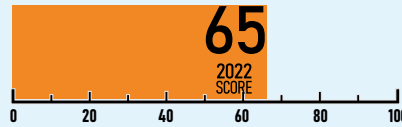




India



67 2020 SCORE

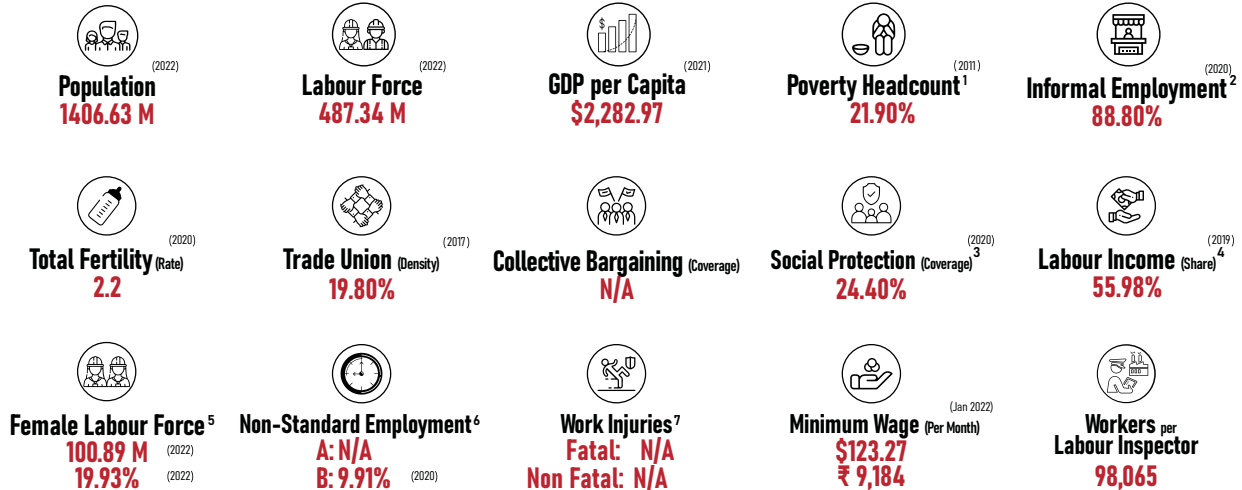
South Asia

Lower-middle income

Limited Access to Decent Work

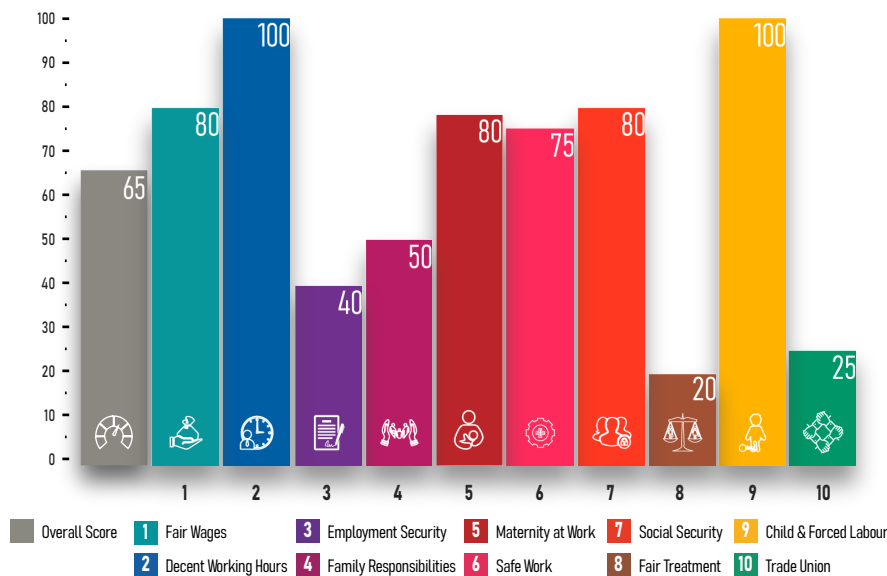


Contextual Indicators



Sources: World Bank
International Labour Organization
WageIndicator Minimum Wages and Living Wages Database
M = Million

Legislative Performance Indicators



Introduction

The Labour Rights Index 2022 (LRI 2022) is a de-jure index covering 135 economies and structured around the working lifespan of a worker. In total, 46 questions or evaluation criteria are scored across 10 indicators. The overall score is calculated by taking the average of each indicator, with 100 being the highest possible score. The Index uses a rating system, ranging from "Total Lack of Decent Work" to "Decent Work". The Labour Rights Index aims at an active contribution to the Sustainable Development Goals, by providing necessary (complementary) insights into de jure provisions on issues covered in particular by SDG8 (Decent Jobs), SDG 5 (Gender Equality), SDG 10 (Reduced Inequalities) and SDG 16 (Strong Institutions). The Index is based on national labour legislation, applicable on 1 January 2022. The Index does not take into account COVID-19 related labour market measures in its scoring.

The legal data refers to the legislation applicable to the most populous state (Uttar Pradesh, India). Different rules may apply in other jurisdictions, necessitating review of other sources. Following this approach, India's overall score is 65 out of 100. The overall score for India is higher than the regional average observed across South Asia (56.33). Within the South Asian region, the highest score is observed for Nepal (72).

¹ Proportion of population living below the national poverty line (%), as measured under SDG 1.2.1

² Share of informal employment in total employment (%), as measured under SDG 8.3.1

³ Proportion of the country population covered by social protection floors, as measured under SDG 1.3.1

⁴ Labour income (income of employees + partly income of the self-employed) as a percentage of GDP, as measured under SDG 10.4.1

⁵ The female labour force is shown in absolute number along with the female labour force participation rate

⁶ Non-Standard Employment has been defined as Part-Time Employment (A) and Temporary Employment (B)

⁷ Rate of fatal and non-fatal injuries per 100,000 workers, as measured under SDG 8.8.1

The country rating is based on the overall score of 0-100, with the following coding:

(90.5-100) Decent Work | (80.5-90) Approaching Decent Work | (70.5-80) Reasonable Access to Decent Work | (60.5-70) Limited Access to Decent Work | (50.5-60) Basic Access to Decent Work | (0-50) Total Lack of Decent Work

LABOUR RIGHTS INDEX 2022

	Question ⁹	Answer	Legal Basis	Trend ¹²
1. Fair Wages	Does the law prescribe minimum wage rates in the country?	Yes	§3-5, 18-22, 27 & 28 of Minimum Wages Act 1948	●
	Does the law require regular payment of wages?	Yes	§3-6 & 11 of Minimum Wages Act 1948; §3-7 of the Payment of Wages Act 1936	●
	Does the law require overtime compensation be at least 125% of the regular hourly rate?	Yes	§59 of Factories Act 1948	●
	Does the law require additional compensation for working on a weekly rest day?	Yes	§53 of Factories Act, 1948	●
	Does the law require additional compensation for night work?	No	§57 of Factories Act 1948	●
2. Decent Working Hours	Does the law stipulate general working hours as 48 hours or lower?	Yes	§51-63 of Factories Act 1948	●
	Does the law restrict maximum working hours including overtime to 56 hours per week?	Yes	§56 of Factories Act 1948	●
	Does the law require a weekly rest of at least 24 hours?	Yes	§52-53 of Factories Act 1948	●
	Does the law require paid public holidays?	Yes	National and Festival Holiday Act	●
	Does the law require at least three working weeks of paid annual leave?	Yes	§79-82 of Factories Act 1948	●
3. Employment Security	Does the law require written employment contracts or at least written employment particulars?	No	Uttar Pradesh Dookan Aur Vanijya Adhishthan Adhinyam, 1962	●
	Does the law restrict the hiring of fixed-term contract workers?	No	§1 & 10 of the Contract Labour (Regulation & Abolition) Act, 1970	●
	Does the law limit the length of probation period including renewals to a maximum of 3 months?	No	§2 of the Model Standing Orders	●
	Does the law require a 30-day notice before contract termination?	Yes	§2, 25(F-N) of Industrial Disputes Act 1947; §15 of the Model Standing Orders	●
	Does the law require severance pay at the rate of at least 2 weeks of wages for every year of service?	Yes	§25(F) of Industrial Disputes Act, 1947; §4 of the Payment of Gratuity Act, 1972	●
4. Family Responsibilities	Does the law require parental leave for parents?	No	No applicable legal provisions could be located	●
	Does the law require at least one week of paid paternity leave for fathers?	No	No applicable legal provisions could be located	●
	Does the law require flexible work arrangements for workers with family responsibilities?	Yes	§5 of the Maternity Benefits Act 1961, amended in 2017	●
	Does the law require paid nursing breaks?	Yes	§11 & 11A of the Maternity Benefits Act 1961	●
5. Maternity at Work	Does the law prohibit inquiring about pregnancy during recruitment?	No	§6(1) of Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2016	●
	Does the law require paid maternity leave of at least 14 weeks?	Yes	§3-10 of the Maternity Benefits Act 1961; §43 of the Central Civil Service (Leave) Rules 1972	●
	Does the law require cash maternity benefit be at least 67% of a worker's former wage?	Yes	§5 of the Maternity Benefits Act 1961	●
	Does the law require maternity benefit be paid through contributory social insurance or universal benefits system?	Yes	§5 of the Maternity Benefits Act 1961	●
	Does the law protect workers from dismissals during or on account of pregnancy?	Yes	§12 of the Maternity Benefits Act 1961	●
6. Safe Work	Does the law require provision of free personal protective equipment to workers from employer?	Yes	§35 & 87 of Factories Act 1948	●
	Does the law require the employer to train workers on health and safety issues?	Yes	§35 & 87 of Factories Act 1948	●
	Does the law restrict work that is prejudicial to the health of the mother or the child?	No	§4 of the Maternity Benefits Act 1961	●
	Does the law provide for employment injury benefit?	Yes	§46 of the Employees State Insurance Act 1948; ISSA Country Profile for India	●
	Does the law provide for an old age pension?	Yes	§12 of Employees' Pension Scheme 1995; ISSA Country Profile for India	●
7. Social Security	Does the law provide for a dependants/survivors' pension?	Yes	§16 of Employees' Pension Scheme 1995; ISSA Country Profile for India	●
	Does the law provide for unemployment benefit?	Yes	Employees' State Insurance Act No. 34 of 19 April, on social security, 1948; ISSA Country Profile for India	●
	Does the law require paid sick leave for the first 6 months of sickness?	No	Employees' State Insurance Act No. 34 of 19 April, on social security, 1948; ISSA Country Profile for India	●
	Does the law provide for invalidity benefit?	Yes	§12 of Employees' Pension Scheme 1995; ISSA Country Profile for India	●
	Does the law require equal remuneration for work of equal value?	No	§4 of the Equal Remuneration Act 1976	●
8. Fair Treatment	Does the law prohibit sexual harassment in employment?	Yes	§2 & 26 of the Sexual Harassment of Women at Workplace Act 2013, §354 (A) of the Penal Code	●
	Does the law prohibit discrimination in employment matters? ¹⁰	No	§14-16 of Indian Constitution 1949; §4 of the Equal Remuneration Act 1976	●
	Does the law allow women to do the same jobs as men?	No	§19(1)(g) of Indian Constitution 1949; §27, 66 & 87 of the Factories Act 1948	●
	Does the law guarantee basic labour protections for gig economy workers?	No	No applicable legal provisions could be located	●
	Does the law prohibit employment of children?	Yes	§21(A) & 24 of Indian Constitution, 1949; §2-7 of the Child Labour (Prohibition & Regulation) Act, 1986	●
9. Child and Forced Labour	Does the law set employment entry age equal to or higher than the compulsory schooling age?	Yes	§3 of the Right of Children to Free and Compulsory Education Act, 2009	●
	Does the law prohibit the employment of children in hazardous work under the age of 18 years?	Yes	§3, 3A and Schedule of the Child Labour (Prohibition & Regulation) Act 1986; §71 of the Factories Act, 1948	●
	Does the law prohibit forced labour?	Yes	§4 & 16 of the Bonded Labour System (Abolition) Act 1976; §370 and 374 of the Penal Code, 1860	●
10. Trade Union	Does the law allow workers to form and join unions of their own choice?	Yes	§19 of Indian Constitution 1949; §2-9 & 25 of the Trade Union Act, 1926; §9A of Trade Unions Act 2001	●
	Does the law allow workers to bargain collectively with employers through their representative unions?	No	§15-20 of the Industrial Dispute Act 1947; Uttar Pradesh Industrial Disputes Rules, 1957; USDOS CRHRP 2021	●
	Does the law provide for the right to strike?	No	§2, 22-25 of the Industrial Disputes Act 1947; §2 & 3 of Essential Services Maintenance Act 1981	●
	Does the law prohibit employers from terminating employment contracts of striking workers?	No	§5 of Essential Services Maintenance Act 1981	●

Covid 19 and Labour Market in India*

Total Covid Cases	43.80 Million
Total Covid Deaths	525,821
Partial Vaccinated	75.0%
Fully Vaccinated	68.0%

Wage Subsidies	✘
Social Security Contributions (deferrals/waivers)	✔
Paid Sick Leave	✘
Add. Unemployment Benefits	✘

Protection from Dismissals	✔
Telework/flexible work	✘
Improved Health Access	✔
Training (activation measures)	✘

⁹ The Index has 10 indicators and 46 evaluation criteria or questions.

¹⁰ The prohibited grounds for discrimination are "race, colour, sex, religion, political opinion, national extraction or social origin, age, disability and trade union membership". A score of 1 is assigned only if a country has prohibited discrimination on at least 7 of the above 10 grounds.

¹¹ A country's score on LRI's Trade Union indicator must also be read together SDG indicator 8.8.2 which measures the level of national compliance with labour rights (freedom of association and collective bargaining) based on ILO textual sources and national legislation. It has a range from 0 to 10, with 0 being the best possible score (indicating higher levels of compliance with FACB rights) and 10 the worst (indicating lower levels of compliance with FACB rights). No score is available for the India on SDG 8.8.2

The Index uses Observations/Direct Requests from ILO CEACR and the US Department of State's Country Reports on Human Rights Practices (US DOS CRHRP) to measure a country's compliance on the Trade Union indicator.

¹² In order to measure the trend in country's legislative performance over the last edition of the Labour Rights Index (2020), the legislative table indicates improvement or worsening of labour rights in country through the following colours.

- Score increase
- Score decrease
- Score adjustment
- No change