

Labour File:

The Disregarded Working Class

Our Country is supposed to be one of the largest democratic countries in the world. Democracy is supposed to be the rule for people. But ironically, the rulers and the ruling-classes that run the 'democratic' system of our country are willfully disregarding and ignoring the weal of the workers who create wealth and who constitute the majority population as a matter of no importance.

Particularly with the initiation of neo liberal economic policies of the imperialist globalization, our rulers and ruling classes are pursuing the policy of utterly disregarding the working-class, treating the workers as second rate citizens not heeding to any of the appeals of workers for alleviation of their precarious living and working conditions. On the contrary instead of improving the conditions of workers, the rulers and ruling-classes started attacking on the rights and entitlements of workers legally granted by the constitution. But surprisingly the rulers calling these attacks on the legal rights and entitlements of workers as 'labour reforms' are continuing them more and more rashly without any compunction.

In reality the legal rights and entitlements endowed by the constitution are providing legal protection to merely 7% of the entire working population of our country who are employed in the organized sector. The remaining 93 per cent workers are languishing in unorganized and informal sectors including agri-culture sector without any legal security, protection or rights and entitlements whatever.

Our rulers and ruling-classes instead of providing legal security, protection social security to these 93% of workers employed in unorganized and informal sectors, are rushing even to do-away the legal rights and entitlements available to those few number of organized sector employees/workers in the name of labour reforms.

It is no secret that such anti-worker policies and reforms are implemented at the behest of World Bank and International Monetary Fund- the tools of imperialist globalization.

While the U.P.A rulers who initiated the neo-liberal economic policies in our country have started implementing the anti-worker labour reforms in the form of amending the labour-laws phase-wise, the N.D.A rulers who came in to the governmental power started implementing these neo-liberal economic policies with speed and the 'labour reforms' aggressively and ruthlessly disregarding and undermining the workers and their just aspirations and wishes for better living and working conditions in the form of entirely codifying the 44 labour laws of our land reducing them in to 4 new labour codes in the name of bringing about economic growth and creation of more and more employment. The BJP ruled states Rajasthan, Jharkhand and Maharashtra are already in the fore front of doing away with the legal rights and entitlements of workers.

Recently in a book released by the World-Bank (in April 2018), it has advised various developing countries to abolish the present existing labour laws in those countries, since those laws have become an obstruction to the employers, in making the workers to do work as per their wish and convenience. So in order to make the employers to realize the total benefits of technology and its knowledge the existing laws have to be abolished. The World Bank advised other developing countries to follow India as a model and use its experiences and to implement the "labour reforms". World Bank also recommended implementing "Fixed Time employment" policies in the place of permanent and regular employment. It also advised to implement social security insurance schemes in the place of social security policies and schemes. The World Bank also recommends to implement universal based minimum wage system – the U.B.I.(Universal basic Income) in the place of minimum wage determining and fixing policies implemented by various governments and to link them with social insurance schemes (not social security schemes).

We are already aware that the N.D.A government headed by Modi has made preparations to codify 44 labour laws in to 4 labour codes viz. 1) Labour code of industrial relations. 2) Code of occupational safety 3) Code of wages 4) Code of social welfare. The drafts of these codes are finalized and approved by the Central cabinet. They are waiting to be introduced in parliament and pass them in to laws. The Fixed Time Employment Bill also approved by the cabinet is waiting to be made in to law. In the name of social security schemes to the unorga-nized and informal sector workers who constitute vast majority of the workers in our country, various insurance schemes and pension schemes are announced and introduced to which the workers have to contribute from their paltry wages, the funds of which would be managed by the central govern-ment which will be invested in share-markets, subjecting them to the vicissitude of the share markets-based on share specu-lation.

The draft of industrial relations code - a combination of Trade union Act, Industrial Disputes Act and standing orders act - had, instead of protecting the workers' rights to organize, to joint bargaining, to strike and to protect them from victimisation of employers, for their political and trade union beliefs,

made formation of trade unions much more complex and conducting strikes impossible on any account. "Strike" is made as a serious crime to be meted with harsh punishments.

The draft code on social security, relieved the government from its responsibility relegating it to the vile of insurance sector the most of which is operated by private companies with the exclusive matter of making profits and super-profits. On the other hand this code moots to centralize all the cess funds collected for the workers welfare by the state governments such as 'construction workers welfare cess' etc in to the hands of the Central government and to manage them. There is no mandatory condition for the payment of contribution by the employers or governments on their part along with the workers for the intended social welfare insurances.

In the western countries when a worker loses his job he is being paid with compensation by the employers. No such arrangement is available in the labour code.

Draft code of workers safety, (occupational) health and working conditions merely specifies duties of an employer to ensure that employees do not face hazards at their work places and prescribes the employer to ensure periodical medical examination and tests, and to provide and maintain as far as 'reasonably practicable' a working environment that is safe and without risk to health of employees. It mandates the companies to constitute a safety committee. It also proposed setting up of a national, occupational safety and health advisory board to advise the government on matters relating to the code. The draft proposed 'facilitators' (not inspectors) to ensure that code is being adhered to at work places. Nothing definitely is mentioned about compensation in case of work-place accidents to the victim workers and punishment to the employers who do not adhere to the code. The periodical medical examination reports of workers will be used against the workers to the detriment of their interests. Instead of providing suitable medical care and rest with pay, the employer's who are implementing the policy of 'cutting costs' to the company and becoming more productive' auto-matically choose to terminate the workers on the ground of 'medical unfitness' instead of admitting such an unfitness was caused by occupational illness/hazard disabled and workers killed in work-place accidents will be left unattended and without considerable compensation on the grounds of negligence and non-adherence to safety regulations as had occurred in the case of Bhopal disaster. We already know how the 'work committees' were made ineffective and false in bringing out any amelioration to the ever deteriorating work-conditions and ever increasing work-load of workers. We are also seeing the farce of tripartite forums like 'Indian Labour Conference' which were not even attended by the Prime Ministers due to 'lack of time' at least to conform with the rules of formality. In the wake of these experiences how can anyone expect that the employers and the Central government adhere to the provisions of the code? While the factory inspectors themselves were made ineffective and failed in regulating and implementing concerned safety laws and their stipulation, can anyone including a layman expect a 'facilitator' could make the employer adhere to the prescriptions of the safety code? The question is not of lacking any laws but their implementation. Every day hundreds of workers are being killed in workplace accidents due to the criminal negligence of employers in providing safety gear and following the safety norms and regulations to cut their costs. This code has nothing to contain and arrest these man-made accidents averting the killing of the workers.

The Code of Wages assumes a single national floor for wages. It is unknown whether the minimum wage formula is fixed based on the recommendations of the I.L.C.1957 of the past or whether 'the units for calculating the minimum wages for a family are increased from three to six' as recommended by the B.M.S. It is also unknown whether the cabinet cleared new code mandates on equal pay to equal work irrespective of the gender or the status of worker as contract, casual, contingent, outsourcing worker etc. There is every chance to assume that this draft code is modeled on the recommendation of U.B.I formula prescribed by the World Bank, that undo the principle of social security and welfare and replaces with 'social insurance' principle.

Such has been the essence of cabinet approved labour codes that have not enhanced even an iota of hope in the betterment of living and working condition of the workers.

The rulers and ruling-classes have brazenly come out to the fore in doing away the available legal rights, protections and entitlements of workers of the country to the benefit of big-capital and employers with the lone consideration of making our country more attractive for invest-ments (foreign) and providing an easy atmosphere for doing business to the employers at the cost of the workers and their interests.
