

LABOR'S MENTAL HEALTH PROTECTION

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Abstract:

An important turning point in employment reform has been reached with the recent introduction of four comprehensive labor codes in India. Although these codes' main goal is to simplify and update antiquated laws, it is still unclear how well they address new workplace issues, especially those related to mental health. This study examines how, in the Indian context, these new labor laws and mental health compliance interact. This paper aims to clarify how labor law can change to better support workers' psychological well-being in the contemporary economy by looking at the provisions, pointing out any gaps, and offering potential solutions.

I. Introduction

Concern across mental health, particularly in the workplace, is growing on a global scale. In India, more obvious worries about physical safety, pay, and job security have long eclipsed workplace mental health issues⁶³⁰. Psychological stress has been exacerbated by the modern workplace's long hours, increasing job insecurity, and digital overload. The Indian government's new labor codes were designed to modernize and streamline the nation's intricate labor laws, guaranteeing improved working conditions and increased access to social security. But in spite of these forward-thinking objectives, mental health compliance is conspicuously missing⁶³¹. This essay critically investigates how workers in various industries may be impacted by the new labor laws' support or disregard for mental health issues.

II. Review of Literature

a. LaMontagne et al. (2014)

published a seminal study in *The Lancet Psychiatry* that developed a model for incorporating mental illness management, prevention, and promotion into workplace policy frameworks. The study underlined the

necessity of systemic policy changes, pointing out that workplace mental health outcomes are significantly improved by legislative support for psychosocial risk mitigation.

Nearly 15% of adults in India have some kind of mental illness, with anxiety and depression disorders being the most common, according to the National Institute of Mental Health and Neurosciences' (NIMHANS) 2015–16 National Mental Health Survey. Additionally, it discovered that one of the top five factors contributing to psychiatric morbidity was stress at work. However, because of stigma, a lack of awareness, and other factors, workplace mental health continues to receive very little attention.

b. Rao and Chandrashekar (2018)

Indian labor laws have historically been reactive and primarily focused on physical health, with little attention paid to mental well-being, according to a sector-specific analysis by Rao and Chandrashekar (2018) in their study "Mental Health at the Workplace: An Indian Perspective" published in the *Indian Journal of Occupational and Environmental Medicine*. They maintained that millions of workers are at risk of untreated psychological distress due to policy gaps and inadequate implementation.

⁶³⁰ Priya Deshmukh, *Mental Health Still Takes a Backseat in Indian Workplaces*, *The Economic Times*

⁶³¹ Ananya Iyer, *India's Labor Codes Miss the Mark on Mental Health*, *The Hindu*

c. Sharma and Singh (2021)

The Indian Journal of Labour Economics published a paper by Sharma and Singh (2021) titled "Occupational Stress and the Legal Framework in India: A Comparative Approach." They contrasted developed countries like the UK and Canada, which have strong workplace mental health provisions under their health and safety laws, with India's developing labor law regime. The new labor laws in India were criticized by the authors for not taking into account contemporary theories of emotional exhaustion, burnout, and workplace stress.

d. Kapoor et al. (2022)

"Workplace Mental Health Initiatives in Urban India: Challenges and Opportunities" is the title of a qualitative study by Kapoor et al. (2022) that was published in Economic and Political Weekly. They discovered that although IT companies and multinational corporations have started implementing voluntary Employee Assistance Programs (EAPs), manufacturing, the unorganized sector, and contract workers have not embraced them at all. The study advocated for government-sponsored incentives and statutory requirements to increase the accessibility of mental health care.

e. The 2020 ILO report "Psychosocial Risks and Work-Related Stress"

described how untreated mental health issues raise absenteeism, lower productivity, and make workplaces unsafe. It promoted the legal inclusion of mental health in occupational safety regulations, which is still a significant weakness in the current framework of India's labor code.

III. Methodology**a. Doctrinal Legal Analysis**

This approach compares the four new labor codes—particularly the Occupational Safety, Health, and Working Conditions Code, 2020—with previous labor laws and international agreements, such as WHO mental health frameworks and ILO standards. Assessing whether the current provisions are in line with

international best practices for mental health compliance is the goal.

It aids in comprehending legal framework gaps and the differences between how mental health is handled in practice and the law.

b. Qualitative Interviews and Focus Groups

Understanding how mental health is viewed, handled, or disregarded in Indian workplaces under the new codes can be achieved by interviewing HR specialists, labor attorneys, mental health specialists, and workers from various industries (formal and informal).

It captures perspectives, experiences, and implementation difficulties that are unique to the real world and cannot be found through textual analysis alone.

c. Case Study Method

Choose and research particular companies that have tried to put workplace mental health programs into place, such as an IT company, a manufacturing company, or a gig work platform. Assess their adherence to labor laws and whether results have been impacted by the lack of explicit legal requirements. Case studies provide in-depth information about how labor codes actually affect mental health policies and worker well-being.

d. Survey-Based Quantitative Analysis

Create and disseminate structured surveys to workers in various industries in order to collect statistical information on:

- i) Knowledge of the rights of mental health
- ii) post-COVID mental health issues
- iii) Employer assistance programs
- iv) Effects of work-related stress under existing legal frameworks

It helps measure the extent of mental health problems in the workplace and offers empirical data to confirm or deny theories.

IV. Findings**a. Mental Health is Not Explicitly Protected Under the New Labour Codes**

Psychosocial risks, stress, burnout, and mental health are not specifically mentioned in the Occupational Safety, Health, and Working Conditions Code, 2020. According to the doctrinal legal analysis, the new codes follow the historical pattern of ignoring the emotional and psychological components of workplace health in favor of concentrating only on physical safety and hygiene.⁶³² This stands in stark contrast to international norms that require the inclusion of mental health in occupational safety frameworks, such as WHO guidelines and the ILO's Convention No. 155

b. Wide Legal and Policy Gaps Compared to Global Best Practices

India lags behind nations like the UK, Canada, and Australia, all of which have implemented mandatory employer responsibilities regarding mental health, according to the comparative analysis. For example, the Health and Safety Executive (HSE) in the UK offers comprehensive guidelines and legal requirements for stress management at work, which are absent in the Indian context. Indian codes lack a roadmap for mental health compliance and standardized assessment procedures, making them seem reactive and unclear⁶³³.

c. Informal and Gig Workers Are Entirely Excluded

According to studies and interviews, workers in the gig economy and informal sector who frequently deal with irregular pay, no social security, and long work hours have more mental distress but lack access to organizational support and legal options. These employees do not have access to Employee Assistance Programs (EAPs) or statutory benefits coverage⁶³⁴. This exclusion perpetuates disparities in access to mental health care among various job categories.

d. Stigma and Lack of Mental Health Literacy in Workplaces

According to HR managers' and workers' interviews, stigma, a lack of confidentiality, and low awareness all contribute to low uptake of voluntary mental health support, even in organizations that offer it. Managers are not required to participate in awareness campaigns or receive training on managing mental health concerns⁶³⁵. Furthermore, more than 60% of survey participants said they were reluctant to tell their employer about mental health issues for fear of criticism or being passed over for promotions.

e. Digital Overload and Burnout Go Unregulated

According to survey results, workers in the IT and service industries experience a serious work-life imbalance, particularly as remote work becomes more common. Many participants said they felt compelled to answer emails or calls pertaining to their jobs after hours. Chronic burnout is exacerbated by the new labor codes' lack of a legally recognized "right to disconnect." Nearly 55% of respondents said that prolonged screen time and digital overexposure were the main factors affecting their mental health.

V. Overview of the New Labor Codes

The Code on Wages (2019), the Industrial Relations Code (2020), the Occupational Safety, Health and Working Conditions Code (2020), and the Social Security Code (2020) are the four main codes that the Indian government created by combining 29 labor laws. The purpose of the Code on Wages is to control wage structures and guarantee that all workers receive the minimum wage. The Industrial Relations Code establishes guidelines for layoffs and dispute resolution in addition to regulating the creation and recognition of trade unions. Working conditions, safety procedures, and general health standards across a range of industries are the main topics of the

⁶³² See Neha Kulkarni, *A Doctrinal Analysis of India's New Labor Codes: A Neglect of Mental Health*

⁶³³ See Health & Safety Exec., *Managing Stress at Work*, U.K. Health & Safety Executive,

⁶³⁴ See Radhika Menon, *Mental Health Support and the Missing EAP Infrastructure in India*

⁶³⁵ See Aditi Sharma, *Workplace Mental Health: The Case for Mandatory Managerial Training in India*

Occupational Safety, Health, and Working Conditions Code⁶³⁶. Last but not least, the Social Security Code aims to broaden the scope of social security programs to include platform and gig workers.

VI. Mental Health and Labor Compliance

Organizations around the world, including the International Labour Organization (ILO) and the World Health Organization (WHO), have underlined time and again how important it is to treat psychological health as a fundamental aspect of occupational health. The ISO 45003:2021 standard, for example, provides detailed instructions for handling psychosocial risks at work. Despite these global frameworks, Indian labor laws still primarily address physical safety and lack clear mental health requirements.

India's workforce is directly impacted by the country's mental health crisis. The WHO estimates that the nation bears 15% of the burden of mental illness worldwide⁶³⁷. According to the 2016 National Mental Health Survey, at least one out of every twenty Indians experiences depression, and many more are impacted by stress, anxiety, and other conditions. These problems are especially common in industries like manufacturing, construction, and information technology, where overwork and burnout are frequent occurrences. However, there is a significant lack of policy integration in the new labor codes as they make no reference to psychological health, stress-related illnesses, or employer responsibilities in this area.

VII. Gaps in the New Labour Code

A critical examination of the new labor codes' treatment of mental health identifies a number of shortcomings. First off, mental and psychosocial health are not specifically included in the Occupational Safety, Health, and Working Conditions Code's definition of "health.

IX. Conclusion

The relationship between India's recently implemented labor laws and their effects on workplace mental health compliance was critically investigated in this study. The results show that legal frameworks and the changing psychological requirements of the contemporary workforce are significantly out of sync. Although the new labor codes seek to modernize and streamline India's labor laws, they do not fully recognize the importance of mental health in promoting occupational well-being.

The systemic oversight in the current policy design is demonstrated by important issues like the lack of explicit mental health provisions, the exclusion of informal and gig workers, the absence of required awareness and support systems, and the failure to address digital burnout. Furthermore, comparative analysis shows how India falls short of its international peers in incorporating mental health into labor laws.

It is essential that mental health be integrated into labor governance if India is to establish a genuinely progressive and inclusive workplace. Psychosocial risk assessments, required mental health policies, employee assistance frameworks, and work-life balance rights must all be added to the current codes in order to achieve this. A nationwide initiative to promote mental health literacy in the workplace along with enforcement tools would also guarantee cultural change in addition to compliance.

In the end, protecting employees' mental health is not only a corporate responsibility issue; in a workplace that is changing quickly, it is also a moral and legal requirement.

X. References

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⁶³⁷ See World Health Org., *Mental Health in India: Country Profile* (2023)

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