

Labour
Dialogue
2020

Work Relations and the Pandemic

An Anthology



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Foreword

The COVID-19 unleashed a massive havoc on the lives, income and livelihood of the vast majority of working people, in India and elsewhere. In our country, more than fifty percent of the total workforce lost their jobs. The economy shrank by a quarter. Millions of migrant workers walked back to their homes, defying the lockdown and all manners of barriers. The pandemic exposed the extreme precarity and lack of social protection of the large majority of the working class communities in the country.

To understand the impact of the pandemic on different segments of the working class, especially those of the informal sector, CEC had organised a series of Labour Dialogues in 2020. The objective was also to contribute towards building appropriate labour strategies, by bringing together trade union activists, academics, feminist activists, labour historians, journalists and others in a single forum. This anthology is a bi-product of that endeavour.

I am grateful to Rosa Luxemburg Stiftung for their generous financial assistance that made the Labour Dialogues possible. I especially thank Rajiv Kumar for his guidance and support throughout the entire process of conceptualisation, documentation and publication of this anthology. I also thank the CEC team for their efforts in organising and making the series achieve its objective.

CEC will continue to organise such conversations in the future. We look forward to your comments and suggestions on the anthology.

Warmly,

LOKESH S

Executive Director

Centre for Education and Communication

Labour Dialogue | 29th April 2020

COVID-19 and the Apparent Oddities in the Articulation of Migrant Workers' Rights

J John

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Photograph by Levent Simsek
from Pexels.com, CCO

The 21-day lockdown announced by the Prime Minister on March 24th meant that all activities that required social association or physical closeness of individuals would cease in order to break the chain of Coronavirus pandemic by forced social distancing. This resulted in closure of educational institutions and religious congregations and importantly, all economic activities. All local, long distance and inter-state mobility was curtailed to ensure total shutdown. The government invoked the National Disaster Management Act, 2005 allowing only essential services such as food, utilities, healthcare, and law and order. Police and paramilitary forces were asked to enforce the compliance of the lockdown.

Most striking spectacle of the COVID-19 lockdown has been the 'caravan of migrants' crisscrossing the country, travelling from their respective places of work to their home villages. Hundreds of thousands of workers walking hundreds of kilometres for want of any kind of transport. Some walked alone but others in family; with women and children; luggage on their heads, young children on their shoulders or holding the hands of older children and adults. On March 29th and 30th, many thousands reached Anand Vihar Bus Terminal of the capital city of Delhi, bordering Uttar Pradesh and stayed put, as they were not allowed to cross the border. This created humongous logistical problem for the governments of Delhi and Uttar Pradesh (UP) leading to a simmering humanitarian crisis. Besides Anand Vihar border, migrant workers had also assembled in many other places in UP including Noida, Ghaziabad, Bulandshahar and Aligarh. This prompted the UP government to arrange 1000 buses to transport migrant workers to their villages in Kanpur, Ballia, Varanasi, Gorakhpur, Azamgarh, Faizabad, Basti, Pratapgarh, Sultanpur, Amethi, Rae Bareli, Gonda, Etawah, Bahraich and Shravasti. Workers were dropped at the Bihar border (Siwan, Kaimur and Buxar districts) increasing the uncertainties for those who wanted to travel further to their villages in the state of Bihar. Increasing human rights violations prompted the Prime Minister in his radio broadcast 'Mann Ki Baat' on March 29th to seek the nation's forgiveness for the hardships caused by the stringent nationwide lockdown, while affirming that it was necessary. On April 14, Mumbai's Bandra West railway station was flooded with migrant labourers who were hoping to get back home after the Prime Minister declared that the lockdown has been extended till May 3.

Responses by migrants on 'why did people move out en-masse?' can be broadly categorized into three reasons – One, they were left with no source of income; Two, they would die of hunger before they died of the virus; Three, they wanted to go home.

PROGRESSIVE DIMINUTION OF RIGHTS – THE THREE IDENTITIES

What is the identity of the people who flowed onto the national highways of India? There seem to be three basic identities, that of the worker, the unorganized worker and the migrant worker,. Organised in a linear mode, each successive identity undermining the essential characteristics of the previous one.

The identity of worker

The primary identity of 'workers' encompasses all who are employed as casual, contract and daily-wage workers in construction,

'When a person is enumerated in the census at a different place than his/her place of birth, she/he is considered a migrant.'

The Census of India

manufacturing, wholesale or retail markets, shops, hotels, restaurants, vehicle service centres, repair shops, domestic work or delivery agencies. They could also be in manufacturing on a piece-rate basis, as part of home-based garment or craft-based supply chains; self-employed as tailors, street vendors, home-based workers, rickshaw pullers, car/auto rickshaw drivers, mechanics, etc. While they all contribute to the national income, their identity as 'worker' is seldom affirmed; instead their imputed identity is that of the 'unorganized worker'.

The identity of unorganized worker

The 'unorganized worker' identity undermines and suppresses certain essential privileges of being a 'worker', such as regularity of job, regular payment of wages, the right to be a member of a trade union, the ability to represent and negotiate with employer and the government and above all certain social security benefits that protect one against unexpected eventualities in life. It entails that the workers are singularly denied the basic labour rights in terms of employment relations and social security. It must be observed that the identity of 'unorganized worker' is not incidental, but structurally determined and has been accepted as given since India's independence. Over 92 per cent of India's 500 million workers are in the 'unorganized worker' category.

The exclusion manifests in the very definition. The Unorganized Workers Social Security Act, 2008, defines an unorganized worker as 'a home-based worker, a self-employed worker or a wage worker in the unorganized sector and also includes a worker in the organized sector who is not covered by any of the acts mentioned, i.e., The Employees' Compensation Act, 1923, The Industrial Disputes Act, 1947, The Employees' State Insurance Act, 1948, The Employees' Provident Funds and Miscellaneous Provision Act, 1952, The Maternity Benefit Act, 1961 and The Payment of Gratuity Act, 1972. The specified laws are those pertaining to social security and the right to represent and bargain collectively. The unorganized workers are not denied their right to be a member of a trade union of their choice, but this right is seldom practised because discharge of this right might imperil their job itself. The Minimum Wages Act, 1948; the Maternity Benefit Act, 1961; the Contract Labour (Abolition and Prohibition) Act, 1970; Building and Other Construction Workers (Regulation of Employment & Conditions of Service) Act, 1996; and the Building and Other Construction Workers Welfare (Cess) Act, 1996, etc., are directly or indirectly applicable to the unorganized workers. However, except with respect to construction workers, implementation of the provisions of the other acts is not enforced because workers lack bargaining capacity. The unorganized workers' social security rules were framed in 2009, and the National Social Security Board constituted on August 18th of the same year. However, there has not been any fund allocation for the same. The Labour Code on Social Security, 2019 does not offer any substantive change in the situation. The futility is in defining a sector as 'unorganized' in the name of economic underdevelopment, instead of extending same rights to all workers.

The migrant worker

As workers assume the third identity, the most acknowledged and talked about now, that of the 'migrant worker', they experience further diminution of their rights. The term 'migrant worker' in the context of India is a strange one. The Constitution of India guarantees freedom of movement for all citizens. The fundamental principles of free mobility are enshrined in clauses (d), (e) and (g) of Article 19(1) of the Constitution. It guarantees all citizens the right to move freely throughout the territory of India, reside and settle in any part of the territory of India and practise any profession or carry on any occupation, trade or business. Article 15 prohibits discrimination and Article 16 further affirms the equality of opportunity for all citizens in the matters of public employment. In light of these constitutional guarantees, therefore, attributing 'migrant' as qualifying identity to a worker goes against the very values enshrined in the Constitution, more so when the qualifying identity involves diminution of rights.

WHO IS A MIGRANT?

Who a migrant is within the geographical boundaries of India? The Census of India defines a migrant as follows: "when a person is enumerated in the census at a different place than his/her place of birth, she/he is considered a migrant." Information on migratory movement of people, along with the rates of birth and death, is crucial in understanding the spatial redistribution of the population and of changes in the demographic structure of the different geographic segments (urban-rural, states, etc.) of India. While this is largely the task of the demographers, others including sociologists, economists and behavioural scientists explore further into the determinants and consequences of migration. Migration has a spatial and temporal dimension. The spatial or geographic dimension refers to the migration involving crossing a border or boundary, usually decided administratively like inter-district or inter-state, which means that mobility could be of short or long distance. It has a place of 'origin' and a place of 'destination'. The temporal dimension of the migration refers to the duration of stay in a place other than the place of birth, which determines whether migration is short-term, seasonal or long-term. Migrants on crossing borders of their home state enter a different administrative and linguistic domain, which has a number of implications to the enjoyment of their rights.

According to the census of 2011, there were 454 million migrants in India. The figure was 315 million in 2001 and 220 million in 1991. Of the 14.6 million migrants who moved from rural to urban areas for work and business, 43% were inter-state migrants. Similarly, of the 7.1 million urban to urban migrants who moved for the reason of work and business, 41% were inter-state migrants. It was mainly the inter-state migrants who constituted the caravan in the wake of the COVID-19 lockdown. The report of the working group on migration points out that majority of women who migrate citing marriage as reason eventually join the workforce, and comprise 57.4% of the total female workforce in India.

Meanwhile, the Economic Survey 2016–17, cautioning that the census migration data has its limitations in capturing circular migration and female migration for work, using alternative estimates proposes that (i) if the share of migrants in the workforce is estimated to be even 20%, the size of the migrant workforce can be estimated to be over 100 million in 2016 in absolute terms; (ii) based on a new Cohort-based Migration Metric (hereafter CMM), annually inter-state labour mobility averaged 5–6 million people between 2001 and 2011, yielding an inter-state migrant population of about 60 million and an inter-district migration as high as 80 million; (iii) the estimates of internal work-related migration using railways data for the period 2011–2016 indicate an annual average flow of close to 9 million people between the states.

Interestingly, based on the NSSO report, the report of the working group on migration argues that there is not much distinction in the occupational structure between migrants and non-migrants, in particular in the urban areas. 'First, in both urban and rural areas, the occupational structure of migrant and non-migrant female workers is not very different, except that migrants are a little more represented in primary sectors and a little less in manufacturing. For males, while there is an expected large difference in rural areas with non-migrants being much more engaged in primary activities, the difference in urban areas is not very extreme. Migrants are more represented in manufacturing and modern services, and a little less represented in traditional services.'

The Government of India recognizes that migrant workers are spread along various sectors and occupations. The same is clear from a communication issued by the Chief Labour Commissioner, Government of India to Deputy Labour commissioners, Regional Labour commissioners, Assistant Labour commissioners and district administration all over the country to collect data on migrant workers dated April 8th, 2020. To place it in context, the survey was to be conducted at relief camps/shelters, employers whose labour is in-situ at places of work and local where migrant workers are generally clustered. The communication mentions 12 occupations and 11 sectors. The enumerators were given the freedom to add more occupations and sectors. The list includes primary, construction, manufacturing, public service, traditional and modern sectors as well as the self-employed as discussed earlier.

Since migrants are represented in all segments of occupations and economic activities, logically, the migrant workers must enjoy labour rights and social security rights the workers in these occupations and sectors enjoy. The irony of the fact is that, as we have already seen, almost all of the workers engaged in these occupations and sectors are in the 'unorganized worker' category and they experience institutional denial of statutorily defined and justiciable labour rights and social security.

ISMW, 1979 AND ITS INEFFECTIVENESS

In this context, one tends to agree with the observation made in the report of the working group on migrant workers that 'in principle there should be no reason for a specific protection legislation for migrant workers, inter-state or otherwise. They should be integrated with all workers as part of a legal approach with basic guarantees

The unorganized worker is defined as 'a home-based worker, a self-employed worker or a wage worker in the unorganized sector'...

'a worker in the organized sector who is not covered by any of the acts mentioned'

The Unorganized Workers Social Security Act, 2008

on wage and work conditions for all workers, as part of an overarching framework that covers regular and contractual work.'

The Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979, modelled on an earlier piece of state-level legislation, the Orissa Dadan Labour Act, 1975, is notoriously the least implemented among labour laws. If the Act is to be applicable, then five or more workers must move from one state to another through a contractor, who is licensed at the source state. The law does not apply to those migrants who migrate on their own and those who move within state boundaries, and thereby excludes a significant proportion of migrants from the purview of the Act. Contractors circumvent the law quite easily by splitting the number of workers into groups smaller than five. Moreover, the contractors split their establishments to show that they employ more than five migrant workers and register migrant labour with the local employment exchange to evade the provisions of the Act. Interestingly, the ISMW Act had come into force after arguing that only amendments to the Contract Labour (Regulation and Abolition) Act, 1970, a non-discriminatory legislation, will not be sufficient to address the specific problems faced by the migrant labourers.

Another important labour legislation applicable to migrant workers is the Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996. Three major constraints relevant to the current discussion are: (i) the act has a sectoral approach and is not beneficial to all workers, (ii) while the cess is collected, little is actually spent, (iii) even if the benefits are to be given, workers have already left their places of work in the wake of COVID-19 lockdown.

THE 'MIGRANT WORKER' AND DIMINUTION OF CITIZENSHIP RIGHTS

The mass exodus of workers from Delhi, Mumbai and other major cities of India indicates that in addition to the denial of labour rights and social security rights as 'worker' and 'unorganized worker', those falling in the category of 'migrant workers' experience diminution of basic civil rights and privileges that they enjoyed at their respective places of origin.

Absence of, or extremely poor, housing

The mission statement of 'smart cities' project launched by the Government of India in 2015 says that in 2011 nearly 31% of India's current population lived in urban areas and contributed 63% of India's GDP. It further says that with increasing urbanization, urban areas are expected to house 40% of India's population and contribute 75% of India's GDP by 2030. A significant percentage of urban population lives in slums; of a total urban population of 65.49 million, 22.4% lived in slums as of 2011. Despite 'affordable housing, especially for the poor', as a core infrastructure component of the smart city programme, or the Pradhan Mantri Awas Yojana (Urban) Mission, intending to provide housing for all in urban areas by year 2022, the absence of housing remains an acute issue in the urban centres. The workers who marched out of urban and industrial centres might

not have even had the privilege to live in slums. Many engaged by manufacturing enterprises live inside their workplaces or crammed spaces close to the workplaces, where they access shared kitchens and toilets. Many live, as families, in open spaces, on pavements, under flyovers, near railway tracks and on open grounds. Some stay in groups or as families in crammed spaces paying exorbitant rent and again sharing kitchens and toilets. Affordable housing with basic amenities such as water, sanitation, adequate ventilation and access to the internet remains a far cry for millions of people who throng the cities for employment and livelihood.

Restricted access to food

Food expenses constitute a major portion of expenses for the poor in India. According to the Food and Nutrition Security Analysis, India, 2019, in rural and urban areas, the poorest, roughly about 30 per cent of the poor, spend as much as 60 per cent and 55 per cent respectively, on food. Despite the enactment of National Food Security Act in 2013, the right to food is not universal in India, but manifests as rather restricted food availability to the below poverty-level households by converting the Public Distribution System (PDS) into the Targeted Public Distribution System (TPDS). The eligible households are entitled to 5 kg of foodgrains per person, per month at the subsidised prices of Rs.3 per kg of rice, Rs.2 per kg for wheat and Rs.1 per kg for coarse grains through designated Fair Price Shops (FPS). The Antyodaya Anna Yojana (AAY) households, which constitute the poorest of the poor, receive 35 kg of food grain per household per month. However, the Food and Nutrition Security Analysis, India, 2019 report admits that the poorest 30 percent of households had lower capacity to access food, and as a result, despite the PDS support, they were not able to reach the Recommended Dietary Allowance (RDA) levels of energy and protein intakes. Moreover, the Parliamentary Standing Committee has observed that 46.7% of the off-taken grain did not reach the intended beneficiaries in 2011-12 and that they received large number of complaints such as under weighing, errors in inclusion and irregularities in AAY under the TPDS from big states such as UP, Maharashtra, Bihar and also from the national capital, Delhi.

Under the TPDS, the centre allocates and transports the food grain from Food Corporation of India godowns to the ration shops. However, the states and union territories have the responsibility to identify eligible households, issue ration cards and licences to dealers and also tackle complaints. There are two major constraints due to which the migrant population gets effectively cut off from the food security entitlement extended through the TPDS. One, food security entitlement is limited to the identified and then targeted below poverty-line population, thereby excluding those who have not been identified for various reasons, usually termed as exclusion errors. In 2016, the Comptroller and Auditor General (CAG) found that states had not completed the process of identifying beneficiaries, and 49 % of the beneficiaries were yet to be identified in all the states. It also noted that inclusion and exclusion errors had been reported in the beneficiary lists. Two, those who are so identified, receive

food through the TPDS upon furnishing a ration card at a specified FPS tied to their place of residence. Once people cross the district or state border, they cannot access their subsidized food entitlement at any outlet of the FPS. This framework implies that the PDS potentially excludes the 100 million migrants, as per the migrant data provided by the Economic Survey 2016–17, from accessing subsidized food grain. This crass denial of the right to food has prompted the migrants leaving big cities en masse saying 'hunger will kill us before the coronavirus does'. Despite the talk of 'one nation one ration card' scheme to be implemented all over the country, no concrete steps for removing bottlenecks had been put in place to facilitate portability of food security rights before the lockdown announcement.

Income insecurity

The ominous portend of hunger deaths has been accentuated by the non-availability of cash for the people stuck in brick kilns, work places, rented spaces and temporary shelters all over India. Take the case of 40 PMKVY trainees in a big company who are stuck in Mindhalli village, Kolar district, Karnataka. They are without their original papers as they had surrendered them to the company for technical reasons. After the lockdown, the company has not made any payment to the trainees and they are without any cash to purchase food items. The landlord in whose premises they are staying demands rent, and has asked them to leave the premises if they cannot pay. In another case, Pushpen Singh Yadav from Datia district, Madhya Pradesh, along with five of his colleagues is stuck in Kadi in the Mehsana district of Gujarat. The group had been doing colouring work in the cotton mills of Kadi for the last three months. The group has exhausted all money and have been surviving on food if offered by well-wishers in the village. On some days, they go with one meal a day while on others they have to go without food when their luck dies down with no one offering food. The provision store refuses to give ration without immediate cash payment. Similar or worse are the cases with short-term or/and long-term migrant workers all over India. It has been reported that around 71 per cent of the Micro Small and Medium Enterprises (MSMEs) are unable to pay either partial or full wages for the month of March, according to the All India Manufacturers Organisation (AIMO) leaving millions of workers without cash for their survival. If this is the case with salaried employees, what would be the situation of the self-employed? The government representatives, some Trade Unions, NGOs and philanthropic organizations risking their lives are standing up to the challenge and are offering them food. Hundreds of thousands of workers are now standing in queues for cooked food or ration, or are going out, despite the lockdown, seeking food. They are compelled to do so by conditions of extreme helplessness, not by a sense of rights and privilege. On the other side, think of the ignominy and loss of dignity and self-respect that millions of workers are facing. It is in this context that there has been demand for target cash transfer by some and universal cash transfer by Social Security Now (SSN).

**₹1.34
lakh
crore**

cash transfers
can benefit
the poorest
population of

**500
million**

**₹1.2
lakh
crore**

cash transfers
can benefit
people
uptil the

**87th
per
centile**

INADEQUACY OF GOVERNMENT'S RESPONSE

In response to the social and economic impact the sudden lockdown has created, Ms Sitaraman, Minister of Finance, Government of India

announced a Rs.1.70 Lakh Crore relief package under the Pradhan Mantri Garib Kalyan Yojana 'intended at reaching out to the poorest of the poor, with food and money in hands, so that they do not face difficulties in buying essential supplies and meeting essential needs.' How far is the package addressing the progressive diminution of rights the workers experience as they assume the status of the 'unorganized worker' and the 'migrant worker'? Probably, it was not intended to address that. Crisis gives opportunities for visionary leaders to make systemic and structural changes. Except for the suggestion to extend insurance scheme for 22 lakh health workers fighting COVID-19 in government hospitals and healthcare centres with an amount of Rs.50 lakhs each, most of the announcements were within the existing schemes and frameworks. Even in the COVID-19 insurance scheme, it has been clarified subsequently that it covers only loss of life; not treatment for healthcare workers. PM Garib Kalyan Anna Yojana operates within the constrained TPDS that has been already discussed and cannot address the right to food of the 'migrant worker'. The proposed transfer of Rs.2000 to farmers effectively amounts to Rs.500 per month as in the case of transfer to women account holders of the Pradhan Mantri

The most urgent thing to do is to ensure that people have money in their hands and are empowered to take their own decision with dignity. Social Security Now (SSN) has proposed a universal transfer of ₹15,000 into the hands to everyone in India till the lockdown remains.

Jan Dhan Yojana. This amount is in no way adequate to mitigate the cash liquidity crisis faced by mostly the poor in the wake of lockdown. For senior citizens and differently-abled too, the amount of Rs.1000 for three months is not adequate. Allowing deductions from the Provident Fund or withdrawals from Welfare Fund for Building and Other Constructions Workers is merely letting people use their own savings, and is not contribution towards relief on the part of state's exchequer.

CONCLUSION

In addition to housing, food and income insecurity, there are also certain other factors like language, caste, religion, gender, etc, that play a major role in accentuating insecurities of migrant workers. Coupled with all these, the mass exodus of migrant workers demonstrates that the relief package announced by the government was neither financially adequate nor emotionally convincing for urban workers to stay back confidently that their normal and basic needs will be provided for and life would proceed uninterrupted. It could be characterised as a form of passive resistance by the masses in response to a government directive that did not adequately consider their material conditions, dignity and livelihood. It is important to note that the administration did not come down heavily on those who were on the street en-masse.

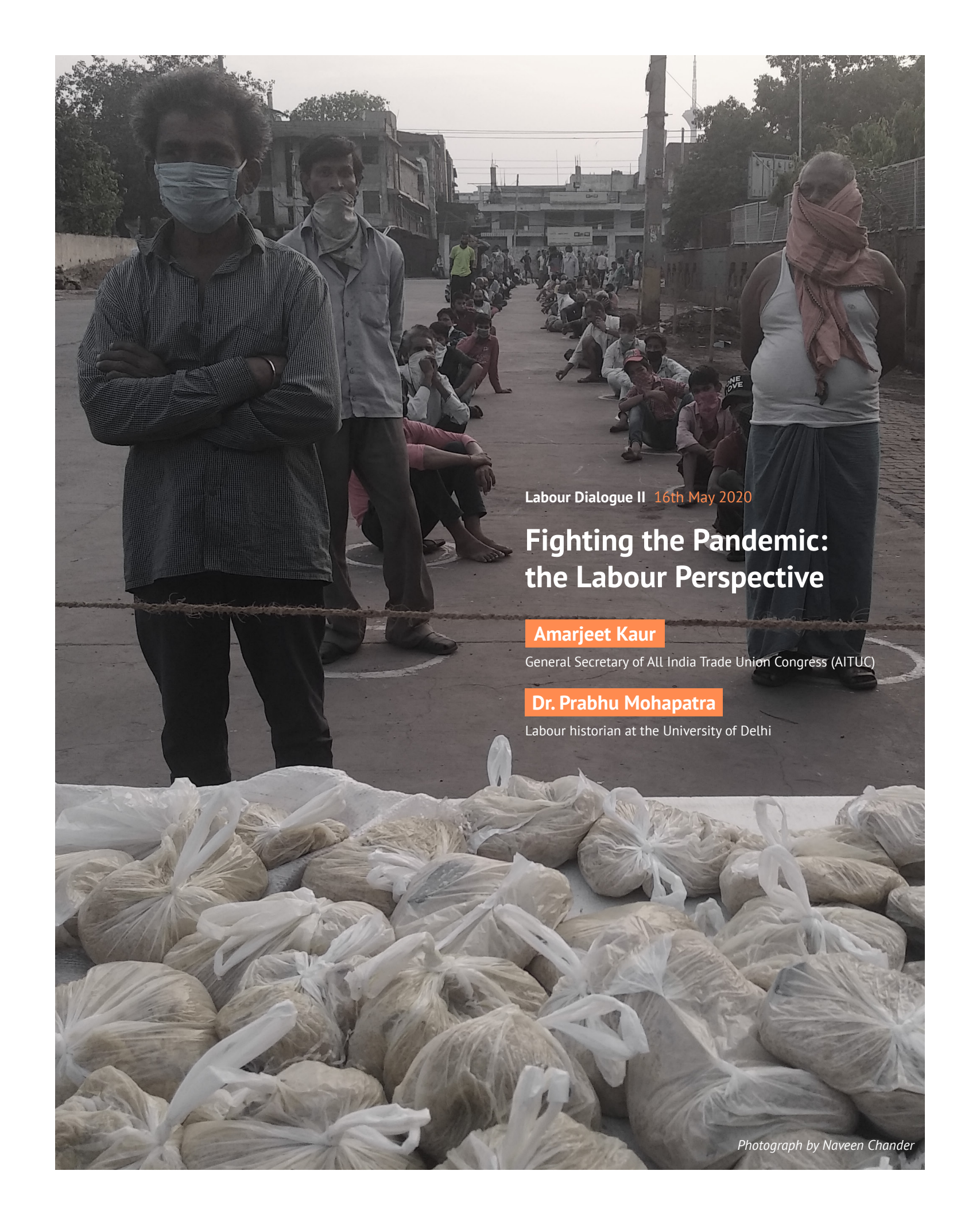
My lecture is not intended to be prescriptive. Nevertheless, it might be considered irresponsible if certain indicative administrative medium- and long-term actions are not suggested. The government must extend the insurance scheme for health workers fighting COVID-19 to all Corona warriors including all safai karmacharis, delivery boys, transport workers, volunteers who supply food/ration to the 'migrant worker' and the police force. The tests for COVID-19 as well as the medical expenses for the Corona patients must be free of cost. The government must immediately stop the move to extend the working hours from the current 8 hours to 12 hours a day, a right earned by workers over 200 years of struggle.

The most urgent thing to do is to ensure that people have money in their hands and are empowered to take their own decision with dignity. The welfare package announced by the government, as seen earlier, is extremely nominal and prohibitively targeted. A proposal made by Appu Esthose Suresh proposes that Rs.2.5-lakh crore cash transfer will put money directly in the pockets and purses of the population up to the 87th percentile of the Indian population; Rs.1.34-lakh crore will be for the poorest 500 million Indians, whereas Rs.1.2-lakh crore will replenish the reduced cash reserves of the rest of the population upto the 87th percentile. Though again targeted, this is a valid and certainly a better alternative. What Social Security Now (SSN) proposes is a universal transfer of Rs.15,000 into the hands to everyone in India till the lockdown remains, in response to the COVID-19 pandemic. Targeting could be a reverse process by looking at who could be excluded rather than who should be considered eligible.

In the long run, the government must take steps to ensure that safe and adequate housing is provided to all workers, especially for those who migrate for work individually and as family. The government must ensure food security to everyone making PDS cards portable and universal. The universal right to health is another area that requires urgent policy attention.

Key Points from Discussion

- 1** All migrant workers should be allowed to go back home and no employer should force anybody to stay back and work. The central government should make arrangements for all the migrant workers to return home safe and sound. The government should impose an appropriate tax on the corporate sector to meet the expenses.
- 2** A major focus should be on the right to food security of the migrant workers. Although the government had doubled the amount ration distributed through PDs, the majority of the migrant workers were excluded from this due to their lack of proper documents. Therefore, there is an urgent need to implement a universal PDS with portable ration cards and safeguard the rights of the migrant workers.
- 3** Some participants felt that different sections of migrant workers undergo different experiences with respect to gender, caste, religion and consequently the violation of rights that they go through are also graded as per their social locations. An explicit recognition of the intersectionality approach can be helpful here. There should be more focus on female migrant workers amidst the pandemic because they are faced with additional burden and are forced to work in a dangerous environment for the sake of sustaining their livelihoods.
- 4** There should be an active role of various Workers' Agencies in supporting the workers and protecting their rights during the pandemic. A few of the individuals and organisations were helping the migrant workers with food and money during the course of the lockdown. However, this kind of gesture would be short-lived. Therefore, for concrete results, it is necessary to transform such gestures into long term sustainable campaigns, in collaboration with workers unions and campaigns groups.
- 5** The current situation has provided the government with an opportunity to collect the real-time data of those involved in the unorganised sector and come up with a better estimate of the workforce involved in the sector. Consequently, it would become easier for the government to execute DBT to these workers. For instance, the workers who were being retained in shelter camps across various states could be enumerated and cash transfers could be executed accordingly. Initiatives should be taken to strengthen the rural economy and the agriculture sector since the majority of the migrants are dependent on agriculture back in their villages.



Labour Dialogue II 16th May 2020

Fighting the Pandemic: the Labour Perspective

Amarjeet Kaur

General Secretary of All India Trade Union Congress (AITUC)

Dr. Prabhu Mohapatra

Labour historian at the University of Delhi

Photograph by Naveen Chander

The primary aim of this webinar was to engage union leaders, academicians, legal experts and members of CSOs on labour-related issues that surfaced during the pandemic, and build strategies to safeguard the interest of workers amidst the increasing vulnerability.

AMARJEET KAUR

Com. Amarjeet began by expressing concerns on the increasing threat to labour rights and collective bargaining rights of trade unions amidst the pandemic and changing labour regulations in the country. She pointed out that even though WHO had declared the crisis as a health and medical emergency in January 2020, quick measures to stock up medical supplies and restrict international mobility were not timely put in place by the government which could have otherwise made it easier for the country to deal with the pandemic. The sudden lockdown imposed in the country on 24th March disrupted the economic activities resulting in sudden loss of income and employment for the majority of the working class population in the country. No scientific approach was adopted and rather rumors and myths were allowed to be spread about COVID-19.

It wasn't the case that Indians were not disciplined or were not aware of burgeoning health crisis. Whether literate, illiterate, semi-skilled or unskilled, employers or workers or peasants, all Indians followed the Janta curfew declared on 23rd March. This means - if people were informed about the situation in detail, then the lockdown situation could have been dealt in a proper way. With no proper residence, food, income and employment and increasing dependency on loans for survival, the working classes had no option left but to head back to their villages, even if it meant walking on foot!

The pandemic should have been dealt in more humane way so that everybody could be on board, be it workers, front line fighters, law makers, law enforcers and the citizens in general. Instead the pandemic was dealt in a 'law and order manner' with inadequate sensitivity of the authorities in dealing with the workers who were migrating back to their villages with the onset of lockdown. The workers were literally punished, they were made to kneel, disinfectants were sprayed on them and the state borders were sealed as though they were international boundaries. Deaths of workers traveling to their native places were reported across the country. The entire attack was on the workers of the country, not only those who were migrating from one state to another but also those who were migrating intra-state from different districts.

By mid-May, India entered the first phase of unlocking the economy which saw a revival of different economic activities. Revival of economic activities meant that the workers were to return to the cities and start their work. However, one also needs to pay attention to the types of labour taming laws being proposed in different states of India.

The unlocking phase and resumption of the economic activities is now threatening the labour rights. In various states the labour laws are being arbitrarily changed through ordinances and the working hours are being increased from 8 hours to 12 hours. It is now quite evident that the labour laws and trade unions rights of collective bargaining are at risk of dilution. The current crisis can be understood

No scientific approach was adopted to tackle the situation; rather rumors and myths were perpetuated about COVID-19.

The workers were literally punished, they were made to kneel, disinfectants were sprayed on them and the state borders were sealed as though they were international boundaries.

as an opportunity to circumvent all the labour laws, stop collective bargaining and immobilise the TUs.

Across the world, attempts are being made to impose the entire cost of the pandemic on the heads of the workers. Three decades ago, the labour share in total industry in India was 50 percent. In three decades it has come down to 8 percent. Even with declining wages, the employers want to increase the working hours. So we need to be able to comprehend what's in their mind, what new offensives they are planning and strategize accordingly.

A participant asked whether increasing the working hours from 8 to 12 hours by different states in India violates the ILO convention on 8 hour working day and what steps are being taken by AITUC regarding this. Com. Amarjeet said that after 139 years of struggles, the working hour was set to be 8 hours. Therefore, AITUC and other unions have written to ILO regarding the recent proposals violating these norms. ILO has also come out with a statement expressing their concern and dismay regarding such proposals. The question of 8 hour working day is also a question of fundamental rights. The UP government has suspended 38 labour laws. Working hours have been increased from 8 to 12 hours in many states. Labour norms can be temporarily changed when there is a threat to a national security from external sources. But that's not the case today. Therefore, unions are continuously fighting against these measures. On 22nd May 2020, across different sectors, the unions have given a call for day long protest.

PRABHU MOHAPATRA

How do we evaluate the cause of this crisis? Is it emerging due to something that is intrinsic to the global and national economic structure or is it emerging purely from external causes? In this regard, the way to value a particular cause will be very important because the standard framework to explain this crisis is the neo-liberal one. If we are able to understand the inbuilt weaknesses of this paradigm, then we will be in a better position to evaluate the ongoing crisis. This is not an academic exercise but a very acute political necessity, that we understand what is the nature of this crisis.

One of the reason as why the COVID-19 is unleashing such havoc now is because of the extreme precarity of work and life conditions among the workers that the neo-liberal framework produced over the last many decades. This neo-liberal framework is now in tatters. It has no solutions to the problems of the real economy and society. Its policy solutions are incoherent and lack comprehensibility. The IMF itself, in one of its position papers published in 2013 questioned the applicability of neo liberal paradigm in the global economic framework. More than 50 percent of the entire workforce is now out of work. This is an unprecedented situation. It is time to say forcefully that labour is not merely a commodity that is bought and sold in the market. Rather, work relations are intimately embedded in societies. Work is not just about economic progress and prosperity, but also related to security, protection and dignity.

The mass migration of the workers back to their homes must be seen as an instance of agency of the workers, a political statement by the migrant workers. The way the dignity of the workers was violated by the police and authorities while going back home, has created an unprecedented moment. It is high time for all the working class organisations to take hold of this moment and unleash a massive movement of workers to establish secure life and work conditions and workers' dignity for the vast majority of the labouring people.

Today, the task of the trade unions in safeguarding the rights of workers amidst COVID-19 pandemic and lockdown is more than ever, because TUs are still the only organised force apart from the State and political parties that can serve the working class communities. The working class movement today will have to present a different conception of work and economy altogether, if a secure future is to be achieved from the current crisis.

Within the ruling class blocks, certain shifts from the neo-liberal orthodoxy is now discernible. This doesn't mean a solution has emerged for the long-drawn global economic crisis, but nonetheless, understanding these shifts within the ruling blocks is crucial for us. How the EU, USA and UK have responded to the economic crisis and now the pandemic - will have to be closely analysed. In the present moment, there is a tendency to move from broadly supply-side-economics towards demand-management-economics, to ensure minimum purchasing power of the people. This move towards change in the mainstream understanding has grown for last 4-5 years. In a sense, the ruling block is not totally united. There are fissures and cracks. This still does not mean that the pressure of the neo liberal paradigm is not strong. But within this, shifts are happening.

Dr. Mohapatra felt that the need of the hour is to understand this paradigm crisis, in order to explain the actual real world crisis. Keeping this in mind, he emphasised on three things while addressing the pandemic (crisis) through labour perspective:

- 1 The state is in acute crisis of legitimacy. The pandemic has indeed aggravated the already existing tendencies or fallouts in the state policymaking. There is extreme policy incoherence between the state and global economic formation. Understanding the policy shifts during the crisis is very crucial now.
- 2 An immediate response from the standpoint of Labour needs to be addressed i.e. on the question of massive reverse migration. Such mobility of workers on a large scale should be understood as the first mass response to the crisis and it is interestingly unique to India.
- 3 Determining the future of labour by formulating long-term action plans viz. labour inclusive policies. Apart from lamenting and protesting, we have not really thought through the possibilities of alternative ways to address the situation. One way to go about would be to think of alternative ways of handling the crisis by building workers cooperatives, producers' cooperatives and work-sharing, new

forms of local networks of production and so on.

Labour share reduced from **50%** to **8%** in 30 years.

50% of the labour force is out of work.

250 million potential workers lost to the work force.

Dr. Mohapatra also discussed about the increasing precarity of the workers with increasing obfuscation of the employer-employee relationships across the globalised economy. The question of dismantling of the direct employer-employee relationship had become a central issue for all the trade unions. The obscurity of this relationship has indeed put millions of the workers in a precarious situation. Taking in account the mass exodus of workers, Dr. Mohapatra concluded that it is precisely those who were deprived from a legally defined employer-employee relationship, who found themselves on the roads during the lockdown. Therefore, strategies will have to be developed to clearly establish the employer-employee relationship in all sectors.

Dr. Mohapatra expressed his concern regarding the infringement of the democratic and fundamental rights of the citizens during the lockdown and appealed to the trade unions to continue the struggle for maintaining the right to free association of the workers.

The nationwide lockdown followed by the mass exodus of workers from the cities, police brutality, lack of relief measures, and absence of adequate financial assistance has no doubt violated the dignity of the working classes and humiliated them. The struggle of the working class has always been primarily about dignity, followed by the demand for wages. It would be very difficult to bring back the workers back from their villages in the immediate future. In times like these, the question of ensuring the dignity for all workers must be raised by the unions and campaigns must be launched.

Dr. Mohapatra mentioned that for the first time in history, more than 50% of the labour force is now out of work. 250 million potential workers are out of the labour force. This also includes the unemployed, disabled, pensioners, and so on. The neo-liberal framework created massive redundancy of workers and the present nature of the crisis is such that it will continue to create more and more redundancy by augmenting capital intensity. An innovative response to this would be to build an organised force that would create a different notion of work altogether. Socio-economic transformation of the local will have to be rethought in this context. Local here must be redefined as a series of diversified livelihood structures. The diversification of livelihoods in both urban and rural areas will have to be promoted by the organisations of workers. We must intensify our solidarities and there is no doubt that the most innovative thinking comes out from the working class precisely in such times of acute crisis.

Key Points from Discussion

- 1 Trade unions should emphasize on protesting against the recent agenda of the Centre to suggest the states to change the working hours from 8hrs to 12 hrs and to make changes in occupational safety laws as well. Such propositions made by the government might be followed by ordinances for the rest three labour laws, if not checked through protests.
- 2 In the current scenario, it is better to abide by the physical distancing norms and therefore, TUs should incorporate new ways of consultation and communication with each other and masses through technology, zoom meetings, skype meetings, etc. In the context of social distancing, the TUs should pressurize the employers to provide basic protection gear to their employees.
- 3 The general perception that the employers have at the moment is to resume their operations with one-third workforce and increase the working hours. But, instead of increasing the hours, employers should opt for shifts in production. Number and type of shifts will depend on the nature of the workspace in question.
- 4 Protection of women workers should be of prime importance. In this context, there is a need to revisit the night shift laws. Laws that prohibit pregnant women from working in hazardous work should also be amended for the well-being of women workers.
- 5 Protection of the contract workers which constitute about 70 percent of the total formal sector workforce. The Contract Act needs to be defended by all the Trade Unions because it is the workers on contracts who suffered more as they did not have anything to fall back on once the lockdown was implemented. This law needs to be respected, revisited and strengthened.
- 6 Equal pay for equal work has to be the norm.
- 7 Revisit the Inter-state Migrant Act as it somehow creates a division between an outsider and a local. An effective system to register workers who migrate from one state to another should be put in place so as to extend protection and coverage of social welfare schemes to such workers. Additionally, affordable housing schemes for the migrant workers should also be provided.
- 8 Strengthening the federal structure and ensuring adequate resources in the hands of the states.
- 9 Since the majority of the migrant workers belong to the rural areas, it is important to address the diversification of livelihood options in rural India. Strengthening MGNREGA and expanding its activities, supporting agri-business, etc. should be of prime importance.
- 10 Demanding the government to pay the wages for salaried employees working in small sectors. Those who have lost their jobs and work in the informal sector, should get cash transfer of at least Rs. 7,500/- for three-four months.
- 11 EPF and ESI along with the public health system need to be strengthened in the coming days if the world has to live with COVID-19 or tackle other medical emergencies.

Labour Dialogue III 30th June 2020

Women and Work in the time of the Pandemic: Challenges and the Way Forward

Speakers

A.R. Sindhu

General Secretary of the All India Federation of Anganwadi Workers and Helpers (AIFAWH)

Sonia George

Secretary of the Self Employed Women's Association (SEWA)

Pratibha R

President of the Garment and Textile Workers Union (GATWU)

Sujata Mody

General Secretary of National Trade Union of India (NTUI), and President of the Pen Thozhilalargal Sangam (PTS)

Moderator

Neha Wadhawan

National Project Coordinator, Work in Freedom, at the International Labour Organisation (ILO)



Photograph by Lokesh S

Neha Wadhawan welcomed all the participants and speakers in the webinar. She began by thanking CEC and RLS for organising the event. She said that in this time of the pandemic, we are seeing a lot of issues coming to the limelight that were hitherto completely marginalised. The issues of the migrant workers and that of the informal sector workers are being increasingly discussed in various civil society initiatives and it goes without saying that these are the segments who suffered the most because of COVID-19. Even before the COVID-19 crisis, we could see the economy slowing down and there were reports of declining female participation in wage work. If you add that with the vulnerabilities that women face in the economy, you will see a very gloomy picture. With COVID-19, we are seeing an extreme increase in miseries - those who were marginalised and vulnerable are being pushed beyond what was imaginable in terms of how they could be exploited. Apart from the health issues, COVID-19 has also unleashed havoc in the world of work. It's really important to reflect on some of these issues and we have a fantastic panel today, with some very experienced trade unionists. We can see that wherever the workers were able to bargain or been able to negotiate with the employers, it was only on the strength of collective bargaining and strength of freedom of association.

In case of women workers there is also a question of additional burden of unpaid labour. With the pandemic and lockdown the work burden on women increased, and this burden is being neither shared, nor even debated or discussed in the public forum.

A.R. SINDHU

AR Sindhu began by saying that the subject at hand is very vast and each and every component should have a separate webinar to deal with it extensively. She said that she will limit her presentation to one area only, that is, frontline workers:- Anganwadi and ASHA workers and their experiences in the larger context of whatever is happening vis-a-vis the health and economic crisis.

We are all aware of the issues of migrants and the working class as a whole. Particularly the problems of women migrants and women migration is also a subject to deal with. There is absolute poverty in India for a large segment of the population and then there is loss of jobs everywhere, whether formal or informal, organised or unorganised. There are large wage cuts, retrenchments, lockouts and closures in spite of multiple government orders to release salaries during the lockdown period. There are issues of women workers in the informal sector such as domestic workers and then there are issues of women frontline workers, especially regarding safety, security and identity. The response of the government in terms of provision of food or job is totally inadequate. Further, there is rampant privatisation of not only public sector undertakings such as railways but even services are also being privatised including the basic services of healthcare, nutrition and education. Even in an agrarian economy everything is being liberalised and the corporatisation of the agrarian economy will adversely affect the economy. Most importantly, doing away with the labour rights and labour laws is shrinking the space of workers, especially women workers. Now the workers cannot even go into labour disputes and it is the central government that has asked every state to do away with the labour laws for ensuring the so called labour flexibility. This is what is happening in the world of work. In case of women workers there is also a question of additional burden of unpaid labour. With the pandemic and lockdown the work burden on women increased, and this burden is being neither shared, nor even debated or discussed in the public forum. In that sense,

violence against women has also increased over the course of the pandemic.

If we consider the basic services of health, nutrition and education in our country, the responsibility lies in the hands of the government in terms of battling poverty and malnutrition. There are Millennium Development Goals and Sustainable Development Goals (SDGs) in place and yet our human indices are going down. Through some centrally sponsored schemes, question of malnutrition and child development are being addressed to some extent with the assistance of the ASHA workers and Anganwadi workers, who have been working tirelessly under the National Health Mission. It started as a rural health mission but is now being implemented in urban areas as well. These are crucial services for the entire country. 50 percent of the world's malnourished children are in India and the majority of the women's health conditions are very poor. In this particular situation of COVID-19, the role of scheme workers especially the ASHA workers and the Anganwadi workers has become even more important. Even to get statistics you rely on the frontline workers. The frontline workers such as ASHA workers and Anganwadi workers are putting their own lives at risk. They are being asked to continue performing their duties with the communities without adequate PPE kits or other kinds of safety gears. Anganwadi workers are going door to door to distribute food supplies as the Anganwadi centres are not open and even the Mid-Day meal workers are going door to door to supply ration to the beneficiaries. They are also training people about the health issues and relevant schemes, conducting surveys and checking if anybody is having fever or cough. ASHA workers have to cover at least 40 households a day. They are also being asked to perform duties in the containment/quarantine centres. There are many cases of deaths of ASHA, Anganwadi and Mid-Day Meal workers due to COVID-19 infections. Yet, their safety and their central role in combating COVID-19 has not been recognised by the authorities. The government has been paying only Rs. 1000/- per month for the last six months to them. Although the government has announced an insurance scheme of Rs. 50 lakhs, the irony is that it doesn't include everybody and the category of worker has also not been mentioned. In Haryana, the government has said that the doctors will get Rs. 50 lakhs, ASHA workers will get Rs. 10 lakhs and Anganwadi workers will get nothing! Even the safai karamcharis and other categories of workers such as ambulance drivers are being discriminated against. Their treatment is not covered by any scheme and their families are at risk. They are being forced to bear the tension and fear of getting infected on their own. Moreover, they are also being attacked in the community as they are not being considered as 'corona warriors' but instead 'corona carriers'. There are cases of neighbourhood residents attacking ASHA workers. There are also videos of ASHA workers attacked by the police as they do not have proper government identification. These are some of the issues they face today.

Therefore, the trade unions have been demanding that their work should be recognised and their role is properly recognised for administering the health and well-being of the community amidst the pandemic the health of the entire community. They

should be covered by appropriate health schemes and their work must be recognised. We also demand adequate safety gear for all of them and insurance for all categories of workers in case of death on duty due to COVID-19 infection or otherwise. The health insurance should also cover the treatment of their families. Moreover, we demand regular and frequent tests for COVID-19 and additional payment of at least Rs. 25,000/- because of the additional occupational health risks.

The UNICEF has warned that in India, an additional 6.7 million children under 5 could suffer from wasting due to COVID-19. Wasting is a life-threatening form of malnutrition, which makes children too thin and weak. Unfortunately, the government has allocated only Rs. 15,000/- crore to the health budget and the continuous deduction of budgeted amount will adversely affect the implementation of the schemes. Therefore, we are demanding allocation of at least 6 percent of the GDP for the health sector. The quantity and quality of services should also be increased in the ICDS.

As a trade union, we have been doing our duty and we have been continuously taking up these issues in spite of the lockdown. On the question of frontline workers at the national level itself we have given a call for ensuring their safety. We need safety gear immediately. This was a new kind of experience for us as well. We organised online protests during the lockdown for the health workers by making posters at home and sharing them and around 5 lakh people participated in it.

On the 22nd of May, we had a major protest and on the 3rd July we will organise a major campaign demanding safety of the frontline workers and adequate compensation. In Maharashtra, ASHA workers issued a strike notice recently and in response, the government announced an increase of remuneration by Rs. 2000 for ASHA workers. Himachal Pradesh and Karnataka have also increased their remuneration. In Punjab, ASHA workers organised a strike in a district where an ASHA worker was attacked. In Haryana, the infected doctors were receiving proper treatment but ASHA workers were neglected and were placed in facilities which did not even have washrooms. So 7,000 ASHA workers went on a strike there and then the discriminatory policy was changed. In Uttar Pradesh, workers had organised indoor strikes and they were able to get increased remuneration from the District Administration. Now the ILO itself is calling on for proper recognition of caregiving work and calculation of the care economy. Therefore we demand for the recognition of the unpaid work done by women in domestic space as well as a caregiver.

NEHA WADHAWAN

This is indeed a very important point that how gender bias still continues to operate even in the time of the pandemic in terms of differential treatment of women workers and even with those who carry out such essential activities. ASHA and Anganwadi workers are very essential workers and even the state depends on them for data collection. So even in terms of the policy making process, the role of Anganwadi and ASHA workers is really critical. Therefore, the care institutions really need to be

strengthened in the wake of the pandemic because there is going to be an increasing pressure on poor household.

PRATIBHA R

The Garment and Textiles Workers Union has been working for more than 20 years all over Karnataka. As far as the industry situation in Karnataka is concerned, about 3 to 4.5 lakh workers are working in the garment industries all over Karnataka and of that, around 85% are women. There are around 1200 garment factories in Karnataka. But as per official estimates, the number is only around 700-800. These are all women workers with no education or skills and are landless people. They got the opportunity to work in garment industries and they came here around 20 years back. In Karnataka the garment industries have a history of 40 years and after the cancellation of the Multi-Fibre Agreement (MFA), the industry boomed and it absorbed more women. Also from 2010, the industries started moving to rural areas apart from Bangalore. This is because of the real estate boom and because the government was giving subsidies to industries with the expectation that they would create jobs in rural areas. These garment sectors come under the labour laws and even under the Factories Act. It seems like an organised sector, but the workers are, in reality, unorganised. It is much more difficult for women as they are all first generation workers. We have faced many challenges in working with them as we started as a social organisation and then moved to establishing ourselves as a union. We are working for fair minimum wages, harassment free place and freedom of association. Even though we have been working and fighting for fair minimum wages for 13 years, workers in garment industries in Bangalore get only Rs. 9500 as monthly wages and this is in Zone 1. In the minimum wage arrangements, there are three zones, Bangalore is Zone 1 and other neighbouring areas fall in Zone 2 and Zone 3. In Zone 2, the wage is Rs. 8500. A worker without taking any leave will get around Rs. 8000 after PF and ESI gets deducted and if the worker takes a leave then they only get Rs. 7000 as salary. There are also issues of poor working conditions, non-implementation of the labour laws and workplace harassment especially sexual harassment as well as mental harassment and physical harassment. Women workers are under male supervision. These garment sector industries are producing products for big companies such as H&M, Nike, Adidas and GAP. After the cancellation of MFA, the brands can place orders anywhere and they have outsourced the production to the whole South Asia, in search of lower costs. Meaningful freedom of association is not available to any factory in the garment sector. Even though we have been organising garment factories we have not been recognised as a formal union.

The situation of the workers before the pandemic was not good. Now it is much worse than before. In March 2020 lockdown started and many workers stayed at home while others went to their hometowns. During the second lockdown in May, the government allowed garment factories to open with 30% of the labour force. Following this the employers called for workers to join and many could not join because of the non-availability of transportation. Another issue which is also being challenged in Supreme Court is that the government asked factory owners to pay full wages, but workers have not received full payments. Gokul Das Exports which is one of the major employers employing around 25,000 workers only paid 50% of the wages for the

Amount promised by the Haryana government to healthcare workers

₹50 lakhs to doctors

₹10 lakhs to ASHAs

₹0 to Anganwadi workers

month of April and they have not paid anything for the month of May. At such a time garment workers are in a very vulnerable situation. Their only savings are in PF. When lockdown started suddenly they were left with nothing in their hands. Around 50-60% workers in this industry are the sole breadwinners in their families. They are dependent on their wages to run their families. The employers only care about their business and not about workers. In Karnataka the Construction Workers Board has a lot of funds but that was used just to distribute ration packets among construction workers and other workers but not among garment workers. The assumption is that they are industrial workers so employers should take care of them. Domestic violence has also increased during the lockdown period. Factories opened by May 17 and the workers who were able to return to the city on or before May 24th were absorbed by the factories, but those who returned after that were denied work. Around 10-15 factories have closed down and about 40% of the workforce have lost their jobs. In Gokul Das Exports, which employs about 1400 workers, the workers were seen sitting within the factory premises from 8th of June demanding their jobs back. Organising strikes in other factories is also being considered. When workers are unionised, they can negotiate and they can urge governments, brands and employers to give back their jobs. While everybody suffered during the lockdown, including the brands and the employers, some responsibility should have been taken by the employers for the workers, as they have profited for a long time on the basis of their labour. Instead, they just left the workers on their own overnight. This will be resisted.

NEHA WADHAWAN

I would like to touch upon two points that I found pertinent here: one, that women actually go out of their homes and escape domestic violence by working and now that it is removed, we have seen reports indicating increase in domestic violence during the pandemic. We can also see a sort of tension between migrant and local workers and the pandemic is going to increase and heighten that tension. This is something that ILO has also witnessed while dealing with global supply chain workers. By shifting the production sites away from the centre, the management is able to cut down the labour cost and eventually the production cost is minimised. Furthermore, the replacement of local workers who unionise and ask for their rights by migrant workers is another tactic to keep the costs low. COVID-19 will now perhaps be used as an excuse to do all these things. Given this scenario, careful examination is required and strategies will have to be built up in the ground. Raising the voice against management is possibly the only way to resolve some of these issues and make sure that local workers are also protected.

SONIA GEORGE

During the COVID-19 pandemic, most of the industries or employment opportunities whether in the production or service sector have been affected in terms of job loss and industries

halting their production. What Pratibha mentioned about the situation of industries and workers in Karnataka, is being experienced in other places as well. In terms of solution, only very temporary solutions are coming up. I would like to mention here a positive approach from the workers in the informal sector. Now the informal sector workers are realising the importance of collective bargaining. For example, domestic workers are the least organised workers in the country, they are not the priority of mainstream trade unions at any level but in recent few years we have seen experiences of collective bargaining in this sector as well. But since the lockdown they have been the first ones to lose their jobs without any consideration. The question of discrimination has intensified in this period as domestic workers are being marked as 'corona virus carriers' by many middle class residents. One domestic worker recently called us and told us that her employers are asking her to wash her masks. This is one very micro example that should be seen in a larger framework in which these vulnerable situations will be further intensified. In many sectors wages have gone down, in garment industries also we have seen that employers have not given wages and this is the situation in other sectors as well. They are just living on the welfare provisions of the government or initiatives of the civil society organisations. As far as home based workers are concerned, their home is the workspace, but now as everyone is at home, it is difficult for them to work in terms of childcare, violence at home, caring for parents, and so on. For many people public spaces were their workspaces, for example for the street vendors. New kinds of restrictions on public spaces have affected their work. We have to understand the situations in the new context now especially in terms of workspaces. I had a case recently where a woman who had lost her job as tailor, took up a new job as caregiver and was raped by her employer. So the definition of workspace itself has to be reframed in this context. We have been fighting for this in the Labour Codes as well. These issues are important in terms of addressing the vulnerabilities of the workers. The third thing I would like to point out is the question of skill: how workers have been manipulated in terms of skills. Sindhu talked about the scheme workers and how they are always treated and discriminated against as voluntary workers. They have never been considered as skilled workers and therefore they could not negotiate on any kind of rights. Now, the question of skills is coming to the forefront. We have seen how insurance schemes are different for white and blue collar workers and women are being marginalised in this context too. For example, waste pickers who are mostly women, do not get the same health insurance as other workers and there is no collective bargain that exists in this country in that sense. The next part is care. Despite the lockdown, many workers who worked in the healthcare sector where the majority are women, continued to work. In Ahmedabad, Gujarat for the whole two months self-employed women sustained the migrant workers. The last thing I would like to say is - to come with new alternatives, immediate and long term solutions - is very important now. SEWA has been involved in various levels to address the questions of women workers. For example, for domestic workers, we started campaigns from resident colonies where domestic workers go and work and advocate for their

rights. Such campaigns have increased their spirit of work and sense of organising. And how local governance could be used in the present context, that should also be explored. Lastly, our challenge is to address this as a new reality where women have the equal right to survive in this situation.

NEHA WADHAWAN

One thing I would like to highlight is the workplace and safety regulations. Workers will have to adhere to these regulations but the question is – are they being designed and presented in a worker friendly manner? This question needs to be asked and addressed appropriately.

SUJATA MODY

We are going through a very extraordinary time, completely unpredictable and uncertain. It is time to reflect on how we are connecting and working as unions. I would like to focus on what women workers are dealing with in this health emergency, which has become a disaster. The policies that are being enforced, lack understanding and consultation from people working on the ground and the whole idea that people are carriers of disease and need to be kept in their homes, and that they are not adult enough to understand it, is extremely discriminatory. It is true that the pandemic has created a lot of fear but the way the government announced the lockdown and then it keeps on cascading. Trade unions are not receiving an iota of respect from the government which is busy bringing in the new labour codes. In no way have they addressed the problem of the working classes especially the working women. Now there is complete joblessness for half of the workforce. In Chennai, many employers of domestic workers asked them to come back in January. The Disaster Management Act treats disaster in a strange way, where the police and the law and order is seen as something that prevents disaster from spreading! In most parts of the country, the police have used violence in dealing with people migrating back to their homes. In such situations, women are basically

policed into staying at home. We have no voice and no way of collectively building a relationship with the government to build a dialogue. I remember during the tsunami as well, the government thought it knew better and then after a month it had to give space to people to build dialogue with the government as well NGOs. The most crucial issue at that time was housing and the government brought workers from Tata Steel and Army professionals, rendering local workers jobless. The District Collector at that time wouldn't allow thatch to be used for house rebuilding, despite that it was local material and it would have provided jobs to the local communities. In the process, we also figured out we could use plasters or mortar to plaster the thatch as a result it could last longer and be safe. These kinds of local efforts and initiatives actually last longer. Therefore, the biggest crisis at this point is - people being shut in their homes with no participation. The Anganwadi workers, ASHA workers or even teachers are doing government's work and duties in COVID-19. Instead they could visit and engage with communities and children and teach them the new ways of engaging with the situation. COVID-19 will not go tomorrow; it will be here for a while. The government is apparently so busy in handling the pandemic that they don't have time to allot pensions. So what we are seeing is a completely myopic, unconcerned and insensitive bureaucratised set up which is consolidating itself by using law and order and police structure and ensuring that people are treated as passive masses who can no longer make their own decisions. Trade unions as it is have already been denied all rights even in terms of labour laws. There were no tripartite discussions in terms of labour laws which has been a tradition in the country. The Indian Labour conference has not been held for five years since the new government came to power. What we need to focus is - how long a community is supposed to stay without money or resources? This is something that we have to speak in one voice whether we are in Kerala or Delhi or anywhere else. We need to look for a common strategy - one which assists both rural and urban people. We need to go back to the grassroots and dialogue with people, ensuring everybody in town and villages can find immediate solutions.

Key Points from Discussion

- 1 It was felt that often women are just seen as recipients while men are looked at as breadwinners.
- 2 The labour codes have a wide variety of implications, and most of them are negative. This will affect everyone, and it will dilute the powers of Labour Boards. Right now workers have a say regarding how the money is spent by the Board. There is a reasonable degree to which workers can bargain collectively with the government but the new Codes will curtail those rights. The state government's control over labour issues will merge into the Central Act.

The question of women and work is still very new to the policy makers in the sense that they are still unaware of it. In the Occupational Safety Code, violence is not even mentioned. The 44 laws were still inclusive to some extent and if they are willing to nullify all the laws, workers will be left without any rights.
- 3 The migrant workers who are not registered anywhere don't receive any welfare benefits from the government. They are the most invisible people. We have to develop a kind of bargaining structure that is helpful to the entire working population, including the migrant workers.
- 4 Minimum wages are being done away with, working hours have been increased and flexibility in hiring and firing has also increased. Domestic workers are not defined as workers. In this time of pandemic, we are witnessing criminalisation of the right to collective bargaining. In UP, authorities served notices to two unions who protested on May 22nd, which wasn't even a demonstration or strike, but simple protest at home. This needs to be resisted.
- 5 The international labour standards and fundamental rights have to be at the core of the discourse for workers rights. The fact that workers now realise that they need to organise and the concept of solidarity is increasing because there is no future without it, is a positive development at this otherwise dark moment of pandemic.
- 6

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Labour Dialogue IV 30th July 2020

Organising Gig Workers in the Pandemic: Challenges and the Way Forward

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Moderator

Prof. Babu P Remesh

Dean of the School of Development Studies at Ambedkar University Delhi (AUD)

With no uniform labour legislation recognising the specific nature of the workplace, employer-employee relationship, and provisions for safeguarding gig labour, these workers were left to bear the entire brunt of economic uncertainty and slowdown.

The unorganised workers were the worst hit segment of the working-class population during the COVID-19 pandemic. While the issues of some segments of the unorganised workers were recognised to some extent by the policymakers, the issues of gig workers remained unaddressed. With no uniform labour legislation recognising the specific nature of the workplace, employer-employee relationship, and provisions for safeguarding gig labour, these workers were left to bear the entire brunt of economic uncertainty and slowdown. The pandemic vastly accentuated the already existing precarity of the gig workers, in the form of arbitrary retrenchment, loss of income, non-recognition of occupational hazards and denial of any form of social security and medical coverage. The webinar sheds light on the situation of workers engaged in different segments of the gig economy.

BHAVANI SEETHARAMAN

While the unemployment rate in the country is on the rise, NITI Ayog in one of its recent press conferences stated that Uber, Ola and other food delivery partners generated massive employment creating about 2.2 million jobs in the country since 2014. Now that the government considers the platform economy as one of the crucial drivers of employment rate, it becomes important for the government to start valuing the gig workers and bring them under the umbrella of labour rights.

There are many inconsistencies in the information provided by the authorities on gig workers, their employment and job security. In an interview last October, the CEO of Swiggy quoted that about 3 lakhs would be generated in the coming years. The numbers thrown at the public, both by the employers and the govt. departments, portray a rosy picture of the gig economy. However, what needs to be noted is that despite such claims made, a very different picture can be seen, when it comes to the question of protection of gig workers. Peculiar employer-employee relationship in gig work makes it difficult to trace out the actual employer and to find out with whom the onus of providing employment benefits and protection to the workers lies. This kind of confusion hinders the attempt to organise and ensure collective bargaining of the workers.

Turning to the situation of gig economy in the pandemic, the contradiction between the claims of being huge employment generators on the one hand and total non-recognition of employer-employee relations in the sector on the other - comes out strongly in the current pandemic. The gig workers, especially the food delivery and transport-based workers, constitute 'essential workers' in the present situation, and as such they deserve especial protection. However, the question of their income security, occupational safety and their inclusion in recent relief packages have not been addressed at all.

There are many challenges that hinder the mobilisation and organisation of gig workers. In Karnataka we can see how the workers and the unions have to take police permission to organise a protest. In an interview with Uber DriveTrade Union, the drivers expressed their concern that the very right of the workers to organise and protest for their rights has become difficult, due to constant police harassment. The future struggles and collective action will also have

to engage with the question of courts. The role of the court in recognising and protecting the rights of the gig workers will have to be ensured. The efforts of unions in organising the gig workers can progress only if the courts pressurise the govt. to make amendments in the laws safeguarding the rights of these workers. Judicial precedent can also be drawn from successful Court struggles in other countries, such as USA (California state) and Italy. California recently codified the ABC test, which is used to classify workers as either employees or independent contractors. Under this test, a worker is presumed to be an employee unless all of the following are met: 1. The person is free from the control and direction of the hiring entity in connection with the performance of the work, both under the contract for the performance of the work and in fact. 2. The person performs work that is outside the usual course of the hiring entity's business. 3. The person is customarily engaged in an independently established trade, occupation, or business of the same nature as that involved in the work performed. In India too, we can demand that such provisions are introduced in the existing labour laws to ensure that the gig workers are not misleadingly classified as independent contractors. More than ever before, today there is an urgent need to ensure better institutional support to workers in form of appropriate legal interventions and safeguard the trade union rights of the workers.

SHAIK SALAUDDIN

The main problem faced by the workers in the gig economy comes from their lack of recognition as workers. To be effective, the design of a union of platform based workers will have to be such that it includes workers from all kinds of applications such as Ola, Uber, Zomato and others. It goes without saying that these app based platforms have emerged as massive exploiters of workers. Often they do not even have offices in the region, where the workers can go and interact with the employers. In most of the apps, the workers are misleadingly referred to as independent contractors, joint partners etc. To some, these terms may sound nice, but one needs to understand that as soon as they are identified as independent contractors, they are stripped off all the labour rights. The specific terminology of 'partner' in Uber and Zomato deprive them of their labour identity. The gig workers need Welfare Boards, similar to those of construction workers in the country, to take up their issues and work for their welfare.

The three major govt. departments (IT, Labour and Transport) are unsympathetic and uncooperative to the issues of the platform workers. When these departments are approached, they refuse to take up the issues of gig workers, saying that they do not lie within their jurisdiction! The same goes for the ministers and politicians. Since there is no specific redressal mechanism or institution to address the issues of gig workers, it becomes a very difficult task to work for the rights of gig workers and negotiate with the companies. A comprehensive national legislation for gig workers is the need of the hour.

There have been a number of times when several courts recommended the govt to formulate laws for the gig workers. However nothing substantial has been done so far in this regard. Without appropriate laws and definitions, fighting for the rights of gig workers remains a big challenge.

One way to address the problems of the platform workers is to consider them as proper workers and expand all the existing labour laws to them. While the recent Labour Code on Social Security and Welfare mentions the name of platform workers, their rights as workers remains to be included properly in the labour laws. The absence of appropriate regulatory legislations allows the market to super-exploit the workers. In this time of the pandemic, making appropriate provisions for health security of the platform workers is also of paramount importance, as these workers are continuing to provide their essential services, despite the immense health risks.

VINAY SARATHY

At the beginning, Vinay briefly talked about the new forms of work that have emerged with the advancement of new technologies in the era of globalisation. The new forms of work do not follow earlier time tables or work schedules where the work day was clearly defined. Along with that, the social security benefits that were offered to the workers have completely disappeared with these new forms of work. Gig work is one of such works which is now not only limited to transport and food industry but has encompassed several other sectors. He gave the example of Urban Clap to bring out the extent of the services now covered through the platform economies. Taking the case study of the stand-off between food aggregators and the National Restaurant Association of India, where the Union Minister Piyush Goel had intervened to settle the conflict over the terms of work, Vinay described how the core issue was the increase in commission that the restaurants had to pay for the same services. They decided to log off from these platforms such as Zomato. The drastic fall in their businesses compelled them to login again. It was a marker of the success and power of the food aggregators. He also elaborated on the increased surveillance of workers as their real time movement can be tracked on the maps supported by the applications. It enables a close monitoring of how long they take, where and when they take breaks. The delivery agents may feel they are free and not under physical supervision, but in reality – monitoring of their every move has increased exponentially.

Rise of new forms of employment mediated by technology might appear to offer more benefits (in terms of money, flexible working hours, etc.) to those engaged with this sector. However, the reality is different for the vast majority of the workers. The culture of assigning incentive-based tasks throws the workers in the pits of over-exploitation and results in the degeneration of their health and labour power. For example, a company made 10 deliveries the minimum basis for incentive. Initially they easily get 8 deliveries but the last two ones turn out to be very difficult and the worker keeps waiting! The workers are also not allowed

to cancel more than 1-2 orders per day and if they exceed their limit, they lose their authentication and need to visit the offices again. Despite these limitations, some people imagine this system as free from coercion, which is misleading.

Talking about app-based food delivery workers of Karnataka, Vinay delved into the specifics of the nature of employment prevalent in this world of work. With no fixed working hour and no applicability of the definition of 'over time,' these workers are exploited in the name of flexible working hours, "more you work, more you earn", incentivised targets, etc. In addition to the absence of national legislation for gig workers, digitised offer letter provided to food delivery workers have unwritten rules (for e.g., the junior delivery person cannot talk to senior delivery person). Consequently, such kind of arbitrary rules hinders attempts to unite the workers.

Vinay expressed his concern regarding the over-exploitation of the workers in the name of providing flexible working hours, good incentives, etc. He said that there is an urgent need to formulate a law to ensure social security, paid leave, fixed working and over-time hours and minimum wages to the platform workers.

On 3rd October, 2019, a Convention of Food Delivery Partners (hereafter FDP) was organised in Karnataka with the slogan that 'we too are workers.' The Convention representatives also went to meet the Karnataka Labour Minister Suresh Kumar. The Minister responded positively to their concerns and demands. A dialogue was also organised with the National Law School of India University (NLSIU), where Prof. Babu Mathew discussed the possibilities for platform workers in terms of law and labour policies. These initiatives will have to be further expanded in the coming days.

Shifting his focus to situation of food delivery workers in the pandemic, Vinay highlighted the sheer refusal of the Companies to cater to the minimum welfare of their delivery workers. With drastic fall in online food orders during the lockdown, situation of near death and starvation were reported by many food delivery workers. A few of those who were sent for deliveries, had to travel long distances (upto 15kms), but they weren't compensated for the fuel costs while traveling back the same distance. Moreover, only nominal safety gears were provided to the workers. In Karnataka, the government developed an app 'Dasoha app', to provide cooked food for the poor. The union of the FDPs suggested that the FDPs can be employed to deliver these services. However, the government was too slow in implementing the recommendations. Vinay said that the immediate focus during the unlocking phase should be on announcing a relief package for these workers, increase their rate cards and refrain the companies from arbitrarily blocking the ID cards when the FDPs return from their homes.

DISCUSSION

The presentations were followed with a rich discussion where the participation raised questions about the various aspects of platform economies. Ashok Khandelwal asked if the gig workers get an employment letter and the degree of presence of women in this sector. Vinay clarified that women are employed only for specific gendered tasks and the workers do not have any employment letter,

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they only get application based identification. Shaik Salauddin also corroborated that there only application-based agreements in Ola and Uber is provided. They are also not accessible to the workers in their regional languages.

Vidyasagar Giri from AITUC commented on the specific issues of employees in the gig sector. He said that the authorities are not interested in bringing any new labour friendly legislation. In fact the already existing legislations are constantly facing threat and attack from the employers. Corona is now becoming a pretext for various offensives of the Extreme Right. C-O-R-O-N-A i.e. Continuous-Reactionary-Offensive-Nasty-Advocacy! All the constitutional rights including the right to minimum wages are now under attack. Even where employer-employee relationship is clear, the government refuses to accept them as workers and denies them rights; such as mid-day meal workers, Anganwadi workers so on. The Minimum Wages Act is being amended to change the working hours and to turn wages to hourly system. In this atmosphere the gig workers are doing a great service with their continued organisational efforts. The government's drive of generating and promoting self-employment are in reality efforts to erase labour rights. The conventions of the ILO are being openly flouted and the herculean task of organizing the workers is before us. Prof. Babu P Remesh highlighted the technology dependency in such economies for the workers to access the applications. The intermediaries complicate the situation by gaining most of the profits through commission. The need for government intervention is essential for this sector. Lokesh S, Executive Director, CEC mentioned the arbitrary power of the employers in the gig economy. Often the companies erase the data of workers who are faced with accidents or victims of crime during work hours, to escape from responsibility. So the question of who controls the apps will have to be asked and transparency in such processes will have to be ensured and proper regulations established. There is a need to conceptualize social security through the specific needs of the platform based sector. Harish of the All India Democratic Youth Organisation, Karnataka, emphasized how the companies have used the pandemic to introduce many slavery-like practices among the platform workers. The discussion ended with thanks to the participants and the speakers and a resolve to continue the conversation on the question of platform based workers.

Key Points from Discussion

- 1 A need for a national legislation to safeguard the interests of gig workers by regularising such employment and bringing the workers under the ambit of labour laws.
- 2 Providing institutional support to the workers in form of supportive courts and increasing the accountability of IT, Labour and Transport departments viz. welfare of gig workers.
- 3 Providing protection gears, announcing gig-workers specific relief packages, and constituting welfare funds with adequate contribution of employers, employees and largely the govt.
- 4 A need for universal social security irrespective of employment status.
- 5 Increasing the accountability of MNCs when they enter the markets to ensure that workers are not without bargaining power.
- 6 Ensuring transparency in mediation done through technology so as to ensure the rights and safety of the workers.



Labour Dialogue V 28th September 2020

Labour Law Reforms Today: Issues and Challenges

Speakers

Babu Mathew

Director of the Centre for Labour Studies at the National Law School (NLSIU)

Gautam Mody

General Secretary of the New Trade Union Initiative (NTUI)

K. Hemalatha

President of the Centre of Indian Trade Unions (CITU)

Moderator

R S Tiwari

Founding Member of the Social Security Now (SSN)

Photograph by Naveen Chander

The moderator R S Tiwari began by saying that the objective of today's Labour Dialogue is to take a historical perspective on labour legislations in the country. There is no denying of the fact that some of the labour reforms which came earlier were good. During 1970s, many of the labour reforms that were promulgated, were pro-labour - like the Contract Labour Act, Gratuity Act, and others. These were the times when trade unions and Left forces were strong in the country. However, during the late 80s, with the liberalization of the Indian economy and incorporation of 10 Commandments of Washington Consensus, Indian economy witnessed a structural transformation. Consequently, the labour laws and trade unions came under constant attack which can be seen in contemporary times as well.

K. HEMALATHA

This is a challenging situation that we face today, where attacks on the workers are increasing. At the same time, the working class is also getting ready to face these attacks through their collective strength. On 23rd there was a demonstration and yesterday the central trade unions met and they reviewed the struggle of the 23rd, which saw participation of lakhs of workers. The unions have now decided to intensify the struggles.

We saw how these Labour Code bills have been passed in an undemocratic manner. It is not just today that the government is trying to do that. Such reforms were initiated by the Congress-led government in 1991 and since then in different forms by different governments, it is continuing. But the way the lockdown period was chosen to pass these laws is really unprecedented and shameful. When the lakhs and lakhs of workers have been thrown out of their jobs, why the government is adamant in making amendments to the labour laws? According to CMRA, around 21 million workers have lost their jobs between April and August. Around 94 percent workers are not covered under the basic labour laws. But instead of making the labour laws more inclusive, something else has been done. The new labour laws are not for the benefit of workers but for the benefit for big corporates, because they will only protect their profits and interests. There is no proper definition or criteria of wages in the Wage Code. It has been included in the rules but that doesn't make it justifiable. Trade unions have been demanding that the criterion which was adopted in the 15th Indian Labour Conference should be included in the Wage Code. The most dangerous of all is the Industrial Relations Code, where the government has increased the threshold level for closure or retrenchment from units of 100 to 300. This, despite the recommendation of the labour standing committee which had said that it should be kept the same. The Labour Codes makes strikes almost impossible. The notice period has been increased. Now in all the industries, the unions will have to give 60 days of notice. Then will begin the reconciliation and in this period, you cannot go on strike. So it is almost impossible for the workers to strike, to form trade unions and demand their rights. Without an organized strength, it is not possible for workers to even implement whatever is there in the law. So this is not in the interest of the workers and it is not in the interest of the economy either. Government is saying that investment will come if you dilute the labour laws and implement the so called labour law reforms. But in reality, investment will not come, unless there is actually purchasing

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power among the people. Today, the purchasing power of the people has enormously gone down and the GDP too has come down. 23.9 percent of the GDP has contracted! In this situation, the government's argument is totally wrong and incorrect.

We are seeing the same thing in many countries of the world. In the same time, we are also witnessing growing resistance of working class and it is only through organised power of labour, that we can come out of the acute present crisis.

PROF. BABU MATHEW

I will primarily deal with two Labour Codes. I will begin with the Industrial Relations code and then touch upon the Code on Wages. But before that let me make some general comments. We have seen almost three decades of neo-liberal experimentation and ideological offensive. By now it is well established among all scholars in the world that neo-liberalism is actually the implementation of what is known as the Washington Consensus. The Washington Consensus is nothing but the coming together of the World Bank, WTO, IMF with the backing of the treasury of the United States of America. The idea of labour flexibility lies at the core of Washington Consensus. Flexibility according to them is a condition in which there must be no restraint on the employer in respect of the workers. The other idea which is connected with this is regarding the informal sector workers. When migrant labour comes into the cities, the World Bank says that they're all part of the waiting room. The paradise of capital is only a little distance way! The waiting room is a good phenomenon because from the waiting room they'll be absorbed into permanent employment. The third argument which is used in order to push these reforms is that they would ensure ease of doing business. Again it's the World Bank which lays down certain parameters to measure what is ease of doing business. They identified 10 criteria to measure the ease of doing business and none of it deals with labour standards! These are premises which are used and I want to say that this premise informs all the labour codes which are now enacted.

I will now look at the Industrial Relations Code and I will pick up some of the most important points from those laws. The most important setback which the IR Code plans to incorporate is downgrading collective bargaining. I use this expression in a very moderate way. In fact if you look at it more carefully, I think IR Code desires to abolish collective bargaining altogether. If you want good productivity and good quality of production, then the workers must feel that they are part of the industry and this can only be achieved if workers have adequate bargaining power. During the pre-globalisation period, a number of factories would regularly enter into collective bargaining settlements. What is that process? The trade union raises a charter of demand, sits across on the negotiating table, tries to understand the industry and arrives at a settlement. So workers are guaranteed some improvement in their wages, bonus, working conditions and the management in return asks them for promise to maintain industrial peace and work in order to improve the productivity and enhance its profit. That is how collective bargaining works.

What they are doing now is to destroy this framework by attacking the trade unions. The most vicious attack on trade union rights lies in the provision that says - you cannot go to strike in India without giving a strike notice. In public utility industries, we always had the provision for strike notices, but now they are saying that in all kind of industries you have to give strike notices. This means, it is now nearly impossible in India to organise a legal strike. How can freedom of association can be ensured without the right to strike? If we look at the arrangements of the new laws, we notice that arbitration has been jacked up. Arbitration in my view is nothing but privatization of dispute settlement. Yes, you have of course a tribunal system mentioned in the new law but the idea of reference of a dispute to adjudication has disappeared.

Let's look closely at the trade union part of the law. Trade unions have two kinds of fund. One is a general fund and another is a special fund. A special fund historically is used by trade unions in order to contribute to the political campaign and general elections. You can support your candidate and ensure complete participation in the political campaign. But now suddenly that part has disappeared. It is as if workers can no longer contribute towards a political fund. In chapter 5B of the Industrial Dispute Act is there provision which requires that if there is layoff, retrenchment or closure in industries with more than 100 workers, prior permission of the authorities must be taken. But now the threshold has been increased to units of more than 300 workmen. This means, now a very large number of industrial units will be excluded from this provision.

Like the other Labour Codes, the Code on Wages too apparently aims at simplifying the laws and it merges together previous legislations such as - the Minimum Wages Act, the Bonus Act and the Equal Remuneration Act. Let me focus on the minimum wage question.

The manner in which the aspect of floor wage was addressed makes it quite obvious that the government did not have a clear action plan for the same. So they appointed their own expert committee which made a recommendation that floor wage should not be less than 375 rupees. At the same time, there was another committee appointed in order to look into the matter concerning measurement of poverty line. Interestingly they used another set of parameters but arrived at the same figure of 375 rupees. Is the government willing to accept that as a floor wage standard? The more important question is, how do you quantify the minimum wage and how do you arrive at it? For that, interestingly, the Minimum Wage Act opens the door but it leaves it to a delegated legislation. Here again it is faulty law making. This is a matter of policy which should be prescribed by the legislature and not left to delegated legislation. Delegate legislation has picked it up and we have seen the rules and they do quote the 15th Indian Labour Conference. So that's a welcome thing, but they don't quote the entire 15th Indian Labour Conference. They invoked it and modified it with respect to house rent allowance. HRA under the 15th Indian Labour Conference is rent which is equivalent rent that you will pay for a low income group facility. Instead the rule making formula

comes out with a much more eroded method and therefore it does not amount to acceptance of the recommendations of the 15th ILC.

I will make one last remark about the payment of Bonus Act. Happily, they assess that the minimum bonus will be one month's wage and the maximum will be two and a half months wage. But it says that balance sheet will not be made available! That's a very strange logic. This will further encourage obfuscation and hinder transparency.

GAUTAM MODY

It is ironical that we should be meeting today on the birth anniversary of Shaheed Bhagat Singh. I am not sure how many of you remember that Bhagat Singh chose 8th April, 1929 as the date to throw the bomb in the Assembly Hall, because they were going to discuss the Trade Disputes Act, among others, that day. Labour was very much a core part of his legacy, something that we often tend to forget.

One of the core demands that have come from the largest section of the trade unions over these years has been the demand for universal social security. The Social Security Code says - it will ensure social security to those who have rights conferred on them and through schemes that will be created under the Code. What that effectively means is - if somebody today enjoys PF, ESI, Maternity benefit and Gratuity, then think yourself as incredibly lucky, for as long as you can hold on to that job, you will enjoy those benefits. For the rest of us, it is nothing; perhaps someday they will give us something from the PMCARES fund!

Today I was reading the Terms of Reference on the Labour Codes and it says – it would rationalize labour laws. In reality, the objective is to dilute the labour laws altogether. For too long, they tried to remove the Industrial Disputes Act. Now with the Labour Codes, the task has been accomplished. What is happening now is clubbing together of different labour laws, not rationalisation. A great deal of cherry picking has gone with it. For instance, we do not have a single definition of 'establishment'. We have one definition of 'establishment' under the IR Code and the Social Security Code and something different (in fact double the numbers) in the Wage Code and Occupational Safety Code. It is clear that occupational safety is no longer a priority of the policy makers. I am tempted to say that they really don't understand manufacturing. It requires adequate occupational safety in the factory, if the objective is to promote industrial production and growth. When the fingers of workers are chopped in the machine due to absence of occupational safety measures, it reduces productivity. Anybody who is into production, any engineer or trade unionist knows that occupational safety is paramount in smooth running of the factory. Tragically, the policy makers do not seem to realise this simple fact.

I am going to focus on one aspect of the Industrial Relations Code and that's on the trade union arena. There is a complete and comprehensive undermining of trade union rights which basically takes two forms: 1) it leaves it up to the government to decide what a trade union subscription may be. That's I think is a very important point that we need to recognize: it takes away the very core of trade union rights. Trade Unions are the oldest, longest surviving social movement within Capitalism. The trade union movement is perhaps

21 million

workers laid off between **April and August '20**

94% workers not covered under basic labour laws.


still the strongest self-governed, self-managed, self-financed part of the social movement. Now the government is taking away that very right of self financing of the trade unions, by intervening in their subscriptions. 2) Think about what we achieved in the 1920s? What was the Trade Union Act, 1926? It provided civil immunity while indulging in union activities. It also immunised trade union activism from charges of criminal conspiracy. Now the government says, "we haven't changed the Trade Union Act at all! We understood the trade union is highly contentious and we left it unchanged!" But then look at the Trade Union Act of 1926: it says that a trade union may lose its registration, if it contravenes any provision of the Act, which deals with registration, finances and internal functioning of the trade union. But now, in the process of so-called amalgamation, when you pick up those unchanged lines and write them into a piece of law which includes the Industrial Disputes Act and the Standing Orders Act, we then end up with the situation that a trade union's registration may be deemed cancelled, if its strike is deemed to be illegal.

First, there is a fundamental violation of principle of equality before law (Article 14 of the Constitution). Second, a trade union may consist of members not just in the one workplace. It could consist of members (as many of our unions do) in multiple workplaces. However if a trade union's registration is cancelled because of an illegal strike in one workplace, then our members at multiple other locations would automatically lose their trade unions too! This would be an elemental violation of their rights of freedom of association, violation of Article 19 (1) of the Constitution. There is a third point about the loss of trade union rights. Going back to the question of immunity under civil law, the payment of wages act already includes a fine for an illegal strike up to eight days of wages for every day of illegal strike. We have now opened in a way the flood gates of an attack: declared a trade union strike illegal, de-legalize the union, fine the workers, pass civil suits against the trade union leadership and let the trade union's leadership and members litigate all of that individually to death, because the union has lost its legal existence!

The battle and the challenge before the movement today is not just hunt for minimum wage, or to search for a sectional social security but to recognize that what we have lost is the rights of working class to stand for itself, to speak for itself, to articulate its needs and to fight for those needs in collective action.

Key Points from Discussion

- 1** The Consultative Process for the four Labour Codes saw complete breakdown of trust between trade unions and the authorities. Most of the major trade unions, except three, opted to boycott the consultative process about three years back. BMS was there but it too opposed significant portions of the provisions in Social Security Code, Occupational Safety and Health Code and Industrial Relations Code. However all the objectives were ignored and the current distrust continues. This situation is not suitable for healthy economic growth and workers' welfare.
- 2** The Codes endanger the very right to collective bargaining. If unions are de-registered and de-legitimised, it will bring labour-capital conflicts outside of the purview of law and further destabilise industrial peace, occupational safety and economic growth.
- 3** The Labour Codes have failed to reach their objective of rationalisation. Instead, through haphazard clubbing of various Acts and definitions of employee, worker, contract worker and others, they will further encourage legal opacity and hinder transparency.
- 4** The decision to constitute Welfare Boards for the gig workers is a welcome measure. This should lead to proper recognition of gig workers as workers and not as independent contractors and partners. All the labour rights should be extended to the gig workers.



Labour Dialogue VI 13th November 2020

Global Supply Chains and Workers' Rights: Challenges & Prospects

Speakers

Apoorva Kaiwar

Regional Secretary for South Asia at the IndustriAll Global Union

Ashok Ghosh

General Secretary of United Trade Union Congress (UTUC)

Bharti Birla

Project Manager for Sustainable Global Supply Chains,
International Labour Organisation (ILO)

Praveen Jha

Economist at the Centre for Economic Studies and Planning,
Jawaharlal Nehru University (JNU)

Moderator

J John

Editor, Labour File

Photograph by Maruf Rahman
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J John began by stating the aim of the current Labour Dialogue was to examine the impact of the pandemic on the Global Supply Chain(GSC) workers, take cognizance of policy initiatives to regulate GSCs and contribute towards developing a labour perspective on reimagining GSCs for economic revival and sustainable development. He welcomed all the participants and invited Prof. Praveen Jha to initiate the discussion.

PRAVEEN JHA

Global Value Chain is considered to be one of the most important themes in the contemporary times. Many people prefer to use the terms – ‘global commodity chain’ or ‘supply chain’, or ‘value chain’. My preferred expression for a while was Global Production Networks. But now I have sort of gone back to the classical Marxist political economy expression, which is ‘Global Value System’. Global Value System is what possibly captures in a most comprehensive fashion what we are talking about today. In some ways, there is nothing new about it and this system, in fact, has been a close partner of capitalism, since its very early inception. This system, called supply chain, is primarily about breaking production processes into various locations, even transnationally, and it is as old as capitalism. If you look at the putting out system, as explained by Marx in volume 1 of Capital, you will find all the essential features of today’s global value chains. The next point then is about figuring out the novelty of the new value chains. What sort of dramatic and significant important changes have taken place in the texture of the value chains.

During the time of what is generally known as mercantile capitalism, the world was obviously very different from the world of industrial capital. So the East India Company was mainly focusing on trading. Interestingly, some of the biggest names, globally speaking, in the world of transnational corporations today have nothing to do with production directly. But at the same time, they are very much embedded in the production process. Essentially, what do they do? Look at Apple. It has nothing to do with its actual production process, the parts of the I-Phone are procured from 13 different countries and Apple basically does the coordination task, as a super boss. Finally, it is Foxconn in China, where the I-Phone gets assembled. This is a very simple metaphor, a very simple model of the so-called supply chains in the world today, where the actual tasks of production has been broken into so many components. We have a situation where the upper part of the shoe is being produced somewhere else, the sole is being produced somewhere else, and then all that is brought together. So, what has happened is, the top bosses in the global economy, which are essentially a handful of transnational corporations, either they get directly involved in production, for instance, General Motors, or it doesn’t get involved in production (such as Apple) and sublets the activities to other companies. But in both cases, those who control the entire process are in the headquarters, and where are the headquarters? Almost all headquarters are either in the US or in Europe, barring a handful of exceptions.

What has happened is a situation where not only particular components have been split, but within that, tasks relating to different components have also been split. We now have a situation where from one end, from R&D and conception to the

The conception and marketing parts of the value addition process commands much higher values added to the product, than the middle part of the value chain, i.e., manufacturing.

final production, that's one kind of value chain, this is broken into different components and different tasks. We also have a reverse supply chain, which has to do with the sales, which again, is determined and controlled by the headquarters. So that's basically what this whole thing is.

To put it in a different way, what we have here is something called a smiley curve. It simply means that the conception and marketing parts of the value addition process commands much higher values added to the product, than the middle part of the value chain i.e. manufacturing. This means that even some of the most powerful success stories of global capitalism in the developing world, are actually getting very little from it. It is an interesting story, but not a very great one.

If you look at developing countries, in most cases, you don't see any economic upgrading, barring a few exceptions. In India, South Africa or China, of course some economic upgrading is happening, but this cannot be generalised. When it comes to social upgrading, you find that the story gets largely negative. To be sure, there has been some expansion of employment, some prospects of labour absorption, etc. But if one looks at the overall dimensions of social upgrading, the story seems pretty grim.

The China story has been an exception to some extent. China has been able to control quite a lot, including compulsory technology transfer and so on. But nothing of that sort is happening in India and we even stopped trying! The insane hope is that somehow the expansion of GDP will automatically trickle down and will take care of the needs of workers. Two questions become relevant here: 1) whether the workers in general have a structural power or not. 2) whether they have associational power or not. The question of structural power versus associational power is the key. Structural power depends on the macro-economic policy regime. Associational power is basically about the power of unions, only if the unions can push for certain kinds of things. In this sense, the picture is pretty dismal and the associational power of the workers seems to be quite insignificant today.

But all is not lost. It's not the case that we can simply write off the efforts and attempts by workers in different parts of the world to intervene in these very difficult situations. We have seen in India a whole lot of struggles. The Maruti struggles, Honda struggles are very well known. One should also note that the same Suzuki or Honda in their home country treat the workers very differently than they treat the workers here. Although the situation is worsening in the home country too, the workers there at least have some decent deal. This is where we have to understand the logic of the structure and associational power. If the governments in developing countries just give up and raise their hands, what do we do? The developing countries hope that somehow we will get into these so called supply chains and get something out of them. If you look at the auto sector, for instance, it shares increased from single digit to almost 40 percent of the total contribution of manufacturing. Also look at the wide gap in the salaries between permanent workers (around Rs. 45,000) and apprentices (14,000). The contract workers receive Rs. 18,000.

Through such regimented remuneration regimes, what they try is to segment and divide the working class.

If one looks at the garment sector, one will notice that it keeps on moving to different countries, ever in search of cheapest labour cost. Nowadays, the garment factories seem to be moving to Bangladesh from India and China. This is a race to the bottom. Whoever allows their workers to be super-exploited, the garment industry will move there. If for whatever reasons, the workers get uppity or starts 'misbehaving', capital will threaten to move somewhere else.

It is also interesting to look at the remuneration of the workers in the supply chains and compare them with those of the CEOs of the main companies. The wealth of some of the CEOs is today is more than the current total net exports of India!

There has been much discussion about ensuring labour standards through interventions of ILO and other such institutions. But unless the macro-economic regime changes, in combination of emergence of significant associational power of labour, not much can be expected. The structure of the system is such that it encourages the most ruthless forms of exploitation and oppression.

J JOHN

The main issue is that value is not getting added to the developing countries where most of the production is taking place, therefore there is no social and economic upgrading taking place. If we have to have any change, we have to have the structural power that is built in the macro economic framework which is to be linked to the associational power of the workers.

APOORVA KAIWAR

There are a numbers of workers involved in different branches of Global supply Chains (GSCs), from agriculture, mining, mobiles phones and garments. Various unions are involved at different levels of production process. But we deal with the manufacturing part of it. The production process in GSCs is quite complex. In each industry, they are organised differently. In the auto industry they are mostly producer driven, which means that the multinational producer have their production in different countries. You can call a Ford factory in Chennai a Ford factory, it is not something else. This is different from the buyer driven supply chains, for instance the garment industry where in the MNC buyers or retailers alike do not own these factories. Each of these factories are manufacturing for multiple brands, some are themselves big manufacturers. If you just take the example of India, the Sahi Groups are big manufacturers and owns about 51 factories across the country and employ more than a lakh and a half in operations in their sewing machines. There are such big manufacturers in Bangladesh and Sri Lanka as well. At each level of this value chain, there is large capital involved. Foxconn is the biggest electronic manufacturer in the world. They manufacture phones parts, and other electronics parts. All our phones parts

come from there and not directly from the brands like Apple, Nokia, etc.

Another interesting part of GSC is that 80 percent of global trade is linked to the production processes of particular MNCs. So their own buying and selling within their own production processes contributes to 80 percent of global trade. That's a huge amount. Intra company trade is a large part of global trade. And this thing should be kept in mind when we ask the govt. to formulate policies related to global trade. South Asia is increasingly integrated in global supply chains in various industries with large number of workers employed in it. In 2016, there was a resolution on the ILO-ILC on the decent working conditions in the GSCs. We also need to pay attention to the fact that for a lot of MNCs across sectors, 94 percent of their workforce is in supply chain countries and they directly employ only 6 percent of their workers. This has a lot of implications on unions and labour enforcement mechanisms. But also it gives us a bit of a leeway, where we can be able to hold the companies responsible. GCS is a huge employment generator but a lot of the employment is precarious, low waged, with bad working conditions and invisible workers.

When we look at the impact of pandemic on GSCs, in the first part of this year especially in the garment industry, virtually the whole industry collapsed. There was no buying and selling in the first half of 2020 and this had a lot of impact. I am looking at global textile industry for two reasons. First it has provided employment in the formal sector to a large number of women in South Asia, in India, Sri Lanka, Bangladesh. It had lifted many from the dire situation of poverty and given them a source of livelihood. But at the same time it has also had a large impact on the economy. For example, Bangladesh is a lower middle income country now essentially because of garment exports, but it doesn't necessarily mean that the lives of the workers have improved dramatically. But the country's economy has moved up in income factor. When the global trade suffered in the first half of 2020, most of the workers in the garment industry in India were not paid wages. But unions in Sri Lanka and Bangladesh, were able to negotiate a payment of 60-70 percent for period when the factories were closed. In India, the govt. came up with a notification that wages should be paid to all the workers but we were living in fools' paradise. Manufacturers went to the Supreme Court and the Court just copped out of it saying that you negotiate with your employer and go to the labour court if you do not get paid. So there was no penal consequences of non-payment of wages which used to be there in the minimum wages act.

This is fundamentally an unsustainable industry. This is an industry which has earned billions of dollars over that last few decades. Yet these big MNCs stated that they don't have money to pay the suppliers and manufacturers, for payment of wages to the workers. This is the situation where global brands like JC penny, G-Star, etc. actually became bankrupt. It literally took very little time for them to become bankrupt. Having said this, we need to examine whether GSCs is actually a sustainable system? For a country like Bangladesh, which majorly depends upon the garment exports, situation like this is a complete shock. How on earth this industry is going to provide decent jobs to anyone? This also led to some serious consequences among the workers. There was a huge excess capacity suddenly. These are the same companies that were forcing workers to work overtime and on

(Within Global Supply Chains) 80% of global trade is linked to the production processes of particular MNCs... buying and selling within their own production processes.

high targets. And now there have been closures, retrenchment. We found that the factory management were using the pandemic and excess capacity to target union members and unionised factories and break the little unionisation that had happened in these sectors. The garment sector is characterised by extremely low levels of unionisation everywhere except perhaps for Cambodia.

So what do we do now? More than anything, we need greater transparency because if we have to unionise, then we need to know exactly where the factories are. Transparency is something that we have been fighting for a long time. Not many brands release information regarding their factory sites. We need full coverage of the supply chains, we need them to be transparent. We need international solidarity from union across the world. A broad coalition of CSOs is required. At the same time, we need a global binding instrument to end corporate impunity. There have been talks of a binding UN treaty on corporate liability to end corporate impunity. There have been discussions but they haven't been rectified yet. But there's a new draft and global union welcomed the draft and we are calling for certain changes in the draft.

ASHOK GHOSH

The pandemic started from one state of China but now it is a global issue. It is no longer just a health crisis but a massive crisis of the economy itself. The constitution of India, in Clause 21, assures all the citizens of the country the right to live. Clause 39 directs that it is the responsibility of the govt. to ensure livelihood because workers are the co-sharers of the industry. Without the hands of the workers, no machine can be moved and no production will take place.

Yet in this time of the pandemic, the roti, kapda, makaan question of the workers have been thoroughly ignored. In fact, the pandemic did not break the system; rather it exposed an already broken system. The world capitalist system is day by day breaking and this pandemic exposed this. Few months back, the Director of IMF said that the pandemic has enhanced the economic crisis which is continuing from 2008, the economic crisis that developed from the heart of capitalism. It is a crisis of capitalism. While the people are suffering through the pandemic, our trade union asked the govt. to give 10 kg. rice and wheat to all the working class families, but it was ignored. The question is, why hasn't the question of livelihood been included as core concerns of Global Supply Chain frameworks? GSCs are concerned with profits, appointment of labour in low wages, and they ignore the interests of the co sharers of the industry, the working class. By confining working people at home, the govt. changed the labour laws in the most undemocratic manner, without holding any tripartite conference. The Indian labour conference has not been held for the past 5 years. Where is the platform where working class will be able to express their views and concerns? We may agree to disagree, but there must be a platform where all the issued can be discussed and a democratic decision can be made. In the ILC in 2013, the then PM Manmohan

Singh had said that the Charter of Demands presented by the trade unions is not only the demand of working class but also the demand of all the people of India. But now using pandemic, the govt. corned the working classes by snatching their rights, increasing the work hours from 8 hrs. to 12 hrs. This must be resisted and the trade union movement must be strengthened anew.

BHARTI BIRLA

GSCs are as old as capitalism and there are many manufacturing branches that follow this type of production system. It is the labour force of the developing countries, who are keeping the wheels of GSCs running. Apart from providing employment to a larger segment of labour force in the developing countries, these supply chains also exploit the pre-existing situation of conflicts, disasters and distresses in the country. They also source from the large informal economy because it makes it more economical for them to do so. There have been studies looking at the issues in supply chains with regard to working conditions, which has been a major challenge. There have been issues of environmental or the green issues which are also discussed quite a lot. The discussion on corporate social responsibility, socially responsible business, human rights and business are now quite widespread. There are issues of low wages, less than minimum wages, issues of child labour, issues of health and safety, bondage labour, work that happens in sweatshops, issues of number of working hours which are also very critical to the discuss here. One of the things that I want to say is that there has been a focus on sustainable and inclusive development. This focus is increasing and we are talking more and more about it. This has been a growing concern of CSOs, public and private actors from different lenses; it could be the lens of environment, human rights, and lens of labour. We have international inter-govt. organisations coming up with frameworks. We have multi stakeholder initiatives, international frame work agreements which are between the multi-national enterprises and the global union federations. We have national and legislative initiatives as well, in certain countries like in Bangladesh. We also have sectoral initiatives, MICA, and enterprise led initiatives, focusing on the issues of responsible business. But when we look at all this, it seems like all these things have just been talked about; what actually is the picture on the ground? How does it impact the people that we are talking about? And there has been a lots and lots of debates on the effectiveness of these measures. They are still related to the top layers of the supply chain, maybe tier one, some even percolating to tier two but what happens in tier three and the smaller and the micro enterprises? We also have challenges such as the changing nature of work and labour regimes, agrarian crisis, loss of livelihood, displacements that require specific attention. On the other side, there are legislations, and labour standards and we witness with worry that even when standards are good, their implementation is very challenging. In the context of South Asian economies, we have large informal economies and in case of such workers, the existing labour laws usually do not apply. So how do we cover these workers who get

In this time of the pandemic, the roti, kapda, makaan question of the workers have been thoroughly ignored. In fact, the pandemic did not break the system; rather it exposed an already broken system.

most impacted in the supply chains? They are hidden and invisible in the statistics, legislative framework and policy. On the other side is the question of generation of quality jobs. We know that jobs are scarce and there are exploitative labour regimes within the same factory, one set of workers get one type of wages and another set of workers are governed by different set of wages and regulations. There are different ways of organising the labour, while trying to maximise the profit. Another challenge is related to skills. How to use skills as an entry point for better wages remains to be seen. Unfortunately, skill is not the determinant of wages in most of the cases being discussed today. In the GSCs, often wages are decided by the segmented market forces and not how skilled the worker is. Another tendency of GSCs is to shift the responsibility and accountability down the supply chains. Many of the MNCs, retailers and brands have to meet conditions within their own countries and those necessary conditions are pushed on to the national suppliers and to the second tier and not necessarily they are given resources to do that. So we have different sets of guidelines issued by multinational companies which create multiple layers of audit compliance requirements on the enterprises. These enterprises are self-competing businesses because, most of the time, if you are not ready to accept the product for 24 rupees then there would be another enterprise who would accept it for 22. And if no one in India is ready to accept for 22 rupees, then it would shift to Bangladesh, Myanmar, and other South Asian countries. So it becomes exploitative for not just our country but also for other countries because of the product pricing and purchasing practices of the brands.

When we speak to the brands, often we are told that it is very difficult to have this accountability, transparency and traceability but at the same time when we talk about the quality of the product, it is maintained. So if we are able to outsource the work to these workers and make sure that the quality is not compromised then how come it becomes difficult to trace these workers? The idea is to trace these workers through such distribution of production channels and make changes down the supply chain, reaching up to the lower tiers of the supply chains which are very essential for the flexibility, seasonality and all the other factors we need. We need them but we don't want to work towards making the work decent for such workers down the supply chains.

Some of the brands we've been talking to have been coming forward and they are trying to see how they can improve their purchasing practices and look at alternatives to create employment which is more stable for such workers. But those are really very small examples and we really need to ensure greater responsibility of different supply chain actors towards the workers working in different sectors of supply chains.

Many times the employment relationships are disguised in the supply chains, they are invisible and many workers are in non-standard forms of employment. They are in casual, or contract employment, but many of them are in actuality disguised employees; home-based workers being one example. So who is really responsible for wages, for social protection and sickness and leave and what is the role of the state in such situation; how do we help formalise these employment relationships or do we really need to think out of the box and come

up with something which applies to all workers irrespective of the employment contract being the basis of the labour rights?

Talking about impact of COVID-19, we know that both informal and formal workers have been affected. But the impact on formal workers is really important to understand as it has brought out all the fissures and problems in our systems, the macro systems of healthcare economics and labour market. We also know that the casual workers within the formal and informal setup have been most affected and the largest section of workers who are affected are the own account workers. That's where our home-based workers are also categorised as a part of the statistics because they are not seen as workers but seen as own account workers and self-employed workers. In COVID-19, women workers have been affected more than men. Young girls, old workers and migrant workers are more affected, and there are certain sectors in which workers are more affected than in others. We tried to look at the first order supply shock on informal economy workers. We found out that the impact in the informal economy has been huge, it is 116 million workers during lockdown 1 and during lockdown 2, it came down to around 79 million workers. The point is that it is just a first order supply shock which basically means that we are talking about how supply chains were affected, how the workers were not able to give back material which was ready with them; how their wages were not paid and how different supply chains impact each other; how one sector impacts the other sector. So the larger question is how do we bring the issues of workers in the fore front in the discussions of GSCs and in the discussions on human rights and business. To bring forth the issues of not just the tier-one suppliers but take it down till the home-based workers and have a comprehensive law and policy coverage which is just not singularly dependent on employment relationships but also in the responsibilities of the brands and the state to make sure that the labour rights accrue to such workers. The most important thing is that we really need the collective voice and strength of the workers in organising and unionising these workers and making them visible. And for that we also need to look at how at statistics become are blind while counting who is a worker and who is not. And consequently, our policies are also become blind, our labour laws and other laws are also not looking at the supply chain workers in the way they should. Health, and social security challenges is what we urgently need to address and we need a comprehensive convergence between govt., employers, workers organisations, CSOs, academia and media to come together and make sure that we are able to achieve decent work across the supply chains. Lastly, I am sharing an example of what we are doing in India, Bangladesh, Nepal and Sri Lanka as a part of the project on sustainable supply chain focused on the lower tiers of the chain. We are working with Central Trade Unions in all these countries and trying to organise home based workers and other informal workers, giving them visibility, giving them space to talk about their issues and challenges, looking at how to improve the working conditions, social protection and entitlements and especially the piece rate wages, how can they collectively negotiate for better wages. We have had some success in certain

pockets in setting up of collectives and cooperative of workers. We have also formed a technical working group at the national level which is working towards a comprehensive and strategic agenda including advocacy at national, regional and global level to look at supply chains issues and make sure that the responsibility and accountability is distributed all across the supply chains.

Key Points from Discussion

There were differences of opinion among the speakers and the participants regarding possible ways to address decent work deficits in the GSCs. The contrasting views were as follows:

- 1** Laws are not the only way to guarantee right to the workers, unionisation is more important. We still do not have laws related to domestic workers rights but immense struggle and advocacy pressure by the unions and workers has resulted in fixation of minimum wages of domestic workers, formation of domestic workers unions in 20 states of the country, and even a domestic work sector skill council has started. The workers' power is a very strong power to deliver what we want.
- 2** It is important to keep in mind that associational power has very important correlates with structural power and in the absence of the latter, it becomes exceedingly difficult for associational power to take us into any significant direction. So that synergy is something which is very important. 94 percent of the workforce in supply chain is invisible. How to change the structural power wherein the dynamics of supply chains are controlled by masters, the TNCs? Samir Amin was the biggest and powerful voice who stated in 1960s that we are headed for neoliberal globalisation and this is a disaster. The only way you can create a space is by getting out of the neoliberal globalisation. It does not mean that we should not have partnership. Havana Charter is a good example of such partnership. Keeping your hopes in a wrong basket is misleading. Unless we talk about industrial policy, macroeconomic policies regimes and so on and so forth, we will not really make significant progress.
- 3** Partnership and collective action across countries has, in fact, resulted in very good dividends and this is not only in the case of the automobile sector but in other sectors as well. This reiterates the demand for the structural power association. This demand is fundamentally about collaboration across countries. Like Marx said, if capital globalises and workers do not, there is no future for workers. It is a fantastic reference to how capital works, restricting the transnational solidarity among the workers and unions.

Labour Dialogue VII 22nd December 2020

Pandemic and Labour Relations: Then and Now

Speaker

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Moderator

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Discussant

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ADITYA SARKAR

Several years ago, I carried out some research on the global bubonic plague pandemic which struck India at the end of the 1890s. Since at the time I was working on the early history of factory labour in the city of Bombay (as it then was), what drew my attention was an apparent paradox in the predicament of the city's working classes during the plague crisis. While by any measure the city's large and diverse working class was the prime target both of the pandemic itself and of often arbitrary and punitive measures of colonial plague control, it also seemed evident from the materials I was looking at that the period between 1896 and 1898 – when the city's plague crisis was at its peak – also witnessed several cycles of industrial working-class protest, unprecedented in their force and their magnitude not only in Bombay but in nineteenth-century India at large. I eventually published two articles on the plague and labour. One dealt with the general crisis of urban social authority generated by the pandemic and by measures of state control: this crisis was underpinned, I tried to show, by the increasingly potent and often violent assertions of working-class resistance in various forms. The second article dealt more specifically with Bombay's textile mills, by the end of the nineteenth century the biggest single employer of industrial labour in the city. Here, I tried to show a temporary, but very dramatic, shift in industrial relations, which comprised new demands successfully defended by millworkers, and new structures of industrial relations which vanished with the disappearance of the plague, but in interesting ways anticipated future patterns of relationships between capital, labour and the state.

I've been asked to speak about the Bombay plague in relation to today's present COVID crisis, and to reflect on parallels and contrasts in the experience of workers during the two predicaments. I don't want to repeat the specific historical narrative I worked out, since this is available in print. Rather, I'd like to list the major consequences of the plague upon class relations and industrial relations in Bombay – in a relatively schematic form. I will use these reflections on the plague as a springboard for reflections on the present crisis.

Plague and Labour

The first cases of plague were reported in Bombay in the summer of 1896, but it was in the late autumn and winter that a fully-fledged social and economic crisis began to break out. The form in which this happened, as you might well expect, was popular panic and mass flight from the city. David Arnold has examined the rumours which circulated during the pandemic: these repeatedly emphasized a suspicion that the colonial state was up to very nefarious purposes, which involved carting people off to hospital and killing them. Given the ramshackle and grossly under-resourced medical infrastructure of the city, with patients dying loudly and painfully, these rumours, in the minds of city residents, must have been confirmed daily. So the fear of a death by plague combined with apprehensions about state policy, and both fed into the mass flight which the city experienced in winter. By January, over 400,000 people, or nearly half the city, had left Bombay.

The flight of the working classes concentrated in the industrial belt of northern Bombay began late, but assumed catastrophic forms.

COVID-19 has unfolded within a context of several decades of slow structural reforms to a previously dirigiste, state-dominated economic order, and within a long history of mass competitive democratic politics which is currently undergoing a profound authoritarian mutation.

By the end of the year, quite apart from the rumours and fears circulating in the city, workers had much more immediate reason to rush back to their villages in the Konkan and elsewhere in western India. The Bania and Shroff moneylenders and grain dealers were the first major segment of Bombay's urban society to flee as a bloc: with their principal source of credit having vanished, workers increasingly found themselves unable to cope in a city whose delicate bonds of social interdependency had been violently snapped. As they moved back to their villages, they confronted another social crisis unfolding in tandem with the plague: famine across much of the western Indian countryside. This coupling of crises has never been exhaustively studied, but I'm convinced that in many ways it holds the key to the social history of Bombay around the turn of the century.

The workers who stayed back, however, imposed themselves upon the public life of the city in new and threatening ways. Between the end of 1896 and the middle of 1898 – the months when the plague crisis was at its peak – they were at the forefront of popular resistance to the attempts made by the colonial and municipal authorities to intensify plague control measures. So if labour flight was the first form in which a crisis of labour became a generalized crisis of urban society, the ways in which working-class fractions of Bombay's population responded to plague control measures formed the bedrock of a crisis of colonial and elite social authority.

These control measures oscillated unsteadily between more and less invasive strategies of epidemic management. In their most invasive and (from the perspective of the urban poor) arbitrary forms, they included un-announced inspections of working-class homes and chawls, the compulsory medical inspection of plague 'suspects', forcible segregation and hospitalization, and the destruction of working class homes deemed 'unfit for human habitation'. But these measures were frequently confronted with mass resistance, chiefly from poorer city-dwellers.

Two examples should suffice. In October 1896, before plague policy had assumed a clear shape, rumours broke out among mill-workers working in factories located near the Arthur Road Hospital at the heart of the mill district. These rumours were triggered by a Goan cook who had gone from mill to mill looking for work; the word spread that he might be an official of the Municipality in disguise, looking to inspect and hospitalize workers. A riot which encompassed workers from the different factories in the area broke out, and the workers threw stones and brick-bats at the hospital during the half-hour break they were given for lunch.

In March 1898, this time during a significant ramping up of state surveillance and control methods, another riot broke out. In a street in Madanpura, a working-class area heavily dominated by Muslim julaha weavers, a botched plague inspection called forth massive urban violence. Plague officials entered a chawl to medically inspect a woman suffering from plague-like symptoms: this galvanized a crowd outside the chawl, and eventually led to pitched battles between state authorities and working class rioters through the day.

In each of these cases, however, what really provoked the colonial administration's deepest fears were the consequences for labour control. In October 1896, the authorities issued a notice to all mill-workers assuring them that they would not be medically inspected or hospitalized without their consent. This was triggered by the Sanitary Commissioner's fear that the Dalit workers who made up the sweepers and scavengers (halalkhores and bigarris) of the city, being 'in open sympathy' with the rioting mill-workers, would either strike work or leave the city. This would in turn expose the fragile sanitary foundations on which the city rested, which have been studied extensively by historians of the city. In 1898, the riot led to several days of strike action which stretched from the docks to the railways, from the cloth and grain markets in the centre of town to the city's transport infrastructure, and, once again, to the sweepers and scavengers. The riot triggered something resembling a general strike of urban workforces occupied in keeping the essential services of the city running. The municipal and plague administration were forced to withdraw their policy of compulsory hospitalization, and shortly afterwards there was a general shift towards a more permissive policy of voluntary plague inoculation.

If we turn from the streets of Bombay to its mills, we find an even more elaborate reconstitution of industrial relations going on. It was in this context, characterized by the experience of mortal danger and desperate socio-economic vulnerability, that factory inspectors and other colonial officials began to use certain phrases which might sound counter-intuitive: 'a Labour Question comparable to those of Europe has emerged', 'the tie between employer and employed has snapped', 'the workers have shown they can look after themselves'. During much of 1897, during the peak of the plague crisis, mill-workers were able to pose, win and sustain significant and novel concessions from their employers. I have developed this at length elsewhere; let me just list these gains for now.

- 1 Withdrawal of wage-arrears.
- 2 Daily payment of wages.
- 3 Bonuses.
- 4 Slackening of work discipline.
- 5 Massively increased rates of wages.

Finally, urban employers of labour, as well as the colonial administration, were forced to devise new ways of regulating the social reproduction of workforces. Workers and the larger employers were gradually being pushed closer together, and employers began to invest more resources in worker welfare. Each of these anticipated future formal-sector entitlements enjoyed by the more organized workforces in the country.

I will now shift to a more interesting and immediate question: what might all this have to do with the present predicament we find ourselves in, amidst another global pandemic? There are different ways of handling this question. The most obvious way of putting it is: what historical lessons might we draw from the Bombay plague? I do not find this particularly useful: I don't know if history has 'lessons' as such to offer.

My emphasis is more speculative: I'm interested in understanding the ways in which the two pandemics have produced qualitatively different situations, so in what follows I will repeatedly emphasize the divergences between the context of the 1890s and the present. These contrasts, in turn, may help us understand a certain 'history of the present'. If the history of the Bombay plague forms – as I believe it does – part of the genealogy of present-day practices and conflicts, and if these have implications for the labour question today, then a comparison of the two historical moments might prove to be useful.

I shall make two sets of observations about COVID-19 in the light of the Bombay plague. First, I shall use the contrast between the two to highlight certain significant political dimensions of the present conjuncture. I shall follow this up with an account of the specific predicament of labour and the labour movement in the present crisis. I should, however, make a couple of methodological comments in order to stress the pitfalls in such a comparative exercise. There is, first of all, simply the question of scale: I am moving from plague in one city to a pandemic whose dimensions are fully global, and – in the Indian context – fully national. This is bound to be a limiting comparison in all kinds of ways. Second – and this is even more important – we are by no means at the end of the present crisis, and this means that the politics of the pandemic will shift and change over the coming months, and its consequences necessarily remain somewhat obscure. So I will necessarily be speculative: I'm quite sure that a substantial proportion of what I say now will be disproven by future events. What I'm interested in, of course, is which elements of the analysis I'm trying to make will hold some weight and which will fall by the wayside in the months to follow.

According to the
Stranded Workers' Network

96% received **No Wages**

90% received **No Food**

COVID-19 and Labour

Let me begin with an apparent parallel: the state's management of both the Bombay plague and COVID-19 were both marked by authoritarian, and often violent, incursions into people's lives, new modes of surveillance and public regulation, enhanced policing powers and the brutality they entail. However, beneath this apparent similarity lie much more important contrasts, which first and foremost have to do with the different political regimes and political climates at work in the two contexts. Plague in Bombay unfolded within a colonial order, marked by a laissez-faire economic policy, a strict social and racial segregation achieved through a mix of direct and indirect state power, and a slowly changing structure of urban governance.

As compared to the present, the state rested relatively lightly on society: public and political order were premised upon the greatest possible distance between those who ran things and those whom they ruled. All of this was thrown into crisis by the onset of bubonic plague in 1896. By contrast, COVID has unfolded within a context of several decades of slow structural reforms to a previously dirigiste, state-dominated economic order, and within a long history of mass competitive democratic politics which is currently undergoing a profound authoritarian mutation, in the shape of the current government and its ongoing transformation of state and society.

This contrast has analytic consequences, one of which is particularly relevant to my argument. Colonial policy during the Bombay plague crisis initially travelled an undecided path, then settled on the

imposition of very invasive measures upon the city's poor. These measures fell apart in the face of persistent public resistance by working-class sections of urban society, and a genuine crisis of social authority prompted the state to reconsider its policy, and settle on voluntary inoculation as the chosen path of epidemic control. Popular resistance was fierce, immediate, and surprisingly effective. The other side of this was that, being in no sense deeply rooted within the structures of social life itself, the colonial authorities found themselves, during the plague crisis, constantly facing the problem of the social legitimation of their actions. This was a regime which, unlike those in the era of twentieth-century mass politics, lacked the means for the effective manipulation of public opinion. By contrast, COVID interposed itself in a very different political structure. In India, it emerged within a mass democracy presently dominated by a politics which constantly seeks to forge an immediate equation between Leader and Nation, and where political legitimacy is constantly being renewed by the repeated elaboration of this equation in every public context. Given also that this pandemic crisis is happening within a framework of mass, competitive electoral politics, there is a sense in which each looming crisis must be grasped as an opportunity by the ruling party. By 2020, government policy made on the hoof, issued to the public in the form of a direct command from the Prime Minister, and implemented with immediate effect, had become a new political tradition. In each of its iterations – demonetization, GST, the Kashmir lockdown – a structural problem (corruption, black money, an unreformed tax system, national security) was transformed overnight into a public emergency, and on this basis the Prime Minister's discourse demanded self-sacrifice from the Indian public. COVID of course was different from these precedents insofar as it was a genuine crisis which evidently would have required unprecedented measures of public management one way or another. But state policies happen within particular templates of action which are structured by particular opportunities and constraints. In this case, the template had been set by the previous record of the Modi administration: given that radical measures were required, this record determined that they had to be declared overnight, presented as an aspect of the Leader's special wisdom, and repeatedly be celebrated as a success.

This also accounts for the sheer speed with which government policy shifted. Till late March, the official line was in effect that India would avoid the worst of COVID because it was India. As lockdowns appeared in other parts of the world, the BJP decided it must have its own lockdown – but, unlike citizens of other countries, Indians would be given no time whatsoever to make any preparations in advance of the shutting down of social and economic life. Just like demonetization, the distance travelled from policy announcement to policy enforcement was a matter of hours. And it was this mode of origin that really gave the crisis which followed its particular shape.

There is, I suggest, a distinct political logic to this. This logic may or may not form the actual motivations of the state, but this is not the point: whether carefully premeditated or improvised, the government's actions reveal a definite pattern

which is not accidental. The pandemic itself clearly necessitated measures which would compound the structural as well as the conjunctural deficiencies of the Indian state: rapidly declining economic growth, record levels of unemployment, an inadequate and inefficient public health system, widespread corruption, and – perhaps most of all – a society where globally unparalleled social inequality coexists with extreme physical proximity of people and classes (especially in the cities). In a state and society structured in these ways, a pandemic caused by an unknown virus was always going to lead to a devastating crisis. But the mode in which the lockdown was executed was a way of 'capturing the narrative', as journalists like to say – of stamping the Leader's authority on the event at hand, by enacting this authority loudly, uncompromisingly, and overnight. It is also not an accident that the early phase of COVID policy, which stretched through much of the summer, was also the most populist of its phases: having called a halt to all social activity, the state, within days, began to declare and preach its own success. All of us, I assume, vividly remember the taalis, the banging of thaalis, and the victory processions taken out by organizations of the Sangh Parivar long before the public health crisis had begun to bite deep.

This is something that we have to speak in one voice whether we are in Kerala or Delhi or anywhere else. We need to look for a common strategy - one which assists both rural and urban people. We need to go back to the grassroots, dialogue with people, ensuring everybody in town and villages can find immediate solutions.

So let me sum up the political contrast I'm trying to develop. The plague crisis required, on the part of the colonial regime, a delicate balance between coercion and compromise, and a strategy which could change rapidly in response to deteriorating situations of social order. The crisis unfolded within a social and political order which derived its strength from preserving the greatest possible distance between rulers and ruled. The real crisis appeared when it was no longer possible to preserve this distance: the exigencies of the plague crisis broke down this distance, and called forth measures of authoritarian state control which the colonial administration found itself unequipped to follow through. So it found itself frequently needing to retreat, and to maintain a shifting balance between coercive and permissive directions of policy. Paradoxically enough, in the context of mass democracy in present-day India, this balance no longer subsists as an element of state strategy. Because of the authoritarianpopulist direction imposed upon Indian democracy by the Modi regime, a much more determinedly and uncompromisingly coercive form of pandemic management was, in effect, the only policy path open to the state. (Both the authoritarianism and the populism are important here. Without the odd power exercised by the rhetoric of self-sacrifice in Indian political discourse – however we explain it – Modi could never have been as effective as he is.) This path of course needed calibration and revision along the way, but a more consultative, careful approach to the crisis, which could take into account the social needs and human dignity of its victims, was never even remotely a possibility.

Let me now turn more specifically to the question of labour and COVID. Let's begin again with what is apparently a major point of similarity between the plague and COVID pandemic's respective consequences. If the form in which the plague crisis hit Bombay was a mass flight of workers from the city, this was also exactly what followed Modi's announcement of the lockdown. Millions of workers fled the cities they worked in for their mostly rural homes. They walked, travelled on packed and contagious buses, and in May were eventually allowed to board trains. Each mode of travel killed people, in different ways: long starvation, suicide, road accidents, sheer exhaustion, encounters with violent policemen, and COVID itself claimed the lives of an undetermined number of people. According to the Stranded Workers Action Network, 96% received no wages and 90% no food to help them tide over the crisis. Attempts by state governments to prevent such migration were rapidly knocked aside by the sheer force of the numbers migrating – just as they had been during the plague. We might also note an important historical continuity which this reverse migration demonstrates: the sheer durability of the retention of rural bases by urban workers, and the oddly permanent character of rural-urban migration as a structuring force within labour markets.

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But this is also where the parallels and continuities end, and suggestive contrasts begin to appear. Plague had generated a far-reaching (if in the short run temporary) shift in industrial relations, in favour of labour. The years of the plague crisis were marked by successful strike action, the suspension of wage-arrears, the daily payment of wages, wage increases, bonuses, the beginnings of welfare arrangements by the larger capitalists, and an expansion of working-class housing overseen by both millowners and the state. Some of this of course was reversed as plague itself became less threatening. But these shifts, as I have argued, also anticipated many elements of the structure of industrial relations which would dominate late-colonial and postcolonial India in the decades following World War II.

This time round – so far, at least – matters have been very different. The massive crisis experienced by migrant labour, and the continuing deterioration of employment conditions, has only occasionally produced significant resistance, either by workers themselves, or by unions, or by opposition parties. There have been some flickers: the May 22 general strike, the 26 November general strike, individual strikes in some workplaces, the determination shown by migrants in their resistance to efforts to prevent them leaving the cities. But these have clearly not coalesced into anything resembling a sustained bloc of resistance. On the other hand, the pandemic crisis has provided an opportunity for the government to institute far-reaching labour market transformations, in the shape of a very capital-friendly relaxation of labour laws, and the creation of a new Labour Code to replace the various pieces of labour legislation accreted over time. Certain BJP ruled states went so far as to suspend labour laws altogether. Millions of workers in the more organized segment of the workforce have lost legal protection; working hours have been extended; and the state has intensified its control over the conduct of industrial disputes.

There have, undoubtedly, been certain improvisations and advances in the dispensing of social welfare schemes. This is not a new phenomenon: as Chatterjee, Sanyal, and Kaviraj have all argued, the

burden placed by universal adult franchise upon the process of capitalist accumulation in India means that targeted forms of welfare have become a distinct terrain of both democracy and economic transformation. Aadhaar enabled relief, state provisions of aid during the pandemic, food supplies organized by state governments and voluntary organizations, targeted cash benefits, the attempt to use the MGNREGA to dispense rural relief, the registration of migrant workers using an online portal, the creation of arrangements for social distancing, the organization of testing and tracing, relief camps, makeshift hospitals: all these make up a large, if obviously uneven, landscape of welfare improvisation. And it is reasonable to think that, given the urgency of the predicament, questions of social welfare, and of the redistributive capacities of the state, may in time become a major ground of social and perhaps even political contention. The point is not that any of these schemes are remotely adequate to the predicament. Still less is it the case

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that they amount to a concerted attempt by the state to save lives and enable livelihoods. But they do mark a shifting terrain where state power and social need meet. There is a complicated process at work here. It is the existence of a vast need for social regulation in some form which has called these piecemeal but by now fairly extensive welfare efforts into existence. But the form of these efforts – like everything else about the present regime – is determined by the shape of national politics. The unequal burden shouldered by central and state administrations in the provision of public relief is one index of this. In a more

speculative mode, we might also consider innovations like the creation of online portals where migrant workers are to be registered. In an authoritarian and highly ideologized political context, this mode of welfare expansion – through mechanisms which make the worker ever more transparent to state surveillance – is necessarily double-edged. As technological means become more elaborate, they also seemingly become more unavoidable – and yet all of this is bound to have other kinds of political consequences in the long run, and will almost certainly also be used to future, more grossly coercive ends. Here again, the contrast with the plague is instructive: when Bombay mill-owners imagined more expansive systems of worker control, as Jamshedji Tata in particular did, these often proved abortive and ineffective. Whereas today, we evidently see new forms of state control emerging which are, in the context of the pandemic, often unavoidable for welfare purposes, but which may well come to have a very different kind of life once the crisis abates.

The biggest contrast between the two historical situations, though, is this: the plague ushered in an unprecedented cycle of working-class self-assertion: both against the violence with which plague control measures were executed and against workplace authority. In the context of COVID, there has been no generalized resumption of the labour movement. There have been individual strikes, but not very many. There have been two rounds of central trade union action, but these have by and large taken the form that they have done every year for a long time now – two days of impressive and extensive mobilization, which however leave very few traces in public and political discourse afterwards.

It can of course be argued that the labour movement has been up against heavy odds, in the form of a regime which is both intensely capital-friendly and immensely authoritarian in its treatment of the poor, and is opposed to any compromise with organized worker demands. But in fact – as we are seeing now with Punjabi and Haryanvi farmers – there do exist social constituencies which are capable of exerting significant pressure upon the state, and which do have the force at least to bring the ruling party to the negotiating table (something which few previous forms of resistance have accomplished during the Modi years). Organized labour has not yet been able to mount anything on this scale. It's worth asking why. There may be two – equally grim – lines of explanation for this. First, the changing place of organized labour within the matrix of the postcolonial state is important. Organized labour was allotted a certain not inconsiderable place by the postcolonial state in its early, dirigiste, developmentalist incarnation. This place could never have been secured without militant class struggles and trade union organization, but I think it's nevertheless fair to say that there was a significant disproportion between the actual strength of twentieth-century labour movements in India and the

place they came to occupy, for a while, in the project of post-colonial nation-building. But what the state gave, the state could also take away.

Second, what the state gave – in the form of a settlement which recognized and instituted certain rights for organized workforces – was itself always structured by a permanent, if shifting, binary line of division between different workforces, something generally understood as the line between the formal and the informal sector. This line was always of course a social and political construction: as early as the time of the first Factory Act in 1881, for instance, a factory inspector had made the point that pegging legal protections for workers to the number of people employed at a workplace was always going to lead to the exclusion of masses of workers from the benefits of such protection. But this was a social construction with very tangible and real material effects. In the present context, I think it bears a significant political consequence. Which is that those segments of the workforce most vulnerable to exploitation, most numerous, and most socially excluded – those who suffered most during the lockdown, migrant wage-workers above all – are not those targeted most directly by the labour law reforms initiated by the regime. So the labour policy of the government – unlike its farm policy – becomes harder to grasp and confront as a direct assault upon the rights of labour relative to capital, even though this is exactly what it is.

Equally clearly, the historical meaning of the divergence of experiences between different fractions of the Indian workforce has changed over time. In the first flush of developmental nationalism, the organized workforce, or at least key segments of it, could at various points be conceived of as some kind of vanguard of both nationbuilding and class struggle. Decasualization across a range of enterprises was, for instance, a project of state-building, and it corresponded logically enough with the overall direction of capitalist regulation across much of the world in the early decades of Independence. But a large historical shift has taken place, and it has in fact become much more plausible across most sectors of public discourse to consider the rights of permanent workforces as an affront and a barrier to the 90% or more of the workforce without access to most of these rights.

These are not, of course, in any way sufficient explanations – or even descriptions – of the present social and political crisis of Indian labour. But they are, in some ways, features of the crisis which come into focus if we use historical contrasts as a springboard for analysis. And they are also features which acquire a special significance if we examine the relations between the ongoing crisis of labour and the patterns of authoritarian populism sedimented into state practice with increasing force since 2014.

Key Points from Discussion

- 1 While comparing the two pandemics (the bubonic plague and COVID-19) and their contrasting results, it may be useful to probe- why despite similar massive migration of workers back to their rural homes, we see two different kinds of outcomes? How much explanatory power are we going to give to economics (i.e. interplay between supply and demand of labour). Or are we going to look for mediating factors that led to contrasting outcomes? What were such mediating factors? What were there characteristics?
- 2 Rather than mourning the lack of a resurgence of working class movement today, perhaps it would be more meaningful to explore how throughout the pandemic period, the workers expressed their agency through various acts and everyday practices? After all, it was due to the massive strikes of Oriya workers in Surat and garment workers in Karnataka that both of the state governments were forced to make travel arrangements for the workers, something they were not very keen initially.
- 3 Prof. Jan Breman pointed out that in our analysis, we should also factor in how the labouring poor has been moved out of the centre of the cities to the peripheries and margins in the last few decades. Similarly, it is no longer possible to talk about the village as a homogeneous formation; new peripheries and margins are emerging in the villages as well- for instance – the labour colonies that have developed near the villages. In between the village and the city, a whole range of peripheral spaces have come up, with significant portions of migrant workers studding these spaces. These people have left their villages, but they are not city dwellers either- they are people in between. In the analysis of migration and reverse migration, these factors should be kept in mind as well.

Photograph by Naveen Chander

