

Code on Wages (Central) Rules-2019 Draft Rules that Failed the Workers

Replacing the Payment of Wages Act-1936, the Minimum wages Act-1948, the Payment of Bonus Act-1965 and Equal Remuneration Act-1976, the ~~Code on wages-2019~~ was approved by the Parliament and now became a law with the assent of the President on August 8,2019. The Ministry of Labour and Employment published the draft rules for implementing the provisions of the code on wages. This code on wages is supposed to have been intended to regulate bonuses for all workers employed by any industry, trade, business or manufacturer.

The proposes to increase income capacity and purchasing power of the informal workers who account for 93% of the total working population in our country numbering over 50 crore. But when the draft rules are read in depth, it is clearly apparent that the claims of the government are nothing but false promises to mislead and hoodwink the workers. These draft rules do not hold even an iota of truth of the tall claims of the government that ~~70 years of waiting~~ in granting the constitutional right of guaranteed minimum wage had come to an end while passing the code on wages in the parliament.

The proposed rules are neither based on any scientific method for fixing the ~~minimum wages~~, nor based on the present day requirement of workers nor on current realities. Leave alone a fair wage - a constitutional right of workers, the draft rules could not prescribe for a moral living wage to ensure basic dignity of life for workers. It is apparent that the government instead of acknowledging that minimum wage is a constitutional right guaranteed to workers, it had considered it to be either a dole or an act of charity. ~~World market~~ ideology of imperialist neoliberal economic policies peddled by globalization and its rule of the ~~market game~~ seem to be the basis in prescribing the rules for fixation of wages for workers. Our government is devoted to facilitate ~~ease of doing business~~ for the big capital and its business and industry. The right for minimum wages of workers is projected to be a fetter for industry according to the ~~free market~~ ideology and rules. So the government has chosen to do away the constitutional right of the workers for a fair wage. So in the garb of amalgamating laws on wages made this code on wages and attendant rules for the implementation of the code.

These rules instead of fixing a minimum wages, have prescribed for fixation of a ~~floor level wage~~, thus pushing starvation wages in our country. The floor wage according to these rules would be less than half of Rs.325 per day as suggested by its own ministry and far less than the 7th Pay Commission's recommendations. Due to ever growing unemployment and a large reserve army of workers, they are already forced to lead a precarious life as a mode of existence and are willingly working on less than minimum wages. Now the floor level wage will encourage and exacerbate this practice and promote forced labour.

The code on wages provides for an arbitrary deduction of wages up to 50% (of monthly wages) based on performance, damage, loss, advances etc. This provision only continue to push workers further in to exploitative condition, discouraging and disallowing them the right of association for fear of huge deductions from wages under some flimsy pretext or other. Workers will not e able to demand even basic right at work place for fear of wage deductions and will continue to be more oppressed and marginalized.

The draft bill proposes categorizing 681 professions into four skill based baskets each of which will have a different set of minimum wages along with differences based on geography - metro, non-metro and rural areas- and thus made the minimum wages

system more complicated. But the government has not decided rules for fixing the level of minimum wages involving arduous and perilous work, giving a free hand to employers to exploit the workers more ruthlessly without any compunction.

These draft rules did not clarify the governance and institutional structure for the labour inspection system in contravention with the International Labour Organisation's Labour Inspection Convention of 1947, which was ratified by India, which provides for well-resourced and independent inspectors.

The so-called 'inspection scheme' is meant to watering down of provisions of labour inspection, allowing employers 'self-certification' of their compliance with labour laws. This shows how the state withdraws from regulation of labour-capital relations permitting those who violate labour rights to become enforcers/certifiers of labour regulations.

These rules provided immunity for the employers from criminality and punishment for defaulting of payment of due wages and other allowances and it also reduced the amount of fines to be collected from the defaulters.

Moreover the proposed rules will apply only to the mines, railways, telecom, banking and insurance sectors along with central public sector units, government owned ports and private contractors engaged by the central government and the state governments are permitted to frame their own rules in this regard. Thus a large scope is left for not fixing even the so-called floor level wage to a numerous number of workers employed in up to ten industries and businesses including the gig platforms.

While framing the rules for code on wages, the government has skillfully included a provision that talks of a '9-hour work' day in place of '8-hour work day' that is achieved as a right by the workers throughout the world with heroic struggles and untold sacrifices. Though this clause incorporated in vague terms with an innocent appearance, it is a clear indication that our rulers are intending to reject and refuse the concept of 8-hour working day, the right of workers. They blatantly renege on workers and their rights in their subservience to the big capital and forces of market world of imperialist monopoly finance capital.

These draft rules did not take the socio-economic considerations and realities faced by workers, but are based only on the dictats of the market world forces that have been ruling the roost of the entire globe.

These rules have failed the lives and aspirations of entire informal workers of our country.

The workers movement in our country shall have to equip itself to fight against this repressive and reactionary attacks unleashed by the ruling classes and their government on the rights of the workers, in the service of big capital and imperialist forces.
