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# Human Rights and Labour Law Compliance in Business Leadership

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## ABSTRACT

*The issue of human rights and labour compliance has become more and more critical aspects of human business leadership in the globalised and digitised world. The current organisations need to maintain the dignity of workers, fair and safe working conditions, discrimination, and solve the new technologies of the digital age, including the tendency to be constantly connected and being mentally exhausted. With the recent implementation of the Right to Disconnect in Kerala, there is a major shift in the sphere of labour protection in India and an increased necessity to protect the welfare of employees not only through the regular workplace protection. The paper gives a comprehensive discussion of human rights at workplace, labour laws that govern India, judicial cases that have arisen, and systematic violations, and the changing role of contemporary business executives. It makes the point of high quality reforms, broader protections, and value-led leadership that is dedicated to the maintenance of ethical and dignified workplaces.*

## KEYWORDS

*Human Rights, Workplace Well-Being, Labour Compliance, Business Leadership, Kerala Right to Disconnect Case Laws*

## INTRODUCTION

The business leadership environment has over the last few years seen a total change in terms of landscape. Employer and organisational expectations have been reformed due to the swift growth of the global market, the infiltration of digital technologies, and the increasing consciousness of social justice. Nowadays, companies are not evaluated by their financial success alone but also by what values they have and what rights they defend and dignity they grant to their employees. The human right issue at

the work place was not a vital issue that was taken seriously, but it has now been shown to be of great importance when considering the integrity of good leadership. Compliance with labour law, appropriately, is not a mere issue of legal responsibility but a pointer of ethical leadership and sustainability in the long term.

With flexible working schedules, remote work and the adoption of technology-driven organisational processes by modern organisations, the work-personal life border is becoming more permeable. It is not unusual that the employees are supposed to be accessible 24-7 and to answer the messages, emails, as well as the tasks which are far beyond the required working hours. This has not only increased mental health strains but has also cast some deep-seated questions on the issue of equity, free will and dignity in the digital workplace. The policy of Right to Disconnect of Kerala is thus timely as it provides a new progressive labour instrument in the future and makes the institutions engage the emotional and psychological aspects of labour right.

It is on this background that human rights and compliance with labour laws have become the guiding principles in the modern business governance.

Consistent with these modern dynamics, this research paper will seek to explore the fundamental questions, which inform human rights adherence and labour in the contemporary organisations. In this regard, the paper is based on three critical research questions:

1. The question as to whether the existing human rights and labour law safeguards are actually effective in providing fair wages, healthy working environments, and equity to workers in modern workplaces.
2. What should the business leaders do to maintain the rights of human beings, the prevention of labour abuse and the establishment of an ethical, dignified, and inclusive workplace.
3. Whether the emergent digital rights like the Right to Disconnect are required to counter the contesting mental exhaustion, continuous connectivity and disappearance of the work-life balance.

They are questions that drive the investigation on whether the dignity at Indian work places have been well provided and whether the leadership in business is changing to suit the needs of an equitable and human workplace.

## **BUSINESS ENVIRONMENT WITH REGARD TO HUMAN RIGHTS**

The main cause of human rights in the business environment is the universal acknowledgment that the workers are moral agents and who ought to be respected, treated fairly, and not subjected to autonomy. Such rights are freedom of equality, freedom of non-discrimination, freedom of health and safety, freedom of fair pay, freedom of privacy and freedom of a dignified life. Organisations, then, cannot look at the employees as the labour input only but as human beings whose emotional, intellectual, and physical healthy form influences productivity, loyalty, creativity, and organisational culture.

The international legal documents, including the UDHR, and the ILO conventions acknowledge that the defense of human rights is not the role of the State, but the obligation of the private corporations as the sources of power over working conditions as well. This is strengthened by the UN Guiding Principles on Business and Human Rights (UNGPs), which establishes the doctrine of protect, respect and remedy, which on the other hand requires businesses to respect human dignity and compensate for inflicted damages.

The idea of the acknowledgement of human dignity at the workplace has been highly impetus by Indian constitutional jurisprudence. *Millivant v. Bradshaw*, 1966. Union of India expanded Article 21 to embrace all the rights that were included in a dignified life. This interpretation has had an incredibly significant impact on the labour jurisprudence. In *Vishaka v. The Supreme Court of State of Rajasthan* recognized workplace harassment to breach the Articles 14, 15 and 21 showing the intersection through the human rights and governance in the workplace. These judicial landmarks highlight the fact that human dignity should be at the centre of the organisational practices and leadership.

### **ETHICAL WORKING PLACES BASED ON WORKER RIGHTS**

The moral core of employment relationships is the worker rights. They are the right to decent wages, rest, safe work place, equal treatment, privacy, family, and redress of grievances. In the absence of these right, employment is exploitative and renders workers to being merely a production tool. Ethical leadership in business appreciates that, the rights of workers are unavoidable in the well being of organisations.

India In India, protections against forced labour (Article 23), discrimination (Articles 14 and 15) and arbitrary deprivation of

livelihood (Article 21) are enshrined in the constitution and offer support to the workers. These rights are supplemented by statutory rights covering wages, hours and safety standards in addition to resolutions of any dispute.

The judiciary intervention has been crucial in weighing up against the rights of workers. *People v Union Democratic Right in v. In the case of Union of India (the Asiad Workers case)*, the Supreme Court declared that less than payment of minimum sum of wage is forced labour. As the Court confirmed, physical force is as coercive as economic compulsion. The decision explains why the Court rigidly followed the principle of making sure that exploitation of the worker is under the status of human rights violations and not only an infringement of a contract.

The rights of workers are thus not an act of charity but a legal and ethical requirement that helps to maintain harmony of the industry and helps in upholding the overall well being of the labour force.

### **WAGES AND ECONOMIC JUSTICE FAIR**

One of the standards of economic justice in labour relations is fair wages. Wage is not only a compensation to labour but also a survival, personal respect and means of socialization. This has been recognised by the Minimum wages Act that has statutory minimum wages that are based on basic living costs. *Unichoyi v. the Supreme Court. State of Kerala* associated the minimum wages with the human dignity and efficiency, observing that the minimum wages should be able to support not just life, but health and productivity.

But still there is the common violation. Most labourers, particularly informal, casual, and migrant workers, are paid much below the law levels. Wage theft is so high and employers tend to take advantage of the ignorance or bargaining power of employees. There is always wage discrimination especially on the women who are often paid much less despite doing the same kind of work. Exploitation is also exacerbated by payment delays, arbitrary deductions and non transparent wage systems.

The fair wage systems need open frameworks, equal payment of equal work, and ousting of the gender- and caste-based wage disparities. Economic justice cannot be isolated of labour rights and leadership should ensure that the wage policies are based on ethical discourse rather than market forces.

## **HEALTHY AND SAFE WORKING ENVIRONMENT**

A dignified working life is something that cannot be done without safe working conditions. They are not only concerned with physical safety against industrial hazards but mental and emotional health. Factories Act and Occupational Safety Code establish overwhelming requirements in respect of the hygiene, ventilation, machine security, emergency procedures and working hours in workplace.

The court decision has influenced the dedication of India to decent working conditions. The consequences of the Bhopal Gas Tragedy lead to a lot of debate concerning corporate liabilities. In Charan Lal Sahu v. The Court had recognized the disastrous effects of unsafe industrial operations. Meanwhile, in M.C. Mehta v. The Court banned the employment of children in the hazardous industries and required children to be educated and rehabilitated in the State of Tamil Nadu.

Unsafe workplaces are still prevalent following these developments. Construction sites have no safety equipment, the amount of machinery used in factories is frequently without protection, the poor environmental conditions faced by sanitation workers are not safeguarded, and fire safety rules are not taken seriously. The psycho aspect of safety is not taken into consideration frequently - today employees experience salient burnout, stress, and anxiety caused by work overloads and unrealistic demands.

The concept of safe workplaces is not achieved merely because an organization fulfills the requirements of the law but because of leadership that puts the well-being of workers above financial bandities.

## **ANTI-DISCRIMINATION AND EQUALITY AT THE WORKPLACE**

Discrimination at the workplace sabotages the principle of justice and fairness. Although legally forbidden, gender, caste, disability, ethnicity or religion discrimination is very pronounced in most Indian workplaces. Equal Remuneration Act stipulates equal pay when the work is equal and the rights of Persons with Disabilities Act stipulates that the disabled workers must have reasonable accommodations. These protections however are undermined by gaps in implementation.

There is gender discrimination that is still a problem. Women are still experiencing occupational segregation, inequality of pay, glass ceiling and harassment. In Air India v. The Supreme Court

overturned the discriminatory clauses on female flight attendants and strengthened the concept of equality through Nergesh Meerza. Sexual harassment is considered as a fundamental right violation and hence the POSH Act was established following the Vishaka decision. However, most workplaces never do their Internal Committees the justice they require and this means that women are exposed to intimidation and retaliation.

Though not glaringly visible, caste-based prejudices affect promotions, allocation of tasks and even socialization. Discrimination in disability still happens because infrastructure is inaccessible, and other accommodations are not provided. Real equality is about having a leadership that goes beyond the visible anti-discrimination laws and instead involves an inclusive culture of overcoming prejudice and promoting diversity.

### **LABOUR RIGHTS VIOLATION AND INDIA**

Violation of labour rights is still an endemic phenomenon regardless of legislative and judicial protection. It is partly due to the large informal sector in India where millions of non-contracted, non-socially insured, and undeunionized workers work. Although bonded labour is unlawful, it is still practiced in a number of industries. In Bandhua Mukti Morcha, the Supreme Court found atrocious fates of bonded labourers and forced the State to take action. The ruling brought to light the fact that economic exploitation is a way of infringing the basic right to life and dignity.

Child labour, but illegal in the dangerous industries, is still practised, particularly where the industries are not regulated. The awkward working conditions, excessive working hours that are not reasonable and inadequacy of safety equipment are rampant in the construction sites, mines, and factories. Common violations include wage theft, forced overtime and denial of leave, casual and maternity. Sexual harassment is not reported but the victim is afraid of victimizing the sexual offender.

These breaches demonstrate the disconnect between what is viewed as guaranteed by the law and what is on the ground grounding the imperative need of both the State step and the ethical leadership of companies.

### **THE RIGHT TO UNCONNECT: THE RESTATEMENT OF LABOUR RIGHTS IN THE DIGITAL ECONOMY**

The digitalization of work has presented new extremes of difficulty in the well being of the workers. Today, employees are always interconnected, tracked and are required to be responsive around

the clock. This has led to an unnamed epidemic of digital exhaustion, with emotional fatigue taking the place of physical one.

To combat it the Right to Disconnect has been introduced in a number of countries as it is a human right to mental health and personal freedom. The recent move by Kerala to adopt the same right in case of the employees of the government, is a revolutionary step towards amending Indian labour policy. By regulating legally such communication between employees after hours, with the help of limiting it to the legal limits, Kerala reflects on the welfare of employees and takes into consideration the psychological aspects of labour rights.

This right does not constitute any anti-productivity tool; it increases benefits in the long-term and makes workplace more efficient due to prevention of burnout, boosting morale, and increasing the loyalty level. It makes certain that employees are not treated as the people without end service but as the people who are entitled to rest, leisure, and family moments. As the places of work transform this right will constitute part of the labour welfare and leaders should adopt the importance of the right.

### **THE LINE OF BUSINESS LEADERS IN ENSURING HUMAN RIGHTS IS PROTECTED**

Organisational culture is controlled by business leaders. Their values, decisions and attitudes define the daily reality of the workers. Ethical leadership is not only about adhering to the law, but also about building an atmosphere in which all statistical employees feel respected, valued and safe. Leaders should incorporate human rights in the corporate governance, come up with clear grievance mechanisms, implement safety measures, and non-discrimination.

Leaders need to acknowledge the fact that mental health is an important element of workplace rights. Too much work, the ability to be connected, or to be supplied with surveillance technology and unrealistic expectations are detrimental to employees. Implementing guidelines such as the Right to Disconnect, counselling and reasonable work specification portrays maturity of the leadership.

Lack of leadership focus on human rights is good breeding grounds on exploitation. However, when it puts the positive traits of dignity, fairness and accountability on the front line it develops trust, loyalty and the resilience of the organisation in the long run.

## **DIFFICULTIES IN THE ENSURING LABOUR COMPLIANCE**

Effective labour compliance in India is not achieved due to some deep-rooted challenges. Such large numbers of informal sector undermine regulation because the majority of workers are unaware of contracts or regulations. The agencies that implement these laws are continuously understaffed, their inspections are passive, and red tape exists. Compliance is mostly taken as an expense or a burden, by most employers, as opposed to being an obligation.

Digitalization has involved the development of several new ways of exploitation. Remote workers are subjected to constant digital surveillance and loss of privacy and nearly 24-hour availability. The gig economy places workers under platforms that are called partners in order to evade social security and labour benefits. Old fashioned labour laws find it hard to control new tablets of online employment.

Biases on gender, caste, and classes are experienced irrespective of legal legislation. Most women have aggressive work environments, and they are too scared to complain of being harassed because of the social stigma attached to it. The migration workers are still weak because of their language barrier and undocumented status.

These difficulties indicate that law on its own cannot be used to ensure compliance in labour; it demands a cultural, structural and technological change.

## **REFORMS THAT ARE REQUIRED IN COMPANIES LAWS AND BUSINESS ETHICS**

India requires major reforms in order to enhance the protection of workers. The labour laws will require changes to capture reality in technology and ensure that the more digital workers receive labour rights like the Right to Disconnect. The example of Kerala has to be implemented throughout the country so that employees could preserve the balance between work and personal life and be mentally healthy.

The digital audit, open inspection, and harsher punishment of violations should be enhanced by legal enforcement. The informal workers should be drawn under the umbrella of labour protection by way of registering them, providing them with social security programs and making them aware. The corporations should devote money towards mental health services, diversity, and safe working conditions. Human rights education and ethical choice in leadership should be part of leadership training. The sexual

harassment committees should operate autonomously and in a discrete manner.

In addition, India needs to control the gig and platform economies to achieve just salaries, employment protection, and societal safeguards on digital workers. The unions and the collective bargaining platforms should be empowered to represent workers. Legal reform and corporate responsibility together with the accountability of leadership is what is needed to create the working environment in which human dignity would be an actual concern.

### **CONCLUSION**

The ethical and sustainable business leadership requires all the business to be bound by human rights and the law to ensure that the work is free of any violation. Together with the blurring of traditional boundaries due to digitalization, new exploitative phenomena emerge, which makes it necessary to re-establish conventional as well as contemporary labour rights. The Right to Disconnect in Kerala is a promising move toward the anthropocentric government and the necessity to take care of mental health as seriously as physical safety.

By becoming leadership where human rights are not only acknowledged as part of the duty but also as part of the ethos, it creates workplaces with dignity, fairness and justices. Not only such organizations act in accordance with the law, but also develop trust, loyalty, and long-term success. The employment safety of workers is not only good ethics but good business. The future state of the workplace is up to leadership that values human dignity and puts the well-being of each person as their priority.

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