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Sustainability and labour laws: A mutually benefitting paradigm

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Abstract

A simple explanation of sustainability may be found in the “United Nations World Commission on Environment and Development’s definition, which states that it is a type of development that meets the requirements of the present without jeopardising future generations’ ability to fulfil their own needs. The 17 Sustainable Development Goals have pushed for this (SDGs).”

The concepts of labour rules and rights are unavoidable. It tries to achieve a variety of goals, including reducing industrial conflicts and safeguarding workers from exploitation, among others.

Sustainable development is a viable solution to a variety of global problems. It has resulted in progress in a variety of fields at the same time. Economic, social, and environmental factors all play a role in long-term development. These pillars contribute to its ability to find applications in a variety of fields. This research paper will largely focus on the subject of whether or not this includes labour legislation.

The goal of this study article is to see if these two major branches can mutually benefit from each other’s growth. It will examine whether sustainable development as a new paradigm for labour law is both practicable and feasible. It will examine the changes that can be made to labour laws to ensure that they are sufficiently aligned with and promote the Sustainable Development Goals, as well as how sustainability can be used to address a variety of issues in labour laws, such as resolving the profound contradiction of gender and wage inequalities, promoting corporate social responsibility, and maintaining solidarity and equality of opportunity in current and emerging work situations. As a result, this article will attempt to strike a balance between the principles of human rights, decent employment, and economic growth to create an environment that achieves the ideal balance. For the connivance of study doctrinal research methodology has been taken into the consideration.

Keywords: Decent work, human rights, United Nations, mutual-benefit, Sustainability, and labour laws

Introduction

Sustainable development and the labour law system are two very large and complex issues that are becoming increasingly important. Both notions address a wide range of global challenges and are critical in the current condition of affairs. “We have the Sustainable Development Goals which universally address a lot of problems, given the environmental needs, protection and immediate action that it deserves.” Labor laws assist with difficulties that are not simply related to employment, but also include a human rights component. Though these issues strive to provide global answers, the unfortunate reality is that they come with a slew of challenges and roadblocks of their own.

The goal of this paper is to see if a paradigm can be formed between these two broad areas to create a mutually beneficial model that aims to eliminate issues much more quickly, effectively, and efficiently. This paper will look at current labour legislation and sustainability issues and try to figure out what adjustments need to be made so that these two sectors may coexist while still promoting human rights. It will also attempt to determine whether a balance can be achieved between them and, if so, what is the crux of that equilibrium?

Labour laws in the present world

The growth of labour laws has been nothing short of a long and arduous path, with multiple revolutions, strikes, lockouts, and other occurrences ^[1]. Firstly, “it is important to understand the meaning designated to the term labour laws, and the reason behind which it is considered as a highly distinct and necessary field of study ^[2]. For this purpose, the Universal Declaration of Human Rights, which had been adopted by the United Nations in the year 1948, can be taken into consideration, specifically Article 23 ^[3].

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This allows one to better understand the goals and characteristics of labour law, leading to the realisation that this field regulates not only employment and remuneration, but also an equal opportunity and human dignity, fair treatment, a decent standard of living, trade unions, and is an all-rounder, focusing on economic, social, and political development, as well as the challenges posed by them^[4]”.

Labor laws have been evolving since the beginning to meet the demands of changing times, with a special focus on human rights issues^[5]. “This has changed from the systems of how it used to be in pre-independence times in various developing countries. The countries which followed the common law tradition witnessed the codifications of law, especially those related to employment relations, safety and health. In many other developing countries, the reality of the economic and social situations was understood, and the labour legislations were produced and altered accordingly”^[6].

However, regardless of the legal tradition followed in each country, the present legal legislative system is primarily confronted with issues such as:

- Providing a better protection mechanism for workers to safeguard their basic rights, which include their trade union rights.
- To increase the amount of flexibility available in the relationship between an employer and an employee, resulting in increased productivity and economic growth.

“There are indeed a lot more problems than these, which rather than being a recent one, have been existing for quite a long period, constantly indicating the importance of change to be brought in^[7].” These difficulties have evolved in the modern world into the necessity to strike a balance between social protection and economic efficiency, which is where the notion of sustainable development comes in, which offers an appropriate solution by not sacrificing one part for the sake of the other. As a result, the field of labour law is in desperate need of sustainability right now.

Challenges in labour law

As noted in the preceding section, the field of labour law has numerous hurdles and roadblocks on its way to improvement and progress. Furthermore, this is a vast and all-encompassing topic. Labor legislation was almost seen as an essential component of the burgeoning conceptions of industrial democracy and social justice around the middle of the 1970s^[9]. Following this period, the countries experienced significant increases in employment, giving rise to the concept of a conventional employment relationship. This is what prompted the need for labour law, which has continued to grow steadily since then. However, the world is not the same as it was before, and it is constantly changing owing to a variety of circumstances. We witnessed the digital revolution, as well as globalisation. Globalization has resulted in a slew of challenges, including production delocalization and ongoing competition between high-wage and low-wage countries. “Many of the negative products of globalization impacting the labour world were atypical employment, decentralization, where the parent company did not assume the responsibilities and risks of the employer, and the scope of labour law being limited and not reaching out to the informal economy. The ideological challenge here was that the labourers were seen as human

resources, rather than being perceived as human beings.” The labour law was termed as the “market regulation of the labour system, even though labour was not essentially a commodity. The problem of dismissal without a valid reason also existed, despite the existence of the ILO Termination of Employment Convention, 1982 (No. 158). The labourers do not have any protection against neither financial consequences nor abuse by an employer. Inequality has also resulted from globalization, where it exists between workers, such as wage disparity, gender bias^[10], and these inequalities amongst the workers reflect repercussions on the entire society.” Equal treatment, which is a crucial and essential aspect of labour law, does not appear to be working as intended. There are additional issues with working hours, crowding, and the legal ramifications that these situations entail.

As a result, this is a concise description of the concerns that the labour world has been dealing with for a long time, and it also serves as a foundation for future problems.

Defining sustainable development

“To put to use some concept, one needs to understand first what this concept is, and what it can essentially provide. The topic of sustainable development has started springing and building its base in recent times, trying to make the common people aware of such a notion^[11].” So, what really is sustainability? Contrary to popular opinion, sustainable development is neither just concerned with nor limited to, environmental conservation. While addressing environmental needs is an important aspect of it, sustainability is much more than that, and it is more of a holistic vision or ideology^[12].

The United Nations has articulated this concept in the form of Sustainable Development Goals (SDGs). The 17 goals, often known as the “Global Goals,” were approved in 2015^[13]. The most significant principle reflected in these 17 objectives is that they are not personal. Though each may serve a different purpose, “they are all essentially interconnected and affect each other, and all end up affecting the social, economic and environmental fields, all at the same time^[14]. For instance, the 8th Goal, which focuses on decent work and economic growth, can contribute to the 9th Goal, which revolves around industry and innovation, where ultimately these both will contribute to the 1st Goal, which is to eradicate poverty, as productive employment opportunities can ensure in bringing down the poverty levels. This is just a single example, and if studied further, it can be proved that all goals have a direct effect on each other, and benefit all aspects of life.”

To go by a dictionary definition, sustainable development is essential, “A concept that is used to describe the community and economic development in terms of meeting the needs of the present without compromising the ability of future generations to meet their needs^[15].” According to statistics, by the year 2050, “the Earth will be home to nearly 9 billion people. Therefore, the main challenge in sustainable development lies in its ability to bring forward its measures to ensure that every single individual will have the opportunity to enjoy the basic resources and substantial quality of life, without necessarily having to deplete and wipe out our natural resources completely^[16].”

As previously said, it can be seen as a trident, with sustainability aiming to meet all three goals of “economic growth, social inclusion, and environmental conservation”

at the same time ^[17]. This philosophy encourages and is unquestionably the key to a better, more peaceful, and prosperous existence, in which economic progress should not be the sole and ultimate goal of every individual. It guarantees a higher standard of living, a life free of gender discrimination, and greater job prospects for everybody while also safeguarding the environment from rapidly rising challenges such as climate change, global warming, and poor air quality ^[18]. It is a cost-effective and efficient option that people must soon recognise and act upon to create a sustainable world in the not-too-distant future ^[19].

Engagement with labour laws

Today that the relevance of sustainability has been elevated, the challenge now is to determine whether there is any link between sustainable development concepts and labour laws. To determine whether this paradigm is feasible, it is vital to determine how these two entities can mutually benefit one another to secure each other's growth.

Above, labour law crises were highlighted, which are not limited to a particular country or region, but rather have a global impact, with practically all countries being affected. Given the current state of affairs, it is critical to determine if sustainable development may be used as a useful "guiding factor" for the future of labour law. "This can even give rise to a new term namely sustainable labour law being coined. This brings out that sustainability will ensure labour law a safe exit from the global issues, and in furtherance to this, build founding principles, values and guidelines to guarantee that labour law will not fall prey to these conundrums again in the future. At the same time, social inclusion and environmental protection also get their due importance, and is safeguarded, confirming mutual development." This is a well-thought-out plan that will require individual support and cooperation to be implemented properly, though its viability has yet to be determined.

Various world leaders came together to say this in the 2030 Agenda. In the "2030 Agenda, various world leaders had come together to state that, In doing so [implementing the agenda], we reaffirm our commitment to international law and emphasize that the Agenda is to be implemented in a manner that is consistent with the rights and obligations of states under international law ^[20]. It can be interpreted from this that through this sustainable development agenda, issues of international labour standards are also going to be taken into consideration and addressed accordingly." The International Labour Organization's (ILO) international labour standards are a comprehensive framework whose primary goal is to resolve all labour-related issues at a national level, such as workplace rights ^[21]. It includes legally binding conventions, suggestions, a code of practice, and guidelines.

Human rights and labour law are intertwined with the concept of sustainability. The Sustainable "Development Goal 8.8 provides to, protect the labour rights of all workers, including migrant workers, particularly women migrants, and those in precarious employment. This is the first step in identifying the paradigm that could be developed between labour laws and sustainability. Target 16.3 also holds to, promote the rule of law at the national and international levels, and ensure equal access to justice for all. As the ILO is predominantly an organization to set standards for the labour sector at national and international levels, its crux

lies in the betterment and safeguarding these standards." These are also connected to the "Decent Work Agenda," which covers labour norms, compliance, inappropriate forms of work, as well as workers and employers ^[21]. "These labour issues at the global level are indicators of social unsustainability which was a result of ultra-liberalism being followed, leading to deregulation of labour law. This not only takes a hit at the laws but also the economic and social development. The truth lies in the fact that all principles of the existing labour laws have been irreparably compromised. This affects all the stakeholders who have an undeniable interest in economic, environmental and social scenarios, therefore to reach a point of intergenerational equity," Labor law must prepare for the influx of sustainability.

Sustainability opens up a new perspective, where the development of more dynamic and sustainable labour law, as well as the eradication of current problems, may be observed by broadening the scope of labour law and combining the powers of both ideas. "The concept of sustainable development, owing to the fast-depleting resources, has become part and parcel of human life, involved in any field. Therefore, the framework between sustainability and labour law is quite indispensable. Even the ILO, which works for and considers the dignity of the worker to be of utmost importance, features itself in a dominant role in the idea of affirming and carrying forward this particular paradigm." In the "Tripartite Declaration of 1977, the International Labour Organization emphasised the importance of development being linked to societal goals." The International Labour Conference concluded that the promotion of "sustainable enterprises," The Declaration emphasises the importance of decent work in global supply chains, as well as the goals and targets of the 2030 Agenda for Sustainable Development (2015), which are particularly pertinent to the Declaration. The Governing Body effectively states that governments of ILO members, employers' and workers' groups, and multinational corporations operating in their territory must observe and follow the sustainability principles enshrined therein.

Multinational firms play a critical role in any economy, as well as in international economic relations. There is an automatic vested interest in the employers and employees of these businesses. "Not only can these labourers bring about capital and other substantial benefits to their firm, but they can also follow the government-prescribed regulations about sustainable development, and they can have a positive effect on the social and economic welfare of their respective states. This paradigm ensures better standards of living, higher wages, creating more employment opportunities and outcomes, and all this ultimately leads to not only the protection of labour rights but also human rights, where the freedom of association is provided to them." To cite examples, top companies such as "Adidas, Nike and BMW have adopted sustainable development measures, understanding the need for recognizing human rights, the needs of its employees, and social accountability. The car company even actively promotes women to get into advanced leadership roles and helps all the employees to find the balance between work and home, by scheduling them with flexible hours, therefore understanding their requirements. Indian companies such as Godrej, WIPRO, and ITC also follow the same sustainability will undoubtedly play a major role in economic development

and recovery, according to future trends.” Companies are gradually disengaging from unsustainable practices, with over 60% of companies in India now complying with the SDGs.

Following that, this paradigm will ensure that everyone has a respectable job, and when backed up by-laws and policies, “the labour administration will be entitled to cooperation and receive what they deserve. They remove inequalities and reflect good practice for all. Sustainable development also complies with the Universal Declaration of Human Rights, 1948, and therefore ensures the freedom of expression, association and trade unions, which are highly required for sustained progress ^[22].” This also ensures that forced or compelled labour, as well as child labour, will be abolished, as well as the removal of workplace and employment discrimination.

These examples show that the SDGs can help to advance labour rights and standards. Integrating labour laws with sustainability, which could be achieved with the help of a few pragmatic actions for the goal of improving and refining them, is achievable in the ILO's arena of worldwide promoting labour standards. Because sustainability is dynamic, this integration is made much easier.

Solving the problem of human rights

Is there a link between human rights and environmental sustainability? “Human beings depend on the environment to survive and fulfil their needs. Therefore, for a person to completely enjoy human rights, such as the right to life, right to health, etc., and ensure the minimum standards of human dignity, protection of our environment is required. This liability ultimately falls on sustainable development ^[23].”

Is it possible that combining sustainability and labour legislation will promote human rights? It has been constantly demonstrated by the ILO that, “the best way to avoid a life of poverty is to find decent work ^[24]. Work has been viewed as an instrument to meet the basic needs of man, and ensure a decent standard of living. On an intrinsic note, employment has its value here, where it helps the person to socially expand, build a profile for themselves, get access to new opportunities, and is a tool for self-realization ^[25]. There is so much value and importance for work amongst the people in general. There are studies to prove that unemployment causes a lot of personal issues and mentally affects the person, as it is associated largely with social exclusion, and with severe problems such as depression, drug addictions, alcoholism, imprisonment, poor health and even suicide. This also proves that not all jobs, irrespective of many factors, make a positive contribution to the development of humankind. Work could turn out to be dangerous, demeaning and belittling. Decent work is what that protects and respects the human rights of the worker.” It is not a trivial matter, but rather a necessary component of human dignity. The ILO and the United Nations both want to see full employment and decent work.

In conclusion, the importance of full employment and decent work in eradicating maladies such as poverty and hunger, as well as improving the health and well-being of employees in general, is founded on human development as defined by the SDGs. These are mirrored in nearly all of the 17 Goals, particularly Goal 8, which strives to encourage employment, labour-oriented policies, decent job creation, and the abolition of modern-day slavery, among other

things. “Economic development will be integrated with the human rights component of decent employment, which will be endorsed and supported by the sustainable development goals in the end. This is how effectively this paradigm can function, ensuring a decent level of living in all areas of life ^[26].”

Challenges in implementing this paradigm

This paradigm, like every other new idea concept, faces several challenges and uncertainties on its way to success. “One of the main challenges is that sustainability could essentially challenge the fundamentals of the objectives of short-term global capitalist growth. It reverts the logic of capital in itself, which opposes its idea of creating substantive equality, meeting human requirements and needs. All the ideas existing in the paradigm, though reflected in various goals of the UN, have not fully transformed to reality, and are still ideals. But it is important to understand that ideals are indeed powerful, and should be directed in the right way.”

Another issue is that sustainable development is very dynamic, and in today's world of perpetual change, it must always adapt to what the world may want at any one time. “Labor systems are also continually evolving, and for the they must stay up with one another and mutually support one another for the paradigm to work. The Covid-19 issue is a wonderful example of its dynamic nature in action since it resulted in despicable circumstances in which workers fought with job loss and unpaid salaries. In India, a few state governments have even exempted specific firms from all labour rules. It shifted the fundamental concept of what is fair and just in the workplace, and it had terrible consequences for many workers. Sustainability must be prepared to deal with any circumstance and provide the most effective remedy. Because keeping the labour world constant is nearly impossible, adaptability is a must for this paradigm.”

Next, if “freedom of speech, representation, and association is a critical component of long-term development, this paradigm cannot afford the right to express only to those who are traditionally regarded as being in a standard employment relationship,” but also to those whose employment and migration status are insecure. This growth must ensure that everyone has a voice.

Climate change is a phenomenon that has been shown to have negative consequences for labour law ^[27]. However, “the difficulty with environmental attorneys is that they lack the necessary skills and competence to deal with the complications that develop while regulating the labour law system. For example, if the economy was forced to shift to a low-carbon economy, it would undoubtedly have an impact on labour markets, workers, and employers. Trade unions initially encountered the concept of “just transitions” in the 1970s, when a contradiction arose between the negotiation of worker protection and having an environmentally sustainable production of goods and services. Change is tough, especially when it is constant, and it necessitates reskilling, as well as a shift away from the workers' demands and interests. Another issue that could develop under this paradigm is this. Then there's the billion-dollar question: should good work or economic growth be prioritised?”

Sustainability, as the entire study demonstrates, is all about achieving a balance. It does not approach a problem from a

single point of view, but rather approaches it in such a way that the negative and good aspects are balanced, and nothing is lost or sacrificed in the process.

It is impossible to forego economic development, but no worker should be in a position where they are unable to find a quality job. As a result, while the aforementioned issues exist, the nature of sustainability will aid in achieving a balance. It will ensure that environmental protection measures are implemented while also effectively preserving employees' human rights so that economic development is not jeopardised.

Conclusion

The author believes that through this paradigm might potentially be written out, putting it into practice will be a difficult task. However, it can be concluded from this research that sustainable development is a viable solution for addressing labour legal issues. It aids in the promotion of labour rights, and this mutually beneficial paradigm has a lot of potential for holistic development. Sustainability revolves around the concept of balance and nurturance, and it can be deduced from this article that all three concepts, human rights, decent labour, and economic progress, can be maintained and treasured by sustainability without compromising any of the sections entirely. In today's globe, there is a pressing need for sustainable development. People are not intended to take environmental issues lightly, but rather to recognise their importance and the enormous impact they may have on us and future generations. As a result, it is past time for the labour law system to recognise these needs and comply with sustainable development and human rights, paving the way for everyone to live a healthy and happy life.

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