

BEYOND COMPLIANCE : WORKER SAFETY , WORKING HOURS, AND THE NEW GIG SCHEDULING
CONTROVERSY UNDER THE OSHWC CODE, 2020

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ABSTRACT

The twenty-first century has seen the change in labour markets being more and more marked by the flexibility of labour markets, the use of the contractual structure of work and performance-based workforce management practices. On one hand, these developments have resulted in operational efficiency in industries but on the other hand, they have also brought issues about the welfare of workers, job security and safety at the workplace. These issues are especially relevant to the safety-sensitive industries like aviation, the quality of workforce in which not only the welfare of employees but also the security of the population is directly dependent on working conditions.

The present research paper discusses the new phenomenon of precarious or rather gig-like employment trends in the Indian aviation industry and how efficient the labour protection mechanisms are established in the Occupational Safety, Health and Working Conditions Code, 2020. Adopting the recent scheduling crisis at IndiGo as an example, the paper identifies the operational stressors, labour shortages, and scheduling patterns as possible factors that lead to the creation of a situation that compromises worker safety and labour welfare.

In the analysis of legal duties of employers outlined in the Occupational Safety Code by doctrinal analysis and case-based analysis, the study examines the legal duties that employers have towards employees including fatigue of workers and abnormal working hours considering that these provisions are sector specific. This study contends that even after consolidation of labour laws under the new labour codes, there are still huge regulatory gaps in the provision of occupational safety issues in the highly specialised sectors such as aviation. The paper closes by giving policy recommendations that will enhance the protection frameworks in labour and at the same time in the aviation sector, the operations are efficient.

CHAPTER- I

INTRODUCTION

“Worker fatigue in aviation is not merely a labour welfare concern; it is a matter of public safety. When labour protections weaken in safety-critical industries, the consequences extend far beyond the workplace.”

1.1 BACKGROUND OF THE STUDY

In the last twenty years, the aviation sector in India has undergone a massive growth due to the economic liberalisation, rising middle-class mobility and the rise of low-cost airlines models. Aviation has become one of the most dynamic transportation sectors in the nation as airlines have been increasing their fleets, flights, and venturing into other regional markets. Although this growth has had positive effects of leading to the economic growth and linking, it has also created massive pressures on the aviation workforce that is charged with the responsibility of ensuring operational efficiency and safety.

The market environment that airlines exist in is quite competitive and optimisation of operation, cost-efficiency, and time constraints are critical in ensuring profitability. Consequently, the complex workforce management systems, which are based on dynamic scheduling, performance-based work organization, and contractual employment patterns, tend to be widespread in aviation companies. Although such practices are beneficial commercially, they can expose the aviation staff, including pilots, cabin crew, and ground staffs, to adverse working environments.

The labour regulation frameworks place a special position of the aviation workforce. However, unlike most other industries, aviation workers are working in safety-related settings in which fatigue, overworking, and insufficient rest time may have a direct impact on the health of workers and the safety of passengers. As a result, aviation labour protection systems should not only find a balance between these two but also consider the interests of workers and social safety. The recent trends in the Indian aviation industry have underscored the growing susceptibility of the employees in the industry.

The IndiGo scheduling crisis, which is one of the biggest airlines in India, made much noise about the problem of people management in work, pilot fatigue and labour conditions in the aviation industry. The crisis also brought up greater issues of whether the current labour laws

are sufficient in guarding the workers in the aviation industry against the high scheduling demands and work hazards.

Due to changing labour market conditions, India has made the one of the significant unifications of its labour laws by introducing four new labour codes such the Occupational Safety, Health and Working Conditions Code, 2020. The Code is designed to streamline and modernise the labour regulation through the combination of various laws on the safety at work and the welfare of the employees. The success of such legal reforms in dealing with sector-specific labour issues though is still an issue of debate.

1.2 CONCEPT OF PRECARIOUS OR GIG-LIKE EMPLOYMENT IN MODERN INDUSTRIES

Gig-like or precarious employment is a type of work that is marked by flexibility, ambiguity and short-term guarantees. Historically regarded as part of platform-based work, e.g. ride-sharing or delivery services, it is becoming more apparent with formal industries as more focus is placed on efficiency and cost-minimisation. Although nowadays, flexible schedules, contractual relations, and performance-oriented work arrangements are common practices among employers in order to keep up with the changing markets.

Employment in the aviation industry is formally organised, however, some aspects, including variable duty hours, dynamic rostering and operational dependency on demand, contain some trace of precarious labour. Such conditions can subject the workers to irregular working hours, exhaustions, and loss of control over working conditions. In labour law terms, these developments are a cause of concern over the sufficiency of the current structures especially in the safety of occupational safety and worker welfare in the safety sensitive sectors.

1.3 LITERATURE REVIEW AND RESEARCH GAP

1. Impact of New Labour Codes on Workers- Santosh Mehrotra and Kingshuk Sarkar¹

Santosh Mehrotra and Kingshuk Sarkar in the article “Impact of New Labour Codes on Workers critically discuss the impact of the recent reforms in the labour laws in India that amalgamated various labour laws into four labour codes. According to the authors, despite the fact that such reforms were introduced as a way of modernising labour regulation and

¹Santosh Mehrotra & Kingshuk Sarkar, Impact of New Labour Codes on Workers, The India Forum (Nov. 1, 2023), <https://www.theindiaforum.in/economy/impact-new-labour-codes-workers>

enhancing labour market flexibility, these reforms have a number of weaknesses that can undermine the protection of workers. Their issues are the lack of collective bargaining power, vagueness in wage control, gender imbalance, and inefficient social security services. The article also indicates that the new framework focuses on labour market flexibility and employer convenience rather than the substantive welfare of the worker thus raising concerns on the effectiveness of the reforms in protecting the labour rights in new emerging employment structures.

2. Critical Examination of India's New Labour Codes- Citizens for Justice and Peace (CJP)²

The article by the citizens right group Citizens for Justice and the Peace, Critical Examination of India New Labour Codes, discusses the consequences of the Indian labour law changes that merged 29 existing labour laws into four labour codes, which include the Code on Wages, 2019, Code on Industrial Relations, 2020, Code on Social Security, 2020, and Code on Occupational safety, health and working conditions, 2020. According to the article, the reforms are expected to make labour regulation easier and more unified, however, it is contended that the reforms pose challenges in terms of watering down human rights, undermining collective bargaining processes, and making labour management more flexible to employers.

3. India's New Labour Codes: A critical Analysis of Promise, Peril, and the Path Forward- Dr. A. Shaji George³

Dr. A. Shaji George, in the article, IndiaNew Labor Codes: A Critical Analysis of Promise, Peril, and the Path Forward, discusses the overall reform of the labour law regime in India based on the unification of 29 sectoral labour laws into four new labour codes, which are the Code on Wages, the Industrial Relations Code, the Code on Social Security and the Occupational Safety, Health and Working Conditions Code. The paper emphasizes that the reform is one of the biggest changes in the labour regulation in India which has impacted millions of the workers and has tried to make compliance easier and labour governance has been modernized. Nevertheless, the author is critical in stating that although the codes are

² Critical Examination of India's New labour Codes, Citizens for Justice and Peace (Dec. 11, 2025), <https://cjp.org.in/critical-examination-of-indias-new-labour-codes/>
India's New Labour Code: A Critical Analysis of Promise, Peril, and the Path Forward, ResearchGate (Dec. 10, 2025), https://www.researchgate.net/publication/398499449_India's_New_Labor_Codes_A_Critical_Analysis_of_Promise_Peril_and_the_Path_Forward

evident to create heightened efficiency and acknowledgment of new patterns of work including gig employment, there are fears that the codes will create issues on implementation and possibly undermine the labour protection plus the balance between economic flexibility and worker welfare

4. IndiGo Airlines Operational Crisis and its Consequences for Indian Aviation- The Peninsula Foundation⁴

The article, Operational Crisis at IndiGo Airlines and its implications on Indian Aviation, evaluates the massive breakdown in the Indian aviation industry with the result of an operational crisis experienced by IndiGo in December 2025. According to the author, the crisis has appeared due to the failure of the airline to further adjust its flights schedules to the tougher Flight Duty Time Limitation (FDTL) regulations that were introduced by the aviation regulator of India, the Directorate General of Civil Aviation, that had added more mandatory rest time on pilots. Through the article, it is stated that the crisis reveals that operational management, workforce scheduling practices and regulatory oversight are to be reinforced to guarantee safety and stability within the fast growing aviation industry in India.

5. When Labour Laws are Ignored: HR Lessons from IndiGo Crisis- Pooja Kumari⁵

In her article, When Labour Laws Are Ignored: HR Lessons through the IndiGo Crisis, Pooja Kumari has presented the operational setback at IndiGo through the lens of human resource and labour laws. The author claims that the crisis depicts the way in which the excessive organisational growth with lack of proper planning of the workforce might result in the critical labour-related problems. The article highlights the fact that labour laws are supposed to provide decent working hours, enough rests, and welfare of the workers especially in the high-risk industries such as the aviation industry. It also indicates that neglect of warning signals as burnouts and dissatisfaction among employees can progress into operations failure among employees and organisations.

⁴ Arabinda Acharya, IndiGo Airlines Operational Crisis and Its Consequences for Indian Aviation, The Peninsula (Jan. 15, 2026), <https://thepeninsula.org.in/blog/indigo-airlines-operational-crisis-and-its-consequences-for-indian-aviation>.

⁵ Pooja Kumari, When Labour Laws Are Ignored: HR Lessons from IndiGo Crisis, LinkedIn (Dec. 2025), <https://www.linkedin.com/pulse/when-labour-laws-ignored-hr-lessons-from-indigo-crisis-pooja-kumari-ehngc>

6. IndiGo Crisis 2025: Analysis of Aviation and Operational Safety and Operational Challenges- Vision IAS⁶

IndiGo Crisis 2025: Analysis of Aviation Safety and Operational challenges is an article that assesses the massive operational crisis experienced by IndiGo in December 2025 and its implications to the aviation industry in India generally. The research points out that the crisis has been causing cancellation of thousands of flights between 2-8 December 2025 and it has been affecting the passengers at the major airports in the country. It pinpoints the failure of the airline to adequately adjust the flight schedules to accommodate the adjusted Flight Duty Time Limitation (FDTL) rules issued by the Directorate General of Civil Aviation that required pilots to have more time off and had stricter duty rules and regulations as the main cause.

RESEARCH GAP

- The current body of literature regarding new labour codes of India is devoted primarily to labour flexibility, workers rights, and regulatory consolidation, whereas airlines news (e.g., IndiGo crisis) show the lack of efficiency in operations, labour shortage, and compliance concerns.
- No comprehensive analysis has been integrated between labour law reforms and industry-specific issues in safety sensitive companies such as the aviation industry.
- There is limited literature focusing on how the Occupational Safety, Health and Working Conditions Code, 2020 can assist in regulating the issue of worker fatigue, flexible working schedules, and unstable employment in the aviation industry.
- This is the research gap that the study will address through the critical assessment of labour protection procedures and the finding of regulatory gaps that require improvement in responding to the new threats in the aviation industry.

1.5 RESEARCH OBJECTIVES

The current research aims at discussing the specifics of labour relations in the Indian aviation industry with a special focus on the labour management and employee policies. It also seeks

⁶ IndiGo Crisis 2025: Analysis of Aviation Safety and Operational Challenges, Vision IAS (Dec. 8, 2025), <https://www.visionias.in/blog/current-affairs/indigo-crisis-2025-analysis-of-aviation-safety-and-operational-challenges>

to evaluate the legislation that regulates the protection of workers in the Occupational Safety, Health and Working Conditions Code, 2020. The research also assesses the presence of gaps in the current labour protection systems based on recent disruptions in operations like the crisis of IndiGo scheduling. Lastly, it aims to determine the general success of the labour law regulation in tackling the industry-related occupational safety issues in the aviation industry.

1.6 RESEARCH QUESTIONS

The research is guided by the following questions:

1. How does the employment structure within the aviation sector reflect characteristics of precarious labour arrangements?
2. What labour-related issues are revealed through the scheduling crisis at IndiGo, particularly in relation to workforce management and worker safety?
3. To what extent does the Occupational Safety, Health and Working Conditions Code, 2020 address issues of worker fatigue, scheduling pressures, and occupational safety in the aviation sector?
4. What regulatory gaps in labour protection are revealed through the scheduling crisis experienced by IndiGo?

CHAPTER- II

LABOUR CONDITIONS IN THE AVIATION INDUSTRY

2.1 STRUCTURE OF EMPLOYMENT IN THE AVIATION SECTOR

Aviation industry is among the most complicated and labour-intensive industries of the world transportation system. It depends on a workforce of highly specialisation that undertakes various operational, technical and service-related functions. The Indian aviation industry has been experiencing a massive growth in the last decade, and this aspect has created a high demand in the aviation professionals, pilots, cabin crew staff, and ground staff. This has been facilitated by the increase in traffic of passengers, the expansion of linkages among cities and the introduction of low-cost models of airlines which have made the travel through air more affordable to the people. Nevertheless, with this expansion, the labour standards within the aviation industry continue to be prone to high levels of operational pressures, inconsistent working schedules, and high safety standards.

Pilots are the backbones of the aviation operations and they have the role of ensuring safe navigation and operation of the aircraft. They need to be highly trained, certified, and keep safety requirements on a regular basis. India has regulatory guidelines on which pilots work, the rules include licensing, training, and restrictions on the number of flight hours. All these are laid down by Directorate General of Civil Aviation (DGCA). These rules are based on ensuring the safety of the aviation industry, as well as making sure that pilots do not have to face overwork and exhaustion.

Nevertheless, the pilots are usually under a lot of pressure in terms of schedules because of the nature of airline operations. Abnormal shifts, long working hours, and night shifts may alter the normal sleep patterns and also lead to fatigue. The aviation fatigue studies show that the long working hours and lack of rest have great impact on cognitive processes of pilots, decision making, and situational awareness. This type of fatigue has been identified as one of the key safety issues in the aviation sector since it could lead to the possibility of human error during the aviation operation⁷.

The cabin crew is a very important element in the safety of passengers and provision of onboard services. Their work involves carrying out safety demonstrations, attending to emergencies and assisting the passengers in addition to ensuring that there is order in the aircraft cabin. Despite the fact that cabin crew is usually related to hospitality functions, the key role of the cabin crew is to provide the safety of passengers onboard the aircraft. Just like the pilots, cabin crew members are on abnormal shifts, which involve overnight flights, early morning flights, and long hours of duty. The physical exhaustion, emotional stress, and disruption of the work-life balance are common due to the nature of the work schedule in the airlines.

Another necessary element of the aviation workforce is ground staff. They are responsible to passenger check-in, baggage handling, aircraft maintenance support, cargo operations, and coordinate security at the airport. Ground personnel usually operate under high-paced conditions, and operational efficiency and safety should be guaranteed at the same time.

⁷Rajee Olaganathan et al., *Fatigue and Its Management in the Aviation Industry*, with Special Reference to Pilots, 10 J. AVIATION TECH. & ENG'G 45 (2021), https://www.researchgate.net/publication/352094293_Fatigue_and_Its_Management_in_the_Aviation_Industry_with_Special_Reference_to_Pilots

Many of the ground staff jobs are based on contract or outsourced employment terms unlike pilots and cabin crew who report to an aircraft captain.

On one hand, outsourcing can assist airlines to save on operational costs, on the other hand, it can cause wage and job security and working condition disparities among the employees working in the aviation sector. The use of contract labour in airport operations is an indication of bigger tendencies in the contemporary industries that have embraced the flexible workforce frameworks to handle the changing work demands. Nonetheless, these employment terms can decrease the job stability and deny social security benefits to employees in the long-run.

2.2 WORKFORCE SCHEDULING AND FATIGUE ISSUES

The labour issue in the aviation sector is one of the most prominent issues which concerns the scheduling of the workforce and fatigue management. The aviation operations are twenty four hours a day and this demands employees to work in shifts, which are subject to work during the night, early morning flights, and long shifts. Such irregularities upset the natural circadian rhythm and may cause chronic fatigue among the aviation workers. Fatigue is generally known as one of the biggest safety threats in aviation since it impairs cognitive functions, reaction and decision-making capacity.

The outcomes of insufficient employee workforce scheduling have been also evident over the recent operational upheavals experienced in the Indian aviation industry. As an example, the current problem of the IndiGo Airlines, the scheduling crisis in 2025, led to a massive number of flights being cancelled and delayed all over the country.⁸ This was the nature of the disruption as airlines were unable to reorganize their flight schedules when new flight duty time guidelines came into effect which demanded pilots to have more time to rest. This state of affairs revealed the flaws in the workforce planning and scheduling systems in the aviation industry. The crisis revealed that the lack of personnel and inefficient roster organization can impact not only the well-being of the employees but also the stability of the work. Poor scheduling habits in safety-sensitive sectors like the aviation industry can have

⁸IndiGo Crisis 2025: Analysis of Aviation Safety and Operational Challenges, Vision IAS (Dec. 8, 2025), <https://www.visionias.in/blog/current-affairs/indigo-crisis-2025-analysis-of-aviation-safety-and-operational-challenges>.

severe consequences on the security of the workers and the general population in the use of air travel.

2.3 RISE OF PRECARIOUS EMPLOYMENT PRACTICES

The increasing popularity of precarious labour practices is another major trend that is influencing the labour conditions within the aviation industry. Precarious employment is a type of employment that is marked by a lack of job security, hours work and decreased access to employment benefits. Those who have studied India labour reforms have questioned that latest labour codes have the potential to accelerate labour market flexibility without adequately enhancing the protection of the workers. Although the merging of labour laws is meant to be easy to comply with laws, critics have raised their voices that some of the requirements in the act will undermine the rights of collective bargaining and minimise institutional protection towards workers in terms of vulnerable employment⁹. These events ask significant questions about how the balance between operational efficiency and labour protection may be maintained in the industries, which are characterised by the rapid growth and the spread of the new technologies.

2.4 REGULATORY FRAMEWORK GOVERNING AVIATION WORKFORCE

The Indian aviation industry has a two-fold regulatory system whereby in addition to aviation-specific regulation aviation workforce also falls under general labour regulations. These laws would help to provide safety, efficiency in operations and also protection of workers in the industry.

In India, the major regulatory body that deals with civil aviation is the Directorate General of Civil Aviation (DGCA). The DGCA determines the safety standards, licensing, and the operating guidelines of the airlines that are in the country. The control of the Flight Duty Time Limitations (FDTL) one of its tasks, states the maximum number of duty hours and the minimum number of rest hours of pilots and cabin crew. The IndiGo scheduling crisis proved the way in which operational issues can develop in case airlines do not effectively coordinate workforce scheduling activities to be in line with regulatory demands. Besides the aviation related regulations, aviation employees also fall under the general labour laws that control occupational safety and the working conditions and welfare of employees.

⁹ Santosh Mehrotra & Kingshuk Sarkar, Impact of New Labour Codes on Workers, The India Forum (Feb. 4, 2026), <https://www.theindiaforum.in/economy/impact-new-labour-codes-workers>.

These protections in India are mostly regulated by “Occupational Safety, Health and Working Conditions Code, 2020”, that unites several labour acts pertaining to the safety and working conditions at the workplace. The Code focuses on creating the common standards of workplace safety, health and working conditions at the different industries. It imposes responsibility on employers to provide safe working conditions, good welfare facilities and adhere to the levels of occupational safety.

CHAPTER - III

3.1 THE INDIGO SCHEDULING CRISIS AS A CASE STUDY

The sustainability of contemporary aviation lies not in technological development and efficiency of operations but also in the efficacy of labour protection that secures the people who make the industry survive. In comparison to gig employees in online platforms, aviation workers seem to have formal employment contracts. Nevertheless, some of the employment practices include variable scheduling, performance contracts and less control over working hours, which are some of the features that are attributed to precarious labour arrangements. This brings about paradox in labour regulation. The employee workers in the highly specialised industries are likely to have employment conditions that are reminiscent of the flexible labour models although formal employment relations may exist. IndiGo crisis shows how working pressures can change historically stable fields of employment into the one in which workers become more uncertain and more at-risk occupationally. Public Safety and Labour Protection Go Hand in Hand. The peculiarity of the aviation industry is that the labour conditions influence the public safety directly. Aviation personnel fatigue may negatively affect decision-making, cognitive performance and create more risks in operations. Thus, labour regulation in the aviation sector is not comprehensible within the framework of employee welfare. Rather, good labour protection is also a passenger and aviation safety assurance. The IndiGo aircraft scheduling crisis shows that better interdependence between the labour law and the regulation of aviation safety should be enhanced.

3.2 BACKGROUND AND TIMELINE OF THE CRISIS

The crisis in the IndiGo airlines schedules was a major blow to the aviation industry in India with massive delays and cancellations of flights that were experienced in the country. The crisis appeared in the background of the changes in regulations concerning the duty and rest

of pilots, necessitating airlines to change their system of crews rostering accordingly to guarantee the safety standards are followed.

Nevertheless, the quick growth of the business and the constrained capacities in human resources led to massive scheduling waste.¹ Inability to match effectively the availability of workforce with updated regulatory standards revealed internal frailties in airline workforce planning. The event showed the potential of the operational expansion without the corresponding enhancement of the labour capacity to cause systemic disruption¹⁰.

3.3 WORKFORCE AND OPERATIONAL FACTORS

One of the key causes of the crisis was the lack of balance in the operational requirements and the supply of workforce. Airlines are very competitive with the utilisation of aircrafts and close schedules being the only way of being profitable. This normally results into the use of complicated rostering systems based on the optimal workforce deployment. The issue of pilot shortage and inflexible scheduling models, in the case of IndiGo, resulted in bottlenecks in the operations that interfered with the way flights were conducted¹¹. Labour law wise, such conditions bring in issues about the degree of work and the sufficiency of rests aviation personnel get. Aviation workforce, especially pilot and cabin crew, operate in a highly controlled environment where rest periods and working hours are some of the most important factors of safety. Nonetheless, the operational pressures can be used as the factors that indirectly lead to the situations when employees have more workloads and less control over their schedules. This is reminiscent of precarious or flexible labour regimes, in which employees have feelings of uncertainty and lack of control despite their formal labour organisation.

3.4 IMPLICATIONS FOR WORKER SAFETY AND LABOUR CONDITIONS

The crisis of the timetable indicates the direct connection of the labour situation and safety results in the air transportation industry. It is common knowledge that fatigue in aviation personnel is a serious risk factor that may lead to cognitive impairment, loss of alertness, and chances of making errors in carrying out their duties¹². Under the legal perspective, these risks are under the realm of occupational safety and working environment. The Occupational

¹⁰ See DGCA Revises Flight Duty Time Limitations for Pilots, Directorate General of Civil Aviation (India) (2024).

¹¹ See generally International Labour Organization, *Working Conditions in the Aviation Sector* (2013).

¹² International Civil Aviation Organization, *Fatigue Risk Management Systems: Manual for Regulators* (2016).

Safety, Health and Working Conditions Code, 2020 creates a statutory obligation under which employers must provide the work place with no hazard, which may cause injury or adverse health consequences. In the aviation industry, which is a safety sensitive environment, fatigue due to overworking or improperly managed work schedules may be a reasonably thought of occupational risk¹³. The circumstances under which the crisis was experienced are thus subject to significant concern on the adherence to statutory stipulations on the safety of workers. In the cases where the workforce management practices contribute to greater fatigue or stress, the sufficiency of the labour protection mechanisms is a legal issue.

3.5 INSTITUTIONAL AND REGULATORY RESPONSE

The crisis led the regulatory authorities in the aviation industry to intervene through regulation, which led to the realization of the importance of more stringent adherence to the routine in the scheduling of crews and safety standards. The Directorate General of Civil Aviation (DGCA) which is the main regulatory body in the Indian civil aviation sector has re-emphasized the factors on the need to comply with flight duty time regulations and rest schedule of the aviation staff¹⁴. Although regulatory reaction was aimed at establishing the stability of the operating conditions and adherence to the aviation standards of safety, it was mostly limited to the industry-related regulation. The crash indicated a weak convergence of aviation regulatory systems and general labour laws. This distinction shows that there is a structural gap in the Indian regulatory strategy in the sense that the labour welfare concerns are not necessarily integrated fully in the sector-specific regulatory frameworks. The IndiGo crisis therefore highlights the importance of a more co-ordinated system that integrates the labour law protection with industry-related safety concerns.

CHAPTER – IV

4.1 AIMS AND RANGE OF THE OCCUPATIONAL SAFETY CODE

The OSH Code 2020 refers to the Occupational Safety, Health and Working Conditions Code, 2020 and consolidates 13 labour laws for the first time, presenting an overarching framework for the regulation of safe and humane working conditions. It embodies a commitment to the dignity and welfare of workers in the Constitution, more specifically, Articles 21, 39(e), and 42. However, the OSH Code adopts a more generalised approach to worker protection,

¹³ Occupational Safety, Health and Working Conditions Code, No. 37 of 2020, § 6 (India).

¹⁴ Directorate General of Civil Aviation, *Civil Aviation Requirements on Flight Duty Time Limitations* (India).

sacrificing the needs of specific industries. Section 2(26) of the Code, defines employee, inclusive of those in the aviation industry. However, the Code does not consider the aviation industry and the attendant risks of fatigue, irregular working hours and cognitive overload. The migration from specialized legislation such as the Factories Act, 1948, to a more consolidated approach has resulted in the dilution of bespoke protections and left a void in the more vulnerable industries such as aviation.

4.2 Employer Responsibility in Maintaining Worker safety

As stated in Section 6, employers are required to provide a safe workplace by implementing and providing systems, training, and supervision. The government has a right to set safety standards under Sections 8 and 9. However, these are broad provisions that lack specificity and enforceability. The Code does not specify that an employer must implement certain mechanisms, like systems for managing fatigue risks (FRMS), or develop standards to measure psychological stress, so employer obligations are fairly discretionary.

Judicial decisions have increased the scope of employer liability. In the case of “**Consumer Education and Research Centre v. Union of India (1995)**,” the Supreme Court included health as part of Article 21. In the same way, “**Occupational Health and Safety Association v. Union of India (2014)**” focused on the obligations to prevent. These principles still leave the OSH Code unable to adequately implement these principles in contemporary industries where the risks are systemic and not merely incidental.

4.3 Applicability to High-Risk Sectors such as Aviation

In aviation, there is a dual regulatory framework, where labour conditions are covered by the OSH Code and safety by the Directorate General of Civil Aviation (DGCA). This results in regulatory fragmentation. Theoretically, the OSH Code is not applicable in aviation as it does not consider it a high-risk sector and thus does not provide for greater scrutiny.

Regulations from the DGCA consider fatigue and the necessity for rest and relaxation periods. The Occupational Safety and Health (OSH) Code, however, does not consider fatigue to be a labour-related issue. This separation undercuts both systems. In the case of ‘**M.C. Mehta v. Union of India (1987)**’, the Supreme Court created a precedent for absolute

liability for dangerous industries, thereby justifying further reach. While aviation is not officially classified as dangerous, it is considered to be of a similar risk, and the Code does not capture this.

4.4 Lack of Recognition of Worker Fatigue and Scheduling

One of the most significant shortcomings of the OSH Code is the absence of provisions that address fatigue and the pressure of working schedules. Although sections 25 to 28 of the Code provide for working hours and regulate leave, they are too broad, generic, and fail to address and provide for industries that work on an irregular schedule. The Code does not define fatigue as a risk to an occupational hazard, sets no limits, and does not call for scientifically-based scheduling in any sector.

Fatigue is a significant safety issue. This has been recognized in international standards like the regulations put out by the International Civil Aviation Organization (ICAO) that are adopted in the DGCA regulations of India. The IndiGo scheduling crisis illustrates the absence of these standards, as claims of many hours of work without rest are a clear demonstration of insufficient labour protection.

In **Bandhua Mukti Morcha v. Union of India (1984)**, the Court stated the obvious: when it comes to the laws on labor, there must be a respect for the dignity of the human person. Ignoring fatigue is the Code's contradiction in principle, defying the protective provisions of the Constitution.

4.5 Limitations of Labour Protection in Structure

Weaknesses in structures also exist concerning the OSH Code. Key protective measures remain at the discretion of the executive through delegated legislation, creating uncertainty and prolonging delays. The inspector-cum-facilitator model diverts enforcement from compliance, and therefore responsibility, from the model.

Coverage concerning the threshold-based applicability pushes smaller establishments outside of the reach of the Code. In the aviation industry, contractual employment relationships further and further spread responsibility through diluting vectors in the structure. The Code

also fails, on the whole, to sufficiently empower the workers to report unsafe conditions or to engage in the governance of safety structures.

The absence of alignment among the labour authorities and the sectoral regulators such as the DGCA, creates a dysfunctional silo in the structure of regulation. This fragmentation creates further challenges concerning the enforcement of protection measures aimed at workers in the workplace.

4.6 The IndiGo Crisis and What Can Be Learned

The IndiGo crisis highlights the importance of having regulation that is specific to the sector. In fast moving and high risk industries, a regulatory framework that is uniform is inadequate. Occupational fatigue is something that should be acknowledged in the regulatory framework and should be incorporated as part of the protective measures of the labour laws that are derived from the fundamental rights encapsulated in article 21.

The need for closer integration among the labour laws and the regulations pertaining to specific sectors is clear. The active role of workers in decision-making concerning the establishment of FRMS and enforcement measures, are also critical elements in setting out the framework and guiding principles of what the regulations should be designed to achieve. The crisis is a powerful illustration and shows the need for labour laws that focus on protective measures that deal with the challenges of today, rather than those that are aimed at achieving compliance with the requirements set out in a regulatory framework.

Conclusion And Suggestions:

The paper reveals that the labour relations within the Indian aviation industry are increasingly demonstrating the precarious employment tendencies even though the organisation is formal.

IndiGo scheduling crisis demonstrates the negative impact of insufficient workforce planning, pilot burnout, and the lack of regulation that negatively impact the well-being of workers and citizens. Despite the purpose of the Occupational Safety, Health and Working

Conditions Code, 2020 to simplify labour legislation, it does not focus on particular sectors and lacks sufficient solutions to such problems as fatigue and irregular schedules in the aviation industry. The co-ordination between aviation regulation and labour laws is further undermined; this further compromises protection against the workers. In order to fill such gaps, fatigue must be identified as an occupational risk, and aviation-specific labour standards introduced. There should be greater interdependence between DGCA and the labour authorities. Fatigue Risk Management Systems (FRMS) should be implemented in airlines, and the enforced measures should be reinforced. Also, contractual workers ought to be equally protected and the employees should be included in the safety decision making. On the whole, there is the need to have a more coordinated and people-oriented regulatory measure in order to have not only labour welfare but also aviation safety.