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India's New Labor Codes A Critical Analysis of Promise, Peril, and the Path Forward

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Abstract - One of the most important reforms in terms of labor market since independence was the consolidation of 29 colonial-era labor legislations into four simplified codes. It has a direct influence on 610 million workers. This paper provides an in depth commentary on the Code on Wages, the Industrial Relations Code, the Code on Social Security and the Occupational Safety, Health and Working Conditions Code. The study explores positive aspects like increased protections to workers in the gig-economy, the requirement to formalize employment relations, and shorter eligibility periods to gratuities, and concerning ones, including jettisoning collective bargaining and raising the threshold to layoffs and cutting instant take-home funds via restructured salary packages. By means of calculations, international comparisons, and analysis of the stakeholders, the study demonstrates the fact that the codes are neither unquestionably progressive nor retrogressive. Instead, they produce controversial land it is the quality of implementation that will determine whether modernization will help workers or their capital only. This article also provides practical measures to workers, employers, policymakers and advocates and argues that the results of protection depend more on the political goodwill to implement protections rather than the codes.

Keywords: Labor Code Consolidation, Gig Worker Protections, Industrial Relations Reform, Social Security Extension, Strike Rights Restrictions, Salary Structure Restructuring, Layoff Threshold Changes, Employment Formalization.

1. INTRODUCTION

1.1 The Great Labor Reform Gambit

When the parliament of India combined 29 labor laws into four codes, legislators worked to position the reform as an administrative housekeeping. Peel away the rhetoric and an even more significant reality is revealed. The reform will impact 610 million workers or about half of the population of the country and redefine the main relations between employers and employees in the most populated democratic country in the world.

The stakes were not allowed to be higher. When properly implemented, these codes would finally bring real benefits to the 597million informal workers who have been working in a legal grey area all along. A Swiggy delivery partner who has been in a car accident and has delivered 14 hours without insurance against accidents may eventually be awarded social security. A freelance graphic designer with a scarred face would eventually have a predator in legal courts. An employee fired without prior warning as a sanitation worker on a contract basis may end up being given severance.

Righted, the same codes might deprive of century-long gains achieved through centuries of protection. The period of 60 days of a strike notice may make collective action impossible. The three-fold layoff ceiling may enable the employers to fire hundreds of employees without the government scrutiny. Reorganized remuneration packages would cut millions of dollars of take home pay.

In this article, the author does not describe the codes as good or bad. Rather, it looks at what they say, who gains and who loses, and which one wins and which one loses. The analysis has a number of steps what the old system failed to do, what the new framework is promising, what the real costs and benefits are, where the implementation gaps lie, and what specific strategies should be offered to the various stakeholders.

Labor codes are neither redemption nor disaster. They are a structure whose implications lie entirely on the manner through which power works within them. Protections can be availed to workers who know the new rules. The fact that the codes have loopholes, which employers can take advantage of, is when they use the codes as cost-cutting measures. The governments that invest in the enforcement will provide benefits governments that neglected to take action and implement it will be witnessing the exploitation of workers in a new legal cover.

2. OBJECTIVES

The main goals of the analysis are to give a detailed discussion of the new Indian labor codes that can make various stakeholders make informed decisions. First, the article attempts to demystify the real provisions of the four codes, beyond the political rhetoric, and provide information on what the laws require. Second, it strives to estimate the actual monetary effects on employees at various wage rates with specific figures and not rhetoric assertions. Third, the analysis points to implementation loopholes to block the delivery of the promised protections to workers, despite their laws requiring them. Fourth, it provides practical strategies that workers, employers and policymakers as well as advocates can adopt instantly to survive in the transformed terrain. Lastly, the article puts the reform in India into an international context, where the lessons learned on how other countries achieve a balance between worker protection and flexibility in the economy are drawn.

3. CURRENT TRENDS

A number of obvious tendencies can be identified due to the initial introduction of the labor codes into the Indian states:

- Gig-economy companies are aggressively disputing the nature of workers, bringing court cases that might take years to resolve. Swiggy and Zomato engage in the debate on several forums that delivery partners are independent contractors, reflecting the worldwide fight against the classification of the gig-economy.
- Firms are changing the elements in their salaries to meet the 50 per cent basic-salary standard and at the same time they are reducing the overall compensation increment, and frequently by cutting allowances rather than by growing gross remuneration.
- Other states do not take action quickly and grandfather clauses remain in place on current employees and a period of transition is put in place to defer effective changes.
- The membership of trade unions is still in a downward trend, with the unions finding it hard to prove their worth within the confines of the new structure.
- Gig workers and freelancers are filing labor court cases in large numbers in the states with active implementation, which shows that there is the use of legal standing provisions.

These trends demonstrate that the implementation is highly controversial, and the results in the states and the industries differ depending on the potential in local enforcement and political priorities.

4. THE LEGACY SYSTEM UNDERSTANDING WHAT NEEDED FIXING

4.1 The Regulatory Labyrinth (1947-2020)

India had British labor laws that were neither meant to protect the workers nor to be applied to them after gaining independence, but to extract colonial resources. Between 1947 and 1950s, 29 individual laws regulating various aspects of employment were enacted by the legislators. Indicatively, the Payment of Wages Act had an influence on payments of salary, the Minimum Wages Act was used to determine the minimal wage, the Payment of Bonus Act was used to stipulate profit sharing, the Factories Act was used to regulate the safety of workplace and the Industrial Disputes Act was used to mediate on labor disputes. Every law worked independently and this created a conflict of jurisdictions and conflicting requirements.

A typical example of a mid-size manufacturing company is one that employs 150 people. This firm was required to register under various acts under the old system. It maintained various wage compliance records, safety compliance records and dispute resolution records. In case the company produced chemicals, then it was subject to the Factories Act. Had it even had an in-house cafeteria, such workers would have been under the Shops and Establishments Act. The HR department was required to balance between compliance and up to 15 to 20 laws simultaneously. To the workers the complexity led to paralysis. The first step that a worker had to take after wrongful termination was to identify the law applicable. Was it the Industrial Disputes Act due to the fact that the company employed over 100 workers Was it the Shops and Establishments Act since it is a commercial building Or is it the Contract Labour Act due to the fact that the worker was employed with the help of the contractor Making an erroneous classification decision implied entering a different court where the case might take years to be resolved.

Court books were filled with cases on which the substantive issue was heard months, years after the jurisdictional one was heard. One employee may sue pursuant to one statute (unpaid overtime), but he or she may be confronted with the employer citing an alternative statute with alternative procedures. A decade could have elapsed before courts determined what law applied to the relationship. The employee who had to make a living now tended to take a penny instead of waiting to be proven guilty which may never materialize. This was a regulatory maze that was not beneficial to the employer or worker. Good employers wasted the money on documentation, rather than efficiency. The complexity was used as a shield by other non-compliant employers who were sure that the violations of 29 statutes could not be observed. Employees having justified grievances surrendered since the system was just too cumbersome to go through it.

4.2 The Gig Economy Blind Spot

The former regulations presupposed that employment implied that a worker who would report at a specific workplace at a specific time, and work under direct supervision. That model was reasonable to factory workers and office workers when it was being put into law, but it did not make sense in the platform economy that was created in the 2010s and employed millions of people.

As an example, consider the common Zomato delivery partner. This individual has a two-wheeler, gets an application, accepts orders of delivery, picks up the food offered by restaurants and brings it to their customers, and gets paid after each delivery. There are a number of questions in terms of traditional labor law. Is this person an employee. The platform declares no the employee is an independent contractor, and it is his choice to accept which orders to be fulfilled. But the platform determines the payment rates, tracks the performance via GPS, and can suspend the accounts in case of low rating. This resembles work without the benefits that are involved.

The legal vacuum was savagely misused. A delivery partner who works 14-hour shifts to earn approximately 15,000 a month got no contributions to provident fund, no health insurance, and no accident cover. In the case of one of the partners who was struck by an automobile during delivery of an order, the site sought to disavow responsibility. The companion was an independent contractor that took all the risks. In case of work prevented by injuries, the partner was without any disability benefits and without a penny of income. The same was true with the freelance economy. An employee of a graphics firm that dealt with multiple clients on a project base could not look forward to be remedied when a client declined to pay. It was possible in civil court, but the cost and time delay of filing made it infeasible in cases above ₹5lakh. Because the freelancers do not fall under the existing labor laws as workers, there were no labor courts available since they were considered to be expensive and faster to have their cases heard.

Another gray zone was contract workers who are hired via middlemen. The mall may outsource the services of a facilities management firm to avail cleaning personnel. The cleaners were on duty in the mall on a daily basis and were technically employed by the contractor. Upon termination of the contract by the mall, the workers were fired without any warning or compensation. The mall could not claim them as employees and the contractor could not claim them as employees since it lost the contract. The types of the law just did not accommodate the work set-up. About 597 million employees worked in this informal sector by the year 2020. They constituted close to 98 per cent of the Indian workforce. They were not taken into consideration by the employment laws. It was not a small omission it was a basic failure to afford protection of law to the great majority of Indian employees.

4.3 The Stagnation Problem

The processes of economic change continued, whereas law remained behind. By 2010 the IT sector was hiring millions of people, but the labor laws that are designed to cover factories and shops did not provide any advice on working remotely, flexible working hours, and knowledge work. Software engineers were on 80-hour working of product launches but were not getting overtime since their wages are higher than the wage limits in manufacturing of the 1950s.

The fixed-term employment contracts were also developed due to the flexibility that companies required in the form of project-based work. The legal status accepted permanent job or only apprenticeships. Employees on a fixed-term contract were in a grey area between permanent employees who had all benefits and trainees who were guaranteed training. On termination of contracts they were not given any gratuity since they had failed to render five years of service continuously.

The woman was empowered to participate more in the workforce, whereas the archaism of the protective provisions limited them. The legislation that barred women the right to work night shifts under the pretext of ensuring safety in the 1940s deprived women the right to more lucrative night shifts in the 2010s. Those companies which desired to have a woman working in a call center or in a manufacturing night shift abided by the law or failed to employ a woman. Perverse incentives were formed due to the regulatory stagnation. To keep away barriers that would befall them due to size, companies remained small. A company that had 99 workers did not hire the 100 th employee because that led to Industrial Disputes Act necessitating the government to approve layoffs. This made companies remain unnaturally small and discouraged economies of scale.

5. THE NEW ARCHITECTURE FOUR CODES TO RULE THEM ALL

5.1 The Consolidation Framework

The new system condenses 29 laws into four codes with each code dealing with a different field:

The pay of wages Act, minimum wages act, payment of bonus act and equal remuneration act are combined to form the Code on Wages. It confirms that all employers have a statutory minimum wage to which they must remunerate their employees with a minimum wage as a floor established by the central government, and which is increased by state governments depending on the local circumstances. The code requires payment of wages at the right time, deductions to be clear and also that equal pay should be given to equal work irrespective of the gender.

The Trade Unions Act, Industrial Employment Act and Industrial Disputes act are combined under the Industrial Relations Code. It regulates the registration of unions, collective bargaining, resolution of disputes and terms of strikes and lockouts being allowed. Most importantly, it makes the 100-employee threshold when layoffs are required to be permitted by the government 300 employees. The Code on Social Security brings together nine distinct laws dealing with provident fund, employee state insurance, gratuity and maternity benefits. It also adds additional protections to new types of workers, such as platform workers and gig workers who used to be uncovered. The code establishes a system of contributions and benefits which extends to both traditional employment and non-traditional work schedules.

The Occupational Safety, Health and Working Conditions Code summarizes 13 laws concerning the safety of workplaces, working hours, leaves and working conditions. It has limits to the amount of work, safety gear and practices, accident reporting requirements as well as penalties to non-compliance. The rationale is simple employers and workers use four codes in place of identifying which of 29 laws should be applied to an employment relationship. Companies fill in single filings as opposed to having different compliance books. There are no conflicting stipulations in more than one act but rather one framework covers each area.

5.2 Administrative Simplification

The department of labor will streamline the administrative load by simplifying actions and plans associated with actions.

The business changes that occur in a practical manner are considerable. According to the old system, a company had to be registered separately as required by the Factories Act, Shops and Establishments Act, Contract Labour Act and various other laws. The various registration involved varied documentation, renewal and compliance records. Single registration is introduced in the new codes. Once a company is registered, it is done on a single portal implying the codes to be applied to the activities of that company. All the relevant provisions are included in this registration. The company also prepares one annual filing with all the wages, social security and working conditions, instead of filling out one filing with each statute.

To truly obedient employers this comes as real relief. The compliance cost and complexity is reduced. HR departments do not have to spend much of their time in bureaucratic paper work, instead they are involved in human resource management. Smaller firms that could not hire compliance professionals teams are now able to cope with their requirements with more ease. Workers also have an advantage in the simplification. Workers are no longer required to find out what among several statutes to apply when filing the complaints. The correct code will be usually clear by the nature of the complaint wage matters are referred to Wages Code, safety matters to Safety Code and so on.

But simplification goes in two directions. The complexity of the old system was also a burden but provided numerous points of entry to enforcement. Violations that were covered by Payment of Wages Act could be found on an inspector under the Factories Act. The streamlined organization of the new system could

facilitate easier knowledge of companies in identifying and evading the particular provisions that they consider inconvenient.

6. THE PROMISE WHAT WORKERS STAND TO GAIN

6.1 Recognition and Formalization

Taking into consideration the results of the preceding phases, the next phase is recognition and formalization.

Code on Wages dictates that each employer must provide his employees with a written contract. The contract has to mention the salary, working hours, job title and other terms. Although this seems an easy rule to follow, it was not kept many times and many workers were exploited.

Hiring in media, fashion and hospitality was normally informal. One of the production companies employed a camera operator on verbal agreement three months of work with 50,000 rupees. In case the company could not make the pay or pay less, the employee did not have any written evidence and the lawsuit would be a war of words between the company and the employee.

This is altered by a mandatory offer letter. In case of a disagreement, a court can make use of the written document. In case a company says to a worker the salary is 40,000, and the worker says that it should be 50, 000, the question is closed by the offer letter. The employees become empowered since they do not need to demonstrate elementary work conditions.

Working hours are also included in the requirement. Firms which required 60-hour weeks and paid only 40 have to record the actual amount of hours in writing. This opens liability. An employee who demonstrates that he or she worked 60 hours yet the letter indicates that they work 40 may sue due to overtime or claim wrongful dismissal in case he is terminated because of the refusal to work overtime.

6.2 Extending the Social Safety Net

The biggest alteration in the Code on Social Security is that gig workers and platform workers have been included in the provident fund and the employee state insurance systems. These workers used to work full-time and obtain their full salaries without being charged or the employer contributed towards their retirement and health insurance.

Swiggy and Zomato have to now make their contribution to a social security fund, which is determined by the income of their delivery partners. The rate of contribution depends on the state, although the general framework includes the requirement of the contribution. Employees also make contributions of their earnings. These are sums accumulated in personal accounts that offer health coverage and retirement savings.

In the case of a delivery partner who is earning 20,000 a month, the total contribution to PF and ESI could be 1500. The employee loses his pay to take home, probably ₹800, but they will get ₹1,500 in compulsory savings and insurance. In case the worker is hurt during the delivery, ESI now absorbs the medical costs and disability benefits.

More than personal gains, legalization of gig workers as workers will enable them to have the power to seek other forms of protection. The delivery partner is now able to prove in court that the relationship between them and the platform is an employment and not an independent contract due to the fact that the law regards them as employees in the eyes of social security.

6.3 The Gratuity Revolution

In the previous system, a worker had to have 5 years of uninterrupted employment before he/she could claim gratuity. The new code cuts this down to one year with the benefit being drastically high.

An example of a worker who earns 30,000 a month and leaves after 18 months. No gratuity, as under the old rule. According to the new one, the employee gets 15 days of wage every year of service. For 18 months, that equals about ₹31,000 (30,000/26 × 15 × 1.5).

This reform is advantageous to younger workers and that in the high turnover sectors. An engineer who switches jobs after every two years will earn gratuity with every job. In a 30-year career with 15 change of jobs, it may accumulate gratuity that is significant compared to the previous system in which only jobs of five years would be counted.

The clause also eliminates the motivations towards employers firing employees immediately before the five-year mark. A ruthless employer may dismiss an employee at 4 years and 11 months to escape liability since eligibility after one year, then the tactic will be ineffective.

6.4 Legal Standing for Freelancers

Gig workers and platform workers are now regarded as different categories of workers with particular rights in the Code on Social Security. This is what grants them access to labor courts.

In the past, a freelance content writer, who was in debts of ₹2 lakh to a customer, had two choices, one bad, and the other less bad to take a lawyer in a civil court, pay 50,000 to go to court and wait three years until the hearing, or to write off the loss. Cases could not be taken to labor courts which are less expensive and quicker to administer since freelancers were not considered workers.

The new code changes this. A freelancer is able to go to court, pay the minimum fees and get heard in a few months rather than years. The procedural change is significant but equally important is the psychological change the clients who would be hiding behind the delays of bureaucracy are now being brought to reality.

This clause is applied to other non-traditional arrangements. A retainer-based consultant to several firms, a home-based craftsman selling via the internet, a tutor providing classes via an application - all are legally acknowledged and able to resolve any disputes in courts of law.

6.5 Gender Equity Adjustments

The ancient legislation did not permit women to work a night shift (usually 9 pm to 6 am) in the majority of the industries. This was meant to be safeguarding as women were safe at a time when sexual harassments at work and unsafe rides were the order of the day.

Towards the 2010s the ban was limiting. Women desiring night shifts in the call centers, software companies, or factories to earn more money were not allowed by the law. The companies that had hired women through night shifts were breaking the law and putting the women at risk as well as discouraging employment of women altogether.

The new code does not ban the blanket ban but urges employers to provide safety safe transportation to and from work, proper security, and adherence of special provisions. It is now legal to allow women to work night shifts and have access to higher-paid jobs but the responsibility to be concerning safety lies with the employers.

There is no controversy in its change. Other worker activists suggest that doing away with protective measures puts the women in danger of exploitation. Others disagree by arguing that pitting the female

against the night shifts is paternalistic and the economy suffers. The code tries to create a compromise it allows the work but requires the safety standards.

7. THE PERIL WHAT WORKERS STAND TO LOSE

7.1 The Layoff Threshold Expansion

Industrial Relations Code increases the number of employees needed to seek government permission before laying off or closing down an establishment to 300 employees.

Under old Industrial disputes Act, any employer with 100 or more employees had to seek government permission before laying off employees or closing down. This was a necessity that safeguarded employees. To approve a company taking the step of layoffs, such a company had to prove that it was in real distress financially, and the officials might deny the application or attach a rider such as severance.

The new minimum level implies that now companies that have up to 300 workers will be able to lay off any staff or shut down operations without any governmental permission. They should only provide notice to the government, and not seek permission.

Take the case of an example of a profitable technology company of 250 employees that resorts to restructuring. It might want to possibly replace the senior engineers earning ₹1.5 lakh a month, with fresh graduates earning 40,000. The company used to have to prove the need of the layoffs and explain the strategy under the old law. The authorities might review the budgets, interrogate the reorganization, and may not give the green light.

According to the new code, the firm only informs the government and moves on. No consent, no evaluation on whether the layoffs is a legitimate business cause or merely a reduction of labor expenses. The senior engineers lose their jobs and have to get whatever severance the company has to offer without government interference.

This is a vital provision when the economy is in a bad shape. Also, mass layoffs are usually announced during recessions. The old threshold was subject to government permission, and that normally was accompanied by attractive severance or retraining allowance. The new threshold allows firms to lay off employees unilaterally leaving all the risks to the workers.

Corporate restructuring by companies is also a way of exploiting the increased threshold. There are 500 employees in a company, and they form two subsidiaries of 250 employees. Now they all are below the mark of 300 and can make lay-offs without governmental authorization. The real business still exists, only reorganized so as to evade labor laws.

7.2 The Strike Suppression Mechanism

The Code of Industrial Relations has several statements that render the process of strike highly challenging.

Extension of Notice Period: The workers will now have a period of 60 days before striking as opposed to 15 days. Sixty days is too long in labor controversy. Businesses take this time to build up stocks, find replacements, outsource production, or develop messages that make strikers appear unreasonable. The long notice helps the companies to counter the economic effects of the strike before it begins.

No Strike in the course of prosecution: In case a labor conflict arises and is in a tribunal or a court of law, the workers are not allowed to strike when a case is still under court proceedings. This gives an incentive of perversion to employers. The company calls a case when the workers threat to strike on a ground that the

demands are unreasonable. It could take one year to be heard in the case. There is not to be a single strike during that whole period. The workers are now left without a handicap by the time the court makes its decision.

Absence as Strike: In case 50 percent or more workers are absent at work, the Code considers such to be an illegal strike even in the case where workers did not actually organize themselves into a strike. This clause criminalizes group action in the disguise of individual. Protest workers can be convicted of an illegal strike by organizing a mass leave against poor working conditions.

Monetary Fines: The amount of fine imposed on engaging in illegal strike increases by 5 to 10,000 rupees per employee. To a laborer that earns 15,000 INR per month, this constitutes 2/3 of his monthly salary. Strike economics are economically devastating because of the financial risk.

Take into account the interactions between these provisions. Employees in a garment factory find out that the management has blocked fire exits to curb theft. They desire to strike until escape doors are opened. Their old law provision was that they could strike after 15 days of notice to the management in case they do nothing. They will have to provide 60 days of notice under the new code. The management takes the time to file a case stating that the exits are up to the legal standards. The case blocks any strike. In case of any strike by the workers they will be fined 10,000 each. In case they go on leave, it is considered an unlawful strike. The employees do not have a good outlet.

7.3 Trade Union Disempowerment

The Industrial Relations Code stipulates that the union being negotiated with the management must be a representative of more than 50 percent of the workers. The unions with fewer workers are not even counted.

Considering a factory has 1,000 employees, and there are five unions, Union A consists of 400, Union B consists of 250, Union C consists of 200, and Union D consists of 100 and Union E consists of 50 employees. According to the new code, everyone is unable to negotiate since none are more than half. This is tried to be solved in the code whereby the unions can establish a negotiating council but this has to be done under an agreement of the unions themselves which may not be easy given that they might have different priorities or political affiliations.

This is arguably a sound idea in the provision to avoid the problem of fragmentation through several small unions that can make negotiations impossible. The consequence is however to bar out unions which represent legitimate minority interests. Union E is supposed to represent all the 50 women in the factory and concentrates on maternity benefits and harassment. According to the new code, this union will not be able to take part unless it is included in a bigger negotiating council that might not be keen on addressing the issues of women.

The code also enables the authorities to revoke union registrations that are unnecessary without thorough investigations. The conditions which define what constitutes unnecessary union are not very clear and this leaves room to suppression based on politics. A union recognized by aggressively defying the management may have its registration canceled whereas the rest of the compliant unions may have their recognition.

7.4 The Shell Game Risk

The codes do not prohibit the restructuring of corporations, which re-establishes tenure and benefits in employees. An organization having one thousand employees is able to establish a subsidiary, move all activities to the subsidiary and disband the initial company. New employees will now be recruited to the

subsidiary. The ten years of seniority is lost. The benefits they have earned are set back to zero. Their computation of gratuity begins with the transfer date and not the initial date of hiring.

This is some covered by some state laws under automatic transfer provisions though this is not uniformly applied. A firm that has to produce in several states can take advantage of this by reorganizing through less-protective states.

The practice itself is not hypothetical. Retail chains will also establish new corporate bodies every few years routinely, shifting the operations and providing the employees with the new corporate body. These include voluntary leaving of a company and fresh recruitment of one more in another, on paper. Practically, the employees who decline get their jobs terminated completely. The new organization is free to disregard the benefits and seniority of the old organization.

8. THE SALARY CALCULATION UNDERSTANDING YOUR PAY SLIP

8.1 The Basic Salary Mandate

Code on Wages obligates that the basic salary need to compose no less than 50 per cent of overall pay. This transformation has great meaning in take-home pay and the retirement benefits.

The old system meant that the companies were conservative of basic salary since the provident fund contributions were computed as 12% of basic salary (employer and employee). A company that pays 50000 per month can have compensation like:

Basic: ₹15,000 (30 %)

House-Rent Allowance: ₹7,500

Transport Allowance: ₹3,200

Special Allowance: ₹24,300

Employee PF Contribution (12 % of ₹15,000): ₹1,800

Take-home: ₹48,200

The minimum amount of the basic salary given in the new code is 25,000 (50 percent of 50,000):

Basic: ₹25,000 (50 %)

House-Rent Allowance: ₹12,500

Other Allowances: ₹12,500

Employee PF Contribution (12 % of ₹25,000): ₹3,000

Take-home: ₹47,000

The salary rate of the worker is reduced by 1200 a month (14,400 a year). But both the employee and the employer contribute more to PF by adding 1200 per month to the current sum and hence the savings made on retirement are 2400 per month.

8.2 The Deduction Impact Spectrum

Its effect depends on the level of salary:

For a ₹20,000 monthly salary:

Old basic (30 %): ₹6,000

New basic (50 %): ₹10,000

PF increase: ₹480 monthly

Annual take-home reduction: ₹5,760

For a ₹50,000 monthly salary:

Old basic (30 %): ₹15,000

New basic (50 %): ₹25,000

PF increase: ₹1,200 monthly

Annual take-home reduction: ₹14,400

For a ₹100,000 monthly salary:

Old basic (30 %): ₹30,000

New basic (50 %): ₹50,000

PF increase: ₹2,400 monthly

Annual take-home reduction: ₹28,800

The 50,000 earner will also add 4.32 lakh to PF within the period of 30 years but will lose 4.32 lakh of immediate earnings. Which of the two options would serve the better interest of the worker.

8.3 The Future Value Proposition

The forced savings generate long run gains to counter the short run loss of income. Take the case of the 50,000 monthly earner whose contribution to MF is 1200/month. Under employer matching, 2,400 monthly will be deposited in PF.

This extra contribution will increase to about 35 lakh in 30 years at a compounded interest rate of 8 per cent per annum. Increased basic salary also raises the amount of contribution of the employer in terms of pension. This would increase the monthly pension by 5000 to 7000 rupees on retirement.

The trade off is on the present consumption and future security. Those who must have every rupee now are actually suffering due to lower take-home pay, whereas those who can absorb the cut off the take-home pay benefit of forced savings that they would otherwise not have made.

The policy assumes that workers will not save on their own and will have to make voluntary contributions towards their retirement which will be mandated by the government. This fatherly attitude could be explained by the fact that India has low rates of household savings, and there is a lack of social security of the elderly workers who do not have their relatives.

8.4 The Exemption Question

State implementation is a variable. Part of the state's grandfather in current employees who are paid under old salary frameworks based on 50 percent basic salary provision only on new employees. Other states make all employees to switch to the new structure within given time frames.

Employees are supposed to confirm the legislation of their states and whether they are going to alter their compensation packages. They should explain to the employees who will be restructured and when to the employers.

9. THE IMPLEMENTATION GAP BETWEEN LAW AND REALITY

9.1 The Enforcement Infrastructure Problem

India has approximately 5,000 labor inspectors over 610 000,000 workers, or one labor inspector every 122000. Even when there is a selective attention given to high-risk violation by the inspectors, even given this ratio a lot of violations remain unchecked. Germany, on the contrary, has one inspector to every 10,000 employees, and the United States, with less protection, one to every 40,000. The ratio is three to twelve times worse than these benchmarks in India.

Its practical result is that the companies may infringe on labor codes with little fear. Inspection can be done on a case-by-case basis after every ten years or none. When their inspections occur, firms are able to hide any wrongdoing under the facade of the shallowly compliant paperwork.

The protection of gig workers is wholly reliant on regulation. Unless the platforms uphold social-security payments without much threat of penalty, the safeguards are merely theoretical.

9.2 The Compliance Cost Calculus

To ensure penalty discourages non-compliance, they should be stiffer than the cost of compliance. And suppose that offering worker benefits to gig workers costs 5 -lakh rupee per year, and that the non-adherence penalty is 50,000 rupees and the risk of being caught is very slim. Non-compliance is the logical options of a business.

The codes outline several kinds of fines, although most of them are nominal regarding compliance costs. A company which denies gratuity exceeding 100 illegal workers saves 50lakh rupees however, on detection will face fines that could be 5lakh rupees. The projected cost of violation-penalty/detection probability is lower than that of compliance.

The deterrence needs to be effective and this cannot be achieved without imposing fines such that the violations are economically irrational despite the presence of low risk of detection. As an illustration, executives would not be willing to make a profit due to criminal penalties and a fine of 10 times the amount owed in the event of violation even when the risk of detection is 10 percent.

9.3 The State Variation Wildcard

Correspondingly, labor is a concurrent topic in the constitution of India and central and state governments are legislative organs. There is a framework established with central codes, but states have the freedom to implement via rules and regulations, introducing variation.

A state that is pro-business can weaken the protections by having weak enforcement a state that is pro-worker can tighten them. Firms can take advantage of this by moving their operations to states where the implementation is lax. A clothing company that is exposed to very hard protections in Tamil Nadu may shift to a state that has less vigorous rules. The employees acquire employment but under worse conditions than those guaranteed by the codes.

Federal structure also makes it tricky to enforce workers when they go across the state lines. A delivery partner that is present in a variety of states is faced with varying rules. There are 28 different implementation frameworks facing a nationwide company.

9.4 The Gig Platform Loophole

The codes are trying to address platform workers but the classification is not clear. Platforms purport workers to be independent contractors who use the platform to locate customers rather than employees.

The case of Uber and Ola is educative both companies claimed that drivers were entrepreneurs who used the application as a means. This classification is divided in the courts of the world with some court's ruling in favor of employees and others, in favor of contractors.

The Code of the Social Security provides a special provision on the platform workers and aggregators, which obliges the payment to the social security funds. But classification can be appealed against in court by platforms, and may take years before implementation. They can go on operating without making benefits during litigation.

Work arrangements that are clearly and unambiguously defined and legal disputes over classification resolved by the court are critical to the success of the implementation.

10. THE STAKEHOLDER PERSPECTIVES WHO WINS, WHO LOSES

10.1 Formal Sector Workers

Workers in the formal sector already have provident funds and other benefits. The codes provide them with a more convenient access to labor courts, better gratuity settlements, and transparent employment terms better. Nevertheless, they are deprived of take-home pay in the form of restructured salaries and useful strike right over lengthy notice and limitations.

An average formal worker who earns 60,000 rupees monthly could lose 17,280 rupees annually in take-home allowance, gain 34 560 rupees in annual retirement benefits (including employer contribution), lose his right to strike, and get slightly quicker resolution of disputes in labor courts. This net change will either be positive or negative depending on the timeframe and risk appetite of the worker. An employee aged 25, having a retirement age that is 35 years away, may be willing to have lower take-home pay in order to have greater retirement benefits whereas someone of 55 years has immediate obligations and would wish to have higher amounts of take-home pay.

10.2 Gig Economy Workers

There can be a change in platform workers who do not receive any social security nor formality. A Zomato delivery person who earns 25,000 rupees per month may have 2,000 rupees used to pay social security but will get access to provident funds, health insurance and legal redress in case of dispute.

Implementation is the key to the benefit. Providing platforms comply, gig workers receive significant protections. When platforms avoid compliance and enforcement is lax, there will be no difference with the legal facade.

The important question is would 25,000 rupees per month with no security or 23,000 rupees per month with PF, ESI, and legal coverage provide gig workers with more choice. The answer varies. A young worker who has no dependents would like increased current income whereas a worker who has a family would like insurance and saving towards retirement.

10.3 Small Business Owners

The advantage of consolidated codes and easy registration is small businesses that no longer have the strain of compliance burdens. This makes them inflexible since increased social security expenses reduce their flexibility to shape compensation plans to reduce contributions.

The manufacturing firm with 50 employees that used to make low basic PF payments has a 50 percent basic salary payment requirement, which increases payroll expenses. Simple compliance, on the other hand, reduces administrative costs. The overall impact will depend on compliance in the past fully compliant firms will probably save paperwork non-compliant firms that ultimately escaped responsibility through complexity will now have to pay even more in an open new system.

10.4 Large Corporations

Higher layoff threshold provides much flexibility to large corporations. A firm of 5,000 employees can now reorganize activities that touch on hundreds of employees without government consent which may enhance competitiveness. Nevertheless, they are deprived of the power to reduce the price of labor through strong-arm levels of salary structuring the 50 per cent basic salary condition adds to provident fund liabilities.

In the case of the company of 5,000 employees with average annual income of 50,000 rupees, the additional PF contribution may be approximately 7.2 crore rupees per year. The priorities make corporations win or lose the company that concentrates on the minimization of labour costs will incur more costs, and the one that attaches importance to the flexibility of operations will receive freedom.

10.5 Trade Unions

The trade unions are under an existential threat. A 50 percent representation standard is an impediment to negotiation and the length of strike notice is a debilitating provision to the main weapon of collective action. The 50 percent absence is thus criminalized as an illegal strike, which makes solidarity of organic workers illegal.

Even pro-positive unions that advocate positive features of the codes such as gig worker protection and changes in gratuity admit that weakened collective bargaining and the rights to strike transfer power to the employer. Individual worker rights are inconsequential in the event that the workers are not allowed to stand up against systemic exploitation.

According to unions, a powerful collective voice will generate an environment in which it can implement effectively. Employees with the power to strike on safety breaches make sure that safety regulations are observed. Collectively negotiating workers receive higher than statutory minimum wages. The codes can provide rights without redresses because they undermine collective strength and provide personal guarantees.

11. INTERNATIONAL COMPARISONS WHAT OTHER COUNTRIES TEACH US

11.1 The German Model

Germany strikes a balance between worker protection and economic dynamism with co-determination and work councils. Huge companies should have worker representatives on company boards, and works councils inside the workplaces, which provide the employees with influence on the daily processes. This strategy eliminates the nonexistent trade-off between efficiency and safety. The German employees have job security

and high benefits, and a genuine stake in the decision-making process, and German companies remain competitive in production and technology.

The codes in India are not following this model, undermining collective entities and introducing fragmented individual rights. The experience of the Germans indicates that business flexibility can co-exist strong unions and worker participation.

11.2 The Nordic Approach

The flexicurity model in Denmark is a combination of easy hiring and firing as well as generous unemployment benefits and active retraining. Employers can change the number of employees as fast as possible, and displaced employees are provided with good insurance and requirements qualification re-institution funds. The Indian codes are flexible in nature as they increase the levels of layoffs and curb the strike, but lack the security side. In Denmark, the active labour-market policy takes around 4% of GDP, whereas India spends a small percentage on unemployment insurance and retraining.

The Nordic model is effective since there is a balance between flexibility and security. Employees accept the risk of work as there is a good safety net that cushions the loss. The strategy used by India of being flexible without the similar security may expose the workers.

11.3 The American Warning

Potential risks of weak labour protective measures are demonstrated in the United States. Employment at will allows them to be dismissed at will. The number of union memberships decreased to 10 per cent in the present day compared to 35 in the 1950s. Gig companies declare employees as independent contractors, which avoids labour law obligations. The consequence is that it has led to stagnant wages, increased inequality and the susceptibility of the workers to employer power. New gig-work that qualifies as battle depicts companies that have spent millions of dollars lobbying and initiating ballot measures to elude the classification of employees.

The codes in India run the danger of repeating the American models poor enforcement, business-friendly classification rules and minimal union power may result in nominal protection that would not provide much real protection.

11.4 The French Contrast

France has got good labour protection, hard dismissal laws and strong trade labor unions. This leads to a high unemployment rate particularly among the young people. Employers are hesitant to hire due to expensive firing processes and the youths revolve around temporary contracts. The old system of India was similar to the rigidity of the French and the new codes are oriented towards flexibility but can be overdone. Part of the problems in France is due to the generous unemployment benefits to discourage work which, in India is not an issue since unemployment insurance is insignificant.

French is a case of excess rigidity and the American is a case of excess flexibility. German and Nordic models depict that powerful protections are not incompatible to economic dynamism in case institutions are properly designed.

12. THE UNASKED QUESTIONS WHAT THE DEBATE MISSES

12.1 The Skills Development Void

New codes emphasize employment relations but do not give attention to skill development. The effect of automation is that it transforms labour markets and workers have to be professionally retrained. The codes and even the plans do not deal with funding, access, or credential portability. The concept of dual education in Germany allows work and learning to blur, Nordic countries invest much in retraining but India codes presuppose workers already possess the necessary skills and has no tools to eliminate gaps and cope with technological displacement.

12.2 The Productivity Paradox

Advocates state that uncomplicated layoffs enhance the productivity by eliminating workers who are unproductive, and redistributing resources. Studies reveal a more complex picture job insecurity may decrease productivity through disincentives to firm-specific investment of skills and demoralization. Organizations, in which employees feel safe tend to be more productive as workers invest into learning and spread better ideas to improve. Employees who are imbued with the fear of random dismissal are concerned with themselves and not production.

The codes assume that flexibility is that of productivity without paying attention to the impact of security on behavior. A best policy would be to combine easier layoffs with robust unemployment insurance and retraining to facilitate productivity and smooth over to transitions.

12.3 The Inequality Dimension

The codes do not mention whether they increase or decrease inequality between capital and labour or not. Restructuring of salaries causes retirement savings, which would alleviate old-age poverty but undermined collective bargaining might decrease the income share of labour. Studies indicate that the decline of unions is associated with an increasing inequality level as the productivity gains are directed towards the shareholders, but not to workers.

Whether individual protections become substitutes of power in the collective is the determining factor of the effect on inequality. When the protections are not enforced strongly and firms have the real flexibility, inequality should become a reality.

12.4 The Climate Transition Gap

India targets net-zero by 2070. This change will kill off a lot of fossil-based jobs, and generate millions of renewables. The codes do not provide the framework of how to undertake this transition. Just transition plan would offer retraining, unemployment benefits in transition, and preference hiring in the new industries. The miners of coal and the workers of the thermal-plants can be economically abandoned without such measures.

13. ACTIONABLE STRATEGIES FOR DIFFERENT STAKEHOLDERS

13.1 For Workers

Store documents: Store contracts, pay slips, timesheets, and communication. The personal copies counteract lost or distorted records.

Know how to classify: Know if you are a permanent, fixed-term, a contract, or gig worker. Status protections are different. The lack of classification is widespread yet arguable.

Work out money: Take a look at pay illustrations to determine the number of deductions to take-home wages and to pension funds. The information about the numbers is informative to both job offers and negotiations.

Form networks: Worker associations or informal groups can exchange information about employer practices, organize responses, and support each other regardless of the lack of space in unions. The electronic platforms assist in organizing without unions.

Know your rights: Get to know the protections by each code and the way to complain. Record the infractions and seek advice of labour lawyers or advocacies.

13.2 For Employers

Audit compliance: assess the existing practices against the new requirements, identifying missing elements in offer letters, salary schemes, social security or safety standards. Active conformance avoids fines and lawsuits.

Review classifications: See to it that classifications are to legal limits. There is a lot of legal risk of misclassifying employees as contractors.

Invest in systems: HR and payroll upgrade to handle integrated compliance. This should be treated as an investment and not a fixed expense.

Involve workers: Offer avenues of feedback on questions to do. Workers become quiet and minimize complaints and lawsuits.

Evaluate long-term effect: Potential reduction in short-term cost in the form of trimmed benefits will result in increased turnover and quality issues. Improved benefits would save on training expenses as well as enhance quality of service.

13.3 For Policymakers

Policymakers can:

Enforce more: Recruit and educate thousands of inspectors, install digital monitors, and make laws work.

Open up guidelines: Provide clear-cut guidelines on how to classify workers, and in particular gig and platform workers to minimize litigation.

Monitor and modify: incorporate sunset provisions that call on reviewing the results periodically. Determine the benefit of a gig worker, exploitation of a layoff, and the utilization of the new provisions, and change the policy based on findings.

Balance stakeholder power: Reject business lobbying to be as flexible as possible or union demands to be as rigid as possible. Strive to have regulations that would protect workers but allow some flexibility.

Connect to broader policy: Connect labour codes to skills schemes, widened unemployment insurance, and industrial policy to have coherent results.

13.4 For Researchers and Advocates

Researchers and advocates ought to:

Gather hard evidence: Measure implementation in quantitative terms, interview workers about tangible benefits, observe enforcement activities and assess wage dynamics, unionisation and inequality indicators.

Give voice to workers: Involve not only elite workers in debate, but delivery partners, contract workers, and the informal sector workers. Quantitative data is supplemented by the qualitative data.

Give constructive substitutes: Do not stick to criticism, but offer constructive suggestions that can solve a valid concern. Propose penalty systems, explicit classification examinations, and implementation systems that are within the resource constraints.

Form coalitions: Rally groups of all types of workers formal workers, gig workers, small businesses, and all of them would be well enforced. Establish coalitions on certain reforms to enhance power.

14. CONCLUSION

The new labor codes in India are a watershed to 610 million employees. They do this by combining 29 laws of the colonial period into four unified codes to remove the complexity that made compliance and enforcement difficult. Provision of social-security benefits to gig workers bridges an actual gap that has been brought about by economic change. Formalizing employment relationship generates accountability. These are not material accomplishments. However, the codes also leave power in the hands of employers by creating mechanisms which a generation ago would have seemed impossible. Firms that have 300 workers can do away with employees in large numbers without government scrutiny. Employees are required to take 60 days to strike where employers can counter collective action. There are limitations on trade unions and consequently, they have a difficult time to negotiate and mobilize. The redesigning of the payroll will reduce take-home pay to millions of people, generating instant financial strain despite retirement savings increase. The final decision reveals solely on the further course of action. It is the implementation rather than the legal structures. The codes provide chances to modernization that is inclusive as well as chances to be overwhelmed. The result is determined by the capacity of enforcement, political desire and power of capital and labor.

Provided that states properly finance labor inspection bodies, that courts promptly and reasonably resolve classification controversies and that the punishment of breaches of the rules is economically deterrent, the progressive components of the codes may exceed the alarming clauses. Gig employees may be provided with social-security. Freelancers could have actual legal redress. Better gratuity schemes would enhance employee safety. When enforcement is limited, when courts repeatedly rule on the side of the employer on the questions of classification, and when the penalties imposed are nominal and detection is hard to come by, then the flexibility provisions of the codes will prevail and protection will remain mere paper promises. Businesses will take advantage of the increased layoff rates and stick out of gig-worker regulations. Employees will lose right of strike and not be offered effective individual protection.

The labor codes are not doom or gloom. They are a system whose implications are subject to political decisions that have not been arrived at. Employees that are aware of the new regulations can assert the existing protections and mobilize to enforce them. Codes can be viewed as a chance to design sustainable practices instead of being viewed as a practice that lowers costs by doing this, employers are able to create more productive workforces. When policymakers track results and corrective measures are made on evidence, they can put the situation back on track before it becomes as irreversible as it can be. These codes have impacted the 610 million workers who should be provided with better than the patchy, old system they have inherited. Whether or not the new codes provide that system is a question of whether they are implemented with the interests of workers in mind or with business convenience in mind, whether they are enforced with the resources needed or with weak enforcement, whether the political balance between the capital and the labor moves towards greater equality or whether it becomes even more aggressive in extraction. This is definite the codes establish disputed ground on which results will be contested and will not

be defined by the text of the law but by the power dynamics, the organization power, and political mobilization. It does not matter whether the codes are essentially good or bad. The question will be, who will struggle to get them working on behalf of working people and who will struggle to work on behalf of those who are in power. The outcome of that struggle will be whether the labor reform in India will be an example to other countries of how to achieve modernization in an inclusive way or a lesson on how deregulation can masquerade itself as modernization.

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