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## SOCIAL JUSTICE AND LABOUR RIGHTS IN INDIAN JURISPRUDENCE

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### ABSTRACT

*“Labour is not a commodity.” — ILO Declaration of Philadelphia (1944)*

Without recognizing the judiciary's critical role in transforming constitutional ideas into practical social justice guarantees, it is challenging to understand the development of Indian labor law. Although the Indian Constitution does not specifically proclaim labor rights to be fundamental rights, the Indian Supreme Court and High Courts have construed Articles 14, 19, 21, 23, and 39 to embrace labor welfare within the context of equality and human dignity. By elevating the "right to livelihood," "fair wages," and "humane working conditions" to the status of human rights through landmark decisions, the judiciary has brought domestic jurisprudence into line with international human rights standards like the ILO Conventions and the International Covenant on Economic, Social, and Cultural Rights (ICESCR). The article critically analyses how judicial interpretation has operationalized the Directive Principles of State Policy by converting labor rights from statutory entitlements into enforceable human rights. It ends by arguing the case for a judicial reaffirmation or constitutional amendment that would publicly acknowledge "labour" as a fundamental human right within India's constitutional framework.

**Keywords:** Labour Rights, Judicial Interpretation, Social Justice, Human Rights, Indian Constitution, Article 21, Supreme Court, ILO.

## INTRODUCTION

Labour is the foundation of human dignity and social existence, not only an economic role. An individual's liberty and social worth are inextricably linked to their capacity to work and make a living. Justice must be translated into concrete protections like fair salaries, humane working conditions, and social security rather than abstract principles in a country like India, where a sizable section of the population depends on manual and contractual employment. The Indian Constitution, which is based on the values of equality, liberty, and fraternity, envisions a just society in which labor is recognized as a human right rather than a commodity.<sup>1</sup>

The Preamble of the Constitution guarantees social, economic, and political justice, while Part IV (Directive Principles) directs the State to ensure adequate living standards, humane working conditions, and worker participation in management. Despite not being open to judicial challenge, these principles function as the moral compass of the Constitution, guiding both law and interpretation.<sup>2</sup>

The welfare state model used in India deviates from laissez-faire capitalism. Political democracy cannot fully thrive without social and economic democracy, as Dr. B.R. Ambedkar correctly pointed out. According to this fundamental vision, labour welfare is not just an administrative policy but rather a state obligation.<sup>3</sup>

Realizing this ambition has been made possible in large part by the courts. The Supreme Court read the right to livelihood, equal compensation for equal work, and dignity of labour into Articles 14, 19, and 21 in decisions like *Randhir Singh v. Union of India* and *Bandhua Mukti Morcha v. Union of India*. Thus, in India, judicial interpretation became the driving force behind social justice.<sup>4</sup>

The Court linked labor protection with human rights and dignity in *Consumer Education and Research Centre v. Union of India*, recognizing the right to health and safety of workers as a component of the right to life under Article 21.<sup>5</sup> At this point, statutory welfare gave way to

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<sup>1</sup> International Labour Organization, *World Employment and Social Outlook: The Role of Digital Labour Platforms* (Geneva, 2021).

<sup>2</sup> *State of Kerala v. N.M. Thomas*, (1976) 2 SCC 310.

<sup>3</sup> *Constituent Assembly Debates*, Vol. XI (1949), p. 979

<sup>4</sup> *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161; *Randhir Singh v. Union of India*, (1982) 1 SCC 618.

<sup>5</sup> *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42.

constitutional entitlement.<sup>6</sup>

Internationally, agreements like the Universal Declaration of Human Rights (1948) and ICESCR (1966) affirm labour as a human right. Indian courts have harmonized domestic interpretation with foreign principles, especially in *Vishaka v. State of Rajasthan*, where international standards were applied to bridge legislative gaps.<sup>7</sup>

Notwithstanding progress, casual and precarious workers remain vulnerable. The Labour Codes, 2020, while aiming at simplification, risk weakening hard-won rights unless guided by social justice principles. The judiciary's interpretive vigilance thus remains crucial.<sup>8</sup>

The paper uses a doctrinal and analytical approach based on constitutional provisions, court decisions, and comparative references from South Africa and the EU. It argues that judicial interpretation has humanized labor law, converting economic rights into legally enforceable human rights and underlining that a democracy's true power lies in the dignity of its workforce.<sup>9</sup>

## CONSTITUTIONAL FOUNDATIONS OF LABOUR WELFARE IN INDIA

The Indian Constitution's structural and moral framework places a strong emphasis on labor welfare. The idea of a welfare state, where the dignity of labor is essential to democracy, is anchored by the Preamble's guarantee of social, economic, and political fairness. The framers integrated labor protection into constitutional morality, taking influence from the British social-democratic model but adapting it to India's socioeconomic circumstances.<sup>10</sup>

The Preamble guarantees social, economic, and political justice while Part IV (Directive Principles of State Policy) instructs the State to guarantee suitable living circumstances, fair salaries, and worker participation in management. Even though they are not enforceable, these constitutional principles serve as a moral compass that influences interpretation and policy. The welfare model in India purposefully deviates from laissez-faire capitalism. Dr. B.R. Ambedkar correctly stated that economic and social democracy are necessary for political democracy to

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<sup>6</sup> S. Deva, "Social Justice and the Indian Judiciary," *NUJS Law Review*, Vol. 7 (2014).

<sup>7</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241; ILO, *Declaration of Fundamental Principles and Rights at Work*, 1998.

<sup>8</sup> Economic and Political Weekly, "Labour Codes: Reform or Regression?" Vol. 57 (2022)

<sup>9</sup> Amartya Sen, *Development as Freedom* (Oxford University Press, 1999), p. 24.

<sup>10</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* (Oxford University Press, 1966), p. 75.

exist, suggesting that worker welfare is a constitutional obligation rather than an administrative choice.<sup>11</sup>

The Directive Principles of State Policy (DPSPs) included in Part IV serve as the fundamental basis for labour law. The State is required by Articles 38, 39, 41, 42, 43, and 43A to provide fair and humane working conditions, sufficient means of subsistence, and worker participation in management. In *Minerva Mills Ltd. v. Union of India*, the Court noted that the fundamental framework of the Constitution is concord between Fundamental Rights and Directive Principles, confirming that socio-economic rights are necessary to maintain political democracy.<sup>12</sup> These ideas transform labour welfare from a policy into a constitutional mandate that embodies social justice.<sup>13</sup>

In order to incorporate DPSPs into legally enforceable rights, the judiciary has gradually interpreted the Constitution. The Court used Articles 21 and 23 to free bonded laborers in *Bandhua Mukti Morcha v. Union of India*<sup>14</sup>, stating that the right to work in decent conditions is a part of the right to live with dignity. The ruling signalled a move toward judicial social engineering and converted socioeconomic entitlements into justiciable rights.<sup>15</sup> In a similar vein, the Court operationalized Article 39(e) and (f) as legally obligatory obligations in *M.C. Mehta v. State of Tamil Nadu*, ordering the State to safeguard child labourers and provide education.<sup>16</sup>

Indian labour law has been heavily influenced by the constitutional ideology of social justice. According to Justice P.N. Bhagwati, social justice is "the cornerstone of economic democracy," and the court must interpret the Constitution in a way that supports the most vulnerable members of society.<sup>17</sup> This interpretation is consistent with international labor norms, especially the International Covenant on Economic, Social, and Cultural Rights (ICESCR, 1966) and the ILO Declaration of 1998, both of which India has ratified. Indian courts have given international human rights standards constitutional validity by incorporating these

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<sup>11</sup> *Randhir Singh v. Union of India*, (1982) 1 SCC 618.

<sup>12</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

<sup>13</sup> A. B. Keith, *Constitutional History of India* (A.K. Ghosh, 2005), p. 112.

<sup>14</sup> Supra note 4

<sup>15</sup> Upendra Baxi, *The Indian Supreme Court and Politics* (Eastern Book Company, 1980), p. 147

<sup>16</sup> *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756.

<sup>17</sup> P.N. Bhagwati, "Judicial Activism and Social Justice," *Journal of the Indian Law Institute*, Vol. 32, No. 1 (1990), p. 5.

commitments into domestic jurisprudence.<sup>18</sup>

Thus, the constitutional framework has raised labour welfare from a legislative requirement to a component of social justice and human dignity through a synthesis of Fundamental Rights, Directive Principles, and judicial interpretation. The interpretive development of the Indian court shows how constitutional morality may turn economic policies into rights-based entitlements, guaranteeing that the Preamble's promise of fairness becomes a reality for workers.<sup>19</sup>

### **JUDICIAL EXPANSION OF LABOUR AS A HUMAN RIGHT**

The primary force behind the transformation of labour from a legislative entitlement into a fundamental human right was the Indian judiciary. The Supreme Court has introduced equity, justice, and human dignity into the field of workplace relations by interpreting constitutional provisions in a progressive and purposeful manner. This shift in interpretation shows that labour protection is part of the fundamental guarantee of life and liberty under Article 21 and is not limited to legislative grace.<sup>20</sup>

Indian labour law underwent a huge change with the historic *Randhir Singh v. Union of India* case. The Supreme Court ruled that the equality clauses of Articles 14 and 16 implicitly contain the idea of "equal pay for equal work," even though it was initially a Directive Principle under Article 39(d). By acknowledging that wage discrimination compromises equality and human dignity, this ruling elevated economic justice to a constitutional imperative effectively.<sup>21</sup> In a similar vein, the Court extended this principle to casual workers in *Daily Rated Casual Labour v. Union of India*, confirming that the State cannot masquerade as a model employer while depriving its workers of fundamental justice.<sup>22</sup>

One of the biggest advances in labor humanization has been the judicial extension of the right to livelihood under Article 21. The Court famously declared in *Olga Tellis v. Bombay Municipal Corporation* that the "right to life includes the right to livelihood," constitutionalizing work as necessary for survival.<sup>23</sup> In *Delhi Transport Corporation v. DTC Mazdoor Congress*, arbitrary

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<sup>18</sup> ILO, *Declaration on Fundamental Principles and Rights at Work*, 1998; ICESCR, 1966, Arts. 6–8.

<sup>19</sup> S. Deva, "Social Justice and the Indian Judiciary," *NUJS Law Review*, Vol. 7 (2014), p. 45.

<sup>20</sup> P. Ishwara Bhat, *Fundamental Rights: A Study of Their Interrelationship* (Eastern Law House, 2004), p. 112.

<sup>21</sup> Supra note 12

<sup>22</sup> *Daily Rated Casual Labour v. Union of India*, (1988) 1 SCC 122.

<sup>23</sup> Supra note 11

termination was ruled to be unconstitutional, supporting this view and confirming that tenure security is essential to workers' dignity.<sup>24</sup> These rulings firmly established livelihood and job security within the human rights framework of the constitution.<sup>25</sup>

As aspects of the right to life, workplace health and safety were likewise covered by judicial inventiveness. The Supreme Court ruled in *Consumer Education and Research Centre v. Union of India* that workers' rights to health and medical care are an integral part of Article 21.<sup>26</sup> In order to bring local jurisprudence into compliance with international labor norms, the Court ordered employers to provide medical monitoring and compensation for workers exposed to hazardous industries. Instead of relying on contractual authority, this strategy reinterpreted the employer-employee relationship as one based on constitutional accountability.<sup>27</sup>

By combining social justice with human rights duties, the courts have also addressed the predicament of bonded and child laborers. Judge P.N. Bhagwati ruled in *Bandhua Mukti Morcha v. Union of India* that forced labor breaches both Article 23 and the human dignity provided by Article 21.<sup>28</sup> In a similar vein, the Court interpreted Articles 24 and 39(e)–(f) as obligatory State obligations in *M.C. Mehta v. State of Tamil Nadu*, requiring the rehabilitation of child laborers and compulsory schooling.<sup>29</sup> Together, these decisions show how labor law has been humanized, making socioeconomic rights enforceable through judicial inventiveness.<sup>30</sup>

Additionally, domestic interpretation and international human rights provisions have been harmonized by Indian courts. The Supreme Court upheld the use of international agreements, especially those pertaining to labor and gender rights, to interpret fundamental rights in the case of *Vishaka v. State of Rajasthan*.<sup>31</sup> In keeping with this idea, Indian jurisprudence has frequently relied on the ICESCR (1966), the ILO Conventions, and the Universal Declaration of Human Rights (1948) to fortify the legal foundation for worker protection. In line with India's international commitment, the court has been able to develop a transnational vision of

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<sup>24</sup> *Delhi Transport Corporation v. DTC Mazdoor Congress*, (1991) Supp (1) SCC 600.

<sup>25</sup> S. Deva, "Social Justice and the Indian Judiciary," *NUJS Law Review*, Vol. 7 (2014), p. 43.

<sup>26</sup> *Consumer Education and Research Centre v. Union of India*, (1995) 3 SCC 42.

<sup>27</sup> ILO, *Occupational Safety and Health Convention* (No. 155, 1981).

<sup>28</sup> Supra note 4

<sup>29</sup> *M.C. Mehta v. State of Tamil Nadu*, (1996) 6 SCC 756

<sup>30</sup> Supra note 16

<sup>31</sup> *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

labor as a human right thanks to the incorporation of international norms.<sup>32</sup>

The Indian judiciary has successfully blurred the distinction between civil-political rights and socio-economic rights through these historic rulings, acknowledging the interdependence of equality, livelihood, and dignity. By guaranteeing that the spirit of the Preamble—justice, social, economic, and political—becomes a practical reality for the working class, judicial interpretation has turned the constitutional language into a live tool of social transformation.<sup>33</sup>

## SOCIAL JUSTICE AS THE CORNERSTONE OF LABOUR JURISPRUDENCE

The doctrine of social justice forms the philosophical and functional foundation of Indian labour law.<sup>31</sup> Judicial pronouncements in *Bandhua Mukti Morcha and People's Union for Democratic Rights v. Union of India* extended constitutional protection to the most marginalised, interpreting Articles 21 and 23 as guarantees of dignified work and freedom from exploitation.<sup>34</sup>

The Supreme Court of India upheld the right to regularization for long-serving temporary employees carrying out permanent duties in the recent *Vinod Kumar & Ors. v. Union of India & Ors. (2024)* case, strengthening the substantive equality component of social justice in employment.<sup>35</sup> Similarly, in SLP (C) No. 5580 of 2024, the court advanced the idea that form must yield to content in labor rights jurisprudence by ruling that the term "outsourced" cannot obscure the actual nature of the employment connection where the performance of obligations is permanent.<sup>36</sup>

The courts now define labor safeguards as constitutional entitlements rather than privileges, in line with international human-rights frameworks, demonstrating the clear shift in jurisprudence. The International Covenant on Economic, Social, and Cultural Rights (ICESCR) and the 1998 Declaration of the International Labour Organization both recognize fair and favorable working conditions as human rights.<sup>37</sup> Indian courts expand the concept of social

<sup>32</sup> International Covenant on Economic, Social and Cultural Rights, 1966, Arts. 6–8; ILO, *Declaration on Fundamental Principles and Rights at Work*, 1998.

<sup>33</sup> Amartya Sen, *Development as Freedom* (Oxford University Press, 1999), p. 41.

<sup>34</sup> *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.

<sup>35</sup> *Vinod Kumar & Ors. v. Union of India & Ors.*, (2024) SCC Online SC 1533

<sup>36</sup> SLP (C) No. 5580 of 2024, (2024) 1 S.C.R. 1230.

<sup>37</sup> Supra note 19

justice to encompass economic and social aspects of work by incorporating these standards into domestic labor adjudication through interpretive innovation.<sup>38</sup>

The concept of social justice serves as the bedrock of Indian labour jurisprudence, positioning law as an instrument of emancipation rather than mere control. While statutory frameworks may shift over time, the judiciary's enduring oversight continues to safeguard the constitutional values of equality, dignity, and humane employment.<sup>39</sup>

## **LABOUR AND HUMAN RIGHTS: A COMPARATIVE AND INTERNATIONAL PERSPECTIVE**

Beyond national constitutions, labor is recognized as a human right and is covered by international human rights legislation. Article 23 of the 1948 Universal Declaration of Human Rights and Articles 6–8 of the 1966 International Covenant on Economic, Social, and Cultural Rights both uphold the rights to employment, fair compensation, and secure working conditions. These clauses demonstrate the importance of decent labor to equality and human dignity. These criteria have been frequently used by Indian courts to view livelihood and dignity as being inextricably linked to human rights, so expanding Article 21.<sup>40</sup>

Similar commitments are reflected in comparative jurisprudence. While the European Union Charter of Fundamental Rights (2012) gives protection against wrongful dismissal (Article 30) and fair working conditions (Article 31), the South African Constitution (1996) expressly guarantees the right to fair labor practices (Section 23).<sup>41</sup> Work is viewed in many states as a constitutional right that is necessary for democratic participation rather than as a privilege. The rights-based approach of the Indian judiciary, as demonstrated in *Olga Tellis v. Bombay Municipal Corporation* (1985) and *Vinod Kumar v. Union of India* (2024), is consistent with this worldwide trend and supports the universality of the right to decent work.<sup>42</sup>

This convergence is shown by recent global happenings. While the United Nations' Sustainable Development Goal 8 (SDG 8) encourages inclusive and sustainable employment, the ILO Centenary Declaration for the Future of Work (2019) places a strong emphasis on social

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<sup>38</sup> Supra note 26

<sup>39</sup> Economic & Political Weekly, "Labour Codes: Reform or Regression?", Vol. 57 (2022).

<sup>40</sup> ICESCR, 1966, Arts. 6–8.

<sup>41</sup> EU Charter of Fundamental Rights, 2012, Arts. 30–31.

<sup>42</sup> *Vinod Kumar & Ors. v. Union of India & Ors.*, (2024) SCC Online SC 1533.

protection, gender equality, and technology-driven job security.<sup>43</sup> Due to its involvement in these frameworks, India is required to harmonize its domestic labor laws with international human rights commitments; this effort is increasingly being accomplished through judicial interpretation rather than legislative initiative.<sup>44</sup>

Thus, from a comparative perspective, India's labor legislation is a dynamic blend of constitutional morality and international human rights ideals. By using international standards on issues pertaining to livelihood, health, and workplace equity, the judiciary ensures that India's constitutional goal of social and economic justice is represented in the broader trend towards global labor rights.

## CHALLENGES AND THE WAY FORWARD

There are still differences in how labor rights are put into effect in India, notwithstanding the judiciary's transformative role. The Platform, migrant, and informal workers make up a significant segment of the workforce that is still not covered by official social security. The Labour Codes, 2020 run the risk of undermining existing rights by limiting collective-bargaining processes and increasing application demands, regardless of their intention to simplify and unify labor laws.<sup>45</sup> The necessity for judicial vigilance to uphold the spirit of social justice is highlighted by this discrepancy between administrative practice and constitutional promise.

A major challenge lies in enforcement and awareness. Labour inspections remain weak, trade unions face institutional constraints, and digital-platform workers lack recognition as "employees." The Supreme Court in *Vinod Kumar & Ors. v. Union of India & Ors.* (2024) reaffirmed that form cannot override substance in determining employment relations—an interpretation that should guide the implementation of the new Codes.<sup>46</sup> Similarly, the Delhi High Court in *Delivery Associates v. Zomato Ltd.* (2023) emphasised that platform workers deserve statutory protection against arbitrary contract termination.

Going forward, judicial consistency and legislative clarity are necessary for the

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<sup>43</sup> International Labour Organization, *Centenary Declaration for the Future of Work*, 2019; United Nations, *Sustainable Development Goal 8*, 2015

<sup>44</sup> Economic & Political Weekly, "Labour Codes: Reform or Regression?", Vol. 57 (2022).

<sup>45</sup> Supra note 46

<sup>46</sup> *Delivery Associates v. Zomato Ltd.*, (2023) SCC Online Del 2410

constitutionalization of labor welfare. India's domestic framework would be in line with international best practices if international labor standards—specifically, SDG 8 and the ILO Centenary Declaration (2019)—were incorporated.<sup>47</sup> The principles of equality and dignity found in Articles 14, 21, and 43A can be operationalized by bolstering labor-rights education, digital grievance procedures, and gender-sensitive workplace regulations.

The longevity of labor justice in India depends on coordinating court interpretation, legislative intent, and executive enforcement. Courts must continue to act as defenders of the constitution in order to guarantee that economic changes never compromise human dignity. Reiterating that labor is not just a factor of production but also the cornerstone of social democracy and human rights is necessary for the future.<sup>48</sup>

## CONCLUSION

The amazing transition from statutory protection to constitutional humanization is reflected in Indian labor jurisprudence. The judiciary has interpreted Articles 14, 21, and 23 to ensure livelihood, equality, and dignity as fundamental human rights in cases like *Bandhua Mukti Morcha, Olga Tellis, and Vinod Kumar*.<sup>49</sup> These interpretations have converted the Directive Principles into enforceable commitments, ensuring that social and economic justice remain central to governance.<sup>50</sup> Indian courts have brought national jurisprudence into line with universal labor-rights principles by harmonizing domestic law with international frameworks such as the UDHR (1948), ICESCR (1966), and ILO Declarations.<sup>51</sup> As a result, judicial innovation has made the Constitution a dynamic tool for social change, safeguarding employees in the face of changing economic conditions. Essentially, the most accurate indicator of India's constitutional democracy is still the dignity of labour.

<sup>47</sup> ILO, *Centenary Declaration for the Future of Work*, 2019; United Nations, *SDG 8: Decent Work and Economic Growth*, 2015.

<sup>48</sup> Supra note 34

<sup>49</sup> Supra note 44

<sup>50</sup> *Minerva Mills Ltd. v. Union of India*, (1980) 3 SCC 625.

<sup>51</sup> UDHR (1948), Art. 23; ICESCR (1966), Arts. 6–8; ILO, *Declaration on Fundamental Principles and Rights at Work*, 1998.

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