

## **Labour Challenges and Perspectives in Social Security amidst Covid-19: Insights from India:**

**Author**

**Dr.THOMAS**

**FELDMAN**

**, Assistant professor**

**Department of Sociology,**

**K. G. K. (P. G.) College, Moradabad**

### **Abstract:**

This study explores critical aspects of labour issues and welfare measures in India, focusing on the pervasive informality within labour market. It examines the framework of labour laws in India and evaluates Union Government schemes aimed at enhancing social security for informal workers. The study underscores the challenges posed by informal employment, such as lack of legal protections and access to welfare benefits. By analyzing current initiatives and policy interventions, the abstract highlights potential pathways for addressing these issues to promote inclusive growth and sustainable development.

**Keywords:** Labour issues, social security, India, informal economy, labour laws, Union Government schemes, informal workers, policy interventions.

### **Contextual Background on Labour Issues and Social Security in India:**

The Indian labour market is predominantly informal, with around 90% of workers in 2018-19 engaged in informal employment. These workers lack adequate coverage under labour laws, social protection schemes, and employment benefits, leaving them vulnerable to exploitative circumstances. As outlined by the International Trade Union Confederation, India ranked among the 10 worst countries globally for worker rights in 2020, highlighting pervasive challenges in this sector.

The primary objective of Sustainable Development Goal is to end poverty, advocating for national social protection floors and comprehensive welfare programs. However, implementing such measures in India which is a developing country is complex and costly compared to developed nations. The National Commission for Enterprises in the Unorganised Sector (NCEUS), established by the Government of India in 2004, emphasized that social security is essential for economic development, not a burden. It argued that amidst chronic poverty and wealth inequality, social security acts as a safeguard against socio-economic shocks such as the COVID-19 pandemic.

Despite governmental initiatives to broaden social security coverage to include informal workers, their impact remains limited. This brief examines current provisions for social security in India's unorganised sector, highlighting gaps and challenges. Key concepts discussed include social security and informality, followed by an analysis of relevant government legislations and schemes. The discussion also identifies obstacles in India's labour policy that hinder comprehensive social welfare expansion. Finally, recommendations are provided for advancing social security coverage to a broader spectrum of informal workers, aiming to address these critical socio-economic disparities effectively.

### **Social Security:**

The idea of social security has developed significantly over time, starting with its early formulation in the Beveridge Committee Report of 1942. Initially, it focused on ensuring "freedom from want" through provisions like employment maintenance, children's allowances, and comprehensive health services. This marked a foundational step in defining social security.

In 1952, the International Labour Organisation (ILO) expanded this concept; defining Social security encompasses protective measures aimed at mitigating social and economic risks. These measures include provisions to safeguard against sudden income loss due to maternity, unemployment, illness, old age; disability, workplace injuries, and deaths ensure access to medical care.

Criticism arose regarding the ILO's approach, which was seen as tailored primarily to the realities of developed countries. Developing nations, characterized by larger informal sectors, higher poverty rates, and lower industrialization levels, demanded a broader perspective on social security. Scholars like Jean Drèze and Amartya Sen argued that in these contexts, social security should encompass Measures aimed at benefiting the poor implemented through public channels.

In India, social security initiatives are categorized as promotive (Mahatma Gandhi National Rural Employment Guarantee Act), preventive (such as Provident Funds aimed at mitigating economic distress), and protective (through insurance schemes that provide compensation for injuries or the loss of primary breadwinners).

Despite the significant scale of India's informal sector, the implementation of social security measures predominantly targets formal employment. Before exploring the state of social security in the informal sector and the associated challenges, it is important to define what is meant by 'informality'. This term pertains to work arrangements conducted outside formal regulatory structures, lacking legal protections and frequently marked by precarious conditions.

To grasp the scope and significance of the informal labour market in India, it is essential to examine key statistics and trends, highlighting its pervasive nature and the urgent need for tailored social security solutions to address the vulnerabilities faced by informal workers.

### **Understanding Informality in the Indian Labour Market:**

In India, the workforce is categorized by sector of work (formal, informal, household) and type of employment (formal, informal). As of 2018-19, about 80% operated in the informal sector, 9.5% within the formal working sector engaged in informal jobs. Social security access for informal workers improved marginally from 23% to 26% between 2011-12 and 2018-19, but challenges persist, especially for self-employed and casual laborers. Urban areas saw a mix of self-employed (48%) and regular salaried workers (35%) among informal workers. Enhancing social security for this segment remains crucial given its vast prevalence and vulnerability in diverse economic contexts.

### **Overview of Labour Laws in India:**

Government of India (GoI) has implemented substantial reforms in labour laws in recent years, guided by recommendations from 2nd National Commission of Labour. This effort has prompted Ministry of Labour and Employment (MoL&E) to consolidate existing labor laws into four overarching 'Labour Codes'. These Codes are designed to streamline and harmonize current regulations across diverse facets of labor-related matters.

### **The four Labour Codes introduced are:**

- The Code on Wages, 2019 consolidates multiple legislations governing wages, such as Payment of Wages Act, Equal Remuneration Act, the Minimum Wage Act, and Payment of Bonus Act. It extends the applicability of these laws to encompass both formal and informal sectors while granting state governments the authority to establish minimum wage standards.
- The Industrial Relations Code, 2020 integrates provisions from Industrial Employment (Standing Orders) Act, Trade Unions Act, and the Industrial Disputes Act. This Code oversees industrial disputes, regulates trade union operations, and stipulates employment conditions. It introduces provisions for forming negotiating unions or councils and mandates procedures for layoffs in larger establishments.
- The Occupational Safety, Health and Working Conditions Code, 2020 consolidates 13 laws related to workplace safety and health, including the Factories Act and Mines Act. It mandates the registration of establishments, sets minimum standards for working conditions, and mandates the formation of safety committees to represent workers.
- The Code on Social Security, 2020 amalgamates 10 existing laws concerning social security, such as the Maternity Benefit Act, Employees' Compensation Act, and various welfare fund acts. This Code aims to provide comprehensive social security coverage to workers, including those in the gig and platform sectors, through schemes addressing healthcare, income security, and other benefits. These Codes represent a concerted effort by the GoI to streamline labour laws, enhance protections, and extend coverage to informal sector workers. They introduce new frameworks for governance and

dispute resolution while addressing the diverse needs of India's workforce across different sectors and employment types.

### **Union Government Schemes Promoting Social Security for Informal Workers:**

As previously discussed, the Code on Social Security consolidates various labor laws to ensure that both formal and informal workers are entitled to mandated social security and welfare benefits. However, the specifics of these benefits are determined by the individual welfare schemes themselves. The government's welfare schemes can be classified into Central Sector (CS) schemes (fully funded by Government of India) and Centrally Sponsored Schemes (CSSs), (joint funding from the central and state governments).

This section examines programs that offer social security benefits specifically for informal workers. The selection of these programs follows a three-step process. First, it includes those schemes previously under the Unorganized Workers' Social Security Act (UWSSA), now integrated into the Code on Social Security, as they are designed for informal workers and are currently active. Second, it considers programs not directly listed under UWSSA but capable of providing social protection to informal workers. Third, it includes programs aimed at economically disadvantaged families in general, which can also benefit informal workers by protecting them from socio-economic challenges.

Note that this discussion does not cover schemes that indirectly improve workers' financial status or provide long-term socio-economic benefits, such as those related to microfinance, skill development, or education. Instead, the focus is on programs that offer immediate support for livelihood or protection against life-cycle events, including health emergencies, accidents, death, and old age.

### **Evolution of Social Security Schemes: From UWSSA to the Code on Social Security, 2020**

- The National Family Benefit Scheme (NFBS) disburses a one-time payment of Rs. 10,000 to the family of the primary breadwinner in case of their demise.
- JananiSurakshaYojana (JSY) incentivizes institutional delivery among pregnant women through conditional cash transfers, varying in amount based on geographic categorization.
- The Indira Gandhi National Old Age Pension Scheme (IGNOAPS) offers a non-contributory pension to individuals aged 60 years and above living below the poverty line, ensuring financial support during their elderly years.
- The Handloom Weavers Comprehensive Welfare Scheme (HWCWS) includes accidental, life and disability insurance coverage tailored for handloom weavers.
- The Handicraft Artisans Comprehensive Welfare Scheme (HACWS) provides life and health insurance coverage designed specifically for artisans engaged in handicrafts.
- The National Scheme for Welfare of Fishermen extends financial aid to fishermen during lean periods and supports various needs such as housing and tube-well construction.
- The Aam Admi Bima Yojana (AABY), administered by LIC, secures insurance coverage for one earning member of a family against death or disability, ensuring economic security.

- Pension to Master Craft Persons guarantees a monthly pension of Rs. 2,000 to master artisans aged 60 and above who have earned national or state recognition in the field of handicrafts.

### **Unspecified Social Security Schemes for Unorganised Workers Post-Social Security Code, 2020**

- Pradhan Mantri Shram Yogi Maan-dhan (PM-SYM) is a voluntary contributory scheme introduced by the Ministry of Labour & Employment (MoL&E). Govt. Of India to support unorganised workers excluded from NPS, ESIC, or EPFO coverage. It guarantees economic stability during old age by providing a monthly pension after reaching 60 years of age.
- The National Pension Scheme for Traders and Self-Employed Persons (NPS-Traders), overseen by MoL&E, aims to secure old age social protection for shopkeepers, retail traders, and self-employed individuals with annual turnovers below Rs. 1.5 crore.
- Atal Pension Yojna (APY), managed by the Ministry of Finance, offers a contributory pension scheme targeting unorganised workers like domestic helpers, delivery personnel, and gardeners. It ensures a regular pension post-retirement to enhance financial security.
- Pradhan Mantri Jeevan Jyoti Bima Yojana (PMJJBY), part of the Ministry of Finance's initiatives, provides life insurance coverage of Rs. 2 lakh to unorganised workers upon payment of an annual premium of Rs. 330. It covers individuals aged 18 to 50 years against death due to any cause.
- Pradhan Mantri Suraksha Bima Yojana (PMSBY), also under the Ministry of Finance, offers insurance coverage to unorganised workers. It provides Rs. 2 lakh for accidental death or total disability, and Rs. 1 lakh for partial disability, with an annual premium of Rs. 12. This scheme applies to individuals aged 18 to 70 years.
- Pradhan Mantri Kisan Man Dhan Yojana (PM-KMY), initiated by the Ministry of Agriculture & Farmers Welfare, ensures a monthly pension of Rs. 3,000 for small and marginal farmers after they reach 60 years of age. Farmers contribute a minimal monthly amount based on their entry age, aimed at securing their economic well-being post-retirement.
- Pradhan Mantri Kisan Samman Nidhi (PM-KISAN), an income support scheme under the Ministry of Agriculture & Farmers Welfare, provides Rs. 6,000 annually to small and marginal farmers in three equal installments. This financial assistance aims to boost their income and improve financial security.

### **Social Safety Nets: Schemes Safeguarding Poor Families from Socio-Economic Distress:**

- The Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) guarantees livelihood security in rural regions by offering 100 days of assured wage employment annually to every rural household, mandated under the legal framework of MGNREGA.
- The Public Distribution System (PDS) ensures food security by distributing essential commodities like rice, wheat, and pulses at subsidized rates to economically disadvantaged families, in accordance with the provisions of the National Food Security Act (NFSA), 2013.

- The Indira Gandhi National Disability Pension Scheme (IGNDPS) provides a monthly pension of up to Rs. 300 to citizens aged 18 and above facing severe disabilities, aiming to support them economically and enhance their quality of life.
- The Indira Gandhi National Widow Pension Scheme (IGNWP) offers a monthly pension of Rs. 200 to widows below 60 years of age who are ineligible for IGNOAPS, offering them vital financial aid.
- The Varishtah Pension Bima Yojana (VPBY), managed by LIC, is a pension scheme designed for senior citizens, ensuring their economic security through regular pension disbursements.
- The Pradhan Mantri Matru Vandana Yojana (PMMVY), overseen by the Ministry of Women and Child Development, provides conditional cash transfers to pregnant and lactating mothers during their first live birth, disbursing Rs. 5,000 in three installments to promote maternal and child health.
- Ayushman Bharat – Pradhan Mantri Jan Arogya Yojana (PM-JAY) aims to shield impoverished households from hospitalization expenses, offering up to Rs. 5 lakh annually per family for secondary and tertiary hospital care at both public and empanelled private hospitals, constituting the world's largest health insurance initiative.

### **Obstacles in Securing Social Security Provisions for Workers in the Informal Sector:**

During the COVID-19 period, India encountered significant policy challenges, exposing gaps in its social security framework for informal workers. This section scrutinizes these deficiencies, particularly in the revised regulations of the Code on Social Security, aimed at addressing their needs. It also delves into broader issues like inclusivity, benefit adequacy, and accessibility across the informal sector, stressing the imperative for comprehensive reforms to bolster support systems effectively.

### **The Code on Social Security, 2020**

The introduction of the Code on Social Security offered hope to address the long-standing issue of inadequate coverage for informal sector workers. However, it largely retained provisions from the earlier UWSSA and relaxed accountability and monitoring mechanisms. For effective improvement, specific schemes and rules tailored for informal workers are essential under the new Code. Without such initiatives soon, its ability to rectify past deficiencies remains uncertain.

### **Continued Lack of Reforms from the Erstwhile UWSSA in the Social Security Code of 2020**

The Social Security Code of 2020 inherits many of the limitations seen in the earlier Unorganised Workers' Social Security Act (UWSSA) from 2008. Despite its introduction, little progress has been made in creating inclusive and efficient social security programs for informal workers. Both laws lack detailed frameworks on scope, funding, and objectives, hindering their effectiveness.

### **Challenges in Facilitating Registration**

The Social Security Code introduces Workers Facilitation Centres (WFC) to aid worker registration and inform them about scheme eligibility. Unlike the UWSSA, it removes district administrations' responsibility

for ensuring and facilitating worker registration, potentially weakening oversight and efficiency in enrolling informal workers in social security schemes.

### **Legislative Ground Yielded to the Executive Branch**

The Social Security Code often lacks specific details, using terms like "as may be prescribed" or "as may be framed," giving the executive broad discretion in defining critical provisions. This approach, criticized by the Parliamentary Standing Committee on Labour, diminishes legislative oversight which raises concerns about transparency and accountability in policy-making.

### **Absence of National Minimum Benefit Policy**

Currently, social security benefits vary based on factors like income and employer size, lacking a universal minimum guaranteed to all citizens. The 'Working Group on Labour Laws and Other Regulations' proposed a national 'minimum benefit policy' in 2011 to align with global standards promoting universal social protection.

### **Challenges beyond Coverage: Addressing Social Security Gaps for Informal Workers:**

- **Fragmented Administration Systems: Implications for Social Security Delivery:** Fragmentation in social security systems leads to separate databases for unorganised workers managed by different ministries and states. This complicates applications as workers must navigate varied processes, affecting portability of benefits, especially for migrant workers. Integrated financing and administration are needed to address these challenges effectively.
- **Mitigating Exclusion Errors in Social Security Redistributions:** Exclusion errors in welfare schemes can devastate vulnerable individuals, with problems of both including ineligible beneficiaries and excluding eligible ones highlighted in a 2013 report by the 'National Social Assistance Programme Task Force'. Integration of Aadhaar has compounded these issues, introducing additional verification requirements and exacerbating access challenges.
- **Stagnation in Entitlement Amounts: Impact on Social Security:** The statement underscores the critical issue of stagnant financial benefits in welfare schemes, which fail to keep pace with inflation and rising living costs. For instance, the Indira Gandhi National Old Age Pension (IGNOAP) scheme illustrates disparities where older beneficiaries receive higher pensions than younger ones, whose benefits have not been updated since 2006-07. Committees have recommended periodic increases to address these discrepancies, emphasizing the importance of maintaining uniform and meaningful support for all beneficiaries.

### **Unveiling Vulnerabilities: Impact of the COVID-19 Pandemic on India's Informal Workers**

The COVID-19 pandemic exposed the susceptibility of India's poor, particularly its informal workers. The stringent lockdown in March 2020 left over one crore migrant workers stranded, pushing many into unemployment. By May 2020, economic strains worsened, with a majority of households cutting back on food consumption and struggling to afford essentials. Casual laborers faced significant hurdles accessing

welfare benefits, highlighting the urgent need for robust social protection systems to mitigate future crises and protect vulnerable workers.

- **Enhancing Financial Access through Direct Benefit Transfers (DBT):** Recently, the Government of India has expanded the use of Direct Benefit Transfers (DBT) for disbursing social security benefits. However, in rural and remote areas, the efficacy of DBT relies significantly on Business Correspondents or Bank Mitras, who serve as micro-ATMs. The pandemic imposed severe travel restrictions, disrupting their operations and impeding cash access, particularly affecting vulnerable groups such as the elderly and persons with disabilities. This underscored the vital role of intermediaries in facilitating financial inclusion in remote regions.
- **Enhancing Portability of Social Security Benefits: Challenges and Solutions:** Migrant workers often face hurdles accessing schemes like the Public Distribution System (PDS) due to location-specific eligibility and household-based ration cards. Despite reforms for portability, fragmented implementation and administrative coordination challenges hinder equitable access to welfare benefits.
- **Strategies for Ensuring Sustainable Livelihoods Amid Economic Challenges:** During the COVID-19 pandemic, states like Punjab, Madhya Pradesh, Bihar, Rajasthan, West Bengal, Uttar Pradesh, Uttarakhand experienced significant reverse migration, straining their capacity to accommodate and sustain a sudden influx of labor. The return of migrants has posed challenges to ensuring sustainable livelihoods, addressed through skill-mapping and employment generation initiatives like MGNREGS and the Garib Kalyan Rojgar Abhiyaan.

### **Charting the Path Ahead:**

The argument supporting a strong social security system for informal workers is now more compelling than ever. However, our current system has failed to adequately support the most vulnerable. The recent consolidation of existing laws into a comprehensive Social Security Code, coupled with lessons learned from the pandemic, offers a chance to tackle these persistent issues. One major flaw in the current framework for informal sector workers is the inconsistent and often ineffective implementation of laws. Moving forward, specific areas for improvement and intervention are highlighted below:

- **Universalizing Social Security: Ensuring Equitable Coverage Across Wage Levels, Enterprise Sizes, and Geographic Origins:** The lack of fundamental social security measures intensifies the precariousness faced by informal workers. Present criteria for accessing workplace social security are contingent upon the scale of the enterprise and employee earnings, underscoring the need to reassess prevailing policies. There is a critical need to establish a nationwide minimum social protection standard that guarantees coverage for every worker. Additionally, it is crucial, especially



for migrant workers, to decouple this social security provision from their state of origin to ensure equitable access regardless of their geographic background.

- **Enhancing Compliance: Establishing Effective Monitoring and Enforcement Mechanisms for Labour Laws:** The current social security laws for workers urgently require a robust system to enforce employer compliance and ensure effective monitoring. Without strong monitoring mechanisms, adherence to these laws and scheme guidelines will likely encounter similar issues seen in the past. A concerning development is found in the The Wage Code, 2019, and the Code on Social Security, 2020 which have replaced traditional Inspectors with Inspector-cum-Facilitators, thereby potentially weakening enforcement capabilities. Unlike Inspectors who could conduct surprise field inspections to detect violations, Inspector-cum-Facilitators lack this authority. Their role now primarily involves online audits and advising employers on compliance strategies. To achieve effective enforcement, a decentralized approach with rigorous monitoring is essential.
- **Unified Database Initiative: Establishing a Comprehensive Registry for Informal Workers** Creating an integrated database for informal workers in the unorganized sector is crucial as these workers may qualify for various social protection benefits under multiple welfare schemes. Consolidating these into a unified system would optimize the allocation of benefits and simplify the identification of eligible recipients across different programs. It would also alleviate the current burden on potential beneficiaries who must navigate separate application processes and provide different documentation for each scheme. Implementing such a system would necessitate leveraging Information and Communication Technology (ICT) to develop a resilient and flexible database accessible to various government departments. This initiative promises to enhance efficiency, reduce duplication, and improve overall service delivery to vulnerable informal workers.
- **Efficient Registration and Awareness Campaigns for Informal Workers' Entitlements** The low registration of informal workers in government social security schemes necessitates a holistic approach to address systemic barriers. This includes enhancing monitoring, accountability, and incentivizing registration. Decentralizing registration processes, strengthening Welfare Facilitation Centers (WFCs), and raising awareness among workers are critical steps toward improving enrolment in welfare programs.

### **Conclusion: Expanding Social Security Coverage Beyond Traditional Employer-Employee Dynamics**

Currently, the landscape of social security provisions primarily caters to individuals entrenched within traditional employer-employee relationships, thereby sidelining those engaged in informal employment setups. This glaring disparity underscores the critical necessity for inclusivity in labor laws, a principle underscored by the deliberations at the 20th International Conference of Labour Statisticians (ICLS). Achieving this inclusivity demands a departure from conventional perspectives of work centered exclusively on stable employer-employee associations.

In the context of the burgeoning gig economy workforce, as delineated in the Code on Social Security, 2020, platforms such as Ola or Swiggy assume roles akin to employers, albeit in unconventional capacities. Nonetheless, identifying corresponding entities for the diverse array of informal workers presents a daunting challenge. Judy Fudge, a distinguished scholar in labor law, advocates for a paradigmatic shift towards prioritizing the worker and their economic engagements. This approach is pivotal in addressing both the vulnerabilities stemming from precarious employment and the social risks associated with it. For example, in the scenario of street vendors lacking formal employer oversight, local municipalities where they operate could potentially serve as practical alternatives to fulfill regulatory functions and ensure social protections. The implementation of proactive measures aimed at extending social protection to informal workers in India represents a critical step towards addressing longstanding gaps in labor welfare. By expanding the coverage of social security provisions beyond traditional employer-employee relationships, these measures acknowledge and cater to the diverse and often precarious nature of informal employment. It is essential to recognize the complexity of this challenge, which varies significantly across regions and occupations. The unique circumstances faced by informal workers are not addressed by uniform solutions, resulting in a nuanced approach that takes into account local contexts and specific vulnerabilities.

Central to addressing these issues is the establishment of a cohesive national policy framework specifically tailored for informal workers. Such a framework should encompass a robust social protection safety net designed to mitigate the economic insecurities and social risks inherent in informal employment. By doing so, it not only promotes economic inclusivity but also strengthens social equity by ensuring that all workers, regardless of their employment arrangement, have access to fundamental rights and protections. This comprehensive approach aligns with contemporary notions of social justice and human rights, aiming to create a more equitable society where every individual enjoys a basic level of social security.

In conclusion, the development and implementation of a tailored national policy framework for informal workers are crucial steps towards achieving a more inclusive and equitable labor environment in India. By recognizing the unique challenges faced by informal workers and designing targeted interventions to address them, policymakers can enhance social protection coverage and promote dignified living standards for a significant segment of the workforce. This proactive approach not only supports economic resilience but also contributes to broader societal goals of reducing inequality and promoting sustainable development. As India navigates the complexities of its labor landscape, prioritizing the needs of informal workers through comprehensive policy initiatives remains essential for fostering a more just and prosperous future.

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