

TWELVE HOURS A DAY – A PRESCIENT MOVE OR A HALF-COCKED DECISION: A CASE OF INDIAN MANUFACTURING SECTOR

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ABSTRACT

The recent changes in working hour's provisions by the central government have attracted a brawling discussion on the after-effects of it. The change by the Union government will allow companies to extend the daily shift, from the currently accepted norm of 8 hours, six days a week (or 48 hours) to up to 12 hours, six days a week (72 hours). This will attract amendment in recent provision in factories Act 1948 law as it works out ways to help factories cope with fewer technical as well as marketing employees working in the manufacturing sector. This article discusses the impact and feasibility of these provisions on the workforce in light of the current workforce scenario of India specifically the people employed in the manufacturing sector in India.

Keywords: Labour Laws, Working Hour, Flexi Hour, Factories Act 1948, Overtime, Manufacturing Sector.

INTRODUCTION

23rd September 2020, the parliament in a relatively silent manner passed 3 of the 4-labor codes of the "Labour Code Bill 2020" officially making it an Act. After the bill's slick passing, it has sparked multiple points of contention between the government and the nation's employees, and one such point is the proposed change in the working hours of employees Government of India (1948).

The `Factory Act 1948` stipulates that no adult can work for more than 48 hours a week with section 51 of the Act specifying the spread over an hour to 10.5 hours. The `Labour Ministry (2020)` under the `occupational safety, health & working condition code` using Section 133 & 134 proposes – Raising the Spread overtime to 12 hours from 10.5 hours while retaining the total weekly working hours of 48 hours a week. (This is in accordance with the recommendation of the ILO). That essentially means that the employees will have to work longer hours for a smaller number of days.

"It has been done keeping in mind the extreme climatic condition across the country where work schedule is spread through the day. Besides this will allow workers to earn more through overtime allowances" a senior labor ministry official told PTI – Times of India.

This is a brief representation of where India at 48 working hours a week stands with reference to the rest of the world, the government's proposition of increasing the spread overtime to 12 hours while preserving the 48 hours a week limit can be seen as an attempt to increase the total working hours for the employees, and the government also claims that it has taken measure to protect the health and reward the extra hours by stipulating.

1. No employee can work for more than 5 hours in a single stretch without a break.
2. Over time, the time definition has been altered to 15- 30 minutes to be considered overtime.
3. Overtime will also warrant double wage payment for every hour.

It is also noteworthy that India has been pushing out the most significant numbers of working hours on average out of all the major economies OECD (2020) (Figure 1).

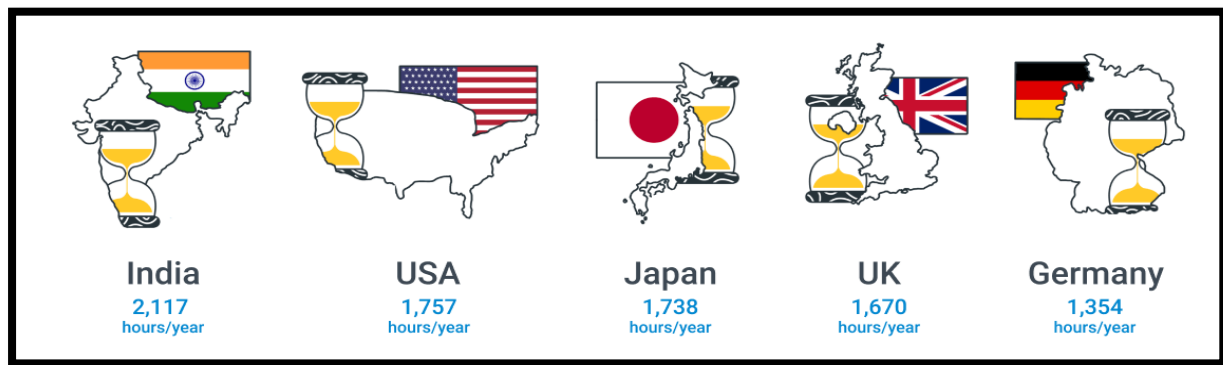


FIGURE 1
EFFECT OF INCREASED WORK HOURS ON EMPLOYEES

Source: OECD (2020).

Benefits

Among many the benefits the government has mentioned that the employees can get more days off and more consecutive days off, it has been asserted that this will improve the mental health of the employees with more family time and leisure time to recover from the stress of the job and has the potential to lead to a reduction of absenteeism.

The government also cites examples of successful implementation of the 12 hours overspread in Uttar Pradesh & Madhya Pradesh as evidence for the feasibility

Total commute time (weekly/monthly) will be reduced because employees will not have to commute to their offices as often as they did earlier.

The government has also reasoned, and it is an accepted fact with the immense amount of statistical data that India's Economic Growth has suffered dramatically during the COVID-19 phase and needs to make a swift recovery to maintain a feasible pathway toward the long-term goal of the country and tackle the shortage of labor, in such circumstances steps like these can have lasting positive effects.

Disadvantages

The employees have asserted that the 12 hours overspread against the conventions of the ILO.

Marketing employees work without any count of time to fulfill their work targets, they might not be very much motivated from this change. Their performance is also determined by their overall output, rather than counting the hours employees work. Managers also encourage the employee to focus on the completion of a particular task. Some days employees may need to put in long hours to complete a task, but this is offset by the days when they don't need to do a full eight-hour day (Figure 2).

COUNTRY	WORKING HOURS, A WEEK
RUSSIA	38
USA	34
JAPAN	33
AUSTRALIA	32
FINLAND	29
U.K.	29
DENMARK	27
GERMANY	26

FIGURE 2
EMPLOYEES WORKING HOURS

Work-life balance for female employees – another assertion against the proposition is that most women strive for a very precarious balance between their personal and professional lives, having a 12 hour overspread will effectively eradicate any personal life for women and their dependents (children).

India is driven by a massive force of *‘Migrant Labour’*. Most of them do not have their families with them, which is a clear disadvantage and can create employee dissatisfaction. Unaccounted travel times – employees spend hours in traffic to get to their offices, in places like Mumbai and Delhi this can even take more than an hour, this commute time is not accounted for in the 12 hours overspread period, this could cause immense damage to the Work-Life balance of the employees because not only are they working 12 hours but also spending a substantial amount of time on getting to their respective offices.

Wong et al. (2019) give details about the impact of long working hours on the health of workers in a variety of industries, for various health symptoms, and ranges of social status concluded those long working hours have adverse effects on health." Ranging from sleep & fatigue to cardiovascular issues and decreased employee efficiency, several research types have indicated a positive relationship between increased working hours and occupational diseases & reduced employee efficiency.

CONCLUSION

The bottom line is that both government and employees have their reasons for asserting whether this will work or not. In the past, we have seen that policies mentioned in the bill usually make it to the final Act without much alteration. On the one hand, as the government moves towards getting the proposal passed, Trade Unions & Labour Unions, on the other hand, have started to take a stance in favor of the employees against the proposal. It remains to be seen if the proposal will come into effect and if it will happen to the 'Indian Working Class'.

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