Industrial Relations Code	Existing Law	Comments
Strike notice made compulsory for all strikes - strikes conducted without adequate notice deemed to be illegal strikes (Section 62(a)) Once strike notice is given, Conciliation is deemed to commence immediately upon the first meeting with the Conciliation Officer called after receipt of strike notice (Section 60). All strikes pending conciliation will now be illegal (Section 63)	Compulsory strike notice is presently required only in case of Public Utilities, not other industrial concerns. Strikes pending proceedings before a conciliation officer is not illegal.	These Sections effectively take away the right to strike and are a serious assault on the Freedom of Association and Collective Bargaining, a core labour standard embraced globally and advocated by the ILO. Very few countries in the world, like Saudi Arabia and Qatar completely prohibit strikes. ***Distinction between public and non-public utility (regarding strike notice) must be retained, and the existing law in respect of legal strikes must continue***
Unions can be deregistered for violations of the Industrial Code, including illegal strike (Section 9(5)(ii)).	Deregistration only based on non-compliance with the Trade Union Act.	This disproportionate sanction results from merging Trade Union Act with the ID Act. ***An amendment is necessary to remove illegal strike as a condition inviting deregistration.***
Adjudication of industrial disputes only by application (Section 53(6))	Adjudication of industrial disputes through reference by State or Central Government (Section 10 of ID Act, 1947)	Adjudication must not be de-prioritised as against arbitration.
Privatisation of dispute resolution through Arbitration	Dispute resolution by Collective Bargaining, Conciliation, Adjudication & Arbitration	State intervention in industrial disputes must be protected, and private methods such as arbitration must not be put on a higher pedestal than judicial mechanisms. ***Umpire must be selected only through consensus of parties.***
Compulsory Recognition of Trade Unions introduced (Section 14) but no Secret Ballot. Minimum support for sole negotiating status made 75% of membership.	Only six states now have compulsory recognition of Trade Unions. Existing practice is to recognise a union with more than 50% support as Sole negotiating Agent.	Compulsory recognition of trade unions is welcome. ***Prevailing practice of recognition of trade union in the public sector (secret ballot method) must be statutorily adopted. The standard for sole negotiating agent must be reduced to 51% (simple majority).***
"Fixed term contract" introduced into Industrial Employment Standing Orders chapter.	Workers could not be pre-empted from raising dispute seeking regularisation after continuous service.	***Fixed term contracts should not facilitate hire and fire where permanent vacancies exist.***

Code on Wages, 2019	Existing Law	Comments
Protection of right to statutory minimum wages to all workers (Section 5 of Code). Two types of statutory wage determination now introduced - minimum wage and floor wage - for different classes of workers. Both methods of minimum wage fixation (by notification and by committee) retained on par with the MW Act, 1948.	Statutory minimum wages protected only for workers in 'Scheduled employments' notified by state and central governments (Section 12 of MW Act, 1948)	Extension of protection of statutory wages to all workers is appreciated. However, minimum wage jurisprudence of over 60 years must not be thrown out. ***Judicial and policy pronouncements, such as the 15th Indian Labour Conference norms for minimum wage determination must be statutorily recognised.***
Central Government may determine Floor Wages (Section 9) at the national or regional level, in consultation with State governments (Section 9(3)). Methodology for fixation is unclear, even in the Draft Rules circulated for comments (Clause 11 of Draft Rules, 2019)	New insertion. The MW Act is silent on floor wage. There have been policy pronouncements from time to time, but never a statutory provision. The National Floor Level Minimum Wage previously declared earlier by the Labour Ministry was not binding on states.	***We welcome the distinction introduced between the minimum and floor wage - norms for minimum wage must be as per the 15th Indian Labour Conference and norms for the floor wage must be determined as per the norms concluded by the Expert Committee (2019).*** The Floor Wage must not pull working class families below the poverty line.
Introduces conviction for sexual harassment as a disqualification for bonus (Section 29 of the Code).	Payment of Bonus Act, 1972 lacked this provision.	Appreciable addition. Gives more teeth to dissuade sexual harassment at work.
Protection of balance sheet from disclosure to employees, even government officials are now supposed to maintain secrecy about the balance sheet (Section 31)	PBA 1972 allowed workers (or their representatives) to examine the balance sheet as part of collective bargaining	Access to the balance sheet is necessary for effective cross examination. ***The Code must be amended to restore worker's access to the balance sheet.***

Code on Social Security	Existing Law	Comments
The Code consolidates existing law in respect of - Employees Provident Fund Act of 1952, the Employees State Insurance Act of 1948, the Employees Compensation Act of 1923, the Maternity Benefit Act of 1961 and the Payment of Gratuity Act of 1972.		For the first time, all social security laws are brought into a single legislative framework
Superior safety nets (PF, ESI, Gratuity, Maternity benefit) reserved for organised sector workers. Self employed persons completely excluded from such schemes. Self employed and wage workers (93% of the total Indian workforce) in the informal sector relegated only to Unorganised sector schemes which provide very low quantum of benefits (First Schedule of the Code makes this distinction clear).	In line with the present legal regime, but is contradictory to the recent agenda of universalisation of social protection articulated by the present government. There was talk that the Prime Minister's Office objected to the Bill for failing the agenda of universalisation, but new Bill carries on the same differential treatment between the formal (7%) and informal (93%) workers.	We welcome the Bill adopting the standards of the ILO in respect of Social Security. However, these are only guaranteed to a very small minority of the Indian workforce - as Table 1 demonstrates. ***Universalisation of social security must be achieved at least incrementally, from prioritisation which begins with Maternity Benefit, followed by health insurance, employment injury and retiral benefits.***
Recognition of gig and platform workers as unorganised sector workers.	New addition through the Code.	While we welcome such recognition, these workers are still relegated to a lower strata of social security (unorganised workers).
Protection guaranteed to female workers from dismissal or punishment during maternity leave/maternity benefit (Section 68 of Code)	ESI Act protected both male and female workers from dismissal and punishment while they experienced sickness or temporary disablement (Section 73 of ESI Act of 1948)	Restricting protection from dismissal or punishment only to female workers is a regressive step. ***An amendment must be introduced to restore the previous broader protection.***

Table 1: Social security benefits under Indian law

Variety of Benefit (identified by ILO convention 102)	PF (Organised worker)	ESI (Unorganised Worker)	Employees' Compensation (doesn't cover domestic workers)	Unorganised Workers Welfare Schemes
Medical benefit		Yes (unlimited)	Yes (at costs)	Limited - Rashtriya Swasthya Bima Yojana
Sickness benefit		Yes (as per wage)		
Unemployment benefit		Yes		
Old age benefit	Yes – based on wages			Meagre (Rs.200-1000/m) under Indira Gandhi National Old Age Pension Scheme
Employment Injury		Yes (as per wage and age)		
Family benefit		Yes		
Maternity benefit		Yes (as per wage)		Meagre (Rs1400/1000) under Janani Suraksha Yojana
Invalidity benefit	Yes (PF upon disablement)	Yes (as per wage)	Yes (as per wage)	Aam Admi Bima Yojana (Rs.30,000 cover)
Survivor's benefits	Yes	Yes (as per wage)	Yes (as per wage)	(Rs. 10,000 lump sum) under National Family Benefit Scheme

OSH Code	Existing Law	Comments
The Code seeks to consolidate and repeal general laws such as the Factories Act, Contract Labour Regulation Act, and Interstate Migrant Workmen Act, alongside sector-specific legislations such as Mines Act, Dock Workers Act, Building and Other Construction Workers Act, Plantations Labour Act, Working Journalists Act, Motor Transport Workers Act, Sales Promotion Employees Act, Beedi and Cigar Workers Act, and Cine Workers and Cinema Theatre Workers Act.		Useful to retain the existing distinction between general and sector specific laws. ***Repeal of sector specific law u/s 134 must be reversed and laws like the BOCW Act be allowed to continue on the statute book.***
Fails to acknowledge the diversity of conditions of work and resulting need for sectoral legislation - instead aims to pass general norms of safety.	Safety at work is addressed both through general legislation like the Factories Act and also through sector specific laws like the Beedi workers Act. Sectoral legislation is sensitive to the context of work	Experience has shown that sector specificity is usefully recognised through sector specific laws. Even after repeal Child Labour, Bonded Labour, Agricultural Workers, etc remain on the statute book.and hence there is no uniformity in approach.
Section 25 Reverses statutorily fixed working hours at National level allowing plurality of standards at the state level and dilutes a global standard (maximum limit - 9 h/day and weekly limit of 48h), a norm in Indian law for 7 decades	Factories Act (Section 54) and sectoral legislations embrace the 9 hour daily and 48 hour weekly limit on ordinary hours of work. Draft Rules on Code on Wages (2019) also admitted this as the standard working day (Clause 6 of Draft Rules).	Opening the door for non-standardised working hours across India incites a race to the bottom at the state level - ***The Code must be amended to restore the sanctity of the uniform legal standard of 9 hours of work (maximum) per day and 48 per week,*** in keeping with ILO's C 01 (Working Hours Convention), adopted a century ago.
The Code is silent on the question of absorption and therefore fails to address a legal inconsistency brought to light by the *Steel Authority of India Ltd. v. National Union Water Front Workers* judgement.	The Contract Labour Regulation Act threw up this inconsistency - it didn't clarify that workers would be absorbed/ regularised after abolition of contract labour in such work. - the Court advised the Legislature to articulate the consequences of abolition of employment	The Supreme Court's observation that legislative will must prevail in respect of absorption of abolished contract labour must be utilised to maximum advantage. ***Accordingly, where there is perennial labour, the Code must be amended to facilitate automatic absorption following abolition of contract labour.***
Misses the opportunity to prohibit work posing severe hazard, including employments that inevitably lead to sure fatality on account of irreversible occupational diseases	The law on occupational diseases makes no progress from standards laid down post the Bhopal gas tragedy (1984). Safety measures give little importance given to routine exposure causing occupational diseases like silicosis.	***Employment leading to irreversible and fatal diseases must be prohibited until technological innovations can prevent the hazard. The employment of such workers must be protected in spirit of Section 38 of the Code.***