Labour file :

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New Industrial Relations Code-2019
Workers Turned to Modern Slaves

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The BJP government headed by Narendra Modi introduced Industrial Relations Code-2019 in the Lok Sabha on November 28. A new draft of the code is introduced which was never made public. This code replaces three existing labour laws - Trade Un ion Act-1926, Industrial employment (standing order) Act-1946 and Industrial Disputes Act-1947.

This new code deals with the subjects of formation of trade unions and relations between employers and employees. This new code intended to ‹ ease of doing business› (but not intended to better running of industries)   will have a devastating effect on the working and living conditions of the workers of our country pushing them into worse situation.

This code deals with more restrictive provisions for forming trade unions; and preventing them get empowered through forming collective body to fight for their rights.

While the 1926 Trade union Act requires only seven members to register a trade union, the present code stipulates that at least 10 per cent of the total strength or 100 workers as the minimum number of workers to register a trade union. Presently the employers are disallowing even a small number of 7 workers to form and register a trade union by treating them and victimizing in various forms for submitting an application for registration of a trade union. The workers› movement is demanding for a time-bound process for the registration of a TU. Instead of conceding to this demand, the new code made it more difficult to register a TU, since in practice the employers make it more difficult by threatening the member-workers that formed the union.

The code restricts outsiders to an establishment from holding an office bearer position in the TU. By this the employers are given further more leverage to threaten and dissuade the office bearers of TU who are their employees and even threaten them into submission without taking up any real activity of the union against the management›s anti-worker practices.

The new code provides to recognize a TU as a ‹negotiating body› by the employer in times of labour dispute, if that TU has a formal support of 75 per cent or more workers on the muster roll. This will restrict the TUs to negotiate on behalf of its members about the disputes relating to its members. Thus the very necessity of forming and registering a TU is made futile. These are the days where the managements are forming and registering their own unions. So the TUs baked and backed by the management will be made to get the support of 75% of workers to be the ‹negotiating body› of worker›s disputes, and the disputes will ‹settled› in accordance with the dictats of the managements. So now the managements are given with an opportunity even to refuse to recognize a union, making it a triggering point of many of the industrial disputes as has recently occurred in the labour disputes at Muthoot›s in Kerala and Motherson workers in Tamil Nadu.

This new code has removed the ‹formality› of even a consultation with the TU representative in case of industrial dispute and thus killing the ‹tripartism› in settling the industrial disputes. Thus arbitrary powers are endowed with the employers to settle the disputes with their own workers.

Now the new code made it impossible any industrial action, particularly the strike. An individual worker cannot protect his rights or interests by going to a court or a tribunal since he has no capacity financially to fight the big business. So he is left with the only

hope of protecting his interests and rights with the support of his co-workers through a collective industrial action like protest of mass casual leaves or strike. The new code forbids the protest form of mass casual leave by employees without prior notice of 14 days and a compulsory participation of 50% of employees in such protest agitation. Otherwise it allowed the employer to deduct wages of 8 days for each day of such -illegal- mass leave. The concept of -No work – No pay- is now changed to -a day of no work to be deducted with pay of 8 days-. Such has been the new code that benefits the employers to force their employees to stay away from any industrial action.

Now the new code made contractualising jobs in the form of -fixed term employment- legal. This has empowered the state governments with executive powers to ease the retrenchment norms. The employer can engage workers for a fixed period of time. This -fixed term employee- will automatically cease to be an employee when term finishes. Thus the employee is placed at the mercy of the employer. If the -fixed term- worker is denied of any benefit or harassed or humiliated, the worker will not dare to utter a word. Otherwise his job will not be renewed. The fixed term worker is forced to agree all the terms and conditions imposed on him by the management. If the employer dislikes TUs, then the fixed term worker has to stay away from the union.

If the employer declares that the job performance if the fixed term worker is not satisfactory, that his productivity is low, the worker has to improve his performance and produce more. If the employer finds himself in financial trouble or any other reason, he can simply allow the term of employment to end. So the worker loses his job. This fixed term worker can never be able to settle down, have a planned future since his job is not at all secured.

The workers engaged in -jig economy- who are necessary attached to a work place are not included into the ambit of these industrial relations and not carting to expand the definition of employee, while contractualising jobs. These employees are being deceived by telling them that they are -entrepreneurs without capital-, who in reality are poorly paid and highly exploited workers without any rights.

In other words this code on industrial relations-2019 turns the workers into slaves!

The workers- movement in earnest shall prepare itself to fight against this monstrosity, with unwavering spirit to protect the rights of workers who are the real wealth creators of the world.

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