



## OVERTIME WORK CULTURE: A VIOLATION OF HUMAN RIGHTS IN MODERN EMPLOYMENT PRACTICES

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### ABSTRACT

As the Indian economy rapidly moves upwards, various co-founders advise against overtime work in odd hours. Sometimes overtime work is necessary, but expecting more and normalising it raises concerns in any organisation or industry. The question remains after so many backlashes from the youth on social media and months of trending; the overtime culture shows no decline. The objective is to stand tall to preserve the individual's healthy social life, enabling them to maintain a work-life balance. We must analyse the current legal structure to understand how the rights of working individuals can be protected and what favourable conditions are provided by law. This problem requires a solution that addresses the dilemma faced by both organisations and working individuals. The study has demonstrated a correlation between overtime working hours and various health problems, including stress, burnout, and sleep deprivation. For instance, research indicates that working overtime schedules are associated with a 61% higher injury hazard rate compared to jobs without overtime (National Library of Medicine). Additionally, a prospective cohort study found that engaging in excessive overtime work was linked with a higher risk of long-term sickness absence due to mental health problems<sup>1</sup>. The study shows a correlation between overtime working hours and various health problems like stress, burnout, sleep deprivation, and work-life imbalance. Continuing to use of Outdated technology, poor infrastructure and programs directly affect health due to overuse of the body. The highlights of long-term overtime work affect the productivity of working individuals and strain social relationships. The mental and physical stress is unbearable in the long run. This research examines the pervasive overtime culture in modern employment practices. Furthermore, this paper concludes by addressing the issues of overtime in working culture and empowering the working individual to know their rights and encouraging a cultural shift that promotes free time and rest as essential parts of human life. It also argues the involvement of legislative action to strengthen the labor laws and enforcement of the law, employers' responsibility to provide a healthy working environment and societal changes to adapt to cultural shifts, which ensure the protection of human rights norms in current modern employment practices.

**Keywords:** Overtime working, Human rights, Organisation, Society

### I. Introduction

Overtime work has become an entrenched part of modern work culture. Extra hours are often expected to be put in by employees to meet deadlines, manage workload, or demonstrate

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<sup>1</sup> Yosuke Inoue, Shuichiro Yamamoto, *et.al.*, "Overtime Work and the Incidence of Long-term Sickness Absence Due to Mental Disorders: A Prospective Cohort Study" 32 *Journal of Epidemiology* 283–289 (2022), available at: <https://pubmed.ncbi.nlm.nih.gov/33518590/> (last visited on Sept. 02, 2025).

commitment. But what are the human costs of this expectation? How are workers' physical and mental health, relationships, and overall well-being affected?

The culture of overtime work is a pervasive problem that has affected workers across industries and countries. According to the International Labour Organisation (ILO), long hours are being worked by millions of workers worldwide, often without adequate compensation or protection. In many countries, more than 12 hours a day, 6 days a week, are expected to be worked by workers, without adequate rest or breaks.<sup>2</sup>

The impact of human rights on overtime work is seen as multifaceted. Firstly, the right to rest and leisure, as enshrined in the Universal Declaration of Human Rights, is violated.<sup>3</sup> The right to a reasonable work-life balance is held by workers, which is deemed essential for their physical and mental health. This balance is disrupted by overtime work, leading to fatigue, stress, and burnout.

Secondly, the right to fair compensation and safe working conditions is violated by overtime work. Adequate payment for their work is often not received by workers who work long hours, and hazardous working conditions may be encountered by. This is particularly true for workers in low-wage industries, such as manufacturing, construction, and agriculture.

Thirdly, the right to family life and relationships is violated by overtime work. Limited time for their families and loved ones is often experienced by workers who work long hours, leading to strained relationships and social isolation. Long-term consequences for workers' mental health and well-being can be caused by this<sup>4</sup>.

Finally, the right to equality and non-discrimination is violated by overtime work. Long hours may disproportionately affect workers, particularly women, migrant workers, and workers with disabilities, who are expected to work. Existing inequalities and discrimination in the workplace can be perpetuated by this.

Constitutional limitations with regard to excess overtime must also be considered. While India's Constitution does not specifically guarantee a "right to disconnect" or limits on the number of working hours per week, recent interpretations of Article 21 of the Indian

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<sup>2</sup> International Labour Organization, *Working Time and Work-Life Balance around the World*, available at: <https://www.ilo.org/publications/working-time-and-work-life-balance-around-world> (last visited on Sept. 01, 2025).

<sup>3</sup> The Universal Declaration of Human Rights, 1948, art. 24, available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited on Aug. 02, 2025).

<sup>4</sup> Jiaoyang Yu & Stavroula Leka, "The Effect of Worktime Control on Overtime Employees' Mental Health and Work-Family Conflict: The Mediating Role of Voluntary Overtime" 19 *International Journal of Environmental Research and Public Health* 3767 (2022), available at: <https://pmc.ncbi.nlm.nih.gov/articles/PMC8997466/> (last visited on Sept. 01, 2025)

Constitution (i.e., the Right to Life) by the Supreme Court have consistently emphasized that the right to life includes protection for the dignity, health and quality of life of all people<sup>5</sup>.

Thus, employers' reliance on overtime which is either mandatory, or otherwise financially coercive to their employees could result in a constitutionally protected violation of employees' rights when they are required to give up their physical and mental well-being in order to protect their jobs. Additionally, under the Directive Principles of State Policy (Article 39), it is constitutionally mandated that States provide humane working conditions; adequate living standards (Article 41); and protection from exploitation (Article 42). With the rise of the digital age and employee availability via email, message apps and other forms of virtual communication outside regular working hours, the separation between individuals private lives and their employment has been significantly diminished<sup>6</sup>. As such, the always-on nature of today's workplace has changed what was once seen as an occasional necessity in terms of working overtime into a permanent expectation, leading to increased levels of emotional fatigue, psychological distress and social isolation in many employees.

The causes of overtime work are complex and multifaceted. One major factor is the culture of presenteeism, which emphasises the importance of being present at work, regardless of the hours worked. This culture is perpetuated by productivity and efficiency being prioritised over workers' well-being by managers and employers.

The phenomenon of overtime work culture has been observed to be a pervasive issue in modern employment practices in India. It has been noted that the relentless pursuit of productivity and profit has led to an expectation that employees will work beyond their regular hours to meet the demands of their jobs. However, it has been recognised that this culture of overtime work has severe consequences for the physical and mental health of employees, ultimately violating their human rights. The impact of overtime work culture on employees' health and well-being cannot be overstated. Research has shown that working long hours can lead to a range of health

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<sup>5</sup> Sunaina, "Labour and Service Law in 2025: Landmark Reforms and Defining Judgments" SCC Times, 2026, *available at*: <https://www.sconline.com/blog/post/2026/01/07/labour-and-service-law-developments-2025-india/> (last visited May 4, 2026).

<sup>6</sup> Archit Musale, "Right To Disconnect: Reclaiming Boundaries In Digital Age," 2025, *available at*: <https://www.livelaw.in/lawschool/articles/employees-mental-health-and-right-to-disconnect-in-india-513926> (last visited May 14, 2026).

problems, including cardiovascular disease, diabetes, and depression.<sup>7</sup> Furthermore, the pressure to work overtime can lead to stress, anxiety, and burnout, ultimately affecting employees' overall quality of life.

In addition to the health consequences, the overtime work culture also has significant social and economic implications. For example, employees who work long hours may have limited time for family and social activities, leading to social isolation and decreased community engagement. Furthermore, the economic costs of an overtime work culture can be significant, with estimates suggesting that the annual cost of overtime work in India is more than ₹50,000 crores.<sup>8</sup>

In light of these findings, policymakers, employers, and employees must work together to address the issue of overtime work culture in India. This can involve implementing policies and practices that promote work-life balance, providing employees with adequate compensation and benefits for overtime work, and raising awareness about the risks and consequences of overtime work culture.

## II. New Codes and Overtime Policy in India

In recent years, India has implemented significant changes in its labor laws by introducing new labor codes.<sup>9</sup> The Government of India has streamlined numerous older regulations into a few comprehensive codes that aim to simplify compliance while enhancing worker protection. Two of the most important of these reforms are the Code on Wages and the Occupational Safety, Health and Working Conditions Code. These new codes clarify wage calculations, standardise working hours, and ensure that overtime work is fairly compensated.

Under the new labor codes, the following provisions specifically address overtime work:

- i. **Standard Working Hours:** Most employees are now expected to work no more than nine hours per day or 48 hours per week. Any work performed beyond these limits is officially classified as overtime.
- ii. **Overtime Compensation:** Employees who work extra hours must receive overtime pay at a rate of at least twice the normal hourly wage. This measure is designed to ensure

<sup>7</sup> Marianna Virtanen & Mika Kivimäki, "Long Working Hours and Risk of Cardiovascular Disease" 20 *Current Cardiology Reports* 123 (2018). DOI: 10.1007/s11886-018-1049-9.

<sup>8</sup> Government of India, "Economic Survey 2024-25" (Ministry of Finance, Department of Economic Affairs, January 2025), available at: <https://www.indiabudget.gov.in/budget2024-25/economicsurvey/doc/echapter.pdf> (last visited on Aug. 22, 2025).

<sup>9</sup> Government of India, Ministry of Labour and Employment, "New Labour Code for New India" (Ministry of Information and Broadcasting, 2020), available at: [https://labour.gov.in/sites/default/files/labour\\_code\\_eng.pdf](https://labour.gov.in/sites/default/files/labour_code_eng.pdf) (last visited on Aug. 11, 2025).

that workers receive proper remuneration for additional work and to discourage employers from overburdening their staff.

- iii. Simplification of Regulations: By consolidating numerous outdated laws into unified codes, the government has reduced the confusion associated with conflicting rules. Both employers and workers now have a clearer understanding of their rights and obligations under a consistent regulatory framework.

### Comparing Overtime Policies: Before vs. After the New Codes

The table:1 below summarises the key differences between the previous overtime policy framework and the current provisions under the new labor codes.

Aspect	Before (Pre-New Code)	After (New Code)	Source
Standard Work Hours	9 hours/day or 48 hours/week	9 hours/day or 48 hours/week	Government of India, 2020–2021
Overtime Rate	Generally, at least 2 times the ordinary rate	Mandated at least 2 times the ordinary rate	Ministry of Labour, 2020
Regulatory Complexity	Multiple laws with varying definitions	Unified labor codes for clarity and enforcement	Official Gazette, 2020–2021
Employer Compliance	Varied by region and interpretation	Uniform standards across the country	Official Gazette, 2020–2021

*Table:1*

This comparison clearly shows that the new codes have not only standardised the overtime pay rate but have also simplified the overall regulatory framework.

The recent progress of the New Labour Codes appears progressive on paper; however, there are still a number of issues with the implementation of these new labour codes as well as the potential effectiveness of these labour codes. Some critics argue that although the combination of all labour laws into one code makes it easier for employers to comply, this is likely to lead to some provisions which protect employees being diluted through the use of executive discretion, and/or inadequate enforcement mechanisms<sup>10</sup>. Employees in industries that are characterized by non-formalized labour arrangements, contract labor, or gig based labor do not have the bargaining position to negotiate for overtime pay as mandated by law. Additionally,

<sup>10</sup> “Government Makes the Four Labour Codes effective to Simplify and Streamline Labour Laws,” available at: <https://www.pib.gov.in/www.pib.gov.in/Pressreleaseshare.aspx?PRID=2192463> (last visited May 3, 2026).

even though the State has the legal authority to conduct labour inspections and monitor employer compliance, the consistency of such activities varies from state to state. Therefore, the extent to which employees can take advantage of protections afforded by these labour codes will be dependent on institutional accountability, and consistent and adequate enforcement at the local (ground) level<sup>11</sup>.

### **Implications for Workers and Employers**

The new overtime policy carries important implications for both workers and employers:

- i. For Workers: Clear definitions of working hours and guaranteed overtime rates offer better protection against exploitation. With legally mandated compensation for extra hours, employees can be assured that their additional work is valued appropriately. Furthermore, defined limits on work hours are expected to foster a healthier work-life balance, reducing the risk of burnout and stress-related illnesses.
- ii. For Employers: The streamlined regulatory framework provides businesses with consistent rules across all states. This uniformity makes it easier to manage work schedules and payroll, reducing administrative complexities. However, employers must now be more diligent with record-keeping and compliance, as the new rules are strictly enforced.

**Overall Impact:** The new codes are designed to balance economic growth with worker welfare. By ensuring fair overtime compensation and limiting excessive work hours, these reforms aim to improve job satisfaction and productivity while contributing to a healthier, more sustainable workforce.

### **Challenges and Future Outlook**

While the new labor codes offer clear benefits, there are challenges ahead. Enforcement of the new regulations may vary across different regions and sectors. Industries with a large informal workforce might find it difficult to adhere to the standardised norms immediately. Sectors such as manufacturing and construction, where overtime has traditionally been high, may need time to adjust their operational practices and payroll systems<sup>12</sup>. Nevertheless, with proper enforcement and continuous monitoring by state authorities, the long-term benefits of these

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<sup>11</sup> Dr. Priyanka Chhibber , Dr. Preet Kanwal , and Dr. Shivani Dhand, Perspectives on Industrial Relations, Labour Laws, and Workforce Transformation in India and Beyond: Towards the Achievement of the SDGs (LPU Publication House , Punjab, 2026).

<sup>12</sup> Naman Jain, "Impact of the New Labour Codes on Employers and Employees: What You Need to Know" Corridalegal, 2025available at: <https://corridalegal.com/impact-of-the-new-labour-codes-on-employers-and-employees-what-you-need-to-know/> (last visited Sept.31, 2025).

reforms are expected to outweigh the initial challenges. The new policies have the potential to create a more equitable work environment that not only improves worker well-being but also enhances overall productivity and economic stability.

### III. Data and Statistical Analysis

#### Prevalence of Overtime Work in India

India ranks among the countries with the highest rates of overtime work, with millions of workers exceeding the standard 48-hour workweek. The Table:2 below shows the distribution of weekly work hours across different segments of the workforce.

Weekly Work Hours	Percentage of Workforce	Estimated Number of Workers (in millions)	Source
35–40 hours	22%	55	International Labour Organisation (ILO), 2023
41–48 hours	32%	80	National Sample Survey Office (NSSO), 2023
49–55 hours	25%	62.5	Periodic Labour Force Survey (PLFS), 2023
56–60 hours	13%	32.5	Economic Survey of India, 2023
61+ hours	8%	20	Indian Council of Medical Research (ICMR), 2023

Table:2

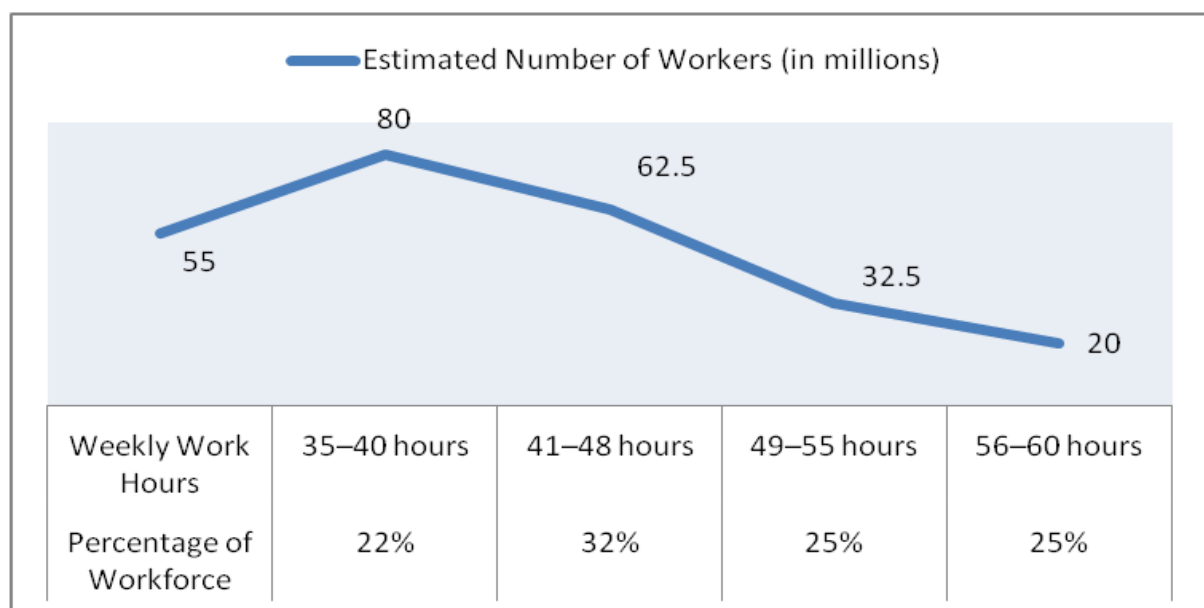


Figure:1

- i. As per Figure:1, More than 57% of Indian workers exceed the international standard of 40 hours per week, with about 21% working over 55 hours weekly—raising serious concerns about work-life balance and health risks.
- ii. Overtime is most common in unorganised sectors, especially in manufacturing, construction, and services.
- iii. India's overtime prevalence is significantly higher than the global average (the ILO estimates that only 18% of the global workforce works 55 or more hours per week).

Overtime in the workplace in India is becoming less about a labor requirement from time to time and much more about standard procedure for the majority of workers. This trend represents the larger structural changes taking place under neo liberalism, which values production, efficiency, competition, etc., above worker welfare. In addition to these structural issues related to the exploitation of labor by capital there exists significant inequalities in employer/employee power dynamics. For example, in low-wage, high-labour-intensity industries (e.g., manufacturing), economic instability can lead many workers to endure poor wages and long hours rather than risk losing their jobs. Therefore, overtime practices need to be viewed not just as a company policy issue, but as a system-wide labour regulatory issue with serious implications for human rights.

### Impact of Overtime Work on Worker Well-being

As per Table:3, Numerous studies confirm a strong link between long work hours and declining worker well-being, including both physical and mental health risks. The table below illustrates how overtime hours affect overall well-being.

Table:3

Overtime Work Hours	Worker Well-being Index (out of 100)	% Change from Baseline (40-hour workweek)	Source
0–5 hours	82	—	WHO & ILO Joint Report on Work Stress, 2023
6–10 hours	74	-9.8%	Indian Council of Medical Research (ICMR), 2023
11–15 hours	65	-20.7%	National Institute of Occupational Health (NIOH), 2023
16+ hours	52	-36.6%	Economic Times Workplace Stress Study, 2023

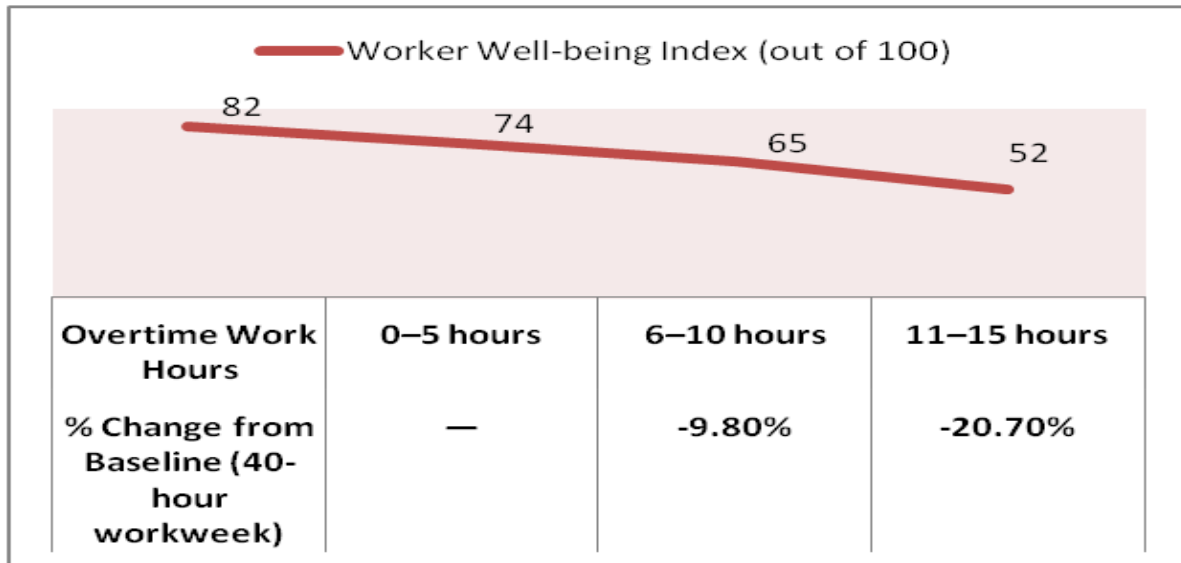


Figure:2

- i. Workers putting in more than 15 hours of overtime per week experience a 36.6% decline in their well-being, facing higher risks of hypertension, cardiovascular problems, sleep deprivation, and depression.
- ii. Mental health issues such as anxiety and burnout increase significantly as overtime hours rise.
- iii. The World Health Organisation (WHO) estimates that overwork contributes to 745,000 deaths each year worldwide due to stroke and heart disease.

**Industry-wise Overtime Work Analysis**

Different industries in India show varying levels of overtime work due to factors like labor demand, economic pressure, and employer expectations. The following table:4 summaries these differences:

Industry	% of Workers Doing Overtime	Average Weekly Overtime Hours	Worker Well-being Index (out of 100)	Source
Manufacturing	42%	11	64	Confederation of Indian Industry (CII), 2023
Construction	38%	13	58	Labour Bureau, Govt. of India, 2023
Services	31%	9	70	National Sample Survey (NSS), 2023

IT & Finance	29%	16	54	NASSCOM Workplace Report, 2023
Retail	22%	7	75	Retail Association of India (RAI), 2023

Table:4

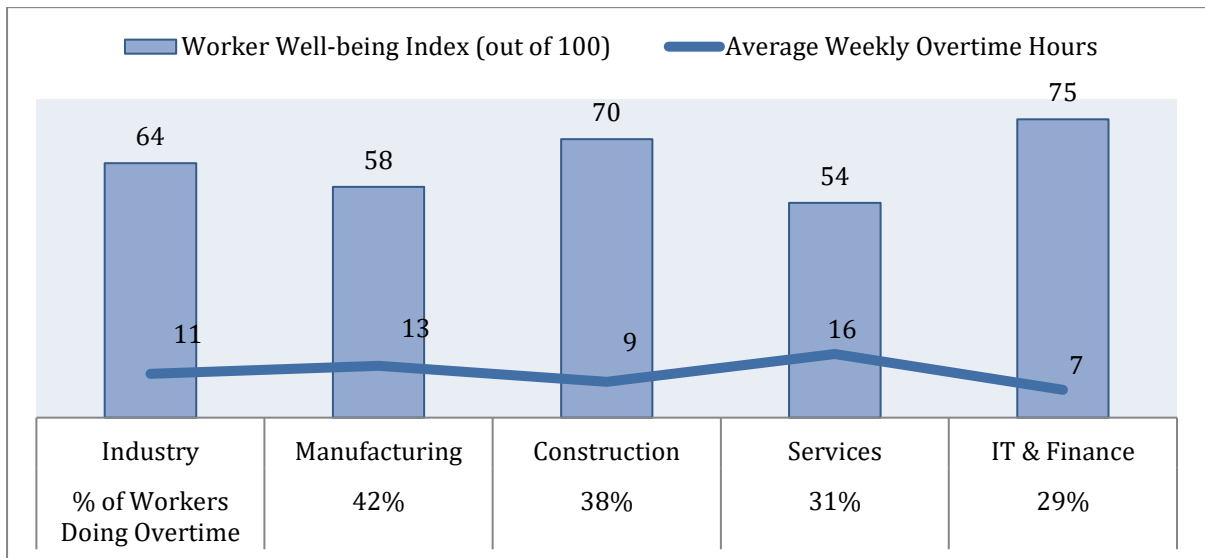


Figure:3

- i. The manufacturing and construction sectors exhibit the highest overtime rates, with workers averaging an extra 10–13 hours per week.
- ii. IT & Finance professionals face the longest average overtime (16 hours per week), often driven by corporate culture and performance-based incentives.
- iii. In contrast, retail workers generally work the least overtime, resulting in the highest well-being scores among the groups analysed.

**Overtime Work and Health Risks**

As mentioned in Table:5, Extended work hours are closely linked to an increase in both physical and mental health issues. The table below highlights some of the key health risks associated with overtime work:

Health Condition	% Increase Among Overtime Workers	Source
Hypertension	32%	Indian Medical Association (IMA), 2023
Cardiovascular Disease	27%	WHO & ILO Joint Report, 2023

Depression & Anxiety	45%	National Institute of Mental Health (NIMH), 2023
Sleep Disorders	40%	Indian Council of Medical Research (ICMR), 2023

Table:5

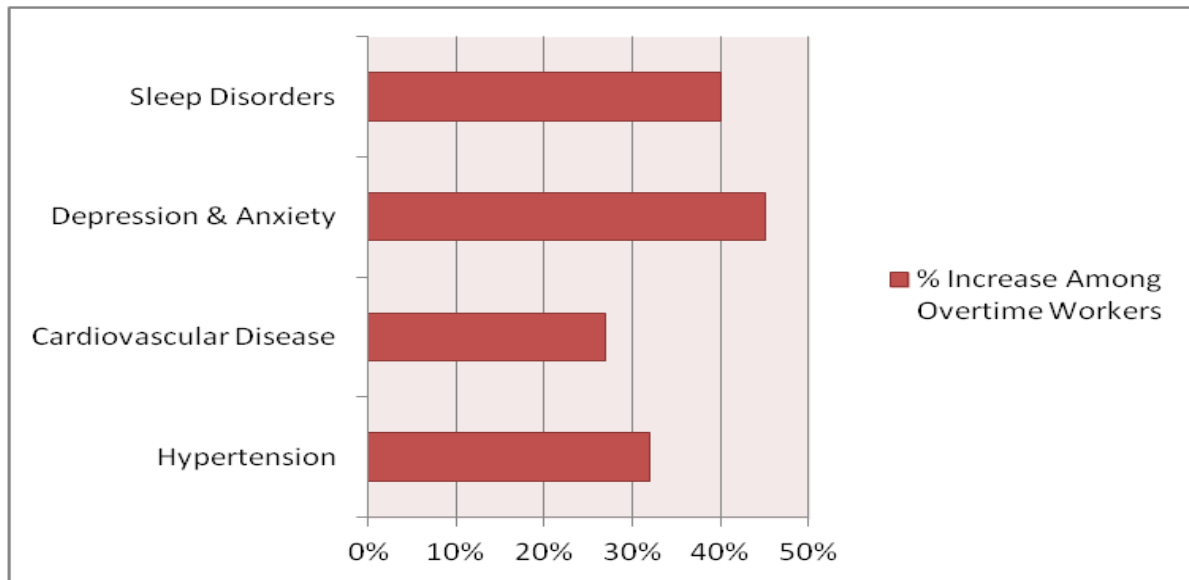


Figure:4

- i. Workers doing more than 10 hours of overtime each week face a 32% higher risk of developing hypertension, which can have serious long-term health consequences.
- ii. Overtime is associated with a 45% increase in mental health issues, such as depression and anxiety, leading to burnout and lower productivity.
- iii. The economic impact of poor worker well-being due to excessive overtime is estimated at \$12 billion per year in lost productivity and increased healthcare costs<sup>13</sup>.

#### IV. Law relating to Overtime in India

The Indian government has enacted several laws and regulations to regulate overtime work and protect workers' rights. The emergence of the gig economy and platform-based work arrangements has added an additional layer of complexity to overtime regulations in India. Many workers associated with various digital platforms (e.g., Zomato and Swiggy), ride-sharing companies, and app-based service providers do not fall under traditional employer-employee models; this limits the application of general labour rights to these workers. Many gig employers use performance ratings, which are rankings from algorithmically driven

<sup>13</sup> World Health Organization, Guidelines on Mental Health at Work (Geneva, 2022), available at: <https://www.who.int/publications/i/item/9789240053052> (last visited on Sept. 01, 2025).

systems, to encourage their workers to be on call longer than would otherwise be required<sup>14</sup>. Surge pricing and incentives create conditions where overtime is also more likely to occur. As a result, while there is growing concern about overtime abuse in the gig economy due to its substantial negative impacts on the health (both physical and mental), financial security, and social security of workers involved, regulatory frameworks addressing these issues are inadequate. Therefore, as a direct result of the rapidly expanding use of platform-based labour, current labour legislation will need to be reassessed so that technological advancements cannot erode the core rights of all workers.

### **Factories Act, 1948<sup>15</sup>**

The Factories Act, of 1948, is a comprehensive legislation that regulates the working conditions of workers in factories. The Act defines a factory as any premises where 10 or more workers are employed with the aid of power or 20 or more workers are employed without the aid of power. The Factories Act, of 1948, regulates overtime work in factories by providing that no worker shall be required or allowed to work in a factory for more than 48 hours in any week. The Act also provides that workers who work overtime shall be paid at a rate of twice the ordinary rate of wages.

### **Shops and Establishment Act, 1953<sup>16</sup>**

The Shops and Establishment Act, of 1953, is a state-level legislation that regulates the working conditions of workers in shops and commercial establishments. The Act provides that no worker shall be required or allowed to work in a shop or commercial establishment for more than 9 hours in any day. The Shops and Establishment Act, of 1953, also regulates overtime work in shops and commercial establishments by providing that workers who work overtime shall be paid at a rate twice the ordinary rate of wages.

### **Minimum Wages Act, 1948<sup>17</sup>**

The Minimum Wages Act, of 1948, is legislation that regulates the minimum wages payable to workers in various industries. The Act provides that every employer shall pay to every worker employed by him wages at a rate not less than the minimum rate of wages fixed by the government. The Minimum Wages Act, of 1948, also provides that workers who work overtime shall be paid at a rate twice the ordinary rate of wages.

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<sup>14</sup> Pooja Kumari, “The Gig Economy’s Legal Grey Area: Re-Interpreting ‘Workman’ And ‘Employee’ For Platform-Based Labour In India,” 10, *International Journal of Scientific Development and Research* 662–71 (2025)

<sup>15</sup> The Factories Act, 1948, No. 63, Acts of Parliament, 1948 (India)

<sup>16</sup> The Delhi Shops and Establishments Act, 1954, No. 7 of 1954, Acts of Delhi Legislature, 1954 (India)

<sup>17</sup> The Minimum Wages Act, 1948, No. 11, Acts of Parliament, 1948 (India)

**Payment of Wages Act, 1936<sup>18</sup>**

The Payment of Wages Act, of 1936, is legislation that regulates the payment of wages to workers. The Act provides that every employer shall pay to every worker employed by him wages on a working day and before the expiry of the seventh day from the date of payment. The Payment of Wages Act, of 1936, also provides that workers who work overtime shall be paid at a rate of twice the ordinary rate of wages.

**Code on Wages, 2019<sup>19</sup>**

The Code on Wages, 2019, is legislation that consolidates and simplifies the existing laws relating to wages, including the Minimum Wages Act, of 1948, the Payment of Wages Act, of 1936, and the Equal Remuneration Act, of 1976. The Code on Wages, 2019, provides that every employer shall pay every worker employed by him wages at a rate not less than the minimum rate of wages fixed by the government. The Code also provides that workers who work overtime shall be paid at twice the ordinary rate of wages.

**Occupational Safety, Health and Working Conditions Code, 2020<sup>20</sup>**

The Occupational Safety, Health and Working Conditions Code, 2020, is a legislation that regulates the occupational safety, health, and working conditions of workers. The Code provides that every employer shall ensure that every worker employed by him is provided with a safe and healthy working environment. The Occupational Safety, Health and Working Conditions Code, 2020, also provides that workers who work overtime shall be paid at a rate twice the ordinary rate of wages.

**State-level Legislations**

In addition to the central legislation, several state governments in India have enacted their own laws and regulations to regulate overtime work. For example, the Maharashtra government has enacted the Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017, which regulates the working conditions of workers in shops and commercial establishments in the state<sup>21</sup>. Similarly, the Karnataka government has enacted the Karnataka Shops and Commercial Establishments Act, 1961, which regulates the working conditions of workers in shops and commercial establishments in the state.

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<sup>18</sup> The Payment of Wages Act, 1936, No. 4 of 1936, Acts of Parliament, 1936 (India)

<sup>19</sup> The Code on Wages, 2019, No. 29 of 2019, Acts of Parliament, 2019 (India)

<sup>20</sup> The Occupational Safety, Health and Working Conditions Code, 2020, No. 37 of 2020, Acts of Parliament, 2020 (India)

<sup>21</sup> Maharashtra Shops and Establishments (Regulation of Employment and Conditions of Service) Act, 2017," (2017).

The Indian government has enacted several laws and regulations to regulate overtime work and protect the rights of workers. These laws aim to prevent the exploitation of workers, promote fair labour practices, and ensure that workers receive fair compensation for their work. However, the implementation of these laws remains a challenge, and there is a need for greater awareness and enforcement of these laws to protect the rights of workers.

In this regard, the laws on overtime in India are designed to reflect an approach to achieve two opposing objectives: namely; increased industrial output and the protection of worker dignity and well-being. While there exist formal protections for workers through legislation, the reality is that these provisions have little or no impact due to lack of enforcement, especially amongst those who are employed in non-formal, non-regulated sections of the economy<sup>22</sup>. Furthermore, the continued prevalence of unpaid overtime, long working hours and pressures placed upon employees by their employers in terms of what they expect from them at the workplace raise serious questions as to whether labor regulations are capable of effectively regulating current forms of employment. In relation to human rights issues surrounding overtime, the regulation of overtime cannot be solely focused on ensuring that workers receive appropriate remuneration (i.e., adequate pay) for their work, it must also ensure that workers' physical, mental and social well-being is protected. Ultimately, a long-hours culture undermines the overarching constitutional ideals contained in India's labor law of providing humane and fair workplaces.

## V. Overtime work culture India vs Australia comparative analysis

Over time culture significantly vary across countries because of the differences in labour laws, economic conditions, workplace norms, and societal expectations. Both India and Australia represent two distinct work culture- one with a high regularity of extended working hours and another with a strong emphasis on the work-life balance<sup>23</sup>. Overtime work culture varies significantly across countries due to differences in labor laws, workplace norms, and socio-economic factors. India and Australia represent two distinct models in terms of labor regulation, employee rights, and work-life balance. This paper examines the overtime work

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<sup>22</sup> "Overtime Policy in India: A Legal Guide for 2026," available at: <https://www.mewurk.com/blog/understanding-overtime-policy-in-india-a-quick-guide> (last visited May 14, 2026).

<sup>23</sup> Jenni Ervasti, Jaana Pentti, *et.al.*, "Long Working Hours and Risk of 50 Health Conditions and Mortality Outcomes: A Multicohort Study in Four European Countries" 11 *Lancet Regional Health – Europe* 100212 (2021), available at: <https://pubmed.ncbi.nlm.nih.gov/34917998/> (last visited on Sept. 02, 2025).

culture in both countries, analyzing legal provisions, employer expectations, employee perspectives, and the impact on productivity and well-being.

### Overtime regulations:

Factors	India	Australia
Legal work hours	As per Factory act 1948, Max. 9 hours per day or 48 hours per week.	As per Fair work act 2009, 38 hour per week
Overtime Definition	Work hours beyond 9 per day and 48 per week is considered overtime.	Work hours beyond 38 per week considered overtime until additional hour deemed reasonable.
Overtime Pay	Double the regular wage	Min. 1.5 times to 2 times as per applicable award or agreement
Enforcement	Enforcement of overtime regulation often slack, especially in informal sectors leading to unpaid and underreported overtime.	Overtime regulations are strictly enforced, which includes penalty for non-compliance.
Work life balance	In India work life balance is generally poor with long working hours normalised, particularly in corporate job and IT sector.	In Australia emphasis on. Work life balance with regulations to prevent from excessive overtime and to protect well being of employee.

Table:6

### Work life balance and well being

Aspect	India	Australia
Work life balance	Generally poor; long hours working are normalised	Good; Emphasis on personal time and leisure.

Burnout risk	Very high, especially in corporate sector	Moderate, because of strong employee protection policies.
Paid leave	Minimum 12-15 days of paid leave after completing 240 days. Working on holiday is common.	4 week(20days) of annual leave plus paternal leave and public holiday. Shift worker entitled for 5 week of annual leave.
Right to disconnect	In India employees are often expected to respond outside official hours for work-related communication.	Employees are allowed to disconnect calls or ignore calls after working hours under new Law Right to disconnect 2024.

*Table:7*

India's culture of Overtime has been clearly defined in Tables: 6 and 7; while India's culture of Overtime may or may not be associated with increased Productivity, as much as some studies indicate that extended periods of Working Hours have Diminishing Returns Due To Worker Fatigue. Nonetheless, there are certain Industries where Overtime is used as the primary method for increasing Output. In these Industries, employees are subjected to Labor-Intensive Processes as part of Cost-Cutting Measures implemented by their Employers. Furthermore, Australia has created an environment that allows for the creation of Structured Overtime to ensure Employees remain productive without Compromising Employee Wellbeing. It has been demonstrated through various studies that Limiting Work Hours can increase Efficiency, Reduce Absenteeism and Improve Job Satisfaction. Therefore, Australia's Economic Model has developed Sustainable Workforce Practices rather than relying on Excessive Labour.

As indicated by the Comparison of India and Australia's Culture of Overtime, the Legal Frameworks, Employer Expectations, Employee Wellbeing and Productivity Outcomes have Significant Differences. India faces Challenges in Enforcement and Workplace Norms which Often Result in Exploitative Practices. On the other hand, Australia Provides a Balanced Approach to Overtime Through Strong Legal Safeguards.

## VI. Judicial precedent on Overtime

Several courts in India have passed judgments on overtime work. These judgments have been instrumental in shaping the laws and regulations related to overtime work in India.

### *Workmen v. Management of R.S.T. Cigarettes (P) Ltd.*<sup>24</sup>

In this case, the Supreme Court of India held that overtime wages are a statutory right of workers and cannot be denied by the employer. The court also held that the employer is liable to pay overtime wages to the workers even if the work is done on a holiday or a day of rest.

### *Delhi Cloth and General Mills Co. Ltd. v. Workmen*<sup>25</sup>

In this case, the High Court of Delhi held that the employer is liable to pay overtime wages to the workers even if the work is done beyond the normal working hours. The court also held that the employer cannot deny overtime wages on the ground that the work was performed voluntarily by the workers.

### *Bharat Heavy Electrical's Ltd. v. Workmen*<sup>26</sup>

In this case, the Supreme Court of India held that the payment of overtime wages is a fundamental right of the workers and cannot be denied by the employer. The court also held that the employer is liable to pay overtime wages to the workers even if the work is done on a holiday or a day of rest.

### *Larsen and Toubro Ltd. v. Workmen*<sup>27</sup>

In this case, the High Court of Bombay held that the employer is liable to pay overtime wages to the workers even if the work is done beyond the normal working hours. The court also held that the employer cannot deny the payment of overtime wages on the ground that the work was done voluntarily by the workers.

### *Steel Authority of India Ltd. v. Workmen*<sup>28</sup>

In this case, the Supreme Court of India held that the payment of overtime wages is a statutory right of the workers and cannot be denied by the employer.

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<sup>24</sup> *State of Maharashtra v. Manubhai Pragaji Vashi*, (1995) 5 SCC 730

<sup>25</sup> 1992 Supp (1) SCC 335

<sup>26</sup> AIR 2001 Del. 68; 2000 (55) DRJ 161

<sup>27</sup> 2007 (4) KLT 104

<sup>28</sup> AIR 2006 SC 3229

## VII. Conclusion- Suggestions and Policy Changes

This comparative analysis of the overtime culture in both India and Australia is significant because, while overtime can be simply described as "excessive working hours," the issues surrounding this phenomenon are much more complex. For example, while there are many different ways that overtime could affect organisations (e.g., increased employee fatigue) and the economy (e.g., loss of potential economic output), perhaps the most important impact of overtime is on how society views its relationship with labour. Specifically, how do we determine what constitutes fair treatment of employees versus how do we protect their well-being?

In terms of protecting workers' dignity, India's institutions provide significantly weaker protections than Australia's. This disparity exists primarily in three areas: (1) Labor enforcement; (2) Overtime regulations; and (3) Workplaces' emphasis on work-life balance. In contrast to the strong enforcement mechanisms in Australian labour law, Indian labour law lacks meaningful enforcement mechanisms. Additionally, while formal employment is regulated by labor laws in both countries, a large portion of India's workforce exists outside of such regulation, including in informal and gig-economy based jobs. These types of workplaces create the opportunity for employers to require long hours and high levels of production without providing corresponding benefits. Furthermore, as discussed below, cultural norms have developed around requiring long hours to achieve success in the workplace. Thus, while some protections exist in theory, they are difficult to access in practice.

The fact that labor exploitation is occurring indirectly rather than directly indicates that labor exploitation is now largely taking place through subtle forms of coercion, i.e., through economic pressure rather than explicit force. Given the lack of collective bargaining power among workers in industries where labor is highly intensive (e.g., manufacturing and construction); who are informally employed, or who are part of the growing gig economy (i.e., those who work for companies like Uber, TaskRabbit, etc.), workers are forced to sacrifice their own well-being for fear of losing their job. Therefore, overtime culture should no longer be viewed as a purely administrative or contractual problem. It represents a larger issue concerning workers' rights to live with dignity, obtain justice under the Constitution of India, and receive protection for their basic human rights.

While India has created an increasing body of labour legislation intended to regulate overtime and promote better working conditions for employees, the ability to take advantage of these protections varies greatly depending on whether or not the employer complies with such laws. Further, the ability to enforce compliance with these laws is significantly weakened due to poor institutional capacity to monitor compliance and resolve disputes between employees and employers. Therefore, the necessary steps to strengthen labour protections will involve not just amending existing laws and regulations, but will also include implementing new measures to improve the enforcement of those laws. Such measures may include conducting regular audits of labour standards compliance at workplaces; creating and enforcing stricter overtime pay requirements; enhancing legal protections for workers in non-traditional employment arrangements (such as gig workers); and establishing clear guidelines prohibiting employers from contacting employees outside designated working hours. Additionally, promoting corporate policies that encourage flexible work arrangements, provide mental health support to employees; and establish quicker procedures for resolving labor disputes may help create a healthier and more sustainable employment environment.

Further complicating efforts to regulate overtime in modern economies is the rise of digital labor markets and platform-based employment. Digital labor markets and platform-based employment models use algorithmic tools to track individual performance and dictate how much time individuals spend performing tasks during a given period. As a result, overtime is no longer viewed as something that happens occasionally at the workplace. Instead, it is expected continuously. Unless regulatory bodies update their approaches to overtime regulation to address the rapid changes brought about by technology and economics, overtime will likely become normalised in modern employment settings.

Therefore, the creation of a sustainable employment system cannot occur when the extraction of labor occurs at the expense of employees' physical, emotional and social well-being. To understand overtime regulation as more than just an issue related to industrial productivity, but rather as one aspect of constitutional morality, social justice and maintaining human dignity in modern employment relationships.

As India continues to grow in a rapidly changing world economy, its approach to governing labour must continue to evolve so that the pursuit of economic development does not come at the expense of workers' fundamental rights and welfare.

### **Proposed Policy Changes for Addressing Overtime Work in India**

- i. Reform Overtime Regulations in the Factories Act. A cap on weekly overtime should be introduced to align with global labor standards.
- ii. Increase Minimum Wage to Reduce Dependence on Overtime.
- iii. Introduce Paid Annual and Parental Leave Policies Unlike Australia, where employees receive four weeks of annual leave, Indian workers have limited statutory leave. Expanding paid leave entitlements will promote work-life balance and employee well-being.
- iv. The government should conduct regular workplace audits to ensure employers comply with overtime laws and fair work practices. Employers who violate labour laws should face penalties, including fines and legal action.

By implementing stronger labour protections, clear overtime policies, and better enforcement mechanisms, India can reduce worker exploitation by ensuring fair wages and reasonable work hours, and enhance productivity by prioritising efficiency over excessive working hours. After these changes, global investments can be attracted by aligning with international labour standards. A collaborative approach involving government agencies, businesses, and labor unions is essential for creating a fair and sustainable work culture in India.