

Impact of Globalization on Union of Sales Representatives in Pharmaceuticals Sector

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In the present macroeconomic context when the national unemployment rate touches a four-decade high figure marketing and sales area emerges as one of the fields, open for employment to active job seekers. This article delves into the key employment terms of sales representatives in the pharmaceuticals sector: the challenges faced by the specific craft union and its responses and strategic choices. The qualitative study is based on the findings from semi-structured interviews and also analysis of several secondary sources of data viz. court judgements, union bulletins and media reports. The findings show that the employment terms related to the specific sector are arbitrarily drafted; which often undermines the principles of natural justice and even constitutional rights.

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Introduction

Health and wellbeing are the third most important goals of the sustainable development goals 2030 propagated by the United Nations (United Nations Report, 2018). The pharmaceuticals industry serves an important role in realizing this objective. It is also a significant contributor to the nation's economy by creating employment and adding to the export earnings. The Indian pharmaceuticals industry is on the advent of becoming a major global market by 2020. The pharmaceuticals exports stood at US\$19.14 billion in fiscal 2019 as compared to US\$ 17.28 billion in the previous year.

The sector accounts for nearly 2.4% of global pharmaceuticals market in terms of value and 10% in terms of volume. Many experts believe that the industry has the potential to grow at an accelerated 15% compound annual growth rate in the near future (India Brand Equity Foundation Report, 2019). India contributes 13.7% to the global pharmaceuticals and biotechnology workforce (Business-Standard, 2017).

In recent times the pharmaceutical industry is undergoing a host of policy changes such as:

- The present government has promised to make legal arrangements to ensure doctors prescribe generic drugs which could hurt the profit margins of big drug companies.
- In countries like India price of drugs is a sensitive issue. The current government levies 12% GST in some category of drugs and 18% GST in few other categories. GST is levied on life-saving devices and implants.
- The government has announced in the union budget (March 2018) to extend the facility of recruiting workers on fixed-term employment to all sectors to improve the ease of doing business (Notification No. G.S.R. 235(E), 16.3.2018).

Under such a macroeconomic framework every pharmaceutical company is facing stiff competition and is striving to capture greater market share. As a result, there has been enormous pressure on every sales employee. Additionally, the pro-employer outlook of the government and judiciary is making the employment situation more precarious. There have been instances of unlawful termination of sales employees in Tripura, UP and MP (FMRAI News, February, 2018), violation of the Sales Promotion Employees (Conditions of Service) Act, 1976 (SPE Act) by multinational companies (FMRAI News, April, 2018), disproportionate recruitment of female candidates, privatization of pub-

lic sector drug company, installation of GPS to track every movement of sales employees (FMRAI News, March, 2018). The practice of adjustment sales where the sales employees are forced to pay from their own pockets to meet the monthly targets, management practice of changing the nomenclature of the new recruits to keep them out of scope of SPE Act etc. are quite common.

In such a context one of the promising craft unions, Federation of Medical and Sales Representatives' Associations of India, emerged as savior. After a long journey of five and a half decades, it has proudly announced one lakh membership in 345 subunits in December 2017 (FMRAI News, January 2018). It's not only the sheer number rather the trust that the employees have in the union, on the leaders, across the nation. During the initial phase of FMRAI's struggle, Sales Promotion Employees (Conditions of Service) Act, 1976 (SPE Act) was enacted by the Parliament and implemented countrywide. The Act brought the sales promotion employees under the cover of Minimum Wages Act, 1948, Industrial Disputes Act, 1947, Payment of Bonus Act, 1965 and Payment of Gratuity Act, 1972, and Maternity Benefit Act, 1961. The Act also provided for leave, appointment letter and maintenance of registrar.

The struggle of the Association continued for removal of wage ceiling and statutory work rules. The SPE Act had undergone amendments in 1987. The wage ceiling was removed. The macroeconomic picture in India has undergone a sea change post-liberalization. A

plethora of pharmaceuticals companies invested in the market. There has been major expansion of Indian pharmaceuticals market in terms of production and trade. Nevertheless, many multinational companies subjected themselves to downsizing to remain competitive. There has been increasing trend among MNCs to replace regular labor with casual labor to reduce cost.

To keep pace with the neo-liberal trend, to attract foreign funds, the outlook of government and judiciary also underwent a transformation. They shifted the stance from pro-labor approach to employer friendly approach. It got reflected in various policies and judgments of High Courts and Supreme Court. (Steel Authority of India Ltd. & ... vs National Union Water Front, 2001; Union of India & Ors vs Vartak Labor Union on 4 March, 2011)

With this dynamic background; FMRAI also adjusted its struggle movement. It demanded for effective enforcement of SPE Act, framing of statutory working rules, and extension of SPE Act to other industries (FMRAI News, November, 2010).

The current labor ministry has initiated the process of codification of forty-four labor laws into four codes; code on wages, code on industrial relations, code on social security and code on safety, health and working condition (Press Information Bureau, Ministry of Labor & Employment, 05.09.17). The emergence of such codes may repeal the SPE Act, 1976. The impact of abrogation of one

such relevant law for the profession is uncertain, especially when the code on industrial relations has put a limitation on the right to form unions and power of representation of such bodies which is certainly non-democratic (The Hindu, Business Line, 21.07.19).

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Being a craft union, FMRAI is facing certain other challenges. In many cases, the management is not willing to negotiate directly with FMRAI members, as they do not represent the particular organization. So, it is trying to build company specific councils for settlement of employment terms. Secondly, the members of FMRAI are competitors to each other in the sales field; but the association has to unite the employees of different organizations to put forward common agendas.

Motivation for the Study

With the changes in the employment relationship domain, the trade unions and associations are facing a multitude of challenges globally. For example, in OECD countries the average union density was 21% in 1999 which declined to 16.7% in 2014. The general trend and other challenges including union density figures in India indicate an optimistic picture. The union density in the regular salaried employee category has

increased from about 34.13% in 2008 to 38.3% in 2012 (Pal, 2008; NSSO, 2012). The trade union membership stood at about 100 million in 2013 (Menon, 2013). This statistic is likely to be an underestimate as it represents only membership of 10 largest national union bodies and does not incorporate those of several thousand politically independent enterprise level unions (Government of India, 2018). Some studies indicate toward growth of union density along with the expansion of working population in India (Desai, 2015). Hence, considering the union density figures, it would not be judicious on the part of domestic business and MNCs to overlook trade unions as a spent force.

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The trade unions are also adapting to neoliberal economic policies; shifting the focus from political patronage to mobilization of rank and file members (Badigannavar, 2016). As a result, the industrial relations environment in India is treading a rather conflicting way (Badigannavar, 2017; Beale, 2017). Most of the empirical works on Indian employment relations has been conducted from a labor economist's view point; analyzing employment/unemployment, income, poverty and industrial output (Papola et al., 2007; Ahsan & Pages, 2009). Considering the issue from a mobilization perspective might direct new dimensions. Moreover, the forces

of various macroeconomic, social, political and psychological factors acting in the pharmaceuticals sales arena, provides a rich background for studying this phenomenon.

Purpose

To explore the factors associated with employment conditions of sales promotion employees in pharmaceuticals sector that is driving union commitment.

To study the strategies of the association in mobilizing movements.

Theoretical Underpinning

According to the mobilization theory (Kelly, 1998), workers join union and participate in collective action when there is a shared sense of injustice. The perception of injustice comes when there is some serious breach of promise made by either the firm or government or both. Union offers a common platform where workers, socially interact with each other and share their common grievances. In such a context, the union leaders play a significant role in framing the agendas and advancing those agendas.

The workers or members of the union also engage in some cost benefit analysis (Sverke & Abrahamsson, 1993). The cost is associated with income lost during strikes and protests; in a broader sense, it is likely that the employee experiences management reprisal for joining the association. The benefit is related to the unions' effectiveness in protecting workers from unfair practices, improv-

ing wage and working conditions and so on.

There are two key factors which impact employers' dealings with trade unions. First is the level of competition in the product market. The current pharmaceuticals market is characterized by a high level of competition; where the market has more than 1000 players (India Brand Equity Foundation Report, 2017). At the same time, the labor market is very favorable to the firms; they recruit mostly science graduates as medical sales representatives and it also does not require any special knowledge. It is quite evident that the management can easily replace the existing workforce. The current unemployment rate crossed over 6% which is a 45year high (India Today, 31.05.19). The conditions of labor market prompt the management to take certain industrial relations policy decisions. On the one hand, there is little incentive for the management to engage in social partnership with workers' associations and unions. On the other hand, the industrial conflict in the forms of strike and labor unrest hampers the normal functioning of a firm. A firm may find itself undercut of sales by the competitors when it shifts focus. Hence it is imperative to explore the factors associated with employment conditions of sales promotion employees in this specific sector that is driving union commitment; and to modify human resource practices accordingly.

Research Design

To achieve the study objective, a qualitative study has been carried out to

identify the factors relevant to the specific profession. A total of 30 semi structured interviews were conducted. The interviews covered areas such as key issues in the Medical Representative profession especially the employee relations aspects, factors behind membership growth in FMRAI along with demographic information. Data was collected from leadership positions as well as rank and file members. The respondent's length of experience (considering the union tenure) varies from 15 to 30 years. 22 respondents are males and 8 are females. The length of a typical interview was 40 minutes. All the interviews were conducted face to face and audio recorded. The recordings were transcribed. It was then subjected to thematic analysis which helped the researchers in identifying the themes (Braun &Clarke, 2006).

To familiarize with the data, the researcher has spent sufficient time for reading the transcriptions multiple times. Interesting features were noted. Through reading and re-reading, the coding process started; to label units with a code. In the next phase the researchers tried to group the codes to form overall themes. Themes were reviewed and their relation with other themes was arrived at. From the narratives the researchers tried to contextualize the findings. Care was taken to protect the identity and privacy of the research participants. All the data collected were handled in a confidential manner. In addition to the interviews, various legal documents and union bulletins were also analyzed.

Results & Discussion

One of the pressing issues of this occupation is job transfer. The profession involves heavy touring, visiting different territories and monitoring the sales performance. There has been a recent trend where pharmaceuticals companies are closing down many business units and transferring the sales promotion employees to different locations. Transfers are not uncommon in today's context of globalization. Unlike other transfers, the sales promotion employees do not get any support from the employer. In the words of one of the participants: "You cannot sustain with the meagre salary when you get a transfer outside hometown. One of our colleagues was transferred to Mumbai with an existing salary of Rs 10k per month. Even he could make ends meet when posted in the hometown but relocating to Mumbai with the same salary is not feasible."

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The firms often held responsible solely the sales employee for the poor performance of a product; whereas there could be numerous reasons behind it not doing well in the market; such as the competitor's strategy, unrealistic forecasting, senior management shifts and many other factors (Kumar & Sharma, 1998). But the sales promotion employees are held instrumental singularly at the end of the day. They are given no company support while posting in a different location.

The retrenchment issue is also quite common in this occupation. Recently a multinational firm terminated one of its female sales employees. The termination letter was served when the individual was on sick leave after having met a road accident. The process violated the principle of natural justice where the decision was made without hearing the other side (FMRAI NEWS, May, 2019). Such biased incidents are experienced quite frequently by the sales employees. In this respect, one cannot differentiate between public and private sector companies. One of the medical representatives of a public drug company was transferred from Kolkata, West Bengal to Hubli, Karnataka during 2000. He was suspended from service within two months of transfer. A domestic enquiry was instituted and the report of which was submitted in 2002. Seven years after the submission of the report, the management found him at fault and dismissed him from service in 2009. The management kept him suspended without any subsistence allowance. The tribunal passed the award on 2019, which stated that dismissal of the workman concerned was based on improper enquiry and cannot be sustained. The workman to be paid 70% of his back wages (Gazette Notification No. L-42011/81/2012-IR (DU) on 14.02.19).

The SPE Act sets certain legal boundaries regarding the remuneration of the medical representatives. Nevertheless, violation of the Act is quite rampant among the employers. Only in a few companies, wage is settled through collective bargaining; where wage is de-

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terminated considering the consumer price indices. Largely, the salaries of the medical sales representatives are not adjusted for price rise conditions. Even many employers deny the yearly increment process. The pro-employer policies of government further weaken the bargaining strength of the workers and their associations. In some cases, the employees are subjected to performance based differential increment policy (FMRAI News, July 2019). The criteria of such schemes remain non-transparent. In the words of one of the veteran professional: "...pay difference due to union membership is pronounced. Those who are covered under bilateral platform get a regular increment based on the negotiation. Yesterday, we received the increment letter, I get less. The management professes it to be performance linked. But the criteria are ambiguous."

There have been illegitimate deductions from wages and expenses. Management also denies the full bonus as per the Bonus (Amendment) Act, 2015. In one of the mid-sized companies specialized in dental medicine, there has been deductions in the name of ESI, but the employees are kept outside the ambit of the scheme (FMRAI News, February 2018). Many companies deny the issuance of legitimate appointment letter, maintenance of register and leave rules (FMRAI News, July 2019).

The Designation Conundrum

Time and again, there has been confusion in defining the term Medical Representative. May & Baker (India Ltd v Their Workmen (1961) 2LLJ 94) dealt with the question of whether Medical Representative (MR) of a company can be considered a workman under Industrial Disputes Act, 1947, and whether they can raise a dispute in the case of discharge or dismissal under the Act. While assessing the job duties of Medical Representative, it was shown that the main work of MR was to canvass sales. The clerical or manual part of the job associated with the occupation, is incidental to the main work. The court held that the designation MR does not fall under the categories as specified in the Industrial Disputes Act, 1947, hence they are not workmen. Similar verdicts maintained later on that Sales representatives are not workmen under the Industrial Disputes Act, 1947. (H.R. Adyanthaya vs Sandoz (India) Ltd on 11 August, 1994, Glaxo Laboratories (India) Ltd. vs State of Kerala on 13 December, 1991).

Another case, where MR's job was described, the profession had been rather glorified as highly qualified personnel who is aware of the composition of various drugs, medicines. They appear before doctors and authoritatively explain and disseminate scientific information. So, the petitioner company submitted that the MR employed by them did not even come under SPECS Act, 1976. However, the judgement held that the MR is a sales promotion employee as defined under SPECS Act, 1976 (Lupin Limited vs G. Suresh And Anr. on 5 Octo-

ber, 2007). Though MRs are not workmen, but provisions of ID Act are made applicable to them (H.R. Adyanthaya vs Sandoz (India) Ltd on 11 August, 1994). With time, the employers also invented ways to circumvent the law. The pharmaceutical companies recruit MRs under different nomenclature, such as Business Executives, Territory Business Developer and so on. The appointment letters are also drafted strategically with management jargons in order to project they are not sales employees; therefore, cannot be covered under SPECS Act, 1976. But at the core, all job incumbents carry out identical work which is to promote the products of the company (Abbott India Ltd & Ors vs All India Abbott Employees Union & ... on 12 October, 2011, M/S Veritaz Health Care Ltd. vs State Of U.P. And 3 Others on 15 May, 2017).

Work overload is another sore point in the context of medical sales representative's occupation. In most of the cases, the management decides the sales target and other employment related issues unilaterally and these are attributed upon the sales team (FMRAI News, May 2019). As one of the participants puts: "We are sales promotion employees but companies turn us into sales procurement employees." Another participant adds new insight into the issue: "You can see in the FMRAI News that during the last week of a month you get the news of one unnatural death; young people, bike accident. This is due to inhuman pressure.... You have to match the magic figure at the month end."

The sales target remains so inviolable that the management forces the sales

employees to adopt various unethical practices. One of the century old pharmaceutical companies is instructing its sales representatives to take snapshots of prescriptions of the doctor in addition to the formal reporting system of the sales team. Such practices directly violate patient's right to privacy and confidentiality (Charter of Patient's Right, Ministry of Health & Welfare, 2018). Even there is a mobile application 'Speedco', the primary purpose of which is to generate a platform where the medical sales representatives can upload patient's prescriptions (FMRAI News, May, 2019).

The pharmaceuticals companies also ask medical sales representatives to organize diagnostic camps in the doctor's clinics. Organization of such camps would lead to speedy detection of disease and thereby augmenting the sales of particular drugs. The medical representatives are expected to possess competencies of a pathologist in such events. But neither have they had professional training nor are they authorized. It also creates enormous pressure on them from various stakeholders involved in it. One of the respondents remarks: "We are not trained in pulling syringe, I do not feel comfortable using a syringe in a patient's body. Also, we have to be very careful in handling expensive machines. It poses another risk altogether."

In order to monitor closely the productivity and performance of the medical sales representatives, the pharmaceutical companies are employing various kinds of mobile apps. These GPS employee tracking apps give the manage-

ment the total kilometers travelled by the individual employee, will show all the routes travelled by the employees along with phone status, and will show the location image and starting and end points. A medium scale drug company has unilaterally imposed the GPS enabled mobile reporting system upon their sales force in the name of Digital India. There has been enormous protests against the decision; more than 300 sales employees across the country have participated in the protest movement. (FMRAI News, March, 2018). Now, there has been endless debate on the pros and cons of technology per se. It is futile to discuss in such direction. There have been no documented studies which show that utilization of such apps has improved the sales figure. On the contrary, these apps infringe on the fundamental rights of an individual; right to privacy. Only when an individual's right to privacy interferes with the issues of national interest this fundamental right can be limited (Article 19(2) of the Constitution of India, 1950). Therefore, a company for the purpose of generating profit cannot encroach upon an employee's right to privacy.

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In an attempt to curb the unethical marketing practices the government had announced to make Uniform Code of Pharmaceutical Marketing Practice (UCPMP) mandatory during 16th Lok Sabha. The uniform code drafted by the

pharmaceutical department to control unethical marketing practices in this specific sector had been functioning since December, 2014. But for years, the code has been under review by the Niti Aayog officials and yet to be implemented (The Economic Times, 15.03.16; Times of India, 25.04.18).

Responses of FMRAI

In an environment where the profession and the professionals encounter numerous baneful strategies from different employers the association primarily remains focused on one of the important revitalization strategies; recruitment of new members and retention of existing members. To make the operation of the association body a transparent one, FMRAI has launched a website (<https://www.fmrai.org/>). The website conveys all the relevant information to its rank and file members across the nation and is updated on a monthly basis. The hierarchy is clearly depicted in the website; with contact details of the members so that any ordinary member can reach out to them. In addition to this, the union bulletin is available in hard copies as well as soft copies. It covers every detailed news of this profession ranging from particulars of wage settlement of a specific company, the global news related to the profession, the union's upcoming plan of action to broader issues such as the impact of forthcoming government policy. It has also gone for the digitalization of membership for better management of record. Commonly, the association resorts to demonstration, mass casual

leave or demonstration to protest against specific management malpractices. FMRAI also collaborates with other unions. The association actively participated in ‘Mazdoor Kisan Sangharsh Rally’ organized in Delhi on 5th September 2018 and supported its cause (FMRAI News, October, 2018). FMRAI has joined hands with All India Organization of Chemists and Druggist (AIOCD) in the organization’s protest against e- pharmacy notification of the Central Government (FMRAI News, October, 2018).

Apart from the bread and butter issues, there is a more humane face of the association. The leaders of the union do not restrict the agendas within the realm

of medical sales only; rather they integrate with other mass issues; such as gender equality issues (FMRAI News, April 2019), zero GST on all medicines and medical devices (FMRAI News, November, 2017).

The members of the association extend their helping hand whenever there is a national crisis; they stand by the common people. During the severe flood in Kerala, the regional unit of FMRAI, Kerala Medical and Sales Representatives Association with its full strength had jumped into rescue and relief work across the state (FMRAI News, September 2018). During the cyclone Fani in the state of Odisha, the state unit of FMRAI, OSRU distributed solar rechargeable lamps, polythene sheets

Category 1 Factors Related to the Organization / Employer

Theme	Sub theme	Descriptive statements
Procedural justice	Lack of transparency	No transparency in the system, even the management might show something on performance linked pay. But ultimately, this runs on face value. No one knows the criteria. One received one third increment of my junior colleagues. This is an indirect way the management deters trade unionism.
Job demands	Work overload	We are sales promotion employees but companies turn us into sales procurement employees. only then your job remains secured. You can see in the FMRAI news that during the last week of a month you get the news of one unnatural death; young people, bike accident. This is due to inhuman pressure.
	Emotional demand	Many are not comfortable with pulling the syringe. Doctors also might misbehave; say the company made some commitment but did not keep it. So, we have to face the public outrage. Small issues like parking of bikes have sparked issues between the local people and the MR.
	Technological demand	After the call with the doctor you have to report and switch on the GPS; so that your position can be tracked.
Job resources	Lack of autonomy	The company can monitor us all the time, even after the call with the doctor you have to report and switch on the GPS; so that your position can be tracked. Sales target is only imposed upon us without considering our opinion.
	Lack of	The supervisor might change one field worker’s territory out of

supervisor's support	some personal opinion difference. If you are uprooted from one region and placed in another; it becomes quite challenging.
Job Insecurity	Earlier it also happened that when a MR returned home after day's work, got a telegram of his termination notice. We have to fulfil the monthly target only then your job remains secured. One of our members was in maternity leave, when she came to join; the company has changed the job nature.
Infrastructure	Lack of working space, job hours, non-transparent work rules. MR's home becomes the storage of company sample, gifts etc.

Category 2 Factors Related to the Union

Theme	Sub theme	Descriptive statements
Union leadership	Consult and inclusion of ordinary members	In our union, we sit with the general members in every month. Members attend the meetings not only for gaining information but also to participate in its actively. We encourage the members to speak up. We try to remain transparent in every aspect. Even before settlement of charter of demand, we explain every detail to the members. When they agree, only then we proceed.
	Disseminate information	For spreading the awareness, we arranged street corner meeting, general meeting, and leaflet distribution.
	Collaboration	We appealed to the government for uniform code of pharmaceutical marketing. We are sensitive towards social issues. We have tried to form council for specific companies and through council we try to place demands.
	Address the problems of individual member	Sexual harassment from supervisor is not uncommon. In that case it is reported to the company and union also try to protect the member. We feel this is our family, from any disease, blood donation we stand by each other. Whenever we face some harassment at the field, the employer remains unperturbed and only union tries to resolve the issue.
	Prepare for negotiation terms	Main agenda was charter of demand negotiation. One of such instrument is the council movement.
Union Effectiveness	Improving work related conditions	1976 saw the introduction of SP Act. FMRAI is successful with the mass issues. Few days back, many MR got transferred in Ranbaxy, so the union fought for them and won the case. Within two months, the transferred employees were returned to the original place. Many members got full back wages for last 15 years for a case which began in 1999 along with reinstatement at the HQ.
	Growing membership	We have crossed 1 lac membership. Our slogan is 'Reach the Unreached.' There are 45 companies which has formed council pan India out of 136 companies.
	Involvement in social movements	We respond to various social issues; and apart from workers' demand, we fight for people's issue. We organize blood donation camps on our foundation day. We are demanding zero GST, people do not purchase medicine without a reason.

Category 3 Factors Related to the Industrial Relations

Theme	Sub theme	Descriptive Statements
Industrial Relations Climate	Absence of joint consultation	Grievance redressal forum is not present in all companies. As we belong to craft union, managements refer us as outsider. It is one hurdle. They say, that they can discuss with employees but not willing to recognize the union. We have tried to form council for specific companies and through council we try to place demands.
	Lack of mutual respect	Now the labor laws are simply disregarded by the management. In this sense the overall work climate is conflicting. We notified the local police prior to demonstration. But there was more police force than our members, then bouncer the local leader. In the middle of this we wanted open discussion.

to around 500 families in parts of Puri district (FMRAI News, July 2019).

Conclusion

It is evident from the discussion that the pharmaceutical industry is emerging as one of the potential sectors in stimulating the country's export earnings and employment generation. The industry has witnessed a series of regulatory interventions. The present study draws attention to the employment terms of the insiders of the industry; the medical sales representatives are one of the integral parts of the sector. Although there is an established legal framework, the SPE Act, 1976 to govern the medical sales representatives' employment condition; but even after more than four decades of its enactment, many employers are not complying with the same. There have been

unscrupulous transfers, retrenchment, inhumane workload and wage related issues etc. which are unilaterally decided by the management. In some cases, the management's decisions violate the principles of natural justice and constitutional rights. In the face of codification of labor laws, the SPE Act is on the edge of extinction which could further push the profession towards precarious future. In this predicament, the professional union constantly endeavors to protect the profession and its professionals by uniting more medical representatives under one umbrella and forming a coalition with other social movements. However, the present study is not bereft of limitations. The data is collected from only thirty professionals with varying length of experience in the industry. Future research could build a quantitative model based on the variables emerging from this study.

In the face of codification of labor laws, the SPE Act is on the edge of extinction which could further push the profession towards precarious future.

References

- Ahsan, A., & Pages, C. (2009), "Are all labor regulations equal? Evidence from Indian Manufacturing", *Journal of Comparative Economics*, 37(1):doi62–75. econpapers.

- repec. org/article/eeejecon/v_3a37_3ay_3a2009_3ai_3a1_3ap_3a62-75.htm
- Badigannavar, V. (2017), "The Paradoxes of Social Partnership and Union Revival in India", in: Noronha E., D'Cruz P. (eds), *Critical Perspectives on Work and Employment in Globalizing India*, Springer, Singapore.
- Badigannavar, V. (2016), "Union Experience of Social Dialogue and Collective Participation in India", in Pyman A., Gollan P.J., Wilkinson A., Xu C. & Kalfa S(eds). *Employee Voice in Emerging Economies*. Emerald Group Publishing Limited, UK
- Beale, D. (2017), "India at the Crossroads? Economic Restructuring, Deregulation and the Instability of labor Relations", in Noronha E., D' Cruz P. (eds), *Critical Perspectives on Work and Employment in Globalizing India*, Springer, Singapore.
- Braun, V. & Clarke, V. (2006), "Using Thematic Analysis in Psychology", *Qualitative Research in Psychology*, 3(2): 77-101.
- Desai, N. (2015), "India: Trade Unions and Collective Bargaining" available at: www.nishithdesai.com (Accessed on 20.12.2016)
- Government of India (2018), Ministry of Labor and Employment Report. available at: www.labour.nic.in/ (Accessed on 25.11.2018)
- India Brand Equity Foundation Report. (2017), "Pharmaceuticals". Retrieved from <https://www.brandindiapharma.in/uploads/documents/Pharmaceutical-June-2017.pdf> (Accessed on 04.04.2019)
- Kelly, J. (1998) *Rethinking Industrial Relations: Mobilization, Collectivism and Long Waves*. London: Routledge
- Kumar, A. & Sharma, R. (1998), *Marketing Management*, Atlantic Publishers & Distributors, New Delhi.
- Menon, S. (2013), "Indian Trade Unions Are Getting Bigger, Coinciding with Slowdown", *Business Standard*, April 6, New Delhi.
- Notification No. G.S.R. 235(E) dated 16.3.2018 to Incorporate Fixed Term Employment Workman category under the Industrial Employment (Standing Orders) Act, 1946 and rules made there under.
- Pal, R. (2008), *Estimating the Probability of Trade Union Membership in India: Impact of Communist Parties, Personal Attributes and Industrial Characteristics*, Indira Gandhi Institute of Development Research, Mumbai, Working Papers 2008-2015, Mumbai, India
- Papola, T. S., Pais, J. & Sahu, P. P. (2008), *Labor Regulation in Indian industry: Towards a Rational and Equitable Framework*, Bookwell Publishers, Institute for Studies in Industrial Development, New Delhi.
- Sverke, M. & Abrahamsson, B. (1993), *Union Commitment: A Conceptualization Based on Instrumental and Value Rationality* (Research Report), Stockholm: Swedish Center for Working Life.
- The Labor Market Data (2012), Sourced from The National Sample Survey Office (NSSO), Ministry of Statistics and Program Implementation, Government of India
- United Nations, Sustainable Development Goals3: Progress & Info (2018). Retrieved from <https://sustainabledevelopment.un.org/sdg3> (Accessed on 20.08.20)
- India Today. (2019), "Cat Finally out of the Bag: Unemployment at 45-year High, Government Defends Data", (May 31) Retrieved from <https://www.indiatoday.in/business/story/india-unemployment-rate-6-1-percent-45-year-high-nssso-report-1539580-2019-05-31> (Accessed on 02.10.2019)
- The Economic Times. (2016, March 15) "Government to Make Pharma Marketing Code Mandatory" (Hansraj Gangaram Ahir), Retrieved from <https://economictimes.indiatimes.com/industry/healthcare/biotech/pharmaceuticals/government-to->

- make-pharma-marketing-code-mandatory-hansraj-gangaram-ahir/articleshow/51409919.cms?from=mdr&utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst (Accessed on 07.10.2019)
- The Times of India. (2018, April 25). "Law to Punish Pharma Firms That Bribed Doctors Languishing Since 2015". Retrieved from <https://timesofindia.indiatimes.com/india/law-to-punish-pharma-firms-that-bribed-doctors-languishing-since-2015/articleshow/63913702.cms> (Accessed on 05.10.2019)
- The Hindu Business Line (2019, July 21). Rebooting Labour Reforms. Retrieved from <https://www.thehindubusinessline.com/opinion/editorial/while-codifying-labour-laws-labour-interests-shouldnt-be-overlooked/article28627804.ece> (Accessed on 05.10.2019)
- Business Standard (2017, October 10). India is Second Largest Market for Pharma, Biotech workforce: Report Retrieved from https://www.business-standard.com/article/news-ians/india-is-second-largest-market-for-pharma-biotech-workforce-report-117101000631_1.html (Accessed on 30.09.2019)
- Cases Cited**
- Steel Authority of India Ltd. & ... vs National Union Water Front ... on 30 August, 2001 2001 (2) LLJ 1087
- Union of India & Ors vs Vartak Labor Union on 4 March, 2011
- Management of May and Baker India Ltd vs Their Workmen on 13 January, 1961 AIR 1967 SC 678, 1961 (2) FLR 594, (1961) IILLJ 94 SC
- H.R. Adyanthaya vs Sandoz (India) Ltd on 11 August, 1994 1994 AIR 2608, 1994 SCC (5) 737
- Glaxo Laboratories (India) Ltd. vs State of Kerala on 13 December, 1991 1992 (65) FLR 110, (1995) IILLJ 703 Ker
- Lupin Limited vs G. Suresh and Anr. on 5 October, 2007 2008 (1) KLJ 68
- Abbott India Ltd & Ors vs All India Abbott Employees Union & ... on 12 October, 2011 Bombay High Court
- M/S Veritaz Health Care Ltd. vs State Of U.P. And 3 Others on 15 May, 2017 Allahabad High Court
- Ministry of Health & Family Welfare, Government of India. Charter of Patient's right (2018) F.No Z- 28015/09/2018-MH-II
- Press Information Bureau, Ministry of Labor & Employment, Government of India (2017) The Code on Wages Bill Retrieved from <https://mohfw.gov.in/newshighlights/draft-patient-charter-prepared-national-human-rights-commission>
- Union Bulletins**
- FMRAI NEWS. (2010, November), "Struggle For Policy and implementation", X,(4):2, Kolkata. Retrieved from <http://fmrai.org/uploads/fmrainews/FMRAI NEWS-NOV.2010.pdf> (Accessed on 05.03.2019)
- FMRAI NEWS. (2017, November). "Do Not Cut People's Lifeline to Collect Revenue", XVII, (2):2, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 28.09.2019)
- FMRAI NEWS. (2018, January), "We Are Many, They Are Few", XVII (4):2, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 08.09.2019)
- FMRAI NEWS. (2018, February), "Mass Industrial Action Goes Louder", XVII (5):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 10.10.2019)
- FMRAI NEWS. (2018, February), "Discontentment Leads to Nationwide Strike", XVII (5):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives>

- www.fmrai.org/?page=newsupdates&contentid=newsarchives (Accessed on 10.10.2019)
- FMRAI NEWS*. (2018, March), "Mass Casual Leave and Dharna in Northeastern States", XVII (6):1-2, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 26.11.2018)
- FMRAI NEWS* (2018, April), "Three Days of Strike in B E", XVII (7):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 26.11.2018)
- FMRAI NEWS*. (2018, September). "Give Hand to Support Kerala in Crisis", XVII (12):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 28.09.2019)
- FMRAI NEWS*. (2018, October), "Landmark Mobilization in Mazdoor Kisan Sangharsh Rally" XVIII (1):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 27.11.2018)
- FMRAI NEWS*. (2018, October). "AIOCD's Strike Against e-marketing of Medicines", XVIII (1):2, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 27.11.2018)
- FMRAI NEWS*. (2019, April), "Women Field Workers Coming Together, Taking to Streets", XIX (4):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 27.11.2018)
- FMRAI NEWS*. (2019, May). "Fight for Nothing Less Than Right", XIX (5):4, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 06.09.19)
- FMRAI NEWS*. (2019, May), "Complete Paralyzation of Field Work Across the Country", XIX (5):1, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 06.09.19)
- FMRAI NEWS*. (2019, July), "Relief work by OSRU", XIX (7) :4, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 28.08.2019)
- FMRAI NEWS*. (2019, July), "In Defense of Right to Labor Laws", XIX (7): 4, Kolkata. Retrieved from <https://www.fmrai.org/?page=newsupdates&contentid=newsarchives> (Accessed on 28.08.2019)