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# LAY-OFF AND WORKER WELL-BEING: A LEGAL AND MEDICAL PERSPECTIVE ON THE RIGHT TO HEALTH

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## **Abstract**

Lay-off, while often treated as an economic necessity within industrial relations, carries profound implications for worker well-being that extend far beyond the realm of wages and compensation. The loss of employment directly affects livelihood, which in turn impacts access to food, healthcare, and social security. The Industrial Disputes Act, 1947 provides limited statutory safeguards in the form of compensation and procedural requirements, but these measures fail to address the broader socio-economic and health-related challenges arising from unemployment. Judicial interpretation of Article 21 of the Constitution of India has expanded the meaning of the right to life to include both livelihood and health, yet in practice, the law continues to prioritize economic remedies over holistic well-being.

From a medical standpoint, lay-offs are recognized as a determinant of both physical and mental health, contributing to malnutrition, untreated chronic diseases, stress, depression, and anxiety. The World Health Organization identifies unemployment as a critical social determinant of health, underscoring its long-term impact on individuals, families, and communities. Thus, the concept of the right to health emerges as a crucial bridge between legal obligations and medical realities. This paper argues that lay-offs must be viewed not merely as industrial disputes but as issues of human rights and public health, requiring an integrated policy framework that combines labour law protections, mental and physical health safeguards, and social security measures in order to ensure socio-economic justice in an industrial society.

**Keywords:** Lay-off, Retrenchment, Worker Well-being, Right to Health, Labour Law, Industrial Disputes Act, Socio-Economic Justice, Mental Health, Public Health, Human Rights.

## Introduction

The issue of lay-off has traditionally been understood in industrial jurisprudence as an economic and managerial prerogative of the employer, subject to statutory safeguards for workers. Legal scholarship and judicial pronouncements have largely emphasized the employer's duty to provide compensation and follow due procedure under the Industrial Disputes Act, 1947. However, this approach often reduces the discourse to questions of wages and legality, overlooking the human cost of unemployment. Lay-offs do not merely deprive a worker of livelihood; they simultaneously affect his health, dignity, and overall well-being.

From a broader socio-legal perspective, the implications of lay-off extend into the domain of public health. Medical research confirms that unemployment leads to both physical and mental health deterioration, thereby threatening the worker's right to health. In India, this right has been judicially recognized as an integral part of the right to life under Article 21 of the Constitution. Thus, there arises a pressing need to integrate legal and medical perspectives in evaluating lay-offs, recognizing them not only as industrial disputes but also as human rights and public health concerns.

### Legal Perspective on Lay-off and Health

The Industrial Disputes Act, 1947 (hereinafter "ID Act") governs the law relating to lay-off, retrenchment, and closure. Under Section 25C, a workman who has been laid-off is entitled to compensation equivalent to fifty per cent of his basic wages and dearness allowance. Further, Sections 25M and 25N impose restrictions and procedural safeguards, particularly in large industries. While these provisions ensure economic compensation, they remain silent on the health dimensions of unemployment.

Judicial pronouncements have expanded the scope of Article 21 of the Constitution, holding that the right to life includes the right to livelihood and health. In *Olga Tellis v. Bombay Municipal Corporation*, the Supreme Court recognized livelihood as integral to life itself. Similarly, in *Consumer Education and Research Centre v. Union of India*, the Court explicitly held that the right to health and medical care is a fundamental right under Article 21. Thus, lay-offs, by threatening livelihood and thereby health, indirectly infringe upon this constitutional guarantee.

At the international level, India's obligations under International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, particularly Article 12, mandate the recognition of the right to the highest attainable standard of health. Similarly, ILO Conventions emphasize social security and employment protection as part of worker well-being. The gap, however, lies in the absence of direct linkage between industrial restructuring (lay-off/retrenchment) and health safeguards within the domestic legal framework.

### **Medical Perspective on Lay-off**

From a medical standpoint, lay-offs constitute a social determinant of health. The World Health Organization recognizes unemployment as a factor influencing both physical and mental health outcomes.

- 1. Physical Health:** Loss of wages due to lay-off reduces access to nutrition, medical treatment, and preventive healthcare. Chronic illnesses such as diabetes, hypertension, and respiratory disorders often go untreated due to financial constraints.
- 2. Mental Health:** Job insecurity is strongly correlated with stress, anxiety, depression, and suicidal ideation. Studies indicate that retrenchment and long-term unemployment increase the prevalence of psychiatric disorders among workers.
- 3. Community Health Impact:** Beyond the individual, lay-offs exert intergenerational effects—malnutrition in children, educational setbacks, and long-term psychological trauma within families and communities. Thus, lay-off is not merely an industrial dispute but a **public health concern**.

### **The Right to Health as a Bridging Concept**

The concept of the right to health serves as the vital link between the legal and medical dimensions of lay-offs. Although the Constitution of India does not expressly enumerate the right to health as a fundamental right, the Supreme Court has consistently interpreted Article 21 to encompass it as an essential component of the right to life. Furthermore, the Directive Principles of State Policy, particularly Articles 39, 41, 42, and 47, impose a constitutional obligation on the State to ensure social security, humane conditions of work, and the improvement of public health. Thus, the right to health bridges the gap between statutory provisions that focus narrowly on compensation and the broader recognition of well-being as a constitutional mandate. This interpretative expansion provides a normative basis for addressing the health consequences of lay-off.

Beyond domestic constitutional law, India's international commitments further reinforce the recognition of health as a fundamental right. The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966, in Article 12, obligates States to secure the highest attainable standard of health for all individuals. Likewise, several ILO conventions emphasize the role of employment security and social protection in safeguarding worker well-being. In this context, it becomes evident that employers and the State bear a shared responsibility to mitigate the health impacts of lay-offs. Mechanisms such as employer-supported medical care, mental health counselling, social security schemes, and corporate social responsibility (CSR) initiatives could serve as practical embodiments of the right to health. Thus, the right to health acts as a bridging principle, transforming the discourse on lay-off from a narrow economic dispute into a matter of human rights and public welfare.

### **Conclusion**

The discourse on lay-off has for too long been confined to questions of legality, procedure, and compensation under labour legislation. While the Industrial Disputes Act, 1947 provides monetary safeguards, these measures do little to address the deeper repercussions of unemployment on the health and dignity of workers. The legal framework, therefore, remains incomplete without acknowledging the medical and psychosocial consequences of job loss. Lay-offs must be recognized not merely as temporary industrial adjustments but as events that fundamentally alter the socio-economic and health landscape of affected individuals and their families.

A holistic approach is required, one that integrates legal protections with health safeguards. By embedding the right to health into labour law discourse, the State and employers can move towards fulfilling the constitutional mandate of socio-economic justice. Institutional mechanisms such as employee assistance programs, mandatory health insurance, mental health support, and robust social security nets can mitigate the adverse consequences of lay-offs. Ultimately, recognizing the right to health in this context ensures that industrial flexibility does not come at the cost of human dignity, thereby harmonizing economic progress with social welfare.

## References:

1. *Industrial Disputes Act, 1947*, sec- 25C, 25M, 25N.
2. Constitution of India, arts. 21, 39, 41, 42, 47.
3. *Olga Tellis v. Bombay Municipal Corporation*, AIR 1986 SC 180.
4. *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42.
5. *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.
6. International Covenant on Economic, Social and Cultural Rights, 1966, art. 12.
7. International Labour Organization, *Convention concerning Employment Promotion and Protection against Unemployment* (No. 168), 1988.
8. World Health Organization, *Constitution of the World Health Organization* (1946).
9. World Health Organization, *Social Determinants of Health: The Solid Facts* (2nd ed., 2003).
10. P. K. Padhi, *Labour and Industrial Laws* (Prentice Hall, 2020).
11. S. C. Srivastava, *Industrial Relations and Labour Laws* (Vikas, 2018).
12. J. R. R. Christie, "Unemployment and Mental Health" (1987) 295 *British Medical Journal* 153.
13. R. Sen, *Labour Law in India* (Oxford University Press, 2019).
14. United Nations, *Universal Declaration of Human Rights*, 1948, art.

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