

Labour Trauma and Turbulence at the Time of COVID-19 and Role of Media

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Abstract

Covid-19 has brought us to a crucial crossroads. On the one hand, we cannot have the poor, the labourers and the migrants bear the brunt of the effort to contain the spread of the virus, nor do we want to weaken the foundations of the economy so much that we emerge from the pandemic onto an economic wasteland. The present paper seeks to analyse and assess the impact of Covid-19 emergency with special reference to labour and migrant workers in India and role of media. Also, it seeks to evaluate the efficacy of different labour law norms and institutions and the workplace and other arrangements including those by non-governmental organisations to tackle the crisis within a view to communicate the immediate, medium and long term issues and challenges involved.

Keywords: Migrant Labour, Pandemic, Labour laws, Role of Media, Development

Introduction

Though the World Health Organisation (WHO) declared COVID-19 as pandemic on 11.03.2020, Indian state took a serious note of the crisis and declared complete lockdown on 22.03.2020. According to WHO, Coronaviruses are a large family of viruses which can cause illness in humans, known to cause respiratory infections. People can expose themselves to COVID-19 from others who carry the virus. The disease can spread from person to person through small droplets from the nose or mouth which are spread when a person with COVID-19 coughs or exhales. The droplets land on surfaces around the person and other people by touching these objects or surfaces can catch COVID-19. People can also catch COVID-19 if they breathe in droplets from a person with COVID-19 who coughs out or exhales droplets.

***Factual scenario of the Indian Labourer and Legal provisions**

India's large working population is the part of the unorganized sector that is over 94 percent [1]. The Indian labour market is divided in two segments viz organized or formal sector and other is unorganized sector which is also known as informal sector. Migrant labourers form the largest part of India's vast unorganized work sector. Their entry into the labour markets is marked with several endemic disadvantages. Devoid of critical skills, information and bargaining power, migrant workers often get caught in exploitative labour arrangements that forces them to work in low-end, low-value, hazardous work. Lack of identity and legal protection accentuates this problem. The hardships of migrant workers are especially magnified when state boundaries are crossed and the distance between the "source" and "destination" increases. Migrants can also become easy victims of identity politics and parochialism.

It is relevant to refer to what Justice Bhagwati had observed in Francis Coralie v. Delhi [2],

"We think that the right to life includes the right to live with human dignity and all that goes along with it, namely, the bare necessities of life such as adequate nutrition, clothing and shelter over the head and facilities for reading, writing and expressing oneself in diverse forms, freely moving about and mixing and commingling with fellow human beings."

Out of 41 million total migrant workers, every year over 9 million labourers migrate outside their states, About 5 millions of them move out to bigger cities within their states. If we look at any legal mechanism to address all issues relating to this, we find that there is one legislation called Inter-State Migrant Workers Act, 1979 which was put in place to safeguard migrants. However, it is a pity that it has become obsolete and we do not find its effective implementation in any of the states. A serious constraint in



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Framing an effective policy is the lack of credible data on incidence of seasonal migration.

Census and NSS that have a significant impact on policy making are unable to capture seasonal and circular migration. Migrants may also be missed out in BPL Surveys. Above all, they are unable to participate in the formal electoral system and are denied a fundamental citizenship right - their right to vote. The Disaster Management Act, 2005 was enacted for setting up the National Disaster Management Authority and State Disaster Management Authority respectively and to have a unified command over disaster management. The powers of the National Executive Committee and the State Executive Committee have been listed in the Act. A reading of the provisions of the Act would show that powers have not been vested with either the State or the Central Government to direct private employers to pay wages during a disaster despite the employees not working. The scope of the Act empowers committees to frame plans to meet disasters.

The Epidemic Diseases Act was enacted in 1897 to stop the spread of bubonic plague in then Bombay (now Mumbai). The objective of the Act was to prevent the spread of epidemic diseases. Under the Act both the Central and the State governments have the powers to take measures in order to control the epidemic. Section 2 of the Act, confers States with the following special powers: To take "measures and, by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons as it shall deem necessary to prevent the outbreak of such disease or the spread thereof, and may determine in what manner and by whom any expenses incurred (including compensation if any) shall be defrayed."

The substantial part of the Act is Section 2 and it only enables the government to prescribe measures to prevent the outbreak of such disease or the spread thereof. The same certainly does not clothe the government with a power to direct a private employer to pay wages.

These are the two enactments based on which the governments have been issuing directions. Given the provisions of both the Acts and the language of the sections as analysed above, there is no statutory provision to support the directions of the Central or State government with regard to payment of wages.

Provision of Lay-offs

In common law, an employer could lay off employees without payment of wages. To remedy such a situation, provisions were introduced in the Industrial Disputes Act 1947, for payment of compensation in the event of a lay-off. The legislature in its wisdom introduced a term called "lay off" under the ID Act and mandated payment of compensation in certain circumstances and prohibited lay off in certain circumstances.

Section 2 (kkk) defines the term "Lay off". As per the definition, if an employer is unable to provide employment to an employee due to a natural calamity or for any other connected reason, then the same

would fall within the definition of "Lay off". Section 25C [4] of the ID Act mandates employers laying off workmen to pay a compensation equivalent to 50 per cent of the wages. Section 25M of the ID Act requires an industrial establishment with more than 100 workmen to seek prior permission. However, such permission is not mandated if the lay-off is due to a natural calamity.

The Industrial Disputes Act 1947 is a Special Law which mandates payment of lay-off compensation in the event of a natural calamity or other connected reasons. The liability in this Special Law which is specific has restricted the payment of 50 percent of wages as compensation. Being so the various directions/circulars/communications of the government can at best be advisory and not mandatory. The government may decide to use this legal provision in due course.

India being an agricultural economy has entered a multi-layered crisis because of a sudden announcement of the nation-wide lockdown and the labour sections all across have faced the major brunt of this. The Central Government, invoking the provisions of the Disaster Management Act 2005 (DMA, 2005) has declared a lockdown until April 14. The State Governments invoking the provisions of Epidemic Diseases Act, 1897 (EDA) have framed certain regulations and have issued certain directions/guidelines/communications. The directions issued by the government to employers to pay wages to all the workmen neither comes within the framework of the Disaster Management Act and Epidemic Diseases Act nor is backed by a statutory law.

Some disturbing trends

One of the defining visuals of the migrant movement came from Anand Vihar bus terminal in Delhi, where thousands gathered on March 28, with hopes of travelling to Bihar and Uttar Pradesh. The event highlighted the failure of the governance in assuaging their concerns and enforcing the lockdown, which was meant to ensure social distancing to "break the chain" of virus spread. In another place in Varanasi, the constituency of Prime Minister Narendra Modi, a village head (Pradhan) faced a dilemma a few days ago. In front of him were three migrant labourers who returned to the hamlet after a strenuous journey and two groups of villagers who were guarding the borders of the village did not allow the travelling people to come back to their village homes.

In a similar episode, a 39-year-old who worked as a food delivery person in Delhi was not that fortunate. He set out on foot for his home in Madhya Pradesh's Morena, around 325 km from Delhi. He collapsed halfway through in Agra and breathed his last. Tens of thousands could not leave and are still confined to their cramped accommodation in the cities. Those who are stranded are housed in relief camps – the Ministry of Home Affairs (MHA) puts this number at around 675,000 in over 21,486 shelters – set up in cities and along highways.²

State-wise Response

If we assess the efficacy of labour laws in the Indian labour market, it is found that there have been

varying tendencies as far as central and state government's decisions are concerned. India being a Federal state both Centre government and State governments have their prerogatives and rights to frame and enact laws for the welfare of the labour and working classes.

If we look at it in view of the policy framework, amidst the Federal structure of India, both the central government and state government have the right to frame laws and implement regulations so far as trade unions, labour markets and disputes are concerned. This issue falls under the concurrent list which is also known as the 3rd list in which both the central government and state governments may either collectively or in their own capacity frame laws for the benefit and welfare of the labour class which includes migrant workers, construction workers and others.

In the wake of COVID-19, Centre government has issued instructions to companies to ensure that workers specially contract labour who had to be away from the work as a precaution towards safety from coronavirus pandemic to be treated On duty and efforts should be made not to deduct the salaries,

It is important to point out that in the industry disputes act, there are a number of situations and conditions in which labour interests and wages are protected however there is no provision to protect the salaries in the case of epidemics. In the sections pertaining to the lay off. There are detailed discussions as to when can the wages and allowances of the labour community can be protected and the heavy in several instances where cord soft law have come out in defence of the labour community however days at acute inadequacy of legal provisions as far as protecting The interest of labour community in the case of appending make like coronavirus It will also be meaningful to look at how different state governments have responded to this situation.

The State Government of Karnataka for example has assured that 2000 rupees per month will be given to the construction workers in the state of Karnataka and along with that 2 months of public distribution system and social security pension for ration card holders will be given to be able to prepare them to face the crisis of Corona 19.

In another state of Kerala, the government of Kerala has announced that 35 kg rice for the below the poverty line (BPL) cardholders along with 15 KG rice for APL card holders. The government of Kerala who was the 1st one to receive the patients of Corona in the beginning, had started about 5100 relief camps also to take care of the labourers in transit and to stop the spread of this fatal disease. The chief minister of Kerala was the one who announced a 20,000 crore rupees package for the corona relief operations.

They have done a broad survey of the number of migrant workers also in the state and the number stands at 1, 44, 145 and the moment. It will be also addressed looking at the case of Maharashtra. Maharashtra being the largest capital state announced that about 262 relief camps in which around 79000399 migrant workers have been housed.

In addition, the government has made provisions to prepare the food and distribute that to about half a million migrant labourers³. The state government has also come forward to provide financial assistance to about 1.2 million registered construction workers in the state.

The Government of Gujarat has also provided food in accommodation in each district so that migrant labourers can be protected from the disease which has caused trouble all over the country. If you look at the number of shelter houses for migrant labourers in the state of Delhi, the number that the government has declared is 125.

In the state of Andhra Pradesh, the state government established about 294 camps for about 18000 migrant workers and has been active in assisting the interests of migrant labourers. To help the cause of migrant labourers, the government of Uttar Pradesh (UP) has made efforts to ensure door-step ration delivery to the migrant labourers. The government of Tamilnadu has also reacted sharply to the crisis and established canteens to cater to the migrant workers. Not much has been done in the name of setting up separate shelter houses for the migrant labourers in the state of telangana. It has been announced that 12 kg of Rice and Rs. 500 cash assistance will be provided to all the labour class people who were taken shelter in the shelter houses.

Concerns of Labour Exodus

The coronavirus-enforced lockdown has triggered a mass exodus of migrant workers across India. In view of the serious consequences that the mass exodus may lead to, the Union Home Ministry has asked state governments to prevent a mass exodus of migrant agriculture labourers, industrial workers and unorganised sector employees from their workplaces to hometowns amid the nationwide lockdown. The home ministry has also advised the states and UTs to ensure that hotels, rented accommodations, hostels etc., continue to remain functional and delivery of essential items is streamlined, so that students, working women hostel inmates etc., are allowed to continue in existing facilities observing precautions.

It has been announced that special 'Shelter or Relief camps' should be set up along with the National Highways for the migrant walking on foot so that such migrant labourers can stay in these camps and no one should be allowed to roam around on roads. Apart from this district-level call centers should also be set up.⁴

Some of the major concerns of the mass exodus due to covid-19 can be studies as under:

Lack of access to basic needs

The Covid-19 lockdown has caused huge unrest and anxiety because of lack of basic needs. At some places, some grocery stores have started hoarding and inflated the prices of basic necessities such as flour, sugar, oil, salt.

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Violation of Human Rights

Corona pandemic restrictions particularly imposition of lockdown in different parts of the world has led to violation of human rights and decay of human values. Oxford University has conducted a survey that the Indian lockdown was one of the most severe in nature and loss of livelihood and jobs was a major cause of concern.

Acceleration of the Virus Spread

Some countries did not observe the covid protocol and allowed the massive outbreak of the harmful disease. This caused the panic situation as far as the general public health is concerned and complete chaos was witnessed as a consequence.

Uncertain future due to loss of Livelihood

Corona pandemic restrictions particular lockdown caused a sense of anxiety and uncertainty about future among people below the poverty line and also among the middle class of society.

Adverse Impact on Local Economy

As a result of the coronavirus restrictions the wheel of all business activity came to a halt and it created an adverse impact on the local economy which will not go to recover from that very soon and may cause several long term drawbacks.

Irrational Approach

Further, the direction issued by the government to pay full wages is a bonanza to employees, not merely because they earn it without having to work. The directions of the government have in fact resulted in the employees taking home more wages/salary than they normally would earn. The example shown in the Table demonstrates as to how an employee who does not contribute to the country's economy or to his employer earns more than he would earn normally.

Reactions on a Global Landscape

Considering the burden of lockdown would have on industries, governments across the globe have taken measures to aid the employers. Denmark has announced that it will cover 75 per cent of wage bills. Canada has implemented a wage subsidy scheme. England has provided for 80 per cent of average earnings to be subsidised. Malaysia is providing a wage subsidy of RM 600/month for three months for employees earning less than RM 4,000. 5.

Australia has framed a "Job keeper" wage subsidy plan. An employer will be able to claim a fortnightly payment of \$1,500 (before tax) per eligible employee from March 30, 2020, for a maxim. Ireland has announced a Wage Subsidy scheme, which refunds employers up to 70 per cent of an employee's wages — up to a level of €410 to allow employers to pay their employees during the current pandemic.

The Netherlands allocated a package covering compensation of up to 90 per cent of labour costs for companies expecting a reduction in revenues of 20 per cent or more, while New Zealand is to pay a lump sum 12-week wage subsidy to support employers severely affected by the impact of Covid-19 (NZ\$9.3 billion)

Way Forward

The Indian Government would need to come up with a scheme to subsidise employers towards the wages paid during the lockdown. The scheme can be linked to profits earned by the industrial establishment and the wage bill for a month. In the absence of such a scheme, private employers especially small and medium industries will be put through hardships that could even bankrupt them.

The government while drawing a stimulus or revival plan for the economy should certainly consider subsidising the wage cost for the lockdown period, if not in entirety, at least in part. If for any reason the government decides to extend the lockdown it should bear the wage burden and should not give any advisory for payment of full wages given it lacks the authority to do so.

The Global and national health agencies have developed an elaborate health framework as a bulwark against known and unknown infectious disease threats particularly epidemics and pandemics. The framework of various formal and informal networks of organizations that serve different stakeholders have been put to test from time to time. Over the past decades, the number of notifiable diseases was reduced to four (plague, yellow fever, cholera and smallpox) under the revised International Health regulations (1969) then three by 1980 after successful vaccination campaigns eradicated smallpox in 1979.

But by 2007, after bird flu (H5N1) emerged in 1997, followed by severe acute respiratory syndrome (SARS) in 2003, the conversation changed. It was clear the world needed a different approach and the International Health Regulations (2005) developed an algorithm requiring countries to inform the WHO of any event potentially posing an international public health threat. Four criteria for such a threat were laid out: it had to be unusual, severe, likely to spread, likely to hamper international travel and trade. Under the IHR (2005) WHO should be notified of any infectious hazards, or chemical or radionuclide threats with these characteristics.

However, the increase in mobility, air traffic and urbanization made outbreaks spread faster and further. In 2014-2015, a total of 119 countries were threatened by 272 epidemic events due to pandemic and epidemic diseases. The threats due to epidemics and pandemics have assumed an alarming proportion and when we see the data in the last ten years, major global events such as H1N1 pandemic influenza 2009, MERs CoV, Ebola in West Africa, Zika virus have completely shaken the world. There have been demands from all corners to develop an alternative framework as far as international instruments governing global health are concerned.

As a consequence, a review meeting was undertaken to take stock of the implementation of the IHR (2005) which was subsequently discussed at the World Health Assembly (WHA). The outcome was that the provisions under IHR (2005) are robust, but the implementation is uneven and therefore such challenges. Many leakages remain threatening global

health security which leads to unprecedented challenges such as international spread of Ebola virus in 2014. Proverbially, it can be said that our world is only as strong as its weakest links and it is a real challenge to build a leak-proof framework¹.

The evolving public health system has done much to protect and promote human health. However, the increasingly globalised world continues to be confronted by longstanding, emerging, and re-emerging infectious disease threats. These threats differ widely in terms of severity and probability. They also have varying consequences for morbidity and mortality, as well as for a complex set of social and economic outcomes. To various degrees, they are also amenable to alternative responses, ranging from clean water provision to regulation to biomedical countermeasures. Whether the global health system as currently constituted can provide effective protection against a dynamic array of infectious disease threats has been called into question by recent outbreaks of Ebola, Zika, dengue, Middle East respiratory syndrome, severe acute respiratory syndrome, and influenza and by the looming threat of rising antimicrobial resistance. The concern is magnified by rapid population growth in areas with weak health systems, urbanization, globalization, climate change, civil conflict, and the changing nature of pathogen transmission between human and animal populations. There is also potential for human-originated outbreaks emanating from laboratory accidents or intentional biological attacks.

The Future Scenario: Bloom or Gloom

Access to acceptable health care is a fundamental human right that is critically important and often denied to migrants globally and the Indian situation is no exception. In times such as now, with the COVID-19 pandemic, the consequences of the denial of this right are far reaching. To make the situation worse, discrimination results in the systematic exclusion of transgender communities in India from healthcare. Times of crises are a test of society's tolerance and acceptance of difference. When the rest of the world is fighting the COVID-19 outbreak, the Indian labour community, especially the migrant ones, continues to struggle through the layers of discrimination and years of a different quarantine that has been imposed on them. Economic growth in India today hinges on mobility of labour. There is an imminent need for solutions to transform migration into a more dignified and rewarding opportunity. Without this, making development inclusive or the very least, sustainable, will remain a very distant dream and in fact may never be achieved. The Indian

economy is considered as one of the fastest growing economies in the world and the protection of interests and health of the migrant labour community is crucial and will determine which way we go as a society and nation.

Objective of the Study

The aim of study of showing the role of media at the time of Covid -19 about Labour Trauma and Turbulence

Conclusion

The present paper seeks to analyse and assess the impact of Covid-19 emergency with special reference to labour and migrant workers in India and role of media. Also, it seeks to evaluate the efficacy of different labour law norms and institutions and the workplace and other arrangements including those by non-governmental organisations to tackle the crisis within a view to communicate the immediate, medium and long term issues and challenges involved.

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