

Codes of Labour Legislation and Curriculum Design in India

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Abstract

The Government of India has introduced four labour codes comprising 29 existing labour legislation. Constitution of India consists of three lists namely central list, state list and concurrent list. The subject matter of labour comes under the concurrent list. Among the four codes, one code was enacted in 2019 and the remaining three codes were enacted in 2020. The aim of this paper is to discuss the changes required in the MSW (Master of Social Work) curriculum based on the newly introduced codes. Educational institutions in India offer MSW programme at college and university level. Educational institutions offering Human Resource Management Specialization in MSW programme have specialization related papers in curriculum. One of the core papers offered in HR specialization is Labour Legislation. MSW (HR) students must study this paper to understand the legalities. It is, therefore, this paper is an attempt to state the curriculum followed in various educational institutions and to highlight the importance of designing the curriculum depending upon the new codes which is the need of hour.

Keywords: Labour codes, Government of India, Master of Social Work, Labour Legislation, Curriculum

INTRODUCTION

Labour Legislation in India is broadly categorized under four different dimensions such as (i) Health, Safety and Working Conditions, (ii) Wages, (iii) Industrial Relations, and (iv) Social Security. India got Independence on 15th August, 1947. During the colonial rule, much labour legislations were enacted. It is however, some of the legislations are either disappeared or merged with the newly implemented labour legislation. At the same time, legislations like The Employees Compensation Act, 1923 (which was earlier named as The Workmen's Compensation Act, 1923), The Trade Union Act, 1926 The Payment of Wages Act, 1936, and The Industrial Employment Standing Orders Act, 1946 were followed with the need based amendments till the introduction of labour codes. After Independence, over a period of time much labour legislations were enacted by Government of India based on their demand. The Industrial Disputes Act, 1947, The Factories Act, 1948, The Employees State Insurance Act, 1948, The Minimum Wages Act, 1948, The Plantation Labour Act, 1951, The Employees' Provident Fund and Miscellaneous Provisions Act, 1952, The Apprentice Act, 1961, The

Maternity Benefit Act, 1961, The Payment of Bonus Act, 1965, The Contract Labour (Regulation and Abolition) Act, 1970, The Payment of Gratuity Act, 1972, The Equal Remuneration Act, 1976, The Child Labour Prohibition and Regulation Act, 1986, The Unorganized workers Social Security Act, 2008, Sexual Harassment at Workplace (Prevention, Prohibition and Redressal) Act, 2013 were covered in MSW curriculum. The above mentioned legislations are enacted by the Central Government i.e., Government of India. In addition to the above,

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syllabus would also cover the important legislations that are enacted by various state governments in India. For instance, one of the state governments in India is Government of Tamil Nadu. It has enacted many legislations pertaining to labour at state level.

Labour Codes [1]

The four labour codes enacted by Government of India were The Code on Wages, [2] 2019, The Industrial Relations Code, 2020, The Code on Social Security, 2020 and The Occupational Safety, Health and Working Conditions Code, 2020. The Code on Wages, 2019 consists of four existing labour legislations with a preamble of amending and consolidating the laws relating to wages and bonus and matters connected therewith or incidental thereto. The Industrial Relations Code, 2020 consists of three existing labour legislations with an objective of consolidating and amending the laws relating to Trade Unions, conditions of employment in industrial establishment or undertaking, investigation and settlement of industrial disputes and for matters connected therewith or incidental thereto. Social Security comprises of two different forms such as social insurance and social assistance. The Code on Social Security was enacted in the year 2020 for amending and consolidating the laws relating to social security such as Employees' Provident Fund and Miscellaneous Provisions Act, 1952, Employees' State Insurance Act, 1948, Employees' Compensation Act, 1923, Maternity Benefit Act, 1961, Payment of Gratuity Act, 1972, Unorganised Workers Social Security Act, 2008 and so on with the goal to extend social security to all employees and workers either in the organised or unorganised or any other sectors and for matters connected therewith or incidental thereto. Followed by the enactment of two labour codes in 2020, in the same year, The Code on Occupational Safety, Health and Working Conditions Code, 2020 was enacted with an objective of consolidating and amending the laws regulating the occupational safety, health and working conditions of the persons employed in an establishment and for matters connected therewith or incidental thereto. Some of the legislations replaced by the code are Factories Act, 1948, Mines Act, 1952, Plantations Labour Act, 1951, Contract Labour (Regulation and Abolition) Act, 1970, to name a few. Hence, there is a need for changing the curriculum depending upon the labour codes that were enacted by the Government. The curriculum change, therefore, will be immensely beneficial to the students when the codes are implemented.

Differences in the Curriculum

Knowledge on Labour Legislation is very much essential for MSW-HR students. It is immensely useful in their career. Irrespective of the nature of profession, all social work professionals be it practitioner, academician must have adequate knowledge on Labour Legislation. MSW curriculum differs from educational institution to educational institution especially in the context of specialisation. This paper mainly focuses on the HR specialization that is being offered by most of the educational institutions. Differences in curriculum can be perceived in many domains such as the semester in which the course on Labour Legislation is being offered to MSW HR students, the content of the syllabus and the number of courses on Labour Legislation offered. Let us explore the different domains in detail.

Differences in the Perspective of Course Structure

It is obvious that most of the educational institutions in India offer generic paper during the first year of Post Graduation Programme for MSW students. When it comes to second year, students will be segregated based on the specialisation and will be taught specialisation based courses in addition to one or two common papers that are applicable to all specialisation students. It is however, noted that a few educational institutions offer the course on Labour Legislation from second semester of first year itself. It is also observed through the MSW syllabus which is being uploaded in the website of educational institutions that offer course on Labour Legislation either during third semester or fourth semester of second year MSW Programme. While doing comparative analysis, it is identified that most of the educational institutions offering MSW programme structured the course on Labour Legislation during second year is higher than offering course on Labour Legislation during first year.

Differences in Syllabus Content

Even though the majority of the content of the syllabus is found to be common in nature a few difference is identified from one institution to another. For instance, the content in the course on Labour Legislation offered by central institutions is slightly differed from the content that is offered in state institutions. In addition to the central legislations, each state has its own legislation with regard to various labour related affairs and those legislations are also being taught to the students in state level educational institutions. It is however, noteworthy to highlight that there is no variation in imparting the knowledge on labour legislations enacted by the central government irrespective of nature of institutions.

Differences in the Number of Courses

It is observed through secondary data that is the syllabus that is uploaded in the website of various educational institutions that mostly the course on Labour Legislation is offered for only one semester covering the central and state legislation. But a very few educational institutions offer the course on Labour Legislation for two semesters to cover both the central legislation and the majority of state legislation too.

It is through above mentioned discussion one can understand how the course on labour legislation is structured by the educational institutions in India in their MSW curriculum. Let us now discuss the curriculum design in the context of new labour codes.

New Labour Codes

After several years of Independence, labour legislation in India has undergone a tremendous structural change during 2019 and 2020. In fact, around 44 labour legislations are converted into four different codes by the Government of India in the recent past. The Code on Wages was published in the official gazette and came into force on 8th August, 2019. The Industrial Relations Code [3], The Code on Social Security [4] and The Occupational Safety, Health and Working Conditions Code were published in the official gazette and came into force on 28th September, 2020. The Code on Wages has nine chapters and sixty nine sections. The Industrial Relations Code, 2020 has fourteen chapters, hundred and four sections and three schedules. The Code on Social Security, 2020 has fourteen chapters, hundred and sixty four sections and seven schedules. The Occupational Safety [5], Health and Working Conditions Code, 2020 has fourteen sections, hundred and forty three sections and three schedules.

Curriculum Design

In India, all educational institutions conduct Board of Studies (BoS) meeting to bring modifications in the existing curriculum. BoS comprises of the faculty members of hosting institutions and the expertise from other educational institutions. The time limit to conduct the BoS varies from one to another institution. A few may conduct BoS once in a year, once in 2 years, once in three years, once in five years. It is however, the maximum time limit will not go beyond five years. The introduction of new labour codes call for special BoS meeting in educational institutions offer MSW programme to design the curriculum in accordance with the newly introduced labour codes. Students must acquire the knowledge based on the new labour codes to learn, understand, update and reflect. Hence it becomes indispensable to conduct BoS to do the necessary modifications in the existing curriculum. Those educational institutions that offer the course on Labour Legislations for two semesters during the second year of MSW programme must redesign based on the structural changes took place due to the introduction of new codes.

Reflections on Redesigning the Curriculum

COVID-19, a pandemic situation across the globe emphasizes upon online teaching and learning to avoid disease spreading. It is in this context, educational institutions cannot think of constituting BoS meeting to modify the existing syllabus. The options for conducting BoS meeting through online may

be explored by the educational institutions after getting homologate from the competent authority. In the entire context, the syllabus of current academic year cannot be modified at all.

Educational institutions must think of modifying the syllabus at least from next academic year that is 2021-2022 to educate the students thoroughly based on newly introduced labour codes. This new introduction calls all educational institutions offer MSW programme to constitute BoS during the new normal. Even if the educational institutions have the practice of constituting the BoS once in two/three/four/five years, the same policy is not applicable at present because of the existing demand. It is therefore, very crystal clear that all institutions must constitute the BoS which has become the need of hour.

Practice based Profession

Being a practice based profession, social work curriculum is designed based on theory and practice. Theory and practice of social work shall go hand in hand to understand about the profession in a better way. Once the codes are published in the official gazette and it has to be enforced from the specified date. So the practitioners are expected to follow the rules and regulations that are enshrined in the newly introduced codes. If the students learn the theoretical aspects in the class, they can understand the practice modalities while they are in field. There is a chance that the students of present academic year do suffer more because that the content is neither incorporated in the syllabus nor get the practical exposure of codes due to the existing pandemic situation. It is therefore becomes the responsibility of the course teacher to impart the knowledge on these codes in such a way that it would be more beneficial to them while they practice in the near future.

Choices available to redesign the Structure

Those educational institutions offer the course on Labour Legislation for two semesters must definitely rethink on the structure of the course in the days to come. They may either go for offering the course on labour legislation for one semester because of the reduction of much labour legislation into four different codes or they can offer central labour legislation in one semester and the state related labour legislation in another semester. They can also think of offering the mixture of both central and state labour legislations in both the semesters by teaching two codes in one semester along with the state labour legislation and another two in the next semester with the state labour legislation. The variety of choices may be discussed and determined at Board of Studies meeting to impart the relevant skill and knowledge to the budding professionals.

CONCLUSION

Thus it has become mandatory for all educational institutions offer MSW programme to redesign their curriculum especially in the context of course on Labour Legislation [6]. This redesigning process may be planned an initiated from now onwards to at least benefit the students from next academic year. Initiatives may also be taken to organize online interactive sessions with the teachers and practitioners to frame the syllabus in a most effective manner. All the stakeholders can join hands to introduce the new syllabus which is inevitable at present.

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