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THE EGREGIOUS CONDITIONS OF THE WORKING CLASS AMID PANDEMIC AND MISMANAGEMENT

*Safiyat Naseem**

INTRODUCTION

The Coronavirus has changed the face of the Earth, and its ancillary effects have impacted working class people around the world the most. Adie Tomer of the Brookings Institution, who has studied “the essential work force,” says “Covid-19 is exposing a lot of the structural disadvantages that low-income people face, including a lack of job security and uneven access to health care.” He continues: “The well-off are employed in industries where they are at a desk, and so there are some advantages built into these high-income neighborhoods during this pandemic.”¹ Indeed, this paper examines the responses of the international community in dealing with these effects, with special emphasis on understanding how their impact has disproportionately fallen to the worst off among us, leading to the emergence of egregious and intolerable conditions.

I. RESPONSE OF THE INTERNATIONAL LABOR ORGANIZATION

The World of Work has been destroyed by the epidemic and resulted in major human suffering.² It laid down a foundation for extreme insecurities and human rights

¹ Jennifer Valentino-DeVries et al., *Location Data Says It All: Staying at Home During Coronavirus Is a Luxury*, N.Y. TIMES (Apr. 3, 2020), <https://www.nytimes.com/interactive/2020/04/03/us/coronavirus-stay-home-rich-poor.html>.

² Concept Note, International Labour Organization Global Summit, COVID-19 and the World of Work 1, 2 (July 1–9, 2020), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/meetingdocument/wcms_747931.pdf; “In 2019 the International Labor Organization marked its centenary with the adoption by the International Labor Conference of the Centenary Declaration for the Future of Work. The Declaration recognizes that the world of work is undergoing transformative change driven by technological innovation, demographic shifts, climate change, and globalization. And it sets out a road map of action for the Organization and its tripartite constituents to shape and direct these changes through a human-centred approach to the future of work in the context of the persistent poverty, inequalities, injustices, conflict and disasters that continue to threaten shared prosperity and decent work

violation for millions of workers.³ According to a UN agency, about 25 million jobs could be lost due to coronavirus pandemic.⁴ At this stage, the International Labour Organization plays an immensely crucial role to provide sustainability to jobs and employment and to stimulate the economy.⁵ The ILO held a wide-reaching online summit from July 1-9, 2020, which consisted of workers, employers, and government representatives, to address the issue of the epidemic and its impact on the world of work and how to build a better future for workers after the pandemic.⁶ While sharing their experiences and policies, Giuseppe Conte⁷ said, “In the wake of the health crisis and similarity to other countries, the Italian Government has taken action by giving a robust stimulus to economic revival through emergency interventions that support citizens, workers and enterprises. . . . these interventions are worth over 80 million Euros.”⁸

The recent estimates of the International Labor Organization manifest that the closures of large-scale workplaces all around the world due to the epidemic have led to depletion in working hours of 10.7% worldwide in the second quarter of 2020.⁹ This interprets the loss of 305 million jobs—calculated on the basis of a 48-hour working week.¹⁰ Initially, the worst affected areas were Asia and the Pacific Region, followed by America, Europe, and Central Asia, showcasing the COVID-19 westward movement across the globe.¹¹ Its future trajectory remains uncertain.¹² In scientific terms, the virus doesn’t discriminate, but due to the uneven nature of the society and ignorant governance, it has

for all. The Declaration stresses the need to strengthen the capacities for all people to enable them to benefit from change at work, to strengthen the institutions of work to ensure adequate protection for all workers, and to promote sustained, inclusive and sustainable growth, full and productive employment, and decent work for all. It equally stresses the critical role of international labor standards and of social dialogue in advancing these goals.

“In November 2019 the ILO Governing Body approved a Programme for 2020–21 designed specifically to give effect to the Declaration. Nine months after the adoption of the Centenary Declaration, COVID-19 was declared a pandemic by the World Health Organisation.” *Id.* at 1.

³ *Id.* at 2.

⁴ *About 25 Million Jobs Could Be Lost Worldwide Due To Coronavirus: United Nations*, ECON. TIMES, <https://economictimes.indiatimes.com/news/international/world-news/about-25-million-jobs-could-be-lost-worldwide-due-to-coronavirus-united-nations/articleshow/74705919.cms> (Mar. 19, 2020, 11:53 AM).

⁵ *Id.*

⁶ *The ILO Global Summit Highlights: COVID-19 and the World of Work*, INT’L LABOUR ORG. (July 22, 2020), https://www.ilo.org/global/about-the-ilo/multimedia/video/institutional-videos/WCMS_751643/lang--en/index.htm.

⁷ The President of the Council of Ministries, Italy (one of the first countries hit by the coronavirus). *COVID-19 and the World of Work, Global Leader’s Day*, INT’L LABOUR ORG. GLOBAL SUMMIT, <https://global-summit.ilo.org/en/event/leaders-day#FbgUO70> (last visited Mar. 9, 2021).

⁸ *Id.*

⁹ Concept Note, International Labour Organization Global Summit, COVID-19 and the World of Work 1, 2 (July 1–9, 2020), https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/meetingdocument/wcms_747931.pdf.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*; see generally *WHO Coronavirus Disease (COVID-19) Dashboard*, WORLD HEALTH ORG., <https://covid19.who.int> (last visited Mar. 9, 2021) (depicting an overview of the COVID-19 statistics for every country worldwide).

hit the already deprived and underprivileged the most.¹³ In these circumstances, those sitting comfortably in their mansions with a lifetime of savings to last forever are the bourgeoisie, and those without a single penny to get food for one time are barely the shoe-dirt of the proletariat. On being asked about the ILO's response on the current situation, Guy Ryder,¹⁴ the Director General of ILO replied,

the damage that this crisis does is not a fatality, it also depends on how we react to it and at the ILO we've been encouraging our member state Governments, employers and workers, basically to act on four main areas...four policy pillars as we refer to them, the first and perhaps the most obvious, is we need to see Governments using all of the fiscal and monetary tools and space available to them to stimulate economic activity to help us all get through these terribly difficult circumstances and the total is that some 10 trillion US dollars has been spent worldwide on just this type of stimulus package... then we need to target support to enterprises and make sure that viable enterprises do not become victims of this pandemic, and we also need to focus upon support for jobs and employment and for supporting income...social protection is absolutely fundamental in combating this pandemic, the third pillar is simply and this is where the health aspect comes in most strongly, we have to protect working people either those who have continued to work, the essential workers who have done such a heroic job throughout pandemic... and we have to make sure that those now returning to work are able to do so in absolutely safe conditions, and lastly and this is in the nature of ILO's tripartite consistency Connie we need dialogue, we need to seek cooperation between government, employers and workers' organization to find the right and practical solution that correspond to realities and actually work.¹⁵

A. Policy Framework

Pillar I: Stimulating the economy and employment

- i) Active fiscal policy
- ii) Accommodative monetary policy
- iii) Lending and financial support to specific sectors

Pillar II: Supporting enterprises, jobs, and incomes.

- i) Extend social protection to all

¹³ Concept Note, *supra* note 4.

¹⁴Guy Ryder CBE (born 3 January 1956) is a British political scientist and union organizer and is the tenth and current Director-General of the International Labor Organization (ILO). See *Biography of Guy Ryder, 10th ILO Director-General*, INT'L LABOUR ORG., https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/ilo-director-general/WCMS_205241/lang--en/index.htm (last visited Mar. 10, 2021).

¹⁵*COVID-19 and the World of Work, Regional Day*, INT'L LABOUR ORG. GLOBAL SUMMIT, <https://global-summit.ilo.org/en/event/regional-day/> (last visited Mar. 9, 2021).

- ii) Implement employment retention measures
- iii) Provide financial/tax and other relief for enterprises.

Pillar III: Protecting workers in the workplace.

- i) Strengthen occupational safety and health measures
- ii) Adapt work arrangements (e.g. teleworking)
- iii) Prevent discrimination and exclusion
- iv) Provide health access for all
- v) Expand access to paid leave

Pillar IV: Relying on social dialogue for solutions

- i) Strengthen the capacity and resilience of employers' and workers' organizations
- ii) Strengthen the capacity of governments
- iii) Strengthen social dialogue, collective bargaining and labor relations institutions and processes.

The pillars suggested by ILO have been implemented in various countries and territories, and while these methods are proven to be effective, there are also various limitations for the same.¹⁶

To start with, even if the policies and monetary initiatives to assist businesses and workers, to create jobs and better livelihood are appropriately regarded as investments rather than expenses, they still require a heavy funding in resources.¹⁷ Such measures cannot and are not expected to be expanded worldwide, as they are likely to be over the limit of certain nations to enforce them for the period required or even enforce them at all.¹⁸ And their untimely withdrawal would be liable to bring a second storm of immense crisis.¹⁹ Moreover, due to the increasing variety of work that has emerged in recent years, it is difficult to provide assistance to those who need it the most.²⁰ Sometimes the self-employed, contract employees, contractual staff, network employees, and those with unclear job status or entitlements have had trouble obtaining assistance and to these the millions of migrant and informal workers experiencing levels of precariousness must be added.²¹ In contrast, there are no apparent restrictions or limitations in using the social dialogue as a means to discover arrangements for the current crisis of COVID-19 and world of work.

¹⁶ *Id.* at 4. The data for national policy responses has been gathered by the ILO and shared on its website. *Country policy responses*, INT'L LABOUR ORG., <https://www.ilo.org/global/topics/coronavirus/regional-country/country-responses/lang--en/index.htm#US> (last visited Mar. 9, 2021).

¹⁷ Concept Note, *supra* note 4, at 4.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

II. DETERIORATING LIVING CONDITIONS AND EMPLOYMENT

In a review of U.S. economy, the International Monetary Fund²² said, “The risk ahead is that a large share of the U.S. population will have to contend with an important deterioration of living standards and significant economic hardship for several years. This, in turn, can further weaken demand and exacerbate longer-term headwinds to growth.”²³ Around 70% of world’s population and nearly one-third of global GDP is represented by the poorest countries in Africa, Asia, and Latin America that are dealing with economic and public health emergencies that require instantaneous action, and also the developing countries that are seriously affected by this critical situation.²⁴ In the ongoing global crisis, it is clearly evident that the most vulnerable ones are the worst hit. The informal and migrant workers not only have to face the peril of coronavirus pandemic, but also have to deal with the neglecting society and the strict measures taken by the government for the epidemic that has provided them with nothing but unemployment, hunger and homelessness.

A. India

“Recall the face of the poorest and the weakest man/woman whom you may have seen, and ask yourself, if the step you contemplate is going to be of any use to him/her. Will he/she gain anything by it? Will it restore him/her to a control over his/her own life and destiny? In other words, will it lead to Swaraj (freedom) for the hungry and spiritual starving millions?”

-Mahatma Gandhi²⁵

²²International Monetary Fund, *United States of America: Staff Concluding Statement of the 2020 Article IV Mission*, IMF (July 17, 2020), <https://www.imf.org/en/News/Articles/2020/07/17/mcs-071720-united-states-of-america-staff-concluding-statement-of-the-2020-article-iv-mission>. The International Monetary Fund (IMF) is an organization of 189 countries, working to foster global monetary cooperation, secure financial stability, facilitate international trade, promote high employment and sustainable economic growth, and reduce poverty around the world. Devex, *International Monetary Fund (IMF)*, DEVEX (2000), <https://www.devex.com/organizations/international-monetary-fund-imf-44300>.

²³International Monetary Fund, *supra* note 25.

²⁴ Erik Berglöf, Gordon Brown, Helen Clark & Ngozi Okonjo-Iweala, *A COVID-19 Response for the World’s Poor*, PROJECT SYNDICATE (June 8, 2020), <https://www.brookings.edu/opinions/a-covid-19-response-for-the-worlds-poor>.

²⁵ PYARELAL, MAHATMA GANDHI THE LAST PHASE VOL. II (1958). *Mahatma Gandhi*, HISTORY, <https://www.history.co.uk/biographies/mahatma-gandhi> (last visited Mar. 11, 2021). Mohandas Karamchand Gandhi (1869-1948) also known as Mahatma Gandhi was an Indian lawyer, anti-colonial nationalist, and political ethicist, who employed nonviolent resistance to lead the successful campaign for India's independence from British Rule, and in turn inspired movements for civil rights and freedom across the world.

In India, from January 30, 2020 to September 14, 2020 there were 4,846,427 confirmed COVID-19 cases with a total of 76,722 deaths.²⁶ It can be assuredly articulated, that the incessant plight of migrant workers and laborers in India has certainly shoved the corona-related issues in the backstage, taking the limelight of bigger crisis on themselves. A national lockdown in India was declared on March 24, 2020 by the Prime Minister, Narendra Modi.²⁷ It was a preventive step to limit the outbreak of COVID-19 on a large scale but was followed by the evacuation of migrant workers across the state.²⁸ It included both the organized and unorganized sector but the majority of these were the daily wages workers, who used to work at construction sites, rickshaw pullers, fruits and vegetable sellers, domestic workers, etc.; the survival of these workers depends on daily wages. In an extensive study of Economic Survey 2017, National Sample Survey Office data and Census of India 2011, conducted by Professor Amitabh Kundu of Research and Information System for developing countries, it was estimated that there are 33% workers in total of 65 million inter-state migrants.²⁹

National Human Rights Commission India

A suo motu cognizance has been taken by the National Human Rights Commission on the media reports which state that the trains for transporting the migrant workers are not only starting late but also taking many additional days to reach the destination due to which many laborers lost their lives on their way because of starvation as there's no adequate arrangement for food and water for them.³⁰ The Supreme Court on June 5, 2020, allowed the intervention of NHRC for taking long term as well as short term measures for aiding the migrant laborers.³¹

It has been observed by the NHRC that if the reports are as accurate as they claim to be, then it's an egregious contravention of human rights of these migrant workers. The families of these workers have undoubtedly agonized unalterable damage, and the state has

²⁶WHO Health Emergency Dashboard India, WORLD HEALTH ORG., <https://covid19.who.int/region/sear/country/in> (last visited Sept. 15, 2020).

²⁷ Archis Mohan, *PM Modi Announces Nationwide 21-days Lockdown, Appeals for Social Distancing*, BUS. STANDARD (Mar. 25, 2020, 1:31 PM), https://www.business-standard.com/article/current-affairs/pm-modi-announces-nationwide-21-day-lockdown-appeals-for-social-distancing-120032401687_1.html.

²⁸*Explained: Indian migrants, Across India*, THE INDIAN EXPRESS, <https://indianexpress.com/article/explained/coronavirus-india-lockdown-migran-workers-mass-exodus-6348834/> (last visited Mar. 11, 2021).

²⁹ *Id.*

³⁰ *NHRC Notices the Chief Secretaries of Gujarat and Bihar, Chairman, Railway Board and Union Home Secretary on Media Reports of Hardships to Laborers on Board Misdirected Special Trains, Devoid of Water, Food and Basic Facilities Causing Sickness and Death*, NAT'L HUMAN RIGHTS COMM'N, INDIA (May 28, 2020), <https://nhrc.nic.in/media/press-release/nhrc-notices-chief-secretaries-gujarat-and-bihar-chairman-railway-board->

[and#:~:text=The%20National%20Human%20Rights%20Commission,additional%20days%20to%20reach%20destination.&text=The%20state%20has%20failed%20to,laborers%20on%20board%20the%20trains.](https://nhrc.nic.in/media/press-release/nhrc-notices-chief-secretaries-gujarat-and-bihar-chairman-railway-board-)

³¹ *Supreme Court Allows NHRC Intervention in its Suo Motu Writ Petition on the Problems and Miseries of Migrant Labourers in the Wake of Nationwide Lockdown*, *supra* note 71.

absolutely failed them. The commission realized that the laborers were not feeling secure and supported due to lack of basic arrangements and requirements and thus started to protest against the government to reach their home.³² It was mandatory for the state to provide them transport with safety measures, but, in all the chaos, it didn't, which led to the vulnerable ones to suffer the most.³³ The Central Government, after carefully assessing the situation, provided for special trains that started from several different states to take the migrant workers to their native places.³⁴ All the monetary matter was borne by the government, from the train tickets to the arrangements made, but the suffering of the poor continues. Some media reports stated that the laborers have to wait at the station for hours without any provision for food, water, shade, or any measures for social distancing.³⁵ Not only that, but they have to bear police brutality and harassment by public authorities.³⁶ Sometimes they are asked to go back after waiting for hours, in the case of train cancellations.³⁷ The female laborers, ill persons, children, and old people are all suffering a lot more than the others.³⁸

Some of the short term measures proposed by the NHRC include: data collections of migrant workers at the time of departure by the state sending them and also at the time of arrival by the destination states, which will help organizing relief measures for the migrant workers as well as help creating a well-planned quarantining measures and testing for them; that the database should be separated by identifying the industries they work in, so as to aiding the state to form the policies and schemes accordingly; properly implementing the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979,³⁹ by the central as well as state government so that the workers can get travelling allowances; arrangements for hand sanitizers and masks for all workers; providing female workers menstrual hygiene products; ensuring shelter provisions by the states with proper medical facility for the workers, especially women, child and older people; directions to the states to support the workers by taking steps as deemed necessary, such as migrant workers helpline and helpdesks, anti-human trafficking units and seasonal hostel facilities for the children of these workers; providing

³² *Id.*

³³ *Id.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.* See *NHRC Takes Cognizance of a Migrant Mother Pulling a Suitcase with Her Child Sleeping Half Hung thereon on Agra Highway: Issues Notices to the Chief Secretaries of Punjab and Uttar Pradesh and the District Magistrate, Agra*, NAT'L HUMAN RIGHTS COMM'N, INDIA (May 15, 2020)

<https://nhrc.nic.in/media/press-release/nhrc-takes-cognizance-migrant-mother-pulling-suitcase-her-child-sleeping>

half#:~:text=2020),New%20Delhi%3A15.05&text=The%20National%20Human%20Rights%20Commissi on,on%20it%20on%20Agra%20Highway.

³⁹ The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, No. 30 of 1979 (India) [hereinafter Inter-State Migrant Workmen Act], is an Act of the Parliament of India enacted to regulate the condition of service of inter-state laborers in Indian labor law. The Act's purpose is to protect workers whose services are requisitioned outside their native states in India. *Id.*

compensations to the workers; ensuring en route food and water facilities for the workers travelling by foot and bicycles; a mission similar to *Vande Bharat Mission*,⁴⁰ to facilitate the workers in reaching their hometowns; ensuring the trains reach their destinations on time; and the creation of funds by the concerned District Magistrate, which will be given to every migrant returning back to his home.⁴¹

As for long term measures, the NHRC has proposed, in order to deal with a pandemic such as COVID-19, special provisions should be added in the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979;⁴² creating employment opportunities by allocating funds in the *Gram Panchayats*⁴³ in the hometowns of migrant workers; a universal ration card⁴⁴ for migrant workers; compensation to the family members of the workers who died during their journey; providing maximum benefits to the migrant workers under the Unorganized Workers' Social Security Act, 2008;⁴⁵ housing schemes for the workers as well as urban poor; and simplifying the registration process for the informal workers so as to magnify the aid provided by different schemes.⁴⁶ Even after the directions from the National Human Rights Commission India, the trains continue to delay; there is still no proper provision of shelter, food, and clean water; and the migrant workers continue to suffer due to poor implementation of such policies as proposed and corruption by the authorities.⁴⁷

⁴⁰ The Indian government had launched Vande Bharat Mission, considered to be the world's largest expatriation exercise to bring back stranded Indians from foreign destinations. Clear difference between the proletarians and Bourgeoisie. *See News Services Division All India Radio* <http://newsonair.com/News?title=Govt-to-begin-evacuation-exercise--%26%2339%3BVande-Bharat-Mission%26%2339%3B-from-today-to-bring-Indians-stranded-abroad&id=387830> (last visited Mar. 11, 2021).

⁴¹ *Supreme Court Allows NHRC Intervention in its Suo Mout Writ Petition on the Problems and Miseries of Migrant Laborers in the Wake of Nationwide Lockdown*, NAT'L HUMAN RIGHTS COMM'N, INDIA, (June 5, 2020); <https://nhrc.nic.in/media/press-release/supreme-court-allows-nhrc-intervention-its-suo-motu-writ-petition-problems-and> (last visited Mar. 11, 2021).

⁴² Inter-State Migrant Workmen Act, *supra* note 80.

⁴³ A gram panchayat or village panchayat is the only grassroots-level of panchayati raj formalised local self-governance system in India at the village or small-town level, and has a sarpanch as its elected head. *See* PRIA, https://pria.org/panchayathub/panchayat_text_view.php (last visited Mar. 11, 2021).

⁴⁴ Ration cards are an official document issued by state governments in India to households that are eligible to purchase subsidized food grain from the Public Distribution System. They also serve as a common form of identification for many Indians. *See* BANKBAZAAR, <https://www.bankbazaar.com/ration-card.html> (last visited Mar. 11, 2021).

⁴⁵ The Unorganised Worker's Soc. Sec. Act, No. 33 of 2008, INDIA CODE (2008) enacted to provide for the social security and welfare of the unorganised workers (meaning home-based workers, self-employed workers or daily-wage workers).

⁴⁶ *Supreme Court Allows NHRC Intervention in its Suo Motu Writ Petition on the Problems and Miseries of Migrant Laborers in the Wake of Nationwide Lockdown*, NAT'L HUMAN RIGHTS COMM'N, INDIA (Jun. 5, 2020), <https://nhrc.nic.in/media/press-release/supreme-court-allows-nhrc-intervention-its-suo-motu-writ-petition-problems-and>.

⁴⁷ Deepitman Tiwary, *Railways' Treatment of Mirgrants "Barbarism" State Failed to Protect Poor: NHRC*, THE INDIAN EXPRESS (May 29, 2020, 1:31:24 pm), <https://indianexpress.com/article/coronavirus/nhrc-india-coronavirus-lockdown-railways-migrants-6432727/>.

Judicial Measures

In a recent writ petition filed in the Supreme Court⁴⁸ in March 2020, demanding minimum wages for all migrant workers and issuing directions regarding the same to the Union or State government or as the court may deem fit. In the order⁴⁹ dated March 31, 2020, in the case of Public Interest Litigation filed by *Alakh Alok Srivastava*,⁵⁰ the Supreme Court ordered the Centre to provide for basic medical requirements for the workers and other facilities amid national lockdown. The order also directed contractors to pay wages to the workers and not deduct them due to lockdown, and it also directed the landlords to refrain from collecting rent from tenants. But even after the directions, the government failed to ensure that all workers were getting minimum wages, as many contractors didn't provide that, which left the workers with no choice but to leave for their hometown.⁵¹ World Health Organization (WHO) Director General Dr. Tedros Adhanom Ghebreyesus, on February 15, 2020, in the Munich Security Conference stated,⁵² "We are not just fighting an epidemic; we are fighting an infodemic. Fake news spreads faster and more easily than this virus, and is just as dangerous."⁵³ The trepidation caused by the false news spread in the media that the lockdown could continue for three more months provoked the movement of migrant workers across cities, the fear of starvation, homelessness, abandonment, and being away from families without any source of income to survive, leading them to move back to their homes, even without proper transportation, and some of them even lost their lives in the journey.⁵⁴

The Disaster Management Act, 2005, under Section 54⁵⁵ provides punishment of one year or a fine for spreading false news that creates a sense of panic and terror amongst

⁴⁸ *Harsh Mander vs. Union of India*, (2020) 10801 WP 1, 4 (India). "The Petition is filed by the petitioners seeking inter alia, to direct Central Government and the State Government to jointly and severally ensure payments of wages/minimum wages to all the migrant workers within a week. Mr. Prashant Bhushan (Petitioner) argued that despite governmental measures, thousands of laborers still lack access to basic amenities. The learned counsel further argued that studies conducted by NGOs indicate that there are several areas where the aid is not reaching to the migrant workers." See *Shashank Deo Sudhi vs. Union of India & ORS.*, (2020) 10816 WP 1, 2 (India). "In this case the petitioner had sought for directions to ensure free testing for COVID19 in public as well as private hospitals." *Id.*

⁴⁹ *Alakh Alok Srivastava vs. Union of India*, (2020) 468 WP 1, 1 (India).

⁵⁰ *Id.*

⁵¹ *What Senior Lawyers Told the Supreme Court Before it Spoke on Migrants*, WIRE (May 27, 2020), <https://thewire.in/law/supreme-court-migrant-workers-lawyers-letter>.

⁵² *Munich Security Conference*, WORLD HEALTH ORG. (Feb. 15, 2020) <https://www.who.int/dg/speeches/detail/munich-security-conference>.

⁵³ *UN Tackles 'Infodemic' of Misinformation and Cybercrime in COVID-19 Crisis*, UNITED NATIONS DEP'T OF GLOBAL COMM'NS (March 31, 2020), <https://www.un.org/en/un-coronavirus-communications-team/un-tackling-'infodemic'-misinformation-and-cybercrime-covid-19>.

⁵⁴ Inter-State Migrant Workmen Act, *supra* note 80.

⁵⁵ Disaster Mgmt. Act, 2005, No. 54 of 2005, Cent. Gov't Act, 2005 (India). "Punishment for false warning.—whoever makes or circulates a false alarm or warning as to disaster or its severity or magnitude, leading to panic, shall on conviction, be punishable with imprisonment which may extend to one year or with fine." *Id.*

the public during a pandemic or disaster regarding its severity, magnitude, or the measures taken by the government. It was directed by the Supreme Court in the order that the government will look upon such false media reports and devote some time on social media to clear the myths and doubts of the public regarding the situation, and anyone found spreading false news on WhatsApp or any other media will be subjected to the punishment mentioned under section 54 of the Disaster Management Act.⁵⁶ Also, Section 51 of the act lays down the punishment of one to two years or a fine or both for anyone occluding the measures taken by the government or opposing public authorities carrying out the same, such as the nationwide lockdown, people opening their shops, conducting social events, going out without any emergency etc., would be punished under this act.⁵⁷ But the Supreme Court on June 9, 2020, excluded the migrant workers heading home from the ambit of this section.⁵⁸ The Court in its order directed the state and union territories to withdraw complaints against the workers who have violated the lockdown by moving back to their hometowns.⁵⁹ The Supreme Court in its order also directed the railways to provide about 171 more Shramik Special Trains⁶⁰ to the states within a day to transport the migrant workers.⁶¹

⁵⁶ Inter-State Migrant Workmen Act, *supra* note 80.

⁵⁷ Disaster Mgmt. Act, 2005, No. 51, Central Gov't Act, 2005 (India). "Punishment for obstruction, etc.— (1) Whoever, without reasonable cause—

(a) obstructs any officer or employee of the Central Government or the State Government, or a person authorised by the National Authority or State Authority or District Authority in the discharge of his functions under this Act; or

(b) refuses to comply with any direction given by or on behalf of the Central Government or the State Government or the National Executive Committee or the State Executive Committee or the District Authority under this Act, shall on conviction be punishable with imprisonment for a term which may extend to one year or with fine, or with both, and if such obstruction or refusal to comply with directions results in loss of lives or imminent danger thereof, shall on conviction be punishable with imprisonment for a term which may extend to two years. notes on clauses Clauses 51 to 58 (Sec. 51 to 58) seeks to lay down what will constitute an offence in terms of obstruction of the functions under the Act, false claim for relief, misappropriation of relief material or funds, issuance of false warning, failure of an officer to perform the duty imposed on him under the Act without due permission or lawful excuse, or his connivance at contravention of the provisions of the Act. The clauses also provide for penalties for these offences." *Id.*

⁵⁸ Krishnadas Rajgopal, *Coronavirus lockdown | Migrant workers should not be prosecuted, says Supreme Court*, HINDU (June 9, 2020), <https://www.thehindu.com/news/national/coronavirus-lockdown-migrant-workers-should-not-be-prosecuted-says-supreme-court/article31784841.ece>.

⁵⁹ *Id.*

⁶⁰ *Indian Railways Announces 6 'Shamrik Special' Trains to Ferry Stranded Migrant Workers, Students*, ECON. TIMES (May 2, 2020) <https://economictimes.indiatimes.com/industry/transportation/railways/indian-railways-announces-6-shramik-special-trains-to-ferry-stranded-migrant-workers-students/articleshow/75491163.cms>.

The Indian Railways started to operate Shramik Special Trains from May 1st, 2020 to transport stranded migrant workers, students, pilgrims and tourists to their native states, with subsidized ticket prices. *Id.*

⁶¹ *Id.* See *Coronavirus lockdown | Deaths in Shramik Trains Not Due to Lack of Food, Water, says Government*, HINDU (June 5, 2020), <https://www.thehindu.com/news/national/coronavirus-lockdown-deaths-in-shramik-trains-not-due-to-lack-of-food-water-says-government/article31759464.ece>.

Despite the writ petitions and numerous PILs, the Supreme Court consistently kept its mouth shut on addressing the cases of migrant workers.⁶² With the few orders and judgments given after the first PIL filed in March, the Court failed to entertain the rest of the issues.⁶³ The Supreme Court Bar Association President Dushyant Dave, in reference to the Supreme Court handling of the cases related to the workers, said:

(Covid-19) pandemic really gave the judiciary a chance to win over the hearts of the people by taking proactive steps in the time of crisis and earn back the respect it once commanded. . . . The judiciary intervenes through public interest litigation in all kinds of matters but when it came to the crunch, it failed Judges cannot sit in an ivory tower and be blindfolded to the miseries of the citizens of India. The Constitution framers wanted the Judiciary to supervise the executive's actions and inaction. . . . What is stopping outstanding judges from taking up matters (relating to Covid-19 issues) suo motu? They should confront the chief justice's powers of master of roster. . . . We lawyers should galvanize the judiciary into action. We have to stir up their conscience. Criticism of the judiciary is not contempt.⁶⁴

The Court has let down the migrant workers by remaining silent on their plight and not providing them their rights. The Court remarked in a plea seeking free transportation for the migrant workers that it cannot stop people from walking and also cannot keep count of them.⁶⁵ Sharad Arvind Bobde,⁶⁶ the Chief Justice of India, on hearing a plea for providing the minimum wages to the migrant workers during the lockdown, stated that, "If they are being provided meals, why do they need money for meals" and disposed the plea.⁶⁷ The last resort left for the laborers to look upon the acts and policies for some relief.

⁶² *Judiciary Failed to Protect Citizen's Rights Amid Covid-19 Pandemic: Dushyant Dave*, HINDUSTAN TIMES (May 23, 2020, 10:25 PM), <https://www.hindustantimes.com/india-news/judiciary-failed-to-protect-citizens-rights-amid-covid-19-pandemic-dushyant-dave/story-GXUEmIQQaamHZGecLcTYgJ.html>.

⁶³ *Id.*

⁶⁴ Anish Sunkara, *Role of Judiciary in Pandemic: Sree Dushyant Dave, Senior Advocate, Supreme Court Of India*, YOUTUBE (May 23, 2020), <https://www.youtube.com/watch?v=bf1mGcZOUaE>; *See also Judiciary failed to protect citizen's rights amid Covid-19 pandemic: Dushyant Dave*, HINDUSTAN TIMES (May 23, 2020, 10:25 PM), <https://www.hindustantimes.com/india-news/judiciary-failed-to-protect-citizens-rights-amid-covid-19-pandemic-dushyant-dave/story-GXUEmIQQaamHZGecLcTYgJ.html>.

⁶⁵ *'How Can We Stop People from Walking?': SC Dismisses Plea Seeking Provision of Food and Water for Stranded Migrant Workers*, FIRST POST, (May 15, 2020), <https://www.firstpost.com/health/how-can-we-stop-migrants-from-walking-sc-dismisses-plea-seeking-provision-of-food-to-stranded-workers-says-state-govts-should-take-action-8371571.html>.

⁶⁶ *Know All About Sharad Arvind Bobde, The New Chief Justice Of India*, LOGICAL INDIAN, (Nov. 18, 2019), <https://thelogicalindian.com/news/sharad-arvind-bobde/>. Sharad Arvind Bobde is an Indian judge serving as the 47th and current Chief Justice of India. He is a former Chief Justice of Madhya Pradesh High Court. He is also serving as the Chancellor of Maharashtra National Law University, Mumbai and Maharashtra National Law University, Nagpur. *Id.*

⁶⁷ *Judiciary Failed to Protect Citizen's Rights Amid Covid-19 Pandemic: Dushyant supra* note 103

Unfortunately, the Indian Legislation for governing laborers in the time of epidemic is evidently insufficient and incompetent to the situation.⁶⁸

The Contract Labor (Regulation and Abolition) Act, 1970

The Contract Labor (Regulation and Abolition) Act, 1970,⁶⁹ was enacted after the post-independence era when India was trying to rebuild its deteriorating economy and moving towards industrialization and development. Workers were in demand not only in agricultural fields but also industrial plants and mines, etc., and hence the workers from small, underdeveloped cities migrated to big industrial cities in search of employment and started working in industries as contract labor.⁷⁰ There was a need felt to regulate the working situation of contract labor, safeguard their interest, give them rights, and a means to get them, and hence the Contract Labor Act was enacted.⁷¹

On May 8, 2020, the Uttar Pradesh Government, in order to boost the economy and make easier investments for manufacturers and businesses approved the Uttar Pradesh Temporary Exemption from Certain Labor Laws Ordinance, 2020 under which it abolished all labor laws except three, applicable on all businesses for a period of three years.⁷² The Contract Labor (Regulation and Abolition) Act, 1970, has been suspended under this ordinance.⁷³ Even though this ordinance has not yet been given the President's assents, the Uttar Pradesh Government already is receiving a lot of criticism for giving approval to such an ordinance, which pays attention to alleviating the investment procedures for manufacturers and businesses but on the other side deprives the workers of their rights.⁷⁴ In this time of extreme unprecedented crisis, where the workers are already suffering too much, this ordinance does nothing but pile on the agony.

⁶⁸ Chetan Chauhan, *Explainer: Migrant Workers to Get Social Security in the New Avatar of 1979 Law That Was Not So Effective*, <https://www.hindustantimes.com/india-news/explainer-migrant-workers-to-get-social-security-in-the-new-avatar-of-1979-law-that-was-not-so-effective/story-PNqSZnxtBCGIBQgjsVtpJ.html> (May 28, 2020, 6:35 PM).

⁶⁹ Para Jain, *The Contract Labour (Regulation And Abolition) Act, 1970*, http://www.legalserviceindia.com/articles/labour_contract.htm (last visited Mar. 9, 2021). The object of the Contract Labor (Regulation and Abolition) Act, 1970 is to prevent exploitation of contract labor and also to introduce better conditions of work. A workman is deemed to be employed as contract labor when he is hired in connection with the work of an establishment by or through a contractor. *Id.*

⁷⁰ See Ronald Skeldon, *On Migration Patterns in India during 1970s*, 12 POPULATION & DEV. REV. 759, 765 (1986) (statistics on immigration patterns in India during 1970s).

⁷¹ Shashank Agarwal & Saurabh Tiwari, *A Study of Contract Labour Regulation and Abolition Act, 1970*, [http://www.legalserviceindia.com/article/112-A-Study-of-Contract-Labour-\(Regulation-and-Abolition\)-Act,-1970.html](http://www.legalserviceindia.com/article/112-A-Study-of-Contract-Labour-(Regulation-and-Abolition)-Act,-1970.html) (last visited Mar. 10, 2021).

⁷² Rohan Ahuja & Mizan Siddhiqui, *Labour Laws Ordinance: Covid 19* (June 12, 2020), <https://www.indialegallive.com/special-story/labour-laws-ordinance-covid-19/>.

⁷³ *Id.*

⁷⁴ *Id.*

Under §§ 16,⁷⁵ 19,⁷⁶ and 21⁷⁷ of the Act, the provision for food (canteen) where more than a hundred workers are employed, facilities for first aid, medical assistance, and payment of wages to the workers must be provided and arranged by the contractor respectively. But as per the media reports and even after the directions from the Supreme Court, the migrant workers are complaining that they have to head back home as there is no provision of food, health, or wages by the contractor or the government as stated under the Act.⁷⁸ Despite the complaints, no action was initiated by the government on this clear violation of this Act by the contractors, who are failing to pay the wages and provide food despite the guidelines by the state.

The Unorganized Workers Social Security Act, 2008

In order to ensure the security and to protect the interests of the workers in the informal or unorganized sector and to implement the National Security Social Scheme, the Unorganized Workers Social Security Act, 2008, was enacted with an aim to satisfy the needs of the unorganized sector. It is mandatory for the central government under § 3 of

⁷⁵ The Contract Labour (Regulation and Abolition) Act, 1970, § 16 (India). “Canteens.- (1) The appropriate Government may make rules requiring that in every establishment—(a) to which this Act applies; (b) wherein work requiring employment of contract labor is likely to continue for such period as may be prescribed, and (c) wherein contract labor numbering one hundred or more is ordinarily employed by a contractor, one or more canteens shall be provided and maintained by the contractor for the use of such contract labor; (2) Without prejudice to the generality of the foregoing power, such rules may provide for-- (a) the date by which the canteens shall be provided; (b) the number of canteens that shall be provided, and the standards in respect of construction, accommodation, furniture and other equipment of the canteens; and (c) the foodstuffs which may be served therein and the charges which may be made thereof.” *Id.*

⁷⁶*Id.* § 19. “First-aid facilities.- There shall be provided and maintained by the contractor so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents at every place where contract labor is employed by him.” *Id.*

⁷⁷ *Id.* § 21. “Responsibility for payment of wages- (1) A contractor shall be responsible for payment of wages to each worker employed by him as contract labor and such wages shall be paid before the expiry of such period as may be prescribed; (2) Every principal employer shall nominate a representative duly authorized by him to be present at the time of disbursement of wages by the contractor and it shall be the duty of such representative to certify the amounts paid as wages in such manner as may be prescribed; (3) It shall be the duty of the contractor to ensure the disbursement of wages in the presence of the authorized representative of the principal employer; (4) In case the contractor fails to make payment of wages within the prescribed period or makes short payment, then the principal employer shall be liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labor employed by the contractor and recover the amount so paid from the contractor either by deduction from any amount payable to the contractor under any contract or as a debt payable by the contractor.” *Id.*

⁷⁸ V Prakash, *A Law That Stands by Workers Forgotten*, INDIA TIMES (Sep. 22, 2020), <https://timesofindia.indiatimes.com/india/a-law-that-stands-by-workers-forgotten/articleshow/78249621.cms>.

the Act to formulate policies for the informal workers on the matters pertaining to life and disability coverage, old age protection, maternity, and health benefits.⁷⁹

However, the Act requires a proper registration of the workers, which is a time taking and lengthy procedure; it also requires a small contribution from the workers in order to get the social security benefits like Pradhan Mantri Garib Kalyan Yojna and other policies.⁸⁰ At this time of crisis, it is expected from the government to set aside the registration and widen the scope of schemes and the Act for every unorganized sector worker, but the government is not at all paying heed to it. There are many other schemes under this Act like Rashtriya Swasthya Bima Yojana⁸¹ that provides health insurance coverage to the unorganized sector or the Public Distribution System (PDS)⁸² etc., because they don't have the awareness or knowledge as such to get registered for the same, and they migrate from one state to another.

The Inter-State Migrant Workmen Act, 1979

The Inter-State Migrant Workmen (Regulation of Employment and Condition of Working) Act, 1979, implemented as the Contract Labor (Regulation and Abolition) Act, 1970, failed to achieve its aim.⁸³ Even after the Contract Labor Act was enacted, the majority of workers were still facing exploitation and abusive working environments from their contractor or employer⁸⁴. Unlike, and as an extension to the previous Act, the 1979

⁷⁹ The Unorganized Workers Social Security Act, 2008, § 3 (India). “Framing of scheme.— (1) The Central Government shall formulate and notify, from time to time, suitable welfare schemes for unorganised workers on matters relating to— (a) life and disability cover; (b) health and maternity benefits; (c) old age protection; and (d) any other benefit as may be determined by the Central Government; (2) The schemes included in the Schedule 1 to this Act shall be deemed to be the welfare schemes under sub-section 1; (3) The Central Government may, by notification, amend the Schedules annexed to this Act; (4) The State Government may formulate and notify, from time to time, suitable welfare schemes for unorganised workers, including schemes relating to— (a) provident fund; (b) employment injury benefit; (c) housing; (d) educational schemes for children; (e) skill upgradation of workers; (f) funeral assistance; and (g) old age homes.” *Id.*

⁸⁰ Pradhan Mantri Garib Kalyan Yojana (PMGKY) was launched by the Government of India in 2016. Income taxpayers are given an opportunity to forgo prosecution by declaring their illegal money. FA

⁸¹ Rashtriya Swasthya Bima Yojana (launched in 2008) is a government-run health insurance programme for the Indian poor. The scheme aims to provide health insurance coverage to the unrecognised sector workers belonging to the BPL category and their family members shall be beneficiaries under this scheme. Tojo Jose, *Pradhan Mantri Garib Kalayan Yojana – Components*, INDIAN ECON. (July 22, 2020), <https://www.indianeconomy.net/splclassroom/pradhan-mantri-garib-kalayan-yojana-components/>.

⁸² The Public Distribution System (PDS) evolved as a system of management of scarcity through distribution of food grains at affordable prices. Over the years, PDS has become an important part of Government's policy for management of food economy in the country. PDS is supplemental in nature and is not intended to make available the entire requirement of any of the commodities distributed under it to a household or a section of the society. *Introduction*, DEP'T OF FOOD & PUBLIC DISTRIBUTION, <https://dfpd.gov.in/index.htm> (Nov. 5, 2020).

⁸³ *I.S.M.W. Act*, LABOUR DIRECTORATE, <https://labdirodisha.gov.in/?q=node/88> (last visited Mar. 11, 2021).

⁸⁴ *Id.*

Act dealt with the plight of migrant workers.⁸⁵ This Act has provided some promising solutions for dealing with migrant workers' employment, wages, and condition, only if implemented properly. Among other things, this Act mandates the employers to pay the same wages to a migrant worker as they pay to a local worker for the same kind of work; this rules out partiality and benefits a worker to migrate to any state.⁸⁶

It also makes it compulsory for the employer to pay an allowance for displacement which is 75 INR or 50% of the wages, whichever is higher,⁸⁷ and a transportation allowance for travelling back home⁸⁸ and other such rights. But it is evident from the conditions of the migrant labors that this act has been neglected not only by the employers but also the government. The Indian Legislation has witnessed some very propitious labor acts; but the corruption, poor execution, and ignorance of the public authority to properly implement it has led it to just appear on papers, election speeches, and law books, but practically it's all a fairytale for the workers, something they just use to reassure themselves that good times are ahead, and some hope to hold on to.⁸⁹

B. The United States

In the USA, from January 20, 2020 to September 14, 2020, there have been 6,426,958 COVID-19 cases with a total of 192,612 deaths.⁹⁰ For what it is clearly evident, the coronavirus is not only responsible for a public health crisis but also an economical

⁸⁵ *Id.*

⁸⁶ Inter-State Migrant Workmen Act, § 13 (India). "Wage rates and other conditions of service of inter-State migrant workmen.—

(1) The wage rates, holidays, hours of work and other conditions of service of an inter-State migrant workman shall,— (a) in a case where such workman performs in any establishment, the same or similar kind of work as is being performed by any other workman in that establishment, be the same as those applicable to such other workman; and (b) in any other case, be such as may be prescribed by the appropriate Government: Provided that an inter-State migrant workman shall in no case be paid less than the wages fixed under the Minimum Wages Act, 1948 (11 of 1948).

(2) Notwithstanding anything contained in any other law for the time being in force, wages payable to an inter-State migrant workman under this section shall be paid in cash." *Id.*

⁸⁷ *Id.* § 14, "Displacement allowance.—

(1) There shall be paid by the contractor to every inter-State migrant workman at the time of recruitment, a displacement allowance equal to fifty percent of the monthly wages payable to him or seventy-five rupees, whichever is higher.

(2) The amount paid to a workman as displacement allowance under sub-section (1) shall not be refundable and shall be in addition to the wages or other amounts payable to him." *Id.*

⁸⁸ *Id.* § 15, "Journey allowance, etc.—A journey allowance of a sum not less than the fare from the place of residence of the inter-State migrant workman in his State to the place of work in the other State shall be payable by the contractor to the workman both for the outward and return journeys and such workman shall be entitled to payment of wages during the period of such journeys as if he were on duty." *Id.*

⁸⁹ *Study: 14.4 Million U.S. Workers Face Exposure to Infection on the Job*, reviewed by Emily Henderson, NEWS MEDICAL (Apr. 29, 2020), <https://www.news-medical.net/news/20200429/Study-144-million-US-workers-face-exposure-to-infection-on-the-job.aspx>.

⁹⁰ WHO Health Emergency Dashboard United States, WORLD HEALTH ORG., <https://covid19.who.int/region/searo/country/in> (last visited Sept. 15, 2020).

one, and it's not just the underdeveloped and developing countries that are dealing with it, but the developed countries are also a victim of the same (maybe not on the same magnitude). Developed countries are having employment issues, joblessness, and workers issues of their own. In a research from the University of Washington, it has been estimated that about 14.4 million workers get exposed to the coronavirus per week at their workplaces.⁹¹ While the healthcare service sector has been the most exposed one, but other essential service sectors are also the ones that has daily contact with the public. It is a duty and foremost priority for the government and policy makers to excogitate enforceable safety measures for them, but they didn't.⁹² Guidelines for workplace safety have been laid down by the Centers for Disease Control and Prevention⁹³ and the Occupational Safety and Health Administration (OSHA),⁹⁴ but they are not executive in nature.

As truly said by Justin Gest,⁹⁵ "Self-isolation is an economic luxury"⁹⁶ the working class, and those who are not endowed with such luxury are out on the roads, working in such an environment and are trying to survive the pandemic as well as the barbaric ignorance of the state and the society. According to various surveys and data, half a million people in America are homeless, living on streets or in homeless shelters, in unsanitary or crowded conditions on any given night. Those are the people living in acrimony, an unhealthy and unsatisfying life; these are the ones with underlying diseases, kidney and lungs issues; and these are axiomatically the ones in need of maximum protection and ironically are the most deprived ones. The government is not able to meet the most basic demands of the working class, which includes: accessible and universal testing; free high quality treatment and equality of care as a basic right; paid sick leave for all workers; protection of refugees, prisoners, and the homeless and safe working conditions makes the efficiency of the legal structure and ability of the government questionable.

U.S. Department of Labor

Although the American government and the U.S. Department of Labor has passed down resources in order to help workers as well as employers, the resources are not evidently enough but could be a sigh of relief for some. It's a paradox for the workers to

⁹¹ *Study: 14.4 Million U.S. Workers Face Exposure to Infection on the Job*, *supra* note 130.

⁹² *Id.*

⁹³ *Our History – Our Story*, CENTERS FOR DISEASE CONTROL AND PREVENTION, <https://www.cdc.gov/about/history/index.html> (Dec. 4, 2018). The Centers for Disease Control and Prevention is a national public health institute in the United States. *Id.* It is a United States federal agency, under the Department of Health and Human Services, and is headquartered in Atlanta, Georgia. *Id.*

⁹⁴ *OSHA's 30th Anniversary*, U.S. DEP'T OF LAB., <https://www.osha.gov/aboutosha/30-years> (last visited Mar. 11, 2021). The Occupational Safety and Health Administration is an agency of the United States Department of Labor. *Id.* Congress established the agency under the Occupational Safety and Health Act, which President Richard M. Nixon signed into law on December 29, 1970. *Id.*

⁹⁵ Justin Gest is a public-policy professor at George Mason University and the author of *The New Minority*. Olga Khazan, *How the Coronavirus Could Create a New Working Class*, ATLANTIC (April 15, 2020), <https://www.theatlantic.com/health/archive/2020/04/coronavirus-class-war-just-beginning/609919/>.

⁹⁶ *Id.*

stay at home during the lockdown and follow the state's orders and at the same time work for their survival, so their best shot at outliving the pandemic is to follow the social distancing and sanitization methods while at work, only if the government provides that systematically. To help the workers and employers to maintain safety in their workplace, OSHA has published, in collaboration with the U.S. Department of Health and Human Services, the "Guidance on Preparing Workplaces for COVID-19."⁹⁷ Apart from that, OSHA has also released a website that informs workers about infection safety and other guidance.⁹⁸ In addition to that, the information on common issues employers and workers face while responding to COVID-19 is being provided by the Wage and Hour Division, which includes effects on wages and hours worked under the Fair Labor Standards Act and job-protected leave under the Family and Medical Leave Act.⁹⁹

The Wage and Hour Division of the U.S. Department of Labor, on September 11, 2020, announced revisions to the orders that implemented paid sick leave and expanded family and medical leave provisions of the Families First Coronavirus Response Act (FFCRA).¹⁰⁰ In the new revised rule, workers' rights and employers' responsibilities regarding FFCRA paid leave have been laid down and clarified. The rule was issued in light of the U.S. District Court for the Southern District of New York's August 3, 2020, decision nullifying sections of the apropos regulations.¹⁰¹ The emendation entitled the Wage and Hour Division sought to implement necessary legal protections for a plethora of workers appropriately and fairly.¹⁰² The Wage and Hour Division issued its initial temporary rule implementing provisions under the FFCRA on April 1, 2020.¹⁰³ The revised rule will take effect on September 16, 2020.¹⁰⁴

Amongst the various rules and regulations laid down by the government and the U.S. Department of Labor, the notable ones also include the Employment and Training Administration's new guidance outlining state flexibilities in administering their unemployment insurance programs to assist Americans affected by the COVID-19 outbreak, in which federal law permits significant flexibility for states to amend their laws to provide unemployment insurance benefits in multiple scenarios related to COVID-19, and, in addition, as provided by federal law, an employee doesn't need to quit his job in order to get benefits and has also landed a hand in support of dislocated workers.¹⁰⁵ The government and the various labor departments are evidently trying to cope up with the

⁹⁷ *U.S. Department of Labor Offers Guidance for Preparing Workplaces for Coronavirus*, U.S. DEP'T LAB. (Mar 9, 2020), <https://www.dol.gov/newsroom/releases/osha/osha20200309>.

⁹⁸ *Healthcare Workers and Employers*, U.S. DEP'T LAB., <https://www.osha.gov/coronavirus/control-prevention/healthcare-workers> (last visited Mar. 12, 2021).

⁹⁹ *COVID-19 and the American Workplace*, U.S. DEP'T LAB. WAGE AND HOUR DIV., <https://www.dol.gov/agencies/whd/pandemic> (last visited Mar. 12, 2021).

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Unemployment Insurance Relief During COVID-19 Outbreak*, U.S. DEP'T LAB., <https://www.dol.gov/coronavirus/unemployment-insurance#guidance> (last visited Mar. 12, 2021).

damage and help the working class, but the legal system to support the workers isn't sufficient to cover the damage control of this pandemic.

III. CONCLUSION

Society as well as the government have obfuscated the labor laws as universal laws, which would work and will prove to be efficient in any condition. But the current pandemic has apparently dispelled the stereotype and has showcased a side of the world that we weren't ready for. Where on one hand, the workers are fighting their best to survive the pandemic without proper housing, testing, and sanitization provisions and are also dealing with unemployment, no income, and hunger. On the other hand, the elites are sitting on their couches, in the comfort of their homes and are enjoying the privilege of working from home. The workers are left to face the exposure to the virus alone, and unfortunately the inability of the government to fulfill even foundational demands throws a spotlight on the question of readiness of the state in such pandemic and the efficiency of the legal system. The ubiquitous ignorance of the states towards the lower class is nauseating.