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“THE CONCEPTUAL AND THEORETICAL FRAMEWORK OF LABOUR WELFARE: AN INDIAN PERSPECTIVE”

AUTHORED BY - SANDEEP KUMARI¹

INTRODUCTION

India's labour welfare policies have their roots in the pre-independence era, with the establishment of the Royal Commission on Labour in 1929. Post-independence, the government has taken several steps to protect workers' rights and promote labour welfare. The term labour welfare may include housing, medical, educational facilities, nutrition including various social measures undertaken voluntarily by employers alone or jointly with workers, including sickness maternity benefit schemes, provident funds, gratuities and pensions etc.” The term ‘welfare’ is thus, very flexible as well as comprehensive.²

One of the most important aspects of national initiatives that aim to improve the lives of those in the labour force by providing them with better living conditions and working conditions that are more accommodating to their needs is the provision of welfare for workers. Labour welfare has been defined in a number of different ways, and as a result, it is recognised in a number of different ways in different nations. The term “welfare work” can be defined as “work that goes above and beyond the minimum standards set by the Factories Act and other labour legislations in order to improve the health and safety, general well-being, and industrial efficiency of workers.” According to a report published by the International Labour Organization, “Workers’ welfare should be understood as meaning such services, facilities, and amenities which may be established in or in the vicinity of undertaking to enable the persons employed in them to perform their work in healthy and congenial surroundings and provided with the amenities that are conducive to good health and high morale.”³

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² *Supra* note 1 at 55.

³ T.N. Bagoliwal, *Economics of Labour and Industrial Relations* 53 (Sahitya Bhawan, Agra, 5thEdn., 1982).

MEANING AND DEFINITIONS

Labour welfare has been defined by different authors in different ways but every definition has its own significance. The significance of the term “welfare” therefore varies from country to country.⁴

The Oxford dictionary defines Labour welfare as “efforts to make life worth living for workmen”.⁵ Welfare includes anything that is done for the comfort and improvement of employees and is provided over and above the wages.

According to N. M. Joshi, the term “labour welfare work” refers to “all the efforts that employers make for the benefit of their employees above and beyond the minimum standards of working conditions fixed by the Factories Act and over and above the social legislations providing against accidents, old age, unemployment, and sickness”.⁶

According to The Labour Investigation Committee (1944-46), “anything done for the intellectual, physical, moral, and economic betterment of workers, whether by employers, by the government, or by other agencies, over and above what is laid out by law or what is normally expected as part of the contractual benefits for which workers may have bargained.”⁷

Thus, the essence and emphasis of definition of labour welfare lay stress on the improvement to workers’ intellectual, social and moral well-being. It can be derived from the definitions mentioned above that labour welfare aims at providing better living and working conditions. It should be either a voluntary effort by the employer or in some cases Government should take the responsibilities of workers’ welfare or to enforce legal measures to protect the interest of the workers.

EXTENT OF LABOUR WELFARE

The word “labour welfare” refers to a concept that is extremely broad, and its scope is also very broad. It takes into account all efforts made in the form of amenities and activities, which can change from one location to another, from one business to another, and from one time period

⁴ K.N. Vaid, *Labour Welfare in India* 13 (Shri Ram Centre for Industrial Relation, New Delhi, 1970).

⁵ *Ibid.*

⁶ C.B. Matoria, & S.L Doshi, *Labour Problems and Social Welfare in India* 311 (Kitab Mahal Private Limited, Allahabad).

⁷ J.N. Mongia, *Indian Labour and Social Welfare* 317 (Atma Ram and Sons, 2ndedn., Delhi, 1980).

to another. The activities that fall under the umbrella of “labour welfare” can be broken down into three main categories:

- (1) Statutory welfare work;
- (2) Non-statutory welfare work; and
- (3) Mutual charity work. The idea of labour welfare encompasses a wide range of activities, such as those that are extra-mural and intra-mural, as well as statutory and non-statutory welfare measures. These activities and measures are carried out by employees, the government, and trade unions with the intention of assisting workers and their families within the context of their industrial life.⁸

Statutory welfare measures are those provisions of welfare work that are dependent on their observance of the coercive power of the government and that are required to be supplied in order to be in compliance with the laws that are governing from time to time. On the other hand, all of those activities that are independently carried out by employers on behalf of their employees are collectively referred to as non-statutory welfare measures.

Welfare Amenities within the Precincts of the Establishment (Intra-Mural)

Latrines and urinals, washing and bathing facilities, creches, rest rooms and canteens, arrangements for drinking water, arrangements for the prevention of fatigue, health services including occupational safety, administrative arrangements within a plant to look after welfare, uniforms and protective clothing, and shift allowances are all examples of the types of amenities that should be provided.⁹

Welfare Amenities outside the Establishments (Extra-Mural)

Maternity benefits, social insurance measures including sports, cultural activities, library and reading room, holiday homes and leave travel facilities, workers’ co-operatives including consumers co-operative stores, fair price shops, and co-operative thrift and credit societies, vocational training for dependents of workers, other programmes for the welfare of women, youth, and children, and transportation to and from the place of work or the place of employment.¹⁰

⁸ Labour Welfare: it’s Scope and Importance article by Samriti Chand, available at: <http://www.yourarticlelibrary.com/management/labour-welfare-its-scope-and-importance> (last visited on January 20, 2019).

⁹ J.N. Mongia, *Indian Labour and Social Welfare* 319 (Atma Ram and Sons, Delhi, 2nd edn., 1980).

¹⁰ *Ibid.*

The welfare facilities may further be classified into three basic categories:

Economic Services

The provision of economic services contributes, in addition to wages and salaries, to a certain degree of supplementary economic security. Pension plans, life insurance policies, lending facilities, and other similar services are all examples of economic services. Some companies also offer a family pension plan, which states that in the event that an employee passes away, the plan will give a pension to the employee's surviving spouse and dependent children.¹¹

Additionally, the business might be responsible for paying the premiums on the employees' life insurance policies. Loans can be provided to employees by their employers for the purpose of purchasing consumer products, attending weddings or other important family events, or for any other reason that the employers deem appropriate.¹²

Recreational Services

The management might provide the workers with access to various recreational facilities. Employees' mental and physical growth can be greatly aided by providing them with opportunities to participate in recreational activities such as music, athletics, games, art, and theatre.¹³ Reading areas, libraries, televisions, and other forms of entertainment can be made available to staff members by management. There is the potential for the inclusion of indoor activities such as table tennis, carrom, and others. Large organisations are able to make preparations for outdoor games and can encourage their employees to form teams that compete in competitions against other teams with comparable compositions.¹⁴

Facilitative Services

These are facilities which are generally required by employees and provided by employers to facilitate the employees i.e. housing facilities, medical facilities, transportation facilities and consumer cooperative stores etc.

OBJECTIVES OF LABOUR WELFARE

The overall personal growth of employees is the target of the labour welfare movement, which is motivated by humanitarian concerns. The protection of employees from being exploited to

¹¹ Labour Welfare by Mayuri K. available at: [http:// www.economicdiscussion.net/labour/labour-welfare/31839](http://www.economicdiscussion.net/labour/labour-welfare/31839) (last visited on January 24, 2020).

¹² *Ibid.*

¹³ Pramod Verma, *Labour Economics and Industrial Relations*, 74 (Tata McGraw-Hill, 1987).

¹⁴ *Ibid.*

an unacceptable degree should be a primary focus of labour welfare. These kinds of measures also make the industrial interactions within the sector better.¹⁵ Some of those goals are listed below :

- a) To provides social comfort to personnel.
- b) To encourage the all-round development of staff members.
- c) To provide indirect financial assistance to the staff members of the company.
- d) To make a positive contribution towards the growth of a feeling of responsibility and belonging in the workforce.
- e) To make the working conditions of the employees at the location of employment better.
- f) To preserve and keep the personnel that is already in place.
- g) To lower the percentage of workers who are missing from their jobs and the number of workers who switch jobs.
- h) To make the lives of workers more comfortable and to ensure their happiness.
- i) To encourage greater levels of productivity and effectiveness among workers in the workplace.
- j) To ensure that working circumstances are safe and conducive to good health.
- k) To guarantee that workers, their families, and society as a whole are all helped to improve.

THEORIES OF LABOUR WELFARE

The conception of welfare has developed over time, which is mirrored in the various theories regarding worker welfare. The idea of assistance has developed into something quite different over the course of time. In this regard, an overview of the different approaches to employee welfare has been provided below, along with a brief description of each of these approaches.¹⁶

The Philanthropic Theory

This theory is predicated on the concept that man has affection for his fellow man. *Philo* is translated as “love of,” and *Anthropos* is the Greek word for “man.” Therefore, philanthropy refers to a love for humankind. Man is believed to have an instinctive urge by which he endeavours to remove the sufferings of others and support their well-being. When some business owners feel compassion for their fellow humans, it is possible that they will implement

¹⁵ Labour Welfare by Mayuri K. available at: [http:// www.economicdiscussion.net/labour/labour-welfare/31839](http://www.economicdiscussion.net/labour/labour-welfare/31839) (last visited on January 24, 2020).

¹⁶ Randhir Kumar Singh, “Labour Welfare in Indian Perspective” 5 *Journal of Emerging Technologies and Innovative Research (JETIR)* 610, (2018).

employee well-being programmes for the advantage of their workforce.

The Religious Theory

The religious theory asserts that man is, at heart, “a religious animal,” and that this tenet serves as the foundation for the theory. These deeply held religious convictions can, on occasion, move an employer to engage in charitable work in the hope of reaping some kind of reward in here and now or in an afterlife. In this particular instance, the one who does the good deed and the recipient of it both stand to benefit.¹⁷

The Policing Theory

The theory of policing is predicated on the idea that workers require some level of basic wellbeing in order to function effectively in their jobs. This theory seems to be based on the assumption that people are inherently self-absorbed and egotistical, and that they will never stop working towards their own goals, no matter what the consequences may be for others. This kind of exploitation needs to be prevented by the welfare state, and the industrialists need to be forced to provide their employees with some level of assistance at a bare minimum.¹⁸

The Public Relations Theory

This theory provides the foundation for an environment of goodwill between labour and management, as well as between management and the general public. According to this line of thinking, labour assistance programmes function as a form of advertising and assist industrialists in developing positive and constructive relationships with the public.¹⁹

The Functional Theory

This theory is also known as the Efficiency Theory in some circles. In this context, charity work is utilized as a strategy for securing, preserving, and further developing the efficiency and productivity of labour. It stands to reason that if an employer takes excellent care of his employees, those employees will tend to become more productive and, as a result, the company’s output will increase.²⁰

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

²⁰ *Ibid.*

The Trusteeship Theory

This theory is also known as the paternalistic theory of labour welfare. Under this theory “the industrialist or employer holds the total industrial estate, properties, and profits.” Workers are like children. They have not received an adequate education, which has left them illiterate and unable to look out for their own best interests. Here employer uses his properties as well as the earnings for his own benefit as well as the benefit of his employees and of society as a whole as a responsibility based on the trust of his workers.²¹

The Placating Theory

This theory is predicated on the observation that labour organisations are becoming more revolutionary and are more aware of their rights and advantages than at any other time in history. Their desire for higher wages and higher standards is something that simply cannot be ignored. According to this theory, attempting to appease the employees through timely and periodic acts of labour welfare can be successful. Despite the fact that it is not supported by sound psychological research, this theory is frequently put into practice in order to gain the cooperation of employees.²²

PRINCIPLES OF LABOUR WELFARE

Principle of Social Responsibility

The idea behind the principle of social responsibility is that businesses have an obligation to their workers to look out for their well-being. This idea is supported by the Constitution of India, which includes the principle as one of the governing principles underlying state policy.²³

Principle of Adequacy of Wages

This Principle acknowledges that Workers have the right to adequate wages. The principle of adequate wages states that labour welfare measures cannot be a substitute for wages and that workers have the right to adequate wages. If social welfare, emotional welfare, and economic welfare were all addressed at the same time, one might anticipate favourable outcomes.²⁴

²¹ *Ibid.*

²² *Ibid.*

²³ *Ibid.*

²⁴ Labour Welfare In Indian Perspective, available at: https://newhorizonindia.edu/nhc_kasturinagar/wp-content/uploads/2017/10/Labour-Welfare-in-Indian-Perspective.pdf (last visited on June 15, 2019).

Principle of Efficiency

The Principles of Efficiency play a significant part in welfare services and are predicated on the connection that exists between efficiency and welfare, despite the fact that it can be challenging to quantify the nature of this connection. Whether or not one accepts the social responsibility of industry, the employer quite often accepts the responsibility for increasing such labour policies that would increase efficiency.²⁵

Principle of Totality of Welfare

The Principle of Totality of Welfare states that the idea of worker welfare should permeate all levels of an organisation's management structure, and workers at every level should agree with this comprehensive view of worker welfare before the policy can be put into effect.²⁶

Principle of Re-personalization

The development of human personality is determined to be the goal of industrial welfare, and this principle should counteract the harmful effects of the industrial system. The principle of re-personalization was developed to reflect this goal. As a result, it is essential to establish worker support services both within and beyond the confines of the manufacturing facility.²⁷

Principle of Co-ordination

A concept of a coordinated approach that will support a healthy development of the worker in his work, at home, and in the community is referred to as the principle of coordination. This is absolutely necessary in order to maintain peace and consistency within the labour assistance services.²⁸

Principle of Democratic Values

The co-operation of workers is the foundation of the democratic values principle, and as a result, the consultation and agreement of workers in the creation and delivery of labour welfare services are absolutely essential for those services to be successful. Industrial democracy is the driving force behind this principle, and workers develop a sense of pride when they are made to feel that labour welfare initiatives are created by them and for them. This principle is founded

²⁵ *Ibid.*

²⁶ *Ibid.*

²⁷ *Ibid.*

²⁸ *Ibid.*

on the assumption that the worker is an individual who is mature and rational.²⁹

Principle of Responsibility

This Principle acknowledges the fact that both employees and employers share the responsibility for the health and safety of the workplace. In a constructive way, labour unions are also participating in these programs, when different organisations being responsible for labour welfare work, then the work itself becomes simpler and less difficult. As a direct result of this, numbers of Committees are either elected or appointed and various authorities and responsibilities pertaining to the welfare sector are given to them.³⁰

Principle of Accountability

The Principle of assessment, or principle of accountability, is another name for this concept. In this scenario, one responsible individual report their findings to a higher authority on a regular basis in the form of an assessment or evaluation of the existing welfare services. The success of worker assistance programmes will be evaluated by a single individual according to this criterion.³¹

Principle of Timeliness

According to this Principle the timely delivery of any service is one factor that contributes to that service's overall performance. In order to successfully plan labour welfare programs, it is essential to first identify the employment issue at hand, then figure out what kind of assistance is required to resolve the issue, and finally determine when this assistance should be provided.³²

Principle of Self Help

The Principle of self-help states that the goal of worker welfare programmes should be to assist employees in becoming self-sufficient over the course of their careers. Because of this, they are able to develop greater responsibility and become more effective.³³

²⁹ *Ibid.*

³⁰ *Ibid.*

³¹ *Ibid.*

³² *Ibid.*

³³ *Ibid.*

PROBLEMS OF LABOUR IN INDIA

It is needless to say that there are many problems of labour in India pertaining to labour-employer relations.³⁴ Some of the problems are: -

Illiteracy

The majority of workers in this country cannot read or write, making it one of the countries with the lowest proportion of educated workers in comparison to other nations. As a consequence of this, they are unable to receive advanced industrial training, and comprehend the challenges faced by industries, both in terms of their own interests and the interests of the country as a whole, or both. This has the potential to be detrimental not only to the employees but also to the nation as a whole.³⁵

Extreme Poverty

Our nation has a relatively high percentage of its population living below the international poverty level in comparison to other nations. Therefore, there is a significant decline in the standard of living. An Indian worker is unable to provide his family with a healthy living standard, and if the worker is a woman, she is not offered assistance in the event that she requires it. As a result, the well-being of the workforce has a significant impact on the nation. It is required to provide assistance to them in the form of retirement benefits, maternity benefits, provident funds, annuities, and gratuities, among other things.³⁶

Lack of Strong Labour Union Movement

Taking the figures into consideration, the labour union movement is still in its formative years. Even if a labour union does exist, there is not enough enlightened leadership, and the organisations that do exist are not united with one another. In the absence of a labour union that is properly organized, the employees are unable to make their requests heard by the employer in an effective manner, and they are also unable to think clearly and methodically about their own best interests.³⁷

³⁴ V.V. Giri, *Labour Problems in the Indian Industry*, 67 (London: Asia Publishing House, 2ndedn., 1960).

³⁵ *Ibid.*

³⁶ *Ibid.*

³⁷ *Ibid.*

Low Level of Health and Nutrition

When compared with their counterparts in the majority of European countries, Indian workers suffer from poor health and a higher incidence of disease. This demonstrates that there is an undeniable influence on the manufacturing potential. As a result, he is in dire need of reasonably priced food that is high in nutrients and a decent facility in case he needs to be hospitalized.³⁸

Problem of Absenteeism and Migration

The average Indian labourer is more restless than workers in other countries, and he or she is more likely to engage in frequent migration as a result of this. This is due to the fact that living in the city does not cater to the worker's needs, and the environment in general does not agree with the worker. In addition, the labourer is unable to comfortably settle down in one location because the level of earnings is insufficient. Absenteeism is another potential consequence that could result from this. This worker's propensity to migrate can be reduced if sufficient facilities and conditions are made available to him, which has the added benefit of having a positive impact on absenteeism in the manufacturing facility.³⁹

Lack of Healthy Recreation

Recreation that is good for you is another one of our nation's top priorities because the use of people's time and energy in unproductive ways is one of the main factors contributing to the decline in employment productivity. As a result, it is absolutely necessary to make provisions for healthful forms of recreation and enjoyment.⁴⁰

Lack of Training

It is essential to have training facilities available for such a large labour population in India because the percentage of workers who have received formal education is very low. Because of these issues with the employment market in India, the country's various labour laws will need to be updated to include provisions for worker welfare if it is going to be able to take action to address these labour market issues.⁴¹

³⁸ *Ibid.*

³⁹ *Id., at 68.*

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

KEY LABOUR WELFARE LAWS AND POLICIES

The Factories Act, 1948:

This Act regulates working conditions, hours of work, and health and safety standards in factories.

The Minimum Wages Act, 1948:

This Act ensures payment of minimum wages to workers for their work.

The Employees' Provident Funds and Miscellaneous Provisions Act, 1952:

This Act provides for retirement benefits, pension, and insurance to employees.

The Employees' State Insurance Act, 1948

This Act offers health insurance and medical benefits to employees.

The Maternity Benefit Act, 1961:

This Act provides maternity benefits to women employees.

Therefore, for the welfare of the workers many schemes are formed by the Government, some of which are mentioned hereunder:

Rashtriya Swasthya Bima Yojana (RSBY): A health insurance scheme for workers in the unorganized sector.

Atal Pension Yojana (APY): A pension scheme for workers in the unorganized sector.

Pradhan Mantri Shram Yogi Maandhan (PM-SYM): A pension scheme for workers in the unorganized sector.

National Career Service (NCS): A portal providing employment services, career counseling, and vocational guidance.

PAYBACKS OF LABOUR WELFARE MEASURES

Workers experience growth in all aspects depends when labour support activities are provided for them. The following advantages accrue to both the workforce and society as a whole as a result of the implementation of these measures in particular.⁴²

Improved Industrial Relations

These measures not only bring a high level of satisfaction to the workforce but also contribute to the preservation of harmony in the workplace. Conflicts, disorder, unrest etc. are minimised. A sense of belonging to the organisation can be cultivated in its members.⁴³

⁴² Major Benefits of Labour Welfare – Explained, available at: <http://www.yourarticlelibrary.com/management/7-major-benefits-of-labour-welfare-explained/26111> (last visited on January 20, 2019).

⁴³ *Ibid.*

Increase in General Efficiency and Income

Workers who have access to welfare facilities report feeling happier and more fulfilled in both their personal lives and in the workplace, leading to an increase in their overall productivity. If they are not relieved of the domestic concerns that they have, such as poor housing or unsanitary circumstances, then it is possible that their efficiency and productivity will not be up to the standard. When they are finally freed from these concerns, they go to work with all of their vigour and excitement.⁴⁴

High Morale

The measures taken to improve employees' welfare will also make it easier to gain the workers' willing cooperation. When their needs are met, they will have less of a desire to engage in anti-social and detrimental behaviors. As a result, a high level of morale among the workforce is guaranteed.⁴⁵

Creation of Permanent Labour Force

The presence of these facilities will serve as an incentive for the workers to remain at the undertaking for an extended period of time. Because there are no facilities of this kind available, the employees frequently return to their hometowns in order to find opportunities for recreation and the like. Effective workers have the option to look for better opportunities and may even transfer to working at other establishments. These kinds of institutions are absolutely necessary in order to establish a stable labour force.⁴⁶

Improvement in Mental and Moral Health

The employees experience a dramatic shift in their perspective as a result of these facilities, which also improves their mental capacity and assists them in developing into responsible citizens. They are doomed to give in to a variety of societal ills, such as drinking, gambling, and others, if they do not have access to facilities of this kind.⁴⁷

Change in the Outlook of Employers

The perspective of the employers will shift as a result of a shift in the mentality and mindset of the workforce, as well as the wholehearted cooperation of workers in the workforce. They will

⁴⁴ *Ibid.*

⁴⁵ *Ibid.*

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

feel more compassion and understanding towards them. They won't even bat an eye when it comes to dividing up the rewards of their efforts with the people who helped them get there.⁴⁸

Social Benefits

In addition to a number of monetary benefits for both employers and workers, the implementation of these policies also results in a number of positive societal outcomes. An increase in the workers' efficiency eventually leads to an increase in the undertakings' production as well as their productivity and earnings. The higher earnings also lead to higher wages, which in turn make employees happier and give them the opportunity to live "a richer and fuller life." At long last, there has been an improvement in the standard of living throughout the community.⁴⁹

To Combat Trade Union

It is useful in preventing employees from joining trade unions and gaining the loyalty of their workforce.⁵⁰

CHALLENGES AND FUTURE DIRECTIONS

Informalization of Labour

The increasing trend of informal employment poses challenges for labour welfare policies.

Digitalization and Automation

The impact of digitalization and automation on jobs and workers' rights requires attention.

Migrant Workers

The welfare of migrant workers, who often face exploitation and poor working conditions, needs to be addressed.

Social Security

Expanding social security coverage to all workers, including those in the informal sector is essential.

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

CONCLUSION

In conclusion we can say that India's labour welfare policies and laws aim to protect workers' rights and promote their well-being. However, challenges persist, and future directions must address the changing nature of work, informalization, and digitalization. The labour welfare measures are essential for both employers and employees, as they bring numerous benefits to the workplace as well as society as a whole. This is why they are so important. Labour welfare measures contribute to the creation of a healthier and more productive workforce, as well as an improvement in the general efficiency and income, as well as the creation of a permanent labour force. Additionally, these measures help improve the general standard of living for the community as a whole.

In order to ensure that the requirements for worker welfare are carried out in an appropriate manner, the guiding principles and theoretical frameworks for worker welfare should be adhered to. In general, these principles provide a comprehensive foundation for the implementation of successful labour welfare measures. As of the varying circumstances that exist from industry to industry and even from unit to unit within the same industry, the standards and scope of welfare work that is performed by employers can take on a variety of forms. With complete sincerity, the provisions that are included in the different pieces of legislation for the protection of the employees ought to be put into action. This, in turn, results in improved labour relations, higher levels of productivity, and a general improvement in the workers' quality of life. This objective will be accomplished only when the organizations responsible for its enforcement maintain a steady watch and make consistent efforts for it.