

Recent Labour Law Reforms in India and Alignment with International Labour Standards

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Abstract

This research examines the alignment of India's recent labor law reforms encompassing the Code on Wages, Industrial Relations Code, Code on Social Security, and Occupational Safety, Health & Working Conditions Code with international labor standards set by the International Labour Organization. While these reforms aim to simplify legislation and enhance worker welfare, their compatibility with ILO conventions remains a subject of critical scrutiny. The analysis reveals a mixed alignment: the Code on Wages and Code on Social Security show broad intent towards international norms, yet face challenges in implementation and adequacy. Conversely, the Industrial Relations Code and the OSH Code exhibit partial alignment, particularly due to restrictions on fundamental rights like freedom of association and collective bargaining, and weak enforcement mechanisms. India's non-ratification of several core ILO conventions further highlights potential divergences. This study identifies critical gaps and underscores the need for enhanced convergence between India's legislative framework and global labour principles to ensure decent work and robust worker protection.

Keywords: India Labor Law Reform, International Labour Organization, ILO Conventions, Worker Protection, Industrial Relations

1. Introduction

The interconnectedness of the global economy and labour markets has accentuated the critical significance of robust labour regulations, universally recognized principles, and the pursuit of decent work for all. At the forefront of establishing such global benchmarks is the International Labour Organization (ILO), a specialized agency of the United Nations. The ILO's unique tripartite structure, involving governments, employers, and workers, ensures a comprehensive and inclusive approach to shaping international labour policy (Goethem, 2024). Through its conventions and recommendations, the ILO sets universal labour norms designed to improve working conditions and protect workers' rights worldwide (Daele, 2008).

The ILO's mandate is fundamentally underpinned by its core principles and rights at work, which are formally articulated across eleven central conventions. These cover vital aspects such as “freedom of association and the effective recognition of the right to collective bargaining”, the “elimination of all forms of forced or compulsory labour”, the “effective abolition of child labour”, and the “elimination of discrimination in respect of employment and occupation” (ILO, 2023). A cornerstone of the ILO's agenda is the concept of “decent work,” which aims to ensure productive work that delivers fair income, security in the workplace,

social protection for families, and better prospects for personal development and social integration (Grasten et al., 2020; Rantanen et al., 2020). Member countries that ratify these conventions are legally bound to align their national laws with these international standards, reflecting a commitment to global labour justice (Goethem, 2024; “Key Global Organizations,” 2020).

In parallel, India, a significant global economic player, has undertaken ambitious reforms of its own labour legal framework. Faced with a complex landscape of numerous, often outdated, labour laws, the Indian government initiated a massive consolidation exercise. This led to the amalgamation of 44 central labour laws into four broad Labour Codes: The “Code on Wages”, 2019 (CoW); the “Industrial Relations Code”, 2020 (IRC); the “Code on Social Security”, 2020 (CSS); and the “Occupational Safety, Health & Working Conditions Code”, 2020 (OSH). These reforms were primarily aimed at simplifying the regulatory environment, promoting ease of doing business, and ostensibly enhancing worker welfare by extending coverage for minimum wages and social security to a wider segment of the workforce (NITI Aayog, 2021).

However, the introduction of these new labour codes has sparked considerable debate and scrutiny regarding their compatibility with established international labour standards (ILS) and India's obligations under ILO conventions. While the reforms aim to streamline and modernize India's labour laws, questions persist about their practical implementation and potential impact on various sectors, including the unorganized and IT sectors (Ramaswamy & Binnuri, 2023). This research will do a comprehensive analysis of India's recent labour law reforms (LLR), assessing their key provisions against the fundamental principles and rights enshrined in ILS, with a specific focus on ILO conventions, to determine the extent of their alignment and identify areas where further convergence may be necessary.

2. Literature Review

Academic discourse has extensively scrutinized India's significant LLR, implemented between 2019 and 2020, which involved consolidating 44 central labour laws into four comprehensive codes: the CoW, the IRC, the CSS, and the OSH (Ramaswamy & Binnuri, 2023; Sankaran, 2020). Scholars like Ramaswamy and Binnuri (2023) highlight the stated objective of these reforms as simplifying the regulatory landscape and promoting ease of doing business, yet they critically examine their practical impact, especially on the unorganized and Information Technology sectors, noting persistent issues despite the consolidation.

A significant body of research scrutinizes the alignment of these new Indian labour codes with ILS. While the right to social security is recognized as a fundamental ILS (Razavi, 2022), and the CSS 2020 aims to address this, concerns remain about its comprehensive application. Studies, such as those by Bhuta (2022) critically analyze the IRC, 2020, pointing out its potential ramifications for trade unionism and the right to strike, suggesting a possible divergence from the ILO's core principles of freedom of association and collective bargaining.

The academic discourse further explores the changing nature of work, specifically addressing the challenges encountered by platform-based gig workers, who have historically been excluded from the purview of Indian labour legislation (Rane, 2024). The evolving nature of employment also brings forth discussions on contemporary concepts such as the "Right to

Disconnect," with arguments for its codification to promote a more equitable and sustainable work-life balance within the modern workplace (Gupta & Vashisht, 2024). Overall, existing research emphasizes that while India's labour reforms aim to modernize its regulatory framework, their effectiveness in upholding workers' rights and fully aligning with ILS remains a subject of ongoing critical evaluation and debate.

3. Research Gap

Despite the considerable academic attention given to India's recent LLR, a noticeable gap remains in comprehensive, comparative analyses. There is a lack of detailed studies that systematically assess the specific provisions of each of India's four new Labour Codes against the articles of pertinent core and governance ILO conventions. Specifically, there is a need for research that investigates the level of alignment of the new labour codes with the ILO conventions.

4. Research Objectives

This research aims to:

- i. Examine the fundamental principles and rights enshrined in ILO conventions.
- ii. Assess the extent to which India's new labour codes align with these ILS.
- iii. Identify potential areas of divergence or gaps between India's LLR and ILO principles.
- iv. Propose recommendations for enhancing the convergence of India's labour legal framework with global labour norms to ensure decent work and worker protection.

5. Research Methodology

This study adopts a legal-doctrinal approach, complemented by a comparative analysis of legislative texts, academic interpretations, and official commentaries from both Indian government bodies and international organizations, to meticulously evaluate the stipulations of the four Indian Labour Codes against the foundational principles and specific articles of pertinent ILO conventions. This rigorous examination will involve a thorough cross-referencing of the provisions embedded within India's recently enacted labour codes against the precise stipulations of crucial ILO conventions. These conventions encompass fundamental aspects such as freedom of association, collective bargaining, and the eradication of forced and child labour.

6. Results and Discussion

Table 1 provides a comprehensive listing of the eleven fundamental conventions and protocols established by the ILO. These instruments establish universally recognized human rights at work, covering critical areas such as "freedom of association" (C087), the "right to collective bargaining" (C098), the "elimination of forced labour" (C029, C105, P029), the "effective abolition of child labour" (C138, C182), and the "elimination of discrimination in employment" (C100, C111). The table also includes essential conventions on "occupational

safety and health” (C155, C187), demonstrating the ILO's comprehensive approach to safeguarding worker well-being.

Table 1: Fundamental Conventions and Protocols of ILO	
S. No.	Conventions
1	C087- “Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)”
2	C098- “Right to Organise and Collective Bargaining Convention, 1949 (No. 98)”
3	C029 - “Forced Labour Convention, 1930 (No. 29)”
4	C105- “Abolition of Forced Labour Convention, 1957 (No. 105)”
5	C138- “Minimum Age Convention, 1973 (No. 138)”
6	C182- “Worst Forms of Child Labour Convention, 1999 (No. 182)”
7	C100- “Equal Remuneration Convention, 1951 (No. 100)”
8	C111- “Discrimination (Employment and Occupation) Convention, 1958 (No. 111)”
9	C155- “Occupational Safety and Health Convention, 1981 (No. 155)”
10	C187- “Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)”
11	P029 – “Protocol of 2014 to the Forced Labour Convention, 1930”
Source: https://www.ilo.org/international-labour-standards/conventions-protocols-and-recommendations	

A notable observation from an examination of India's ratification status reveals that while the nation has adopted several foundational ILO conventions, a significant number, specifically 54, remain unratified, including 5 critical governance instruments as depicted in table 2.

Table 2: Fundamental Conventions and Protocols of ILO not ratified by India	
S. No.	Conventions
1	C087- “Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)”
2	C098- “Right to Organise and Collective Bargaining Convention, 1949 (No. 98)”
3	C155- “Occupational Safety and Health Convention, 1981 (No. 155)”

4	C187- “Promotional Framework for Occupational Safety and Health Convention, 2006 (No. 187)”
5	P029 – “Protocol of 2014 to the Forced Labour Convention, 1930”
Source: https://normlex.ilo.org/dyn/nrmlx_en/f?p=1000:11210:0::NO:11210:P11210_COUNTRY_ID:102691	

This selective ratification highlights a potential discord between India's stated commitment to ILS and its actual legislative integration, particularly concerning critical tenets of worker autonomy and safety (Krishna, 2025).

Table 3 provides a concise yet critical assessment of the alignment between India's four new Labour Codes and relevant International Labour Organization Conventions and Recommendations.

Table 3: Alignment of New Labour Code of India to Conventions / Recommendations		
Indian Labour Code	Major Provisions / Themes	Relevant ILO Conventions / Recommendations
Code on Wages, 2019	Consolidation of Minimum Wages Act, Payment of Wages Act, Equal Remuneration Act, Bonus Act	C26: Minimum Wage Fixing Machinery, 1928 C131: Minimum Wage Fixing, 1970 C100: Equal Remuneration, 1951 C95: Protection of Wages, 1949
Industrial Relations Code, 2020	Trade unions, recognition, standing orders, strikes, industrial disputes	C87: Freedom of Association, 1948 C98: Right to Organise and Collective Bargaining, 1949 C135: Workers’ Representatives, 1971 C154: Collective Bargaining, 1981
Code on Social Security, 2020	Provident Fund, ESI, maternity benefits, gratuity, gig/platform workers, unorganized sector	C102: Social Security (Minimum Standards), 1952 C118: Equality of Treatment (Social Security), 1962 C183: Maternity Protection, 2000 R202: Social Protection Floors, 2012 C122: Employment Policy, 1964

Occupational Safety, Health and Working Conditions (OSH) Code, 2020	Workplace safety, health standards, working hours, contract labour, women's employment	C155: Occupational Safety and Health, 1981 - C187: Promotional Framework for OSH, 2006 - C1: Hours of Work (Industry), 1919 - C183: Maternity Protection (as applicable to OSH) - C29 & C105: Forced Labour Conventions (relevant to safe and voluntary conditions of work)
Source: Author's view		

The CoW, 2019, which consolidates previous laws on minimum wages, payment of wages, equal remuneration, and bonus, may be categorized as "Broadly Aligned" with ILO Conventions like C26, C131, C100, and C95. This code has many positive aspects such as the introduction of a universal floor wage and gender equality provisions, enhancing coverage. However, there may exist significant gaps related to the enforcement and adequacy of minimum wages, indicating that while the legislative intent is aligned, practical implementation requires improvement.

In contrast, the IRC, 2020, covering trade unions, industrial disputes, and strikes, may be deemed "Partially Aligned." This code is assessed against fundamental conventions such as C87 and C98—which, as discussed earlier, India has not ratified earlier (Up-to-Date Conventions and Protocols Not Ratified by India, 2025). While the right to form unions is retained, the code imposes procedural restrictions, including a 14-day strike notice and higher thresholds for union recognition or closure. These restrictions have raised concerns from the ILO itself, suggesting they may limit the effective exercise of freedom of association and collective bargaining rights (Bhuta, 2022).

The CSS, 2020, designed to cover provident fund, ESI, maternity benefits, and extend to gig/platform workers, may be stated as "Aligned in Intent" with conventions like C102, C118, C183, C122, and R202. The expansion of statutory coverage, particularly the recognition of gig and platform workers, is identified as a significant step towards universal social protection. Nevertheless, challenges pertaining to implementation, financing, adequacy of benefits, and portability across states may remain, affecting its full alignment.

Finally, the OSH, 2020, also may be considered "Partially Aligned." Although it consolidates laws for workplace safety and health standards and includes gender-neutral provisions, existence of weak enforcement capacity and delayed rule-making can't be ignored. This directly impacts its practical alignment with key ILO Conventions such as C155 and C187, neither of which India has ratified so far (Up-to-Date Conventions and Protocols Not Ratified by India, 2025). The analysis underscores that despite legislative intent; the lack of robust enforcement mechanisms and specific rules detracts from achieving the full spirit of these international OSH standards.

Overall, Table 3 reveals a mixed picture. While India's new labour codes exhibit a strong intent towards alignment with international standards, particularly in areas like wages and social security, critical gaps may persist, especially concerning the practical implications for freedom of association, collective bargaining, and effective enforcement of OSH standards. These gaps are often amplified by India's non-ratification of key fundamental ILO conventions.

7. Conclusion and Implications

India's recent LLR, consolidating 44 central laws into four comprehensive codes, represent a significant effort to modernize its regulatory framework. At this stage it can be said that the alignment of these new codes with the ILO standards presents a mixed picture. While the CoW, 2019, and the CSS, 2020, show broad alignment and positive intent, particularly in expanding coverage to gig workers and aiming for universal floor wages, their effective implementation, enforcement, and adequacy remain critical challenges.

A key implication arises from India's non-ratification of several fundamental ILO conventions, including C087 and C098 (Up-to-Date Conventions and Protocols Not Ratified by India, 2025; Ratifications for India, 2025). This non-adherence is particularly pertinent to the IRC, 2020, which, despite retaining the right to form unions, imposes procedural restrictions that the ILO itself has flagged as potentially limiting the effective exercise of these fundamental rights (Bhuta, 2022). Similarly, the OSH, 2020, though improving clarity, faces practical alignment issues due to weak enforcement capacity and delayed rule-making, further complicated by India's non-ratification of key OSH conventions like C155 and C187 (Up-to-Date Conventions and Protocols Not Ratified by India, 2025).

The implications for India are multifaceted. While the reforms aim to boost ease of doing business, the identified gaps in alignment and enforcement could lead to continued concerns regarding worker protection and rights. For India to fully embrace its role as a global economic power with robust labour standards, further efforts are needed to address these divergences. This includes critically evaluating the impediments to ratifying fundamental ILO conventions, strengthening enforcement mechanisms, and ensuring that the practical application of the new codes genuinely reflects the spirit of international labour principles, thereby fostering decent work for all.

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