Labor laws liberalization and COVID-19: A study of the impact of this crisis on practices and preparedness of India Inc

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ABSTRACT

Purpose - Labor laws in India have historically been pro-employees, however in light of the recent steps such as the 2018 amendment to the IESO Act allowing fixed-term employment for core-perennial tasks, reduced licensing red tape, consolidation through new labor codes etc. and furthermore the severe impact of COVID-19 on the livelihoods of Indian labor as well as on the viability of businesses, the purpose of this study is to capture the resultant influence on the state of industry preparedness towards the changing paradigm of industrial relations in India.

Proposed Design/Methodology/Approach — Using interviews and secondary research to analyze the industry impact of liberalization of labor laws in India before the COVID-19 crisis, capture the evolving industry practices and expectations amidst the crisis for comparative analysis by leveraging bivariate correlation analyses through Spearman's rho correlation coefficient in order to determine the extent of correlation among the chief indicators of our primary, component and compound hypotheses, and discover the extent of industry awareness of the impact of COVID-19 on changing labor law compliance requirements and their state of preparedness around the same.

Findings – An informed comparison of pre and post COVID-19 crisis industry outlooks, practices in relation to their workforce and the extent of industry preparedness towards evolving Indian labor laws.

Practical/Theoretical Implications – With the global imperative for liberalization of the labor laws in India as the competition with China and other markets in South-East Asia and Africa intensifies, it is essential to understand the lasting impact of COVID-19 on industrial relations in India

Originality/Value – This is an effort to undertake research as original work in order to not only enable better policymaking but also aid and bolster industry preparedness in this evolving paradigm of industrial relations in India.

Keywords

Industrial Relations, COVID-19, Labor Law Liberalization, India Inc

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Introduction

Notwithstanding the fact that it is common knowledge that labor laws in India have historically been pro-employees, in light of the recent steps such as the 2018 amendment to the IESO Act allowing fixed-term employment for coreperennial tasks, reduced licensing red tape, consolidation through new labor codes etc. and furthermore the severe impact of COVID-19 on the livelihoods of Indian labor as well as on the viability of businesses, the purpose of this study is to capture the subsequent influence on the state of industry preparedness towards the changing paradigm of industrial relations in India. With the global imperative for liberalization of the labor laws in India as the competition with China and other markets in South-East Asia and Africa intensifies, it is essential to understand the lasting impact of COVID-19 on industrial relations in India.

In order to get a better foundational understanding of the impact of COVID-19 on the labor laws in India, it becomes imperative to take a closer look at the developments in industry practices as well as government notifications and ordinances through literature review and secondary research. Complimentary to that, an inventory of questions to be answered by industry professionals as well as those with relevant expertise, would form the primary research effort in order to discover the essential elements of the COVID-19 impact pertaining to the labor laws. The primary facets covered by this inventory would be pre vs post comparisons of COVID-19 impact as well as queries concerning the

practices and preparedness of the industry in India, along with pertaining information to identify and understand any demographic relevances.

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We will aim to understand this impact of the pandemic on company practices and preparedness in relation to labor laws liberalization through mediation and moderation analyses of the following hypotheses –

Primary hypothesis - H1 - COVID-19 has significantly impacted organizational practices and preparedness towards labor laws liberalization (LLL)

Component hypotheses -

H2 – COVID-19 has significantly impacted organizational outlook and sentimentality towards LLL.

H3 – Organizational outlook and sentimentality towards LLL impacts organizational practices.

Compound Hypothesis H4 - H2 + H3,

Wherein, organizational outlook and sentimentality are the mediators between component hypotheses H2 and H3, and the validation of our primary hypothesis H1 is contingent upon the validation of compound hypothesis H4.

As we will see in the sections to follow, there are a few immediately interesting developments in this regard and naturally become the initial points of attraction for deeper dives and further investigation for the purpose of this research paper –

1. The legal and regulatory updates as retrieved from the AZB partners' website, show a very clear dichotomy of extreme measures that have evidently caused more concern and even frenzy than help both the employers as well as the labor unions, whether we take the example of illegalizing layoffs or acts of retrenchment on one hand or suspension of an entire gamut of labor laws certain State governments.

- 2. A detailed study of the nature of best practices that kickstarted companies' response to COVID-19 across industries as well as Standard Operating Procedures and guidelines that came to light over time as more and more epidemiological along with economic uncertainties got addressed, through recommendations of associations such as CII, FICCI, ILO etc. retrieved from the reports published by these organizations, would be instrumental in developing a foundational understanding of the role the responses of the industry as well as the government played in dynamically influencing each other as well as the overall impact of the lockdowns that ensued on account of COVID-19.
- 3. Combining the findings from these two aforementioned undertakings as well as using primary research designed in order to be able to investigate the industry outlook towards the state of labor laws in India and making pre & post COVID-19 comparisons of the same would provide a wealth of information that would serve to provide a better understanding of industry preparedness and how it has been influenced by COVID-19.

Literature Review

First, In order to get a better introductory understanding of the impact of COVID-19 on the labor laws and the industry in India, especially in absence of any salient primary research literature on the matter at the time of the undertaking of this study, it becomes important to take a closer look at the developments in industry practices as well as government notifications and ordinances through literature review and secondary research. This would primarily entail the following which we will deep dive into throughout relevant sections –

A) Recommended SOPs for the industry – the following are the highlights of some of the guidelines from national level as well as international level organizations such as FICCI, ILO – $\,$

As per the Federation of Indian Chambers of Commerce and Industry, in their report, 'FICCI Standard Operating Procedures (SOPs) for Industry Post Lockdown. (2020, Apr 15th)' –

- 1. "1. A Flu Manager should be appointed to ensure that employees are familiar with the business continuity plans and comply with them during this period.
- 2. Ensure that employees have a clear understanding of their roles and responsibilities before the virus outbreak occurs. For example, employees should be informed of the BCP measures that will impact them and be kept updated on the policies and progress on the measures to be implemented by the company in the event of a virus outbreak.
- 3. Consider setting up a communication channel for employees to report their status and to make enquiries.
- 4. Develop a plan for the continuity of leadership in the event of absence of key decision makers and executives.
- 5. Review employee management policies such as absenteeism, sick leave, overseas travel, workplace closure and recall of non-critical employees and their families from affected countries.

6. Exercise readiness to implement public health response measures, e.g. contact tracing and social distancing, as advised by the Ministry of Health & Family Welfare.

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7. Review health insurance policies for workers." Additionally, as per the International Labor Organization, in their 'ILO Standards and COVID-19 (coronavirus) Ver. 2.1' report (2020, May 29th) the highlights of the recommendations that the industry incumbents should be adopting are summarized below –

"1. Form a joint team to lead 'Return to Work' -

The business should convene its joint occupational safety and health committee. If there is no such committee, constitute a joint team with the same number of members representing the employer and workers. Train team members on the basic principles for the formulation and implementation of occupational safety and health preventive and control measures. Direct the team to develop a work plan that includes the steps to be taken to organize a safe and healthy return to work. Integrate this work plan into the business continuity plan. Effectively communicate to all workers in the company about the team and its work.

2. Adopt the right administrative measures –

Ensure physical distancing of at least 2 meters at all times and in all work-related situations.

Determine and signal the maximum capacity of the workplace and its different areas (meeting rooms, offices, workshops, dining rooms, elevators, bathrooms, changing rooms and other common spaces) in order to ensure at least minimum physical distancing. Ventilate the workplace daily, preferably with natural ventilation by opening the windows. In case of work shifts, repeat the natural ventilation between each shift. In case of use of collective transport, organize on a temporary basis, as far as possible, company specific mobility options (such as buses chartered by the company) in which a minimum separation of 2 meters between persons is ensured. Limit the capacity of common areas such as dining rooms, snack bars, and rest and changing rooms to allow the minimum separation of 2 meters. Provide workers with all necessary information about the process and measures taken before reopening the workplace, and after reopening.

3. Regularly clean, disinfect and promote hygiene –

Thoroughly clean and disinfect the premises before reopening. Prioritize the use of electrostatic spray surface cleaning and use chemicals approved by national authorities. Increase the frequency of cleaning and disinfection, in particular heavily trafficked areas. Increase trash collection and keep machines and surfaces clean and disinfected. Ensure cleaning and disinfection procedures for goods/supplies/mail/packages received. Provide workers with the conditions and means necessary for frequent hand washing with soap and water for at least 40 seconds or with a disinfectant gel with a minimum of 60% alcohol (alcohol gel 60%) for at least 20 seconds. Prioritize the use of liquid soap dispensers instead of soap tablets. Install signage for

proper handwashing. Inform workers of the need to cover the mouth and nose with a disposable handkerchief when coughing or sneezing, or, if possible, with the inner face of the forearm/elbow, removing the handkerchief immediately and then washing the hands with soap and water or with an alcohol-based disinfectant.

4. Health surveillance and hazard readiness, including psychosocial –

Monitor the health status of workers, develop protocols for cases of suspected and confirmed contagion, and provide for the protection of medical and private data, in accordance with national law and guidance. Identify workers who have had close contact with people infected with COVID-19 and direct them to follow the instructions of the medical service or their health care professional and health authorities. Make psychological counselling services available to workers in case of need. Provide information about ergonomic risks, particularly during remote work and in workstations adapted to COVID-19. Define protocols to stay at home for workers with symptoms or confirmation of contagion. Implement prevention and control measures for the use and storage of chemicals, particularly those used for disinfection during COVID-19.

5. Review emergency preparedness and keep up to date -

Within the framework of the business continuity plan, review and update the emergency and evacuation plan, considering, inter alia, the new distribution of jobs, the reduced capacity, access routes, circulation and evacuation, meeting points and security zones, in order to avoid congestion. Periodically monitor, in consultation with the OSH committee or joint team, prevention and control measures to determine whether they have been adequate to avoid or minimize risk, and identify and implement corrective actions for continuous improvement.

Establish and maintain records related to work-related injuries, illnesses and incidents, worker exposures, monitoring of the work environment and workers' health."

It is noteworthy that employee health and welfare were of primary importance among all labor issues.

B) Global Best Practices – The following are the main categories and companies, as per the COVID-19 Corporate Response Tracking Tool on Just Capital, in which best practices emerged around the globe –

Category I: Health and Safety -

Companies - Apple, P&G, Thermo Fisher, GM, United Technologies, Boeing, Lockheed Martin, Raytheon, DuPont, Caterpillar, AECOM, Wells Fargo

For example, the tracker shows that Wells Fargo was among the earliest organizations to enforce social distancing guidelines of six feet of space between employees in all U.S. facilities per CDC guidelines.

Category II: Remote Work and modified work schedules, Adjusted Hours of Operation, and hiring –

Companies - Intel, Pfizer, Ford, GM, Raytheon, Northrop Grumman, United Technologies, Lockheed Martin, Boeing, Dupont, Caterpillar, Thermo Fisher, Jacobs, AECOM, Honeywell, P&G, Apple, Walmart

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For example, Walmart waived attendance occurrence policy through the end of April and hired 150,000 new associates throughout May 2020 to work in various centers from stores to warehouses. These roles are temporary in the beginning, however many will translate into enduring roles in the future. Also, incredibly as almost 15 days application cycle has transformed into a 1 day process.

Category III: Paid Sick Leaves -

Companies - Ford, Caterpillar, Honeywell, Apple, Walmart For example, Walmart also offered upto 2 weeks full pay for those in quarantine and for confirmed positive cases - additional pay replacement up to 6.5 months for both full-time and part-time employees who are compensated on an hourly basis.

Also, as another example, UPS broadcasted these paid-leave contracts for about 3 hundred thousand both full and part-time personnel -

- 1. Eight hours per one day of work for full-time workers.
- 2. For part-time UPS Freight hands: four hours per day of work.

Category IV: Backup Dependent Care -

Companies - Northrup Grumman, Caterpillar, Wells Fargo For example, Wells Fargo reimbursed \$100 for each day that childcare is provided for upto 20 days of Covid-19 Crisis care.

Category V: Financial Assistance -

Lockheed Martin, Honeywell, AT&T

For example, AT&T offered 20% Bonus over the hourly rate to all frontline employees and a \$1000 Bonus to frontline managers.

Extending support to ensure sustenance for employees that were expected to be worst affected by the crisis again emerged as a measure of utmost importance in the global response to COVID-19.

C) Indian Best Practices – the following are some highlights from the best practices adopted by Indian companies –

As per the HR PRACTICES DURING COVID-19, HRM Strategy and Analytics Report by Tata Steel (2020, May), some of the best practices examples are as follows –

"Bajaj Auto - Bajaj Auto decides against reducing salaries, all workers to be paid in complete capacity -

"We have come to the conclusion that this is a time when we must act more from our hearts than from our minds, our business depends first & foremost upon each & every one of us, from the top to the bottom. Thus, before we reach out to support our larger society, we are obliged to first secure our own; so long as we can help it, not a single child of the last contract worker must sleep hungry on our watch." – Mr. Rajiv Bajaj, Message from MD.

Godrej — "The medical insurance covers workers on network partners' salaries or contracted by them to safeguard level business operations for GCPL. For hospitalization or treatment of COVID19, each worker is allowed cashless treatment or compensation of medical expenses up to Rs half a lakh," - GCPL CEO

Reliance Industries — "For those earning below ₹15K biweekly, salaries will be paid twice a month to protect their capacity to sustain their needs and alleviate any crushing money related weights," Reliance Industries stated also that in the petrochemicals business, "Incomes of those earning less than Rs 1.25 lakh a month has not been changed. However others would expect reductions of upto a tenth of their total fixed components."

Also, as per Confederation of Indian Industries (2020, June 9th) in their COVID-19 Best Practices Report BP52, these are some additional major best practices –

"Hindalco Ltd. - Plant Head, Anantha Bhat - "The Mouda plant is committed to supporting the nation in its fight against COVID-19. We have re-started plant operations to meet the demand for packaging of critical drugs for COVID treatment. We are following the guidelines issued by governmental authorities, and are focused on prioritising employee health and safety, while fulfilling our duty to our country."

Ensuing all the procedural guidelines from respective authorities including operating with half the staffs relative to total capacity, guaranteeing social distancing, sanitization, circulation of safety equipment, and screening and monitoring workers' health and safety. Hindalco also supplies aluminum for the production of medicinal apparatus like ventilators, testing cubicles and transformers in order to boost the national efforts in preparation against COVID-19.

Nippon Paint - Nippon Paint has also been reported to have presented distinct reprieve measures to help nearly 2,000 employees and their relatives whose salaries are affected by providing access to essentials.

ESAB India - Mr. Shyam P. Kambeyanda, CEO ESAB said in a statement: "ESAB is a strong, differentiated worldwide business in tens of nations around the world. We have a diverse and sundry supply chain and a robust business which is also buoyant. China is intenerating to normality after continuing to tolerate through Covid-19 associated activities. The following protective procedures are being taken to circumnavigate this extraordinary condition:

- . Restraining all visits to the factories or shop floors that can be avoided in any way.
- . Boosting sanitation efforts and activities throughout all work locations.
- . Enabling teleworking or WFH for many of our staffs and imposing social distancing as per the suggested guidelines from respective authorities.
- . We are maintaining Customer Care, Accounts Receivable, Technical Support, and Sales Support; and ensuring productivity throughout this time using our IT systems.
- . Our Distribution Centers and Factories are open and available to ship."

GVK Industries - GVK Industries Ltd. delineated the phases undertaken to sustain the continuity of commercial activities -"GVK Bio has set up a Covid-19 Command Centre (CCC)

made up of senior leaders with the decision-making authority. This command center is in charge, trained and authorized to coordinate response in situations of emergency, and also has a contact point for staffs with any questions related to the outbreak.

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We've changed to face scanning for workers on biometricsecurity data, and videoconferencing is now the preferred way for meetings to happen. Workers are not required to go to work, are encouraged to telework and given protected access, including the necessary tools for being able to carry out all the regular responsibilities from the confines of their homes.

All workers, trade partners and vendors as well as any individuals incoming at any GVK bio-facilities are made to go through thermal examinations; Qualified health workers are available in all locations to handle any emergency, and also alleviate any employee concerns. We advise every employee who has symptoms that have been identified as related to the pandemic to work from their home and meet their doctor without delay. Employee Health Services and supply chain teams work closely with our contractors to ensure they implement best practices to protect their employees and ours.

Laboratories and many workplaces are controlled in terms of using and admittance, limiting the free flow of all kinds of staff. We have launched a series of drives to educate our personnel and partners about upright private sanitation, regular hygiene and social distancing as well. All community events at GVK Bio have been annulled until supplementary announcements come along and meetings are limited to a highest of 20 individuals. Workers who need to stay in workshops and plants have been advised to bring their own lunch so as to be able to avoid transmission incidences during any transactions related to the cafeteria, and the pantry/eatery hours are escalated to ensure social insulation. All staff have been advised to prefer the stairs above the elevators as much as possible, guiding their behaviour as per the local Employee Health and Safety teams.

Overseas travel has been debarred for all our workers, and travel even within the country is firmly limited. We are in the progression of notifying our intercontinental clienteles and partners/vendors of the postponement of travel to India until the end of May as per the authorities. Domestic clienteles and vendors were asked to limit their visits to our facilities and to use video calls or phone/phone calls and carry out business through videoconferencing or other similar methods."

Dupont India - Numerous robust arrangements, which include:

Suspension of cross border traveling and curbing all other travel to critical requirements only.

Obligatory self-quarantine procedures for workers at high exposure risk.

Restrictive access to all kinds of work locations.

Carrying out heightened and increasingly recurrent sanitation services at every single one of our work locations. Encouraging employees to practice social insulation, appropriate hygiene practices including but not just limited to washing hands, using masks etc, and also vehemently encouraging and implementing teleworking (WFH)

Stopping gathering of large groups of workers, business partners or any other individuals within or outside the company.

Johnson & Johnson India -

- 1. Developing to the extent possible Covid-19 vaccine and also other therapeutic methods of treatment.
- 2. Committing 50 million dollars (US) in order to support medicinal workers.
- 3. Being at the forefront in terms of training and equipment supply to all such healthcare workers.
- 4. Staying ahead of the outbreak in terms of extending the procurement of essentials like PPEs.

Castrol India – "Acting as an accountable corporate of India Inc's citizenship, Castrol India Ltd. also has dedicated its backing to activities introduced as a constituent of the nation-wide response, and has assigned nearly 12 crore rupees to this end. We are also partnering with numerous non profitable organizations in order to be able to not only pledge but also sustain specific arrangements in the following areas:

- . Healthcare provisions in the form of backup supplies and paraphernalia to government hospitals across multiple states including but not limited to MH, Delhi, UP, TN, KN etc.
- . Survival kits including essential supplies to the migrant workers, daily wagers, those stranded in transit or away from home etc.
- . PPEs to all those working for us on the frontlines in this pandemic health workers, police and even garbage collection workers in major cities.
- . We are also supporting tens of thousands of drivers, mechanics etc. through our country wide programs and have introduced plans to aid them and their relatives financially as well as in terms of health through COVID-19 specific extensions to their medical covers."

Messe München India - Messe München has precautionarily undertaken and implemented the following procedures:

Presence of medically trained personnel throughout the confines of their operations, frequent sanitization and installation of disinfectant dispensers throughout their facilities. A coronavirus hotline for the clienteles as well as exigency plans have also been developed and brought up and running.

P&G India - P&G have devised 4 phases in which they have implemented these initiatives. The first phase involves procedures for social distancing and sanitization in their own plants and facilities. The second phase involves conducting awareness sessions for their closest suppliers & contract manufacturers. Phase 3 involves distribution of essentials to hundreds of daily wagers and migrant working populations including rations. Finally, through industry associations, they plan to partner with BBNIA CII etc. to engage and create awareness sessions for the larger community in the industry on best practices in a similar fashion as Phase 1 does for their own employees.

It is clear from all these national as well as global recommendations and also the best practices that emerged among the employers at the forefront of setting examples for the rest of the industry and the corporate world that employee health and safety of the employees were of primary concern among all the issues across the board on not only the matters related specifically to labor welfare and industrial relations, but to the essence of business continuity

itself. It can be easily established that this much was fully agreed upon by those in advisory positions around the country and world at the time. It is however also noteworthy that both recommendations by advisors as well as best practices adopted by companies miss important steps in relation to the global response, such as the lack of backup dependent care support by employers.

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D) State wise labor law amendment ordinances in India – as per several publications by AZB Partners (2020, Retrieved from https://www.azbpartners.com/covid-19/) some of the primary labor law ordinances are as follows

S/No States Ordinance Affected Labor Laws Notified on Valid For/Until

1 Rajasthan

- 1. Extended working hours to 12 daily.
- 2. Extra 4 hours daily shall be paid as overtime with an upper cap of 24 hours. Factories Act, 1948 11-Apr For 3 months
- 2 Gujarat All the factories/plants falling under the purview of Factories Act, '48 exempted from the mandates of the Act in relation to work hours –
- 1. No worker must be made to work for more than twelve hours daily or seventy two hours on a weekly basis and such limits must be adhered to for all adults.
- 2. At least 30 minutes of rest must be allowed for every 6 hours of work.
- 3. Females cannot be made to work from 1900 hrs to 0600 hrs the next day.
- 4. The proportions of wages must not be reduced at all, which means if one hour paid 100 Rupees before the pandemic, it should be the same currently and for the foreseeable future.

 Factories Act, 1948

 17
 Apr 19-Jul

3 Punjab

- 1. Overruling Section 54 of the Factories Act, '48, maximum allowed hours have been extended from 9 to 12.
- 2. Similarly, the provision of Section 56 regarding total spread-over has been extended from 10.5 to 13 hours.
- 3. Overtime will still remain twice the normal wage rate.
- All precautionary measures of sanitization and social isolation are to be followed strictly. Factories Act, 1948
 20-Apr For 3 months
- 4 Himachal Pradesh All the factories/plants falling under the purview of Factories Act, '48, exempted from provisions relating work hours and timings defined thereunder subject to certain conditions as following:
- 1. No worker must be made to work for more than 12 and 72 hours on a daily/weekly basis respectively.
- 2. There must be a break of at least 30 minutes after every 6 hours of continuous work.

- 3. The existing minimum wages provisions as per the Govt. of HP will continue to remain enforceable.
- 4. Also the provisions of Section 59 in relation to overtime payments shall remain enforceable. Factories Act, 1948 21-Apr 20-Jul

5 Uttarakhand Factories that have been allowed to operate exempted provisions under Sections 51, 54, 55 and 56, except the follwing conditions need to be met -

- 1. Total number of hours of daily work cannot exceed eleven (11) hours, overtime of 3 hours per day is allowed which will be paid as defined under Section 59;
- 2. Upper-limit of overtime on any shop floor is to be no more than 18 hours;
- 3. No one will be retrenched by the employer for laxity;
- 5. The notification will remain in effect for 3 months.

***None of this is to be considered grounds for immunity in relation to any other legislations whether State or Central. Factories Act, 1948 28-Apr For 3 months

6 Haryana Factories that have been allowed to operate exempted provisions under Sections 51, 54 and 56, except the follwing conditions need to be met –

- 1. Total no. of hours of daily working cannot exceed twelve (12) hours:
- 2. the spread-over, which includes any intervals for rest that have been provided for, muct not exceed thirteen (13) hours on a daily basis;
- 3. Total number of weekly hours cannot exceed the upper limit of 60 and this includes any overtime for the duration of the work week;
- 4. The number of consecutive days of overtime for any employee are not to exceed 7 and the total hours of work at the same time in any quarter must not be allowed to go beyond seventy-five (75);
- 5. over time wages shall be paid as provided under Section 59; and
- 6. instructions issued by Govt. of India and Govt. of Haryana around the cleanliness as well as social isolation precautions are to be followed on a strict basis.

 Factories Act, 1948 29-Apr 30-Jun
- 7 MP New factories/plants are to be exempted from the following provisions under the Industrial Disputes Act, '47, except those of Chapters V-A and V-B (relating to Lay-offs and Retrenchment), and except that working hours in a factory can be up to 12 hours per day with a 30 mins of rest between two stretches of 6 hours. ID Act, 1947 and Factories Act, 1948 5-May For 1000 days
- 8 MP All factories are exempted from the provisions of the Factories Act, '48 and MP Factories Rules, '62 for 3 months, except barring the provisions affecting the licensing and registration related requirements for factories, notice by the occupier and inspectors, provisions of Chapter IV and IV-A pertaining to safety regulations and Sections 59, 65, 67, 79, 88 and 112 pertaining to wages, minors,

accidents, powers etc. Factories Act, '48 and Madhya Pradesh Factories Rules, '62 5-May For 3 months

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9 Maharashtra

- 1. Overtime can be allowed no more than 7 days at a stretch and also not to exceed 115 hours in a quarter
- Extended working hours to twelve hours daily, with a maximum spread over of 13 hours Factories Act, 1948
 6-May 30-Jun

10 Goa

- 1. Government of Goa has exempted all workers in establishments except those in managerial or confidential positions.
- 2. The Government has exempted the usual "8 hours of working per day" as per Factories Act, '48 for the next 3 months, only allowing "maximum 12 hours of working daily" for all essential goods manufacturing establishments (All categories of factories exempted by Government of Rajasthan (GOR)/ Government of India (GOI). Also, the Order directs that there will be overtime paid for the additional 4 hours per day with an upper cap of 24 hours weekly. Factories Act, 1948

 7-May 31-Jul

11 UP Complete suspension of labor laws, except that working hours in a factory can be up to 12 hours per day with a 30 mins of rest between two stretches of 6 hours, and except –

- 1. Section 62 of the Factories Act, '48 name and details of all employees to be registered for attendance.
- 2. At least minimum wages to be paid and within the given prescriptions related to time limits under the Payment of Wages Act, '36's Section 5.
- 3. The unlisted provisions of the Factories Act, '48 and the BOCW Act, '96 especially relating to safety and security of workers shall remain enforceable.
- 4. Death/ Disability related provisions of the Employees Compensation Act, '23 will remain enforceable.
- 5. Employment of women, children will not be changed in any manner.
- 6. The Bonded Labour System (Abolition) Act, '76 will also be kept enforceable in its entirety. Suspended Labor Laws All Acts: Apprentices '61;

Beedi and Cigar Workers '66;

Cine Workers and Cinema Theatre W. '81;

Contract Labour '70;

Dookan Aur Vanijya Adhisthan '62;

Factories '48 (barring provisions relating to safety);

Industrial Disputes '47;

Industrial Employment '46;

Minimum Wages '48;

Motor Transport Workers '61;

Payment of Bonus '65;

Payment of Gratuity '72;

Payment of Wages '36 (barring Section 5);

Public Liability Insurance '91;

Sales Promotion Employees '76;

The Indian Boiler '23;

Trade Unions '26;

Weekly Holidays '42;

Working Journalists '55;

Dangerous Machines '83;

Sick Industrial Companies '85;

Building and other construction workers '96 (barring provisions relating to safety);

UP Shops & Establishments '62;

UP Welfare Fund;

UP Industrial Peace '61:

UP Industrial Housing '55;

Industrial Establishment '61;

UP Industrial Undertakings '66;

UP Employment of Substitutes '78; and

UP Sugar & Power Alchohol Industries Labour Welfare & Development '50. 8-May For 3 years

12 Assam

- 1. The total hours of daily work must not be more than 12.
- 2. The spread-over including intervals in a day must not be more than 13 hours.
- 3. The employer and employee can mutually decide to extend the working hours, but it should not be more than 12 hours a day and remains subject to payment of overtime wages. Factories Act, 1948 8-May 8-Aug

The most common occurrence in these ordinances across states in India is the increase of allowed daily work hours for workers, mostly through modifications but also in exceptional cases such as that of Uttar Pradesh through suspension of certain provisions of the Factory Act, 1948.

E) Lockdown related Directives – The following were some of the safety measures mandated by the Ministry of Home Affairs in their COVID-19 notifications -

- "1. Compulsory wearing of face masks and ensuring social distancing throughout the workplace
- 2. Staggering of work/business hours, shifts and lunch breaks with sufficient breaks to ensure frequent sanitization even between shifts
- 3. Provisions for thermal scanning, hand wash and sanitizers at all entry and exit points and for common areas
- 4. Best effort basis installation of contact tracing app Aarogya Setu on all employees' phones."

F) Other salient govt. notifications to employers, as per notifications from mygov.in -

- S/No Authority Notification Date of Issue Source Document on mygov.in or AZB Partners
- Ministry of Communications, Dept. of Telecom 1 Relaxation in T&Cs for OSPs with respect to Work From Home agreements 13-Mar Relaxation in T&C of OSP 13.3.20
- Employees State Insurance Corporation contributions for Feb and Mar 2020 may be paid upto 1 month late each.
- 2. The proviso of regulation 31 shall be 45 days instead of 15 days 16-Mar ESIC Contri delay

3 Directorate General of Mines Safety month relaxation for all employers from submission of returns, notices etc. under Mines Act 1952 20-Mar DGMS return_notices

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Office of the Chief Labor Commissioner 4 Extending the last date of filing of Unified Annual Return under 8 Labor Laws

for the year 2019 upto 30th April 2020 20-Mar UAR Extension

- Ministry of Labor and Employment 1. Advisory to not terminate or reduce the wages of all employees during Covid-19 lockdown
- 2. Directions/Advisories for preventative measures (19-Mar) during Covid-19 lockdown 20-Mar MoLE Advisory - Termination & Preventative Measures
- Labor Commissioner, MH Advisory terminate or reduce the wages of all employees during Covid-19 lockdown 20-Mar maharashtra covid advisorv
- Govt. of Telangana for full Mandate payment of salaries/wages to their employees/workers including contractual and outsourced for the duration of lockdown 22-Mar telangana - covid 19
- Ministry of Home Affairs Mandate all for employers to make full payment of salaries to the workers for the duration of lockdowns 29-Mar MHA strict enforement of lockdown measures
- Ministry Skill Development ofEntrepreneurship Mandate for full payment of stipend to apprentices as well as notification for reimbursement of stipend to organizations 30-Mar MoSDE Advisory Apprentices
- Chief Secretary, MH Mandate for all employers to make full payment of wages to the workers for the duration of lockdowns 31-Mar maharashtra covid mandate
- Karnataka Employers Association 1. Mandate to pay full wages for all employees including casual and contract employees for the period during which employees are not required to work during the lock down period.
- 2. Employees who test positive for COVID-19 should be given an additional 28 days of paid sick leave.
- 3. Critical staff such as security and maintenance personnel may be required to come to work and must be provided with adequate safeguards and protection.7-Apr karnataka covid circular 51 2020
- Ministry of Labor and Employment Established 20 Control Rooms to address wage related issues

Covid-19_20 Control_Room _Details Apr

- Ministry of Home Affairs Refer Paras 12 to 16 for 13 SOPs for all industries during the latest lockdown extension 15-Apr MHA order dated 15.04.2020, with Revised Consolidated Guidelines
- Dept. of Disaster Management, Govt. of MHSOPs for all industries during the latest lockdown extension, in line with the Union Ministry of Home Affairs as on 15th 17-Apr Govt. MH SOPs for Lockdown 3.0 Apr
- Commissioner of Labor, AP in the industries shall be paid salaries during the lockdown period without making any deductions and shall not to remove any contact/casual labour 18-Apr AP-Order-on-Payment-of-Wages-180420

- Ministry of Home Affairs National Directive for Covid-19 that there shall be no movement of labor allowed outside the state/UT where they are currently located 19-
- Apr SOPs for movement of stranded labor
- 17 Home Sevretary, Govt. of India Reversal of Relaxations to E-Commerce companies, back to essential goods only 19-Apr DO Lr. Dt. 19.4.2020 exclusion of e-Commerce
- 18 Dept. of Disaster Management, Govt. of MH1. Reversal of Relaxations in Mumbai and Pune MRs
- 2. Exemption from lockdown for Print Media starting 20th Apr 21-Apr Maharashtra-Amendment-to-Consolidated-Revised-Guidelines-210420
- 19 Home Sevretary, Govt. of India Clarification as to the revised SOP guidelines for industries and orders related to fresh permissions and licensure 23-Apr DO letter dated 23.4.2020 to clarification
- 20 Ministry of Home Affairs Social distancing and worker strength guidelines for Shops and Establishments 24-Apr MHAopeningS&E_24042020
- 21 Supreme Court of India 1. Resusal of stay on MHA orders exemption from payment of wages
- 2. Two weeks notice to the Central Government to respond to the PIL regarding the MHA orders related to layoffs, terminations and payment of wages 27-Apr Ordererd by bench led by justice NV Ramana'
- 22 Ministry of Home Affairs Revised SOPs for Lockdown effective from 4th May 1-May MHA revised SOPs for Lockdown 3.0

Methodology

Making use of the data collected via Primary Research, in order to test the degree of correlation, we use Bivariate correlation analysis in the SPSS suite to determine the Spearman's rho correlation coefficient. We will use the primary indicators (mentioned in italicized parentheses in the inventory item list below) of pre, during and post COVID-19 impacts, the mediators (Organizational outlook and sentimentality) as discussed for our component hypotheses H2 and H3, as well as the impact on Organizational Practices in order to conduct these correlation analyses.

Correspondingly, with the objective to corroborate the findings of the secondary research as well as contrast the pre and post COVID-19 industry outlook towards the labor laws and how that interplays with their practices and preparedness, the analysis and findings of the following inventory of questions to be answered by industry professionals as well as those with relevant expertise, would form the primary research effort in order to discover the essential elements of the COVI-19 impact pertaining to the labor laws. The primary facets covered by this inventory would be pre vs post comparisons of COVID impact as well as queries concerning the practices and preparedness of the industry in India, along with pertaining information to identify and understand any demographic relevance, entailing —

- 1. Industry/Sector of participating organization (industry)
- 2. State in which participating organization is located

3. How many employees are there in participating organization?

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- 4. What was the state of the Indian Labor Laws in the years preceding the COVID-19 impact on India Inc? (prec19)
- 5. What has been the state of the Indian Labor Laws currently, through the ongoing COVID-19 crisis? (durc19)
- 6. How will the Indian Labor Laws be impacted by COVID-19 in the foreseeable future? (posc19)
- 7. How has COVID-19 impacted Industrial Relations between the employers, employees and their associations in India? (Indrel)
- 8. Which of the following have changed formally through policy changes at your organization, because of COVID-19?
- 9. Which of the following have changed informally at your organization because of COVID-19?
- 10. How are these changes affecting your organization? (overallimpact)

We also interviewed in detail some respondents to get more information about why they responded to some of these items in the way that they actually did, and the findings for the same along with those of the analysis of these items are discussed in the following sections. One of the limitations is that the sampling method used for the primary research in this study is non-probability convenience sampling owed to the limitations of the number of respondents willing to make their time available in order to aid this investigation, and so those who became the earliest readily available to be interviewed, mostly within the professional and LinkedIn networks, have enabled the primary research. The total number of respondents with complete and valid inputs was 30, and so the sample size for this primary research is 30.

Analysis

The output of the bivariate correlation analysis for the chief indicators in our hypotheses –

Correlations		industry		prec19 durc19		
	posc19	indrel	healths	afety		
attendancesala		ry	overallimpact			
Spearman's rho			industry Correla		ation	
Coeffic	cient	1	-0.246	0.007	0.317	0.252
	-0.313	.393*	0.134			
		Sig. (2-tailed) .			0.189	0.971
	0.088	0.18	0.092	0.032	0.479	
		N	30	30	30	30
	30	30	30	30		
	prec19	Correlation Coefficient				-
0.246	1	-0.126	0.088	0	.536**	-
0.047	0.033					
		Sig. (2-	-tailed)	0.189		0.505
	0.645	1	0.002	0.804	0.861	
		N	30	30	30	30
	30	30	30	30		

* Correlation is significant at the 0.05 level (2-tailed).

30

30

0

30

0

N

30

** Correlation is significant at the 0.01 level (2-tailed).

0.302 0

30

30

30

30

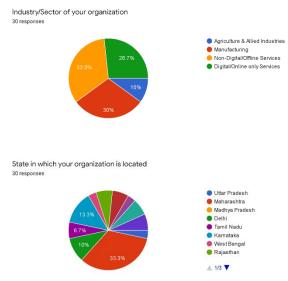
Therefore, as per this output of correlation analyses, it is clear that at 0.01 confidence level –

1. The variable overallimpact is remarkably highly correlated with the variables posc19 (0.881) as well as indrel (0.814), indicating the high correlation between the confirmed COVID-19 impact experienced by the

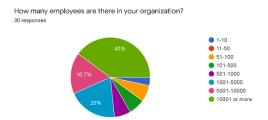
organizations and their outlook towards the future of labor laws liberalization in India, validating the first of our component hypotheses, H2.

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- 2. The variable attendancesalary is also statistically significant in correlation with both posc19 (0.569) and indrel (0.654), indicating the statistical correlation between organizational outlook with the formality and informality of changes in organizational practices, validating the second of our component hypotheses, H3.
- 3. There is also a significant correlation between the variables overallimpact and attendancesalary (0.619) themselves indicating the validity of our compound hypothesis H4.



- 1. As per these responses, certain companies like those in manufacturing (especially non-essential goods) or some offline services like aviation or retail are disproportionately more likely to have a more negative outlook of the COVID-19 impact on labor laws, and thereby take more urgent, and comprehensive measures against it in preparation.
- 2. Also, companies with more than 1000 employees, with an exception of those in states like UP and MP (attributable as explained before to the suspension of various labor laws there in entirety) were more likely to be concerned about the labor laws becoming more restrictive because of the impact of COVID-19.

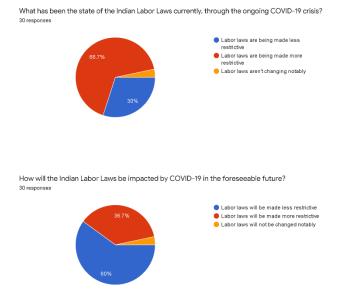


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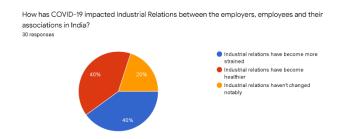
What was the state of the Indian Labor Laws in the years preceding the COVID-19 impact on India Inc?
30 responses

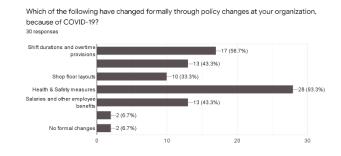
Labor laws were being made less restrictive
Labor laws were being made more restrictive
Labor laws haven been changed notably in at least 10 years

It is clear from this figure above that the liberalization of labor laws by the incumbent government is common knowledge. However, it is interesting to note that the outlook towards the impact during the crisis and in the future differs significantly on the basis of the current experience of the companies.

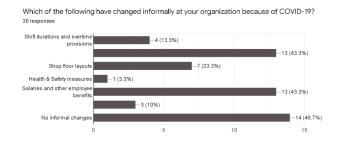


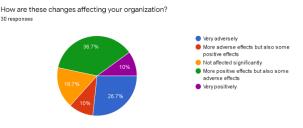
- 1. Certain companies like those in manufacturing (especially non-essential goods) or some offline services like aviation or retail are disproportionately more likely to have a more negative outlook of the COVID-19 impact on labor laws even in the future.
- 2. Pharmaceutical companies (much like other essential goods manufacturers) on the other hand, were more likely to keep a positive outlook of the future, accounting for their behavior in contrast to their other counterparts in manufacturing like automotive companies.





Manufacturing organizations, in line with the labor law ordinances around increased shit durations to 12 hours, were a lot more likely to have made that into a formal change.





- 1. Companies least adversely affected by COVID-19 reported the least instances of informal changes in their organizations, often no informal changes at all.
- 2. Due to the tussle between the Ministry of Home Affairs and the Supreme Court about the lockdown and the resultant mandates around the layoffs or payment of wages, most labor intensive plants reported informal and often secretive changes to salaries and employee benefits.

Findings

As per the analysis of the primary research data, as discussed in the analysis section above, both our component hypotheses H2 and H3 as well as our compound hypothesis H4 are independently statistically validated. Therefore, our primary hypothesis H1, with its contingency upon the validity of H4 satisfied, is in turn validated and thus confirming that COVID-19 has indeed significantly impacted organizational practices and preparedness towards labor laws liberalization.

Additionally, the comprehensive study of the following from the output of the literature review and the secondary research undertaken for this paper reveal the findings as discussed below –

A) Recommended SOPs for the industry – we identified and understood the implications of the guidelines from national level as well as international level organizations such as FICCI, CII and ILO, especially important in light of the adoption of health and safety measures by the industry as it emerged also through the questionnaire responses.

B) Global Best Practices – we understood the origin of and the nature of adoption of best practices around Health and Safety; Remote Work and modified work schedules, Adjusted Hours of Operation; Paid Sick Leaves; Backup Dependent Care; Financial Assistance; Relaxed Attendance Policies, creating an especially strong case for Indian companies lagging behind in areas like backup dependent care.

C) Indian Best Practices – we studied in detail examples of best practices from companies like Bajaj, Godrej, Reliance, Hindalco, Nippon, ESAB, GVK, DuPont, J&J, Castrol, Messe München India, P&G etc. all reinforcing the importance of quick and efficient adoption of health and safety measures over and above any mandates from the Ministry of Home Affairs or local government notifications, also corroborating the utmost priority with which the concerns related to employee safety and security were addressed despite converse financial and legal pressures.

D) State wise labor law amendment ordinances in India – we studied every labor law ordinance from changes in working hours provisions of the Factories Act, 1948, to suspension of entire labor laws in states like UP, which also substantiates the especially positive outlook of the COVID-19 impact in the companies there in terms of the influence on labor laws.

E) Lockdown related Directives – we studied all zonal and workforce/capacity restrictions for the manufacturing industry as well as the mandated guidelines to resume/continue operations, in line with the high frequency of the formality of measures taken by the industry in terms of changes in shifts, as well as the importance of rather uncommon steps to be taken like thermal scanning and contact tracing at the workplaces, in line with the overall rallying behind employee health and safety.

F) Other salient govt. notifications to employers — we studied all central & state govt. notifications to employers regarding wages, layoffs, various compliance requirements, lockdown guidelines & mandates, in line with the discussions with industry experts as they raised concerns over excessively dynamic changes related to compliance requirements across labor laws ranging from ESIC to Unified Annual Returns.

Discussion

It is notable in the analysis above that there is remarkable incongruency between what the incumbent government's position regarding labor laws is, and the state of the industry's certain players' mawkishness around it as far as the future expectations are concerned, despite their awareness of the government's actions prior to the crisis as well as declarations such as the unification of labor codes. This as we've seen was mostly attributable to the current adverse impact of certain mandates from the Ministry of Home Affairs around layoffs and wages, especially felt

severely by certain sectors like automotive sector, as we've also seen in the literature review and findings sections.

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Also, in comparison with the global best practices, in terms of the level of preparedness, categories II (Teleworking) and IV (Backup dependent care) are major areas in which Indian organizations are lagging behind and incurring greatest loss of goodwill as well as human capital burdens. Such lack of initiative in the right direction during a crisis like this can often mean impositions from the lawmakers that are often more restrictive than they need to be, which in fact emerged as a major concern during interviews with industry experts as well.

As we've also witnessed in all of the cases we've come across in the literature review and secondary research, the leading players of the industry are defining a new normal for the support they extend to not only their direct employees but also multiple tiers of suppliers and the larger ecosystem, and therefore rather than the state impositions in the form of labor laws deciding the minimum requirements of actual employer practices, it is such measures that will set a positive trend for practices and preparation for the industry. Also even though during interviews this often came up as a significantly important measure in order to define the most suitable new normal for industrial relations practices, most organizations reported in the questionnaire that they're actually neither presently nor plan to in the foreseeable future undertake measures to collaborate with and participate in important dialogues around the most suitable next steps with the labor bureaucracy, trade unions and other major players that play an important role in the legislations and their implementation.

All of this provides background to the findings of the primary research that the overall negative outlook that the companies in India have developed about the long-term impact of COVID-19 on the labor laws is in many ways unfounded and rather originates from a recency effect, and in fact prevents them from taking actions in the right direction, such as collaboration with the important players that can influence labor laws. This, however becomes a matter of gravest concern and in a similarly grim fashion impacts not only the long term practices adopted by the industry under influence of such mawkishness but also their long term preparedness to handle such crises and their fallouts, in this case regarding their dealings with the legal compliance requirements, all of this despite the general potential for goodwill and initiatives around employee health and safety that we have observed.

Conclusion

With the global imperative for liberalization of the labor laws in India as the competition with China and other markets in South-East Asia and Africa intensifies, it is essential to best prepare for a lasting impact of COVID-19 in this respect. Therefore, in light of the findings of the research undertaken in this paper, the following recommendations most naturally emerge —

Drastic actions in both directions such as on one hand indiscriminately mandating full wages as well as illegalizing layoffs by the Ministry of Home Affairs and on the other hand completely suspending labor laws for years to come, as done by some state governments like Uttar Pradesh, would

only work to disenchant both the parties (the industry as well as the labor unions) and make industrial relations even more grim in the face of a crisis like COVID-19. As the secondary research and the questionnaire & interviews have also respectively revealed, there is on one hand a great requirement for the organizations in India to take steps in order to closely collaborate with the labor bureaucracy as well as the trade unions, there is in fact very little actually being done in that respect. Therefore, India Inc needs a more holistic strategy to reduce the adverse impacts of crises such as COVID-19 on the labor market and hence the entire economy in the future. In comparison to the developed, international labor markets, India significantly lags behind in certain essential benefits like Backup dependent care which increases the labor market's sensitivity to systemic shocks such as the one induced by COVID-19 and adversely affects both the industry as well as the economy. Therefore, the lawmakers as well as organizations such as CII and FICCI need to play a more active role in bridging these gaps so as to be able to revitalize Indian labor market's health in

All of these harken back to the dire need for collaborative dialogue among the industry, legislators, bureaucracy as well as the prominent associations of both employees as well as those of employers.

response to crises.

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