jointly agreed upon by all.

In Luxembourg, an agreement between the government, employers' and workers' organisations was signed on 10 June 2020 updating an existing short-time work scheme (Planet Labour, 2020). Businesses were also allowed more flexibility in resorting to economic redundancies (up to a maximum of 25 per cent of their workforce) until 31 December 2020. In exchange, the agreement provided that when economic conditions improve, businesses should re-employ in priority the laid-off workers. Wage subsidies by the government were also part of social dialogue outcomes.

In Italy, social dialogue has been put at the core of the new policy formation. The government has encouraged all the labour unions to take part in the tripartite agreements.

Part 5:

Social Dialogue and Pathways in the Last Decade of SDGs: Some Concluding Remarks

SDG 8 on Decent Work and Economic growth is structurally embedded through processes that would enhance productivity. Collective bargaining could either incentivise firms to improve productivity and share the revenue through higher wages; or it could lead to 'efficiency wages', better non-wage working conditions, and spaces for workers to voice their concerns (Acemoglu, 1999; Haucap, 2004; OECD, 2017). In the case of developing countries, it is observed that the compressed wage structure in a dual labour market could experience two different outcomes and would vary across skills and types of employment. In recent decades, the booming informal sector has been pulling down the living standards of a majority of the working population and hence reducing the union density globally. To stabilise the problem of vulnerability, ILO articulated the concept of Decent Work (ILO, 2002a). Freedom of association and the effective recognition of collective bargaining is the essence to the right to work which eventually protects the representation security of the workers (Hayter and Stoevska, 2011). Challenges of economic growth and employment in India are often seen as trade-offs in shaping policy options. The brunt of this misconstrued approach has led to the breakdown of labour market institutions. Three core issues need to be borne in mind:

Firstly, the organised sector is presently the only sphere of collective bargaining in India. This sector too has been experiencing wage compression even as profit earnings have increased. Even though collective bargaining was a critical arm of labour market institutions, the metamorphosis of social dialogue in post-pandemic India now needs better alignment to ensure both decent working conditions and

enhancement of productivity. There are nuances raised about changing nature of social dialogue (Hayter, 2015). The analysis clearly shows that the need to strengthen the role of central and state unions needs to be augmented to ensure better collective bargaining.

Secondly, there is a need to take cognizance of the emerging plural actors that includes civil society organisations, Corporate Social Responsibility (CSR) foundations and individual philanthropists. The new tripartite arrangement would have to experiment with alternative frameworks to improve their effectiveness to ensure social contract.

Thirdly, crisis mitigation strategies in developing countries such as India, that have a huge backlog of 'decent' jobs, would have to rekindle the role of social dialogue in evolving strategies to achieve SDGs. The social dialogue defines all kinds of negotiations, consultations or simply the exchange of information between all stakeholders on issues of common interests (Hayter and Stoevska, 2011). Therefore, autonomous, strong and independent workers' and employers' organisations are the key elements for successful and effective social dialogue.

Qualitative studies in the pandemic period have clearly demonstrated that it was the determination of workers that ensured that they could survive the wrath of COVID-19. Global experiences have shown that countries that have adopted a plural approach to COVID-19 have been more resilient in ensuring workers well-being. Post-pandemic India needs to place social dialogue at the centre of its policy framework to minimise footloose workers to become 'let-loose' labour.

Endnotes

1. The emergence of European social dialogue in the 1980s was the outcome of a crucial initiative taken by Jacques Delors, the incoming President of the European Commission, in January 1985. Delors believed that the launch of the Single European Market programme should go hand in hand with the organisation of a European social area, with social dialogue accorded a central place. Delors convened a meeting of all major trade unions on 31 January 1985 (Norwegian Agency for Development Cooperation, 2011).
2. The Great Depression and its effects on the Bombay industry with large-scale wage cuts, and resulting disputes led to some important regulations such as the Bombay Industrial Dispute Act of 1932. The Act provided that an industrial worker had the right to know the terms and conditions of his employment and the rules of discipline he was expected to follow. The “general aim of the Bombay legislations was to allow collective bargaining in a bilateral monopoly situation” (Pages and Roy, 2006)
3. The ‘core’ and ‘perennial’ activities have changed in the wake of globalised production systems and production based on orders. So even in its ‘core’ activity, an enterprise does not have same amount of work throughout the year and requires varying magnitude of labour from season to season (Papola 2007).
4. In a study conducted in 2004, it was found that 28 per cent of the firms had unions, and of these, 30 per cent had more than one union. Larger firms are expectedly more unionised than the smaller ones; one in every 10 of the small firms employing 10-19 workers, but 9 of every 10 firms employing 1,000 or more workers, were unionised. Hence, though the number of unions may not be sufficient to influence the manufacturing sector as a whole, they still have a substantial presence in large firms Deshpande, Lalit, Alakh N Sharma, A Karan and S Sarkar (2004): *Liberalisation and Labour: Labour Flexibility in Indian Manufacturing*, Institute for Human Development, New Delhi.
5. For more on changing role of CSRs in India see Varun Elembilassery, L. Gurunathan, (2018) “Mandated CSR and mode of implementation: the Indian context”, *Social Responsibility Journal*, Vol. 14 Issue: 4, pp.701-718, <https://doi.org/10.1108/SRJ-08-2016-0147> Permanent link to this document: <https://doi.org/10.1108/SRJ-08-2016-0147>
6. Uttar Pradesh suspended 35 out of 38 labour laws for a period of three years, through an ordinance called ‘Uttar Pradesh Temporary Exemption from Certain Labour Laws Ordinance, 2020’. This was later withdrawn.
7. The project “South–South cooperation for the African countries in the fields of social dialogue and social protection” (ILO 2015b). The project aimed to share the experience of Algeria in social protection and social dialogue with African countries and support the National Institute for Union Studies and Research in sharing the Algerian experience in social dialogue and direction of African trade unions. During the project, the Economic and Social Councils of Mali and Guinea received capacity-building assistance on social dialogue in favour of an effective and sustainable social protection floor. In addition, trade unions in nine African countries strengthened their capacities on the role of social dialogue in decent work.

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