



**Labour Laws in India and Canada: A Comparative
Study of Legislative Changes and Their Driving Forces**

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Objectives

This study examines the historical development of labour laws throughout the world, paying particular attention to the important events and reforms that occurred in Canada and India that greatly influenced the current foundations for those laws.

Aims to identify common themes and divergent paths in the legislative responses of each country to labour challenges, thereby contributing to a nuanced understanding of labour law development in diverse socio-economic contexts.

Introduction

1. Many scholars have attempted to define law; H. L. A. Hart (1961) views the primary function of law as protecting law-abiding citizens and enabling complex economic and social activities.
2. Laws span across domains like International law, Constitutional law, Criminal law, Contract law, Torts, Property law, Labour law (Horwitz, 1982).
3. Laws differ based on sectors; laws for the informal sector (street vendors, subcontractors) differ from those for the formal sector (government, banking, education) (Tokman, 1979).
4. Labour laws regulate the workforce and the party employing them and cover areas such as work conditions, payments, sectors, labour relations, social protection, and social institutions
5. Problems in the informal sector include depressed wages, illegal activities, lack of contracts, and exploitation (Papola, 1980; Muthusamy and Ibrahim, 2016; Prasad, 2023).

Research Methodology

1. **Comparative Analysis**: The paper employs a comparative approach, examining the legislative changes in the labour laws of India and Canada. It focuses on critical events that shaped labour law in both countries.
2. **Case Study Approach**: Specific instances from each country, such as landmark court rulings and major historical events (e.g., Bhopal Gas Tragedy in India, Winnipeg General Strike in Canada), are used as case studies to explore how labour laws evolved.
3. **Historical Contextualization**: The methodology includes a historical review of the development of labour laws, tracing key legislative milestones from colonial times in India and early industrial periods in Canada.

Discussion- Canada

In Canada, changes in labour laws are generally the result of peaceful protests, organized strikes, and proactive government initiatives. This highlights a more structured, responsive approach to labour welfare, where the government and society prioritize and swiftly address labour concerns.

Canada has a relatively low threshold of intensity required to enact legal reforms. Labour protests and strikes in Canada tend to be peaceful, allowing the government to quickly respond and implement changes.

Discussion- India

India's legislative changes are often reactive, spurred by extraordinary incidents or tragic situations, such as the Bhopal Gas Tragedy or the MC Mehta v/s State of Tamil Nadu case. India's labour law reforms often follow disasters or intense legal battles.

In India, significant legal reforms often occur only after extreme circumstances, such as large-scale disasters or severe human rights violations, indicating a system that is slower to adapt unless faced with a crisis.

Results

Legislative Change Drivers:

India: Legislative changes are often driven by severe incidents or tragedies, such as the Bhopal Gas Tragedy or the MC Mehta v/s State of Tamil Nadu case. These catastrophic events trigger public outrage and push the government to implement reforms, showing that reactionary policy-making is common.

Canada: In contrast, Canada's legislative changes result more from organized strikes, protests, and government initiatives. For example, movements like the Winnipeg General Strike and the Nine-Hour Movement demonstrate that proactive, worker-led advocacy is the main catalyst for reforms.

Results (cont.)

Culture regarding labour laws:

India's system tends to respond slowly, and only after a critical threshold of suffering is reached. This reflects a reactive legal culture, where exploitation and injustice must reach extreme levels before reforms are enacted.

Canada, on the other hand, demonstrates a more predictable, inclusive system, where legal changes occur without the need for severe tragedies, indicating a proactive and organized legal culture.

Conclusion

Analysis of two models:

Canada's model focuses on worker welfare, and reforms are more easily enacted, reflecting a lower threshold of intensity for change.

India's model is driven by extreme circumstances, often requiring significant loss or exploitation before reforms are introduced.

Further research:

The study provides insights that could help sociologists and psychologists further explore how cultural differences manifest in legal systems.

It also offers a model for analyzing labour law reforms in other countries by looking at key events and their impact on legal frameworks.

Limitations

1. Limited availability of comparative research on labour laws in India and Canada.
2. Difficulty accessing peer-reviewed papers.
3. The small sample size of three key instances per country may not fully represent broader legislative trends.
4. Reliance on second-hand sources rather than first-hand legal documents introduces the risk of bias.