



# Working Lives during the Pandemic





Labour Dialogue 2021: Working Lives during the Pandemic

© Centre for Education and Communication

First published in December 2021

by

Centre for Education and Communication (CEC)

173-A, Khirki Village, Malviya Nagar, New Delhi - 110017, India

Ph: +91 11 29541858, +91 11 29541841

<https://www.cec-india.org/>

[cec@cec-india.org](mailto:cec@cec-india.org)

Cover, illustrations and typesetting by deepani seth.

This anthology is being published with the financial support of Rosa Luxemburg Stiftung – South Asia, with funds of the Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany.

The content of the publication is the sole responsibility of the respective authors, speakers and participants and does not necessarily reflect the position of either Centre for Education and Communication (CEC) or Rosa Luxemburg Stiftung (RLS).



# Working Lives during the Pandemic

---



# Contents

1	Foreword	1
2	Labour Dialogue I Impact of Covid-19 on Informal Workers	2
3	Labour Dialogue II Livelihood, Health and Safety during Pandemic Times: Challenges and Options for Tea Workers and Small Growers	6
4	Labour Dialogue III Policy Initiatives for Social Security of Informal Workers	14
5	Labour Dialogue IV Social Security for Gig Workers	22
6	Labour Dialogue V Organising Garment Workers: Challenges and Potentials	26
7	Labour Dialogue VI Ensuring the Rights of Migrant Workers: Policies, Perspectives, and Possibilities	30



## Foreword

I present before you the Labour Dialogues of 2021. Unfortunately, very much like 2020, the Labour Dialogues of 2021 too were organised under the shadow of the pandemic.

This year, we decided to focus on the following themes- understanding the impact of Covid-19 on informal workers; questions of livelihood and safety of tea plantation workers; the meaning and significance of various policy initiatives for informal workers; challenges of organising garment workers; and prospects of ensuring the rights of gig and migrant workers.

The Labour Dialogues brought together trade union activists, academics, feminist activists, journalists, industry experts and others to discuss about these themes, and draw appropriate strategic lessons. We hope that the labour activists will find this anthology particularly useful.

I am grateful to Rosa Luxemburg Stiftung for their generous financial assistance that made the Labour Dialogues possible. I thank Rajiv Kumar for his support throughout the entire process. I also thank the CEC team for their efforts in organising the Labour Dialogues and preparing this publication.

We will continue to organise these conversations in the future as well. Your comments and suggestions on the anthology are highly welcome.

Warmly,

LOKESH S

Executive Director

Centre for Education and Communication



Labour Dialogue I 24th March 2021

# Impact of Covid-19 on Informal Workers

## Speakers

**Anita Kapoor**

Sehri Mahila Kamgar Union

**Atul Sood**

Centre for the Study of Regional Development, JNU

**Naveen Chander**

Workers' Dhaba

**Sandeep Rauzi**

Workers' Unity

## Moderator

**Lokesh**

Executive Director,  
Centre for Education and Communication





***Women bore a heavy burden during the pandemic. They found it hard to procure food and other necessities for their children and their families. The massive loss of livelihood, and the prolonged confinement at homes, led to increasing cases of domestic violence.***

#### LOKESH

I welcome you all to this Labour Dialogue. Our objective today is to discuss the impact of Covid-19 on informal workers, the myriad ways labour responded to the pandemic, and to explore appropriate labour strategies for mitigation of the problems faced by the vast majority of labouring people in the country. We have among us economists, feminist activists, alternative media personnel, and grassroots activists from the community today, and our idea was to precisely bring together the different stakeholders in a common platform, to discuss issues relevant for labour. This is the first Labour Dialogue of this year, and we intend to continue the series in the coming days as well.

#### ANITA KAPOOR

Many of the special benefits for the working people declared during the pandemic remained on paper and the majority of the workers didn't receive them. A large number of migrant working class families did not have documents, such as ration cards and so they remained excluded from the provisions of special ration. There were also confusions about the procedures – such as the registration process – to avail the benefits of the government schemes.

Women bore a heavy burden during the pandemic. They found it hard to procure food and other necessities for their children and their families. The massive loss of livelihood, and the prolonged confinement at homes, led to increasing cases of domestic violence. The lockdowns changed the routine of everyone and mental health issues saw manifold increase. The domestic workers faced immense difficulties as their entry was banned into many of the localities where they had worked earlier.

The community youth in the working class colonies played an important role in relief programmes. They assisted in ration distribution and spread information about welfare schemes to the people. The pandemic also saw the emergence of solidarity spirit among the people and many worked selflessly to provide food and other forms of assistance to the people. We can further build on these forms of solidarity.

The pandemic is not yet over and the employment situation is still very grim. The earnings and savings of people have taken a nosedive. A lot of working class families are under heavy debt. It is high time that employment generating policies are initiated and all the unemployed are provided with work and source of income. It is the workers and the farmers who have built the country and therefore they must have income security, job security and fair compensation for their labour.

#### NAVEEN CHANDER

The immense insecurity and vulnerability faced by the vast majority of working people of the country requires long term solutions. This in turn requires conversations among unions and

workers' organisations about strategies, which can offer such long term solutions.

The Workers' Dhaba was a small and modest initiative and yet it played a very important role during the pandemic. It brought civil society activists, institutions and support groups together.

***...we also saw numerous cases of everyday resistance and heroic perseverance of the working people. The breaking of the curfews, braving police batons in their journeys back to their homes, cycling hundreds of kilometres..., massive protest of workers... which finally forced the authorities to start workers' trains.***

We saw many such initiatives during the pandemic. I completely agree that appropriate lessons must be drawn from such initiatives and we must further build on such forms of solidarity, creativity and cooperation. At the same time, offering assistance to millions of people in times of distress cannot be left to the initiative of a few individuals alone. What is required is building of appropriate distress response mechanisms, which leverage grassroots initiatives, linkages and ingenuity.

What we witnessed during the lockdowns was the extremely limited scope of welfare measures. For instance, in Delhi, hardly 19 lakhs of people have ration cards and the vast majority remains excluded from provisions of food security. Even then, the obsession of many in the policy circles is to prevent people from taking more than what is allotted to them! And this is happening at a time when the authorities have a lot more grains than ever required, in their stores. If they wanted, they could very well distribute food to literally everyone in Delhi. It is interesting to note that - initially when the lockdowns were declared, a number of notices were published, saying that the workers should be provided with their pending salaries and that the pandemic should not be used as an excuse not to pay the workers their dues. But in face of the resistance by the employers and their unions, these notices were declared to be merely 'advisory' in nature!

We all know how the migrant workers often do not have the required documents for making ration cards, even when they have lived in the city for 8-10 years. Often they have no means to prove that they are old residents of the city and that they have been living in Delhi for multiple decades. This also means that often they remain excluded from schemes such as widow pension, old age pension etc., declared by the state government. This will have to change. In this context, it is pertinent to remember that the factory owners are now required to provide only a self-declaration that they are following all the labour laws, and that it is considered as adequate in most of the cases! Why can't we have something similar for workers as well, especially when they do not have *this* or *that* document? Why can't we consider the self-declaration of the workers as adequate, just like the factory owners?

The pandemic has clearly taught us that the workers' canteens, soup kitchens and cooperatives can play a very important role in ensuring food availability for the workers in moments of crisis. This lesson should now be expanded to the farmers as well, by building sustainable networks of food production and distribution, while ensuring decent and predictable income to the farmers, affordable and nutritious food for the urban workers and social solidarity and cooperation of all working people. The authorities can encourage building of such networks by providing tax relief, easy loans etc. to the workers and farmers involved in their building.

#### **SANDEEP RAUZI**

During the pandemic, the Workers Unity team travelled more than 24,000 kilometres to capture thousands of stories of the workers. We did a story on the Workers' Dhaba too, as we felt that it is addressing a crucial gap, by leveraging the workers' self-initiatives. We also saw how the workers preferred the food of the Workers' Dhaba, as the quality of food received at the government run relief kitchens were very bad! Often they didn't even provide full meal and snacks were provided instead.

In our journeys, we saw how the migrant workers were desperately trying to go to their homes and how so many were trapped in the mid-way, without any social support. We saw how domestic workers were not allowed in the elite colonies and how they were branded as spreader of the virus. We saw how the pandemic destroyed the livelihood of millions of people. In fact, there are reasons to believe that the pandemic significantly affected the existing patterns of labour movement and migration and the labour economists are now busy revising their data and figures.

At the same time, we also saw numerous cases of everyday resistance and heroic perseverance of the working people. The breaking of the curfews, braving police batons in



their journeys back to their homes, cycling hundreds of kilometres by relying on their sheer physical strength and grit, massive protest of workers in many places like Surat which finally forced the authorities to start workers' trains – these are moving stories that we experienced personally and in our cameras.

This pandemic has made it very clear to us that the weakening and absence of workers organisations has been one of the chief reasons as why the working people of the country suffered so much during the pandemic. The decline in workers' voice in mainstream media happened in parallel with the systematic weakening of the workers' organisations. This pattern must be reversed now. During our travel, we saw the revival of the worst forms of labour abuse – such as child labour, labour slavery, etc., in many places. It is only through building and strengthening of workers' organisations that decent working and living conditions for the vast majority can be ensured.

### ATUL SOOD

Today we have numerous surveys which present very stark pictures of the sufferings of the millions of workers during the Covid-19. The complete lack of social security and the acute vulnerability of the informal workers was well known to us all, even before Covid-19. And yet – the sudden, draconian lockdowns were declared, while knowing fully well the dangers that the workers will have to face as a result. During the lockdowns, labour was publicly disgraced. A picture of inevitability was created – as if the horrors suffered by the workers were somehow inevitable – as if there was no escape to them, given the nature of the pandemic. In that sense, the state didn't really fail! The question, however, is – how so many lives could be made dispensable?

It didn't take much time to project the working poor as dangerous – as spreaders of Covid-19. A picture was drawn as if the people themselves, and not the authorities, should be blamed for the spread of the virus! Even now, when conversations about recovery of the broken economy have started, the talk of the town is about mending the economy at the cost of labour.

What we are witnessing for some time is a new framing of the developmental agenda. Or to put it in another way – what we are witnessing is a very particular way of dismantling the developmental state in India. It is not as if the role of the state is decreasing in general terms. Rather, in some arenas, the intervention of the state is very prominent now. But in arenas where welfare of labour is concerned, where a space was identified for state intervention to ameliorate the condition of labour, those arenas have changed. Just look at the labour law reforms. Now we do not even have the pretence that the labour

laws are for the welfare of the workers! It is remarkable that the re-imagination of labour and labour market is being executed through an ostensibly democratic process, just as curtailment of rights – such as the workers' right to strike – are being executed through formal democratic procedures.

It is also noteworthy as how crises are nowadays presented as opportunities, to further transform the existing labour regimes and regulations. A strange logic is invoked, whereby the onus for the precarious condition of the workers is put not on the failure of the relevant authorities, but on the supposedly excessive regulatory frameworks! So the argument goes – the workers have been let down by the archaic laws, not by the rulers!

We are also witnessing radical restructuring of public common sense and our sense of justice. We are being presented with a cold, calculated and uncaring state, where the people themselves are blamed for their predicament. A new regime of capital accumulation is being unleashed, while turning the Covid crisis into an opportunity. Looking at the future, what looks likely is selective incorporation of a segment of labour, while restrictions on mobility of rest of the segments of workers will continue. We will also see some welfare schemes, but these will be seen as electoral doles, as favours made to the poor, without any attendant sense of rights or entitlements. Finally, while we are still habituated to thinking about labour in terms of categories such as formal labour, informal labour, organised labour and so on, in the coming days, these differences will be increasingly redundant and the tendency will be to turn all into informal labour.

## Key Points from the Discussion

- 1 The pandemic has been devastating to millions of workers, especially informal workers. The latter however have not been merely passive victims and they have tackled with the Covid-19 with numerous creative and innovative strategies, while also demonstrating social solidarity and togetherness. Leveraging such innovations and solidarities will be crucial to develop a labour centric approach to post-Covid recovery.
- 2 Building, strengthening and expanding organisations of workers will be necessary to establish effective distress response mechanisms for future disasters like Covid.
- 3 Post-Covid recovery plans should not envision further assaults on the existing rights and entitlements of labour. Rather, labour should be seen as an active stakeholder in building such recovery plans.



# Livelihood, Health and Safety During Pandemic Times

## Challenges and Options for Tea Workers and Small Growers

### Speakers

**Abdul Hannan**

Sikkim University

**Ashok Ghosh**

United Trade Union Congress (UTUC)

**Ashish Mittal**

Health and Safety Expert

**Avantika Jalan**

Jalan Industries

**Bharti Birla**

Project Manager,  
International Labour Organisation (ILO)

**Bijoy Gopal Chakraborty**

President,  
Confederation of Indian Small Tea Growers' Associations (CISTA)

**Karuna Mahanta**

All Assam Small Tea Growers' Association

**Kukhol Boro**

Small Tea Grower

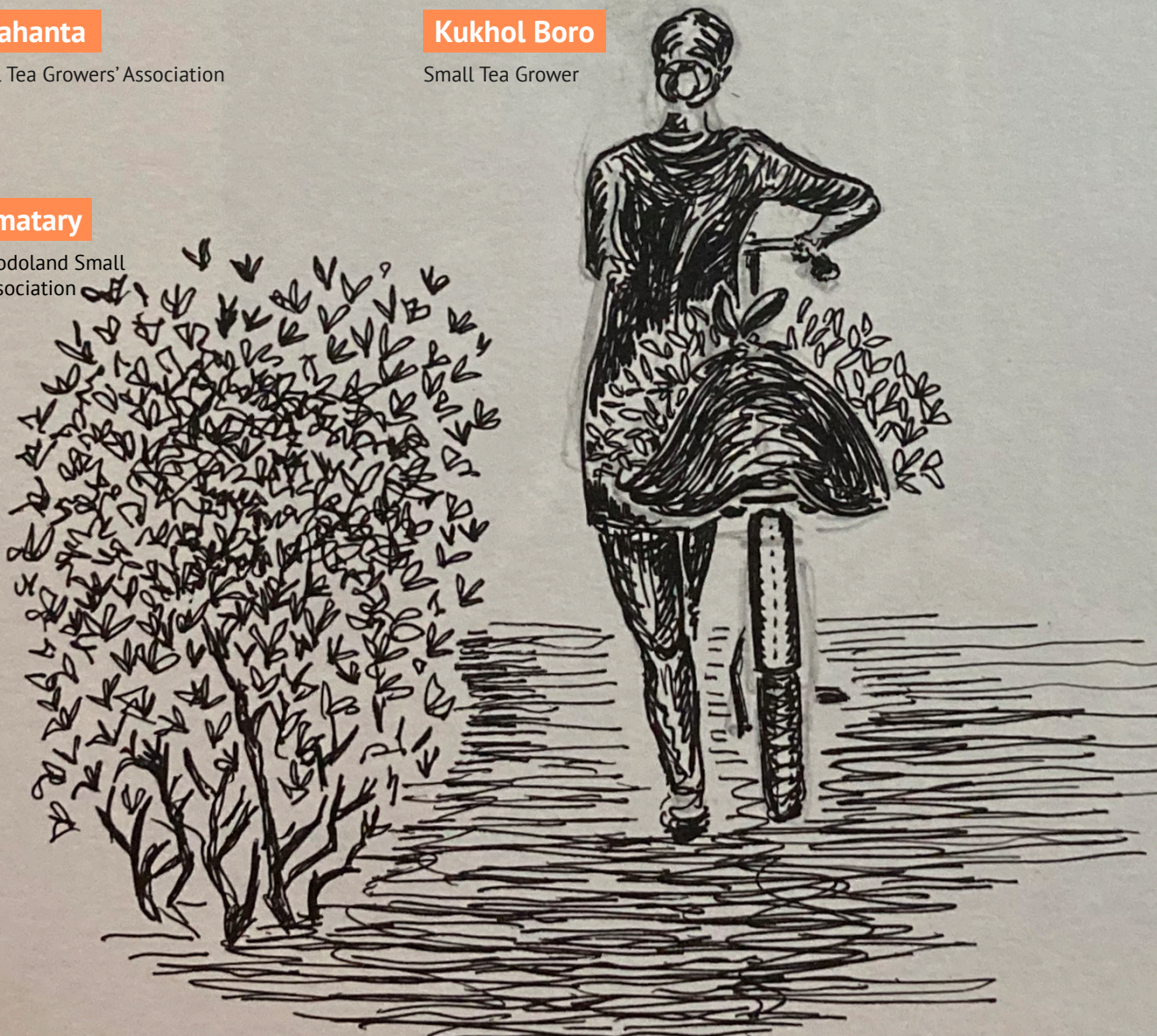
### Moderators

**Bijit Basumatary**

Secretary, All Bodoland Small  
Tea Growers' Association

**J. John**

Expert on  
Livelihood in  
Tea Plantations





***The production of tea is closely dependent on specific climate conditions; thus the sector will also have to address the question of climate change and environmental degradation today.***

CEC has been supporting the Small Tea Growers (STGs) of India through various initiatives and projects for more than two decades. Recognising the immense crisis faced by the STGs and to amplify their concerns to the policy makers, CEC organised a webinar on “Livelihood, Health & Safety During Pandemic Times: Challenges & Options” on the eve of the International Tea Day, with the Support of Rosa Luxemburg Stiftung (RLS)-South Asia, Equifarmtea and Confederation of Indian Small Tea Growers’ Associations (CISTA). Various participants representing small level entrepreneurs, industry bodies, trade unions, academicians, medical practitioners, and tea growers participated in the discussion.

#### LOKESH

On behalf of CEC, I welcome you all to today’s Labour Dialogue, on the occasion of the International Tea Day (ITD). We are very happy that the United Nations has decided to adopt the ITD and it is celebrating it on 21st May every year. CEC was among those organisations who had initially proposed the celebration of ITD at the World Social Forum, Mumbai, to spread awareness about the sustainability of the sector, especially with regard to the small tea growers. We have been celebrating the ITD since 2004.

Today we are celebrating the ITD is at a time of acute humanitarian crisis, occasioned by the Covid-19. How to address the livelihood and health challenges posed by Covid-19 to the tea sector, especially the tea workers and small producers, would be the central theme of today’s discussion. CEC has been working with the small tea growers and the tea workers since 1990’s and we believe that the crisis faced by the sector is not entirely the making of the pandemic, but has longer and deeper roots. How to make the sector sustainable and ensure decent income and work conditions for all the stakeholders, especially in the lower end of the tea value chain, is something we all will have to deliberate on today.

#### J. JOHN

Tea is the largest consumed beverage in the world after water. India is the second largest producer of tea globally, with Assam and West Bengal producing 75 percent of the total production. But despite that, ensuring decent work for tea workers, providing them with adequate housing, medical and social security remains a significant challenge, especially in today’s times. There is also the question of ensuring sustainability for the small tea growers and providing fair prices to them. The production of tea is closely dependent on specific climate conditions; thus the sector will also have to address the question of climate change and environmental degradation today. The responses from the various stakeholders – the tea companies, associations, producer bodies, consumers and trade unions of workers will determine the readiness of the sector to tackle these multifaceted challenges.

**BIJOY GOPAL CHAKRABORTY**

The two aspects of the pandemic that significantly impacted the small tea growers were the state wide lockdowns and the social distancing norms. Restrictions on import and export enhanced uncertainty in the sector. The production of tea suffered in 2020 and it was only 15 percent of what was produced 2019. The continued demand for tea, however, maintained the prices as there was increased demand domestically, as tea was identified as an immunity booster by researchers at IIT Delhi. The increasing cases of sudden and unexpected rainfall is seriously beginning to impact tea production. In 2002, the tea growers lost their premium tea, due to unexpected rains in Assam and West Bengal in the months of February to May.

The small tea growers association promoted adherence to safety norms among the members during the pandemic. The association has also been active in encouraging vaccination in Bengal and Assam. For the small tea growers, the tea workers are an invaluable asset, and their health and wellbeing must be ensured. It is also the responsibility of all the stakeholders to promote safety norms in these times of pandemic and only through collective initiative, we will be able to defeat this great threat to life and livelihood.

**ASHOK GHOSH**

In 2002, reports of massive starvation deaths in the tea plantations of Darjeeling, West Bengal had come up in the newspapers. CEC and UTUC conducted an enquiry into those deaths and produced a damning report, creating much sensation in the media at that time. The report was also shared with the governments of West Bengal and the Centre and we were promised appropriate action. It was felt by CEC, UTUC and other central trade unions that perhaps we need to have a special day for the tea workers and small producers, to raise awareness about their conditions in the larger public. So the whole idea of celebrating the International Tea Day (ITD) came up and we began celebrating it from 2004 onwards. We are happy that this has now been adopted by the United Nations as well.

Tea plantations have been historically enclave zones. In the colonial times, migrant workers were taken from different parts of the country to the tea producing regions. The tea workers have been among the most deprived in the country. They live, marry and die in the plantations, they are not imparted alternative skills or provided with quality education. Throughout their lives these tea workers only work in the plantations, under terrible work conditions with very low wages. The working class colonies in the tea plantations are quite congested and it is a mockery to talk about home isolation and social distancing under such conditions, unless appropriate infrastructure is provided by the tea corporations and the authorities.

One of the big challenges for the tea workers during the Covid-19 is that they suffer from poor health conditions and

therefore they do not have adequate immunity to diseases. This question is then also linked up with questions of adequate and decent wages, housing rights, and alternative livelihood options for the tea workers. Unless proper wages are provided, housing rights and livelihood alternatives are provided, not much can be expected to change in the tea plantations. Massive Covid testing drives along with isolation and quarantine infrastructure must be developed on an urgent basis.

Lastly, one of the chief reasons for the skewed and unsustainable nature of the tea value chain lie in the tea auction process. The process is not transparent and the big corporates manipulate the auctioning, year after year. That must be corrected, the auctioning process must be made transparent and fair justice must be ensured for the most vulnerable in the tea sector.

**AVANTIKA JALAN**

Covid has placed the question of protecting the health and well being of the workers in the centre stage of the concerns of the tea industry. In Assam, there is a significant threat of spread of the virus in the tea plantations. This is partially because the movement in and out of the tea plantations has not been effectively restricted. That said, new notifications have been issued by the authorities regarding precautionary measures for the pandemic and the industry is implementing all of them. Upgrading the health infrastructure, hospital beds, equipment etc. is also being undertaken. In our tea plantations, we have also formed groups of young volunteers to spread awareness about the virus in the community. Weekly surveys of the workers households is also being undertaken to ensure that the community is safe and it is acting as the first screening process. The authorities are also being very pro-active, and RT-PCR tests are being conducted regularly. We are also establishing a 200-bed hospital in the Dibrugarh Tinsukia region, especially for the tea workers. We hope that together we will be able to face the challenge of Covid-19.

**KARUNA MOHANTA**

The small tea growers are in a difficult situation today, because of the Covid-19, and because of the unexpected rainfalls. In Assam, we have lost our premium tea because of the sudden rainfall that started in February. Regarding Covid, we are taking all precautionary measures and providing safety gears such as masks, sanitizers etc. to the workers. This is a challenging time for all of us, because of the double whammy of the pandemic and climate change. Therefore, the small tea growers would need a special relief package from the authorities to sail through these difficult times.



***The tea workers have been among the most deprived in the country. They live, marry and die in the plantations, they are not imparted alternative skills or provided with quality education.***

#### BHARTI BIRLA

In the context of the pandemic, the ILO has come up with specific policy guidelines and frameworks for the authorities and the key policy makers. It has four pillars, viz. stimulating the economy and employment; supporting enterprises, jobs and incomes; protecting workers in the workplace; and relying on social dialogue for solutions.

Stimulating the economy and employment would involve taking measures such as – active fiscal policy, accommodative monetary policy, lending and financial support to specific sectors most devastated by the pandemic, including the health sector. Supporting enterprises, jobs and incomes would involve extending social protection for all, implementing employment retention measures, and providing financial/tax and other relief for enterprises. Protecting workers in the workplace would involve strengthening Occupational Safety and Health (OSH) measures, adapting work arrangements (e.g. teleworking), preventing discrimination and exclusion, providing health access to all and expanding access to paid leave. Relying on social dialogue for solutions would mean – to strengthen the capacity and resilience of employers' and workers' organizations, strengthen the capacity of governments, & strengthen social dialogue, collective bargaining and labour relations institutions and processes.

Tackling the economic, employment and social consequences of this crisis calls for judicious policy sequencing. First, immediate stimulus packages are needed to strengthen the health sector while mitigating the impact on economies and labour markets through the provision of financial relief for enterprises (particularly micro- and small enterprises) and of income support for workers. Ideally, these policies need to be informed by rapid and reliable assessments of the impact of the lockdowns on economic activity, jobs and households. Sectoral variations should be carefully analysed so as to facilitate sector-specific responses. The measures taken should include the provision of support for workers and enterprises in all the sectors affected so as to prevent further contractions in consumption and investment. One important lesson learned from earlier crises is that support for employment and social protection must be a core element of stimulus packages.

Efforts to contain the spread of the virus have disrupted production flows, caused demand for non-essential goods and services to plummet, and forced enterprises around the world to suspend or scale down operations. Small and medium-sized enterprises (SMEs) and own-account workers have been those hit hardest. The jobs and incomes of millions of workers are at risk. Moreover, the pandemic is bringing to light existing high levels of inequality and working poverty and the absence of labour and social protection for many workers, especially those engaged in the informal economy. Rapid and well-designed policy measures to support enterprises, jobs and incomes are essential to contain the economic and social fallout of the pandemic. SMEs play a vital role both in the immediate response to the crisis and in the

medium term by propelling a sustainable and resilient recovery. The measures adopted by governments should therefore include immediate support for enterprises in the sectors most affected and for workers and households facing job and income losses. The exact combination of measures will vary depending on national circumstances, including the structure of the economy, existing trends in inequality, and the economic and social policies that are already in place.

Employment retention measures provide incentives to employers to hold on to workers even if a firm has to close or decrease its activity. The main objective is to keep workers on the payroll so that enterprises are ready to resume activity as soon as the restrictions have been eased or lifted. Such measures may include work sharing and shorter working weeks, wage subsidies, temporary suspensions of tax payments and social security contributions.

***Social dialogue includes all types of negotiation, consultation and exchange of information between or among representatives of governments, workers and employers on issues of common interest in the areas of economic, labour and social policy.***

While many people have lost their jobs and income, many others continue to work. Making sure that work can be performed safely is a shared priority. Health and social care workers, cleaners, agricultural workers, and many others on the front line of the response to the crisis provide essential services. Implementing adequate health and safety measures in these sectors, as well as promoting supportive working environments, is key to helping workers cope in these challenging times. Others are teleworking from home, sometimes for the first time. Dealing with isolation, participating in and/or managing online teams, maintaining productivity while working remotely, and balancing paid work and unpaid domestic care work (especially with many childcare facilities and schools being closed) can all become very challenging. The rise in domestic violence that has been observed since the start of the pandemic is also a source of public concern. In the absence of social safety nets and adequate income support, many workers in the informal sector, especially

in developing countries, have hardly any choice but to continue to work despite restrictions on movement and social interaction.

Previous global crises have shown that governments cannot on their own overcome the challenges stemming from strong shocks. Given the unprecedented nature of the crisis caused by the Covid-19 pandemic, social dialogue involving governments and employers' and workers' representative organizations is more important than ever. Social dialogue includes all types of negotiation, consultation and exchange of information between or among representatives of governments, workers and employers on issues of common interest in the areas of economic, labour and social policy. It can take place at the national, sectoral and enterprise levels. Free, independent, strong and representative employers' and workers' organizations are prerequisites for effective social dialogue, as are trust among the various actors and respect on the part of governments for the autonomy of the social partners. Through dialogue and concerted action by governments and employers' and workers' organizations, policies and programmes can be designed and implemented to deal with the immediate health crisis and to mitigate the effects of some of these measures on employment and incomes. These actions can ensure safety and health at work, extend social protection coverage, help enterprises (including SMEs) to adapt and avoid bankruptcy, keep workers in their jobs and secure people's incomes. This will in turn foster demand and economic recovery. Consultation with the most representative employers' and workers' organizations can help to strengthen the commitment of employers and workers to joint action with governments, leading to a more sustainable and effective response to the crisis.

#### PROF. ABDUL HANNAN

The tea sector has been going through major transformations in India, with increasing trends towards informalisation. Till the 1990s, there were five-six major tea producing states: Tamil Nadu, Assam, West Bengal, Karnataka, Kerala and Tripura. But nowadays, 15 states are growing tea, far beyond the traditional regions. In terms of production also, earlier there was little production through small tea growers. But nowadays they contribute equally as the large producers. Equally importantly, in the tea sector today, 3.6 million people are engaged in various economic activities through informal arrangements. They constitute the informal sector within the tea industry. In comparison to it, people engaged through the formal sector numbers around 3.5 million in the tea industry. Altogether, more than 7 million people are engaged in the tea industry in the country today. If we count the number of dependent members of their families, then the total numbers would further double up. The same thing can be said about the tea factories as well. Now we have numerous small tea factories, including cooperative factories, each employing

**43%** workers reported  
***burning sensation  
in the eyes***

**46%** reported  
***headaches***

**83%** complained of  
***pain in the neck***

**97%** suffered from  
***back pain***

100 people on average. It is estimated that India has around 600 such factories. In other words, we no longer have an enclaved tea economy, and things have significantly changed since then. It would be simply wrong to talk about shutting down the tea plantations from the outside world in the time of Covid, because unlike earlier times, the plantations are closely linked with the outside world. It is also important to remember that vast numbers of working people no longer have employment security in the tea sector, they primarily work informally. This also means that when work is not there, the workers would move away to other sectors, creating labour scarcity for tea work in the process.

Experts are already anticipating that there might be a third wave of Covid. How do we prepare ourselves then? I will just give one example. The Tea Board has several Sub-Regional Offices (SROs), connecting small tea growers, their workers and people in and around them. These SROs have significant infrastructure, in terms of offices, spaces etc. and are also connected with the DM's office. Then we have hundreds of Self Help Groups. These organisational structures can be leveraged to provide relief, organise medical services, check-ups and related activities. I have already mentioned about the 600 factories. Then we have state branches of CISTA, which are further branched out at the district level. These too can be considered as important nodes of organising Covid related work.

The Tea Board can take the initiative in organising Covid related work, and provide infrastructural support, by making available the extra office spaces and other vacant locations. The SROs in particular can be used as safe houses. At the lowest level, the SHGs can take the initiative in further spreading awareness in the community level. If these initiatives are taken, it would at least provide a signal that the tea stakeholders are serious about taking concrete steps on their own to protect the vulnerable, and encourage others to take similar steps.

Lastly, over the last many decades, many tea plantations have closed down, making the workers jobless in the process. A mechanism must be developed to provide relief to such distressed workers in such moments of painful transition and must not be left to fend for themselves.

There are also associations of small tea growers that collectively connect the growers with the larger governmental policies. There should be testing drives with these bodies, and antigen testing can be initiated and undertaken for the tea growers. These platforms can also help awareness among the growers. The tea production centres can also be isolation centres that will help build infrastructures. The ILO and labour organisations such as CEC can conduct quick studies with telephonic interviews to understand the level of health and safety among the workers.

In periods of unemployment, there is a trend to look for jobs outside the plantations. There is growing reverse migration with the closing down of tea gardens. To avoid the movement of people outside, there is a need for social security for the workers in light of the closing down of gardens.



### KUKHOL BORO

The small tea growers have faced immense difficulties in the last two years, due to the severe Covid related restrictions. While following these restrictions is important to ensure the health and wellbeing of the people, at the same time their disruptive role for the economy cannot be ignored. One only hopes that the pandemic gets over as soon as possible. In the last two years, the incomes of the STGs have decreased significantly, and thereby affecting the income of the tea workers as well. The STGs are also bearing the brunt of climate change in the form of sudden and unexpected rainfalls, which have destroyed the premium tea of small producers in Assam.

As tea is a seasonal product, certain activities need to be performed on time. Any delay means trouble for tea production. The authorities and the industry leaders must take cognizance of these huge challenges, and offer a helping hand to the STGs and tea workers. Financial support must be offered for the small tea growers. At the same time, specific awareness raising programme among the tea workers must be undertaken to help spread information about safety measures in the wider community.

### ASHISH MITTAL

The tea workers face numerous health risks in their field of work. Their occupational hazards include exposure to agrochemicals, ergonomic hazards, infectious and parasitic diseases, skin exposure, respiratory problems, occupational accidents, and extreme climate conditions. The tea workers constantly suffer from back-pain, as they carry heavy baskets and mounds on their backs for long periods of time. There are also respiratory

diseases due to the chemicals used in the tea plants, and there are serious extreme climate related risks as well. In one of the studies I conducted some years ago in Bengal, I found that about half of the workers, i.e., 40 percent suffered from headaches and extreme fatigue. To be precise, 43 percent of the workers reported burning sensation in their eyes, 46 percent reported constant headaches, 37 percent reported burning sensation in their skin and 40 percent reported extreme fatigue. Remarkably, a whopping 83 percent of the workers reported suffering from neck-pain, 79 percent reported shoulder pain, and 97 percent reported back pain. All these are very worrying numbers.

The Covid challenge should be seen in the background of such poor health conditions of the tea workers. It must be understood that good health of the workers is a must for better productivity and profit of the industry as a whole; so adequate health investments must be made.

The Covid protocols must be followed in the tea plantations. We already have seen some success in organising online awareness drives among the tea workers. These can be scaled up. The tea workers are at risk from Covid in the delivery drop off and pick up sites. The workers are also exposed to a further chain of transmission as delivery people are going to market, even though many plantations are closed.

Exercising caution and safety measures is a basic requirement, to curb the spread of the disease. For easy understanding, the use of local/regional languages must be encouraged in Awareness Drives, especially in the tea plantations. There is also a need for increased screening of the workers travelling in and out of the gardens, as of now. Only by working together, we will be able to tackle the challenge of this massive pandemic.

***In the last two years, the incomes of the STGs have decreased significantly, and thereby affecting the income of the tea workers as well. The STGs are also bearing the brunt of climate change in the form of sudden and unexpected rainfalls...***

## Key Points & Recommendations from the Discussion

- 1 Tea plantation workers and the Small Tea Growers are amidst one of the worst humanitarian crisis. The second wave of the COVID-19 pandemic has left thousands helpless to fend for their livelihoods. This section of the population is among the most marginalized and vulnerable without adequate financial resources or access to public provisions and social protection. Declining income further reduces their ability to spend on health and safety, putting them into a vicious cycle of debt and degeneration.
- 2 In India, millions of tea plantation workers have been working and living in tea plantations for over a century. They do not have adequate access to homestead lands and are often entirely dependent on the plantation. Though they are covered under the Plantation Labour Act, 1951, their earnings have remained quite low. Already suffering from generational deprivations with regard to health, education and access to opportunities, women in plantations in particular, continue to face severe hardships and are among the worst affected during this crisis.
- 3 Since the past few decades, the landscape of tea industry has been witnessing a sea change with the rapid multiplication of small tea growers across all the tea-producing states, which has also been recognized by the Tea Board of India. Today at least 50 percent of the production comes from unorganised sector – primarily the Small Tea Growers. After 1990s, the reach of tea cultivation spread from 5-6 states to 15 states, covering at least 70 districts. At least 600 factories, including cooperatives, process and produce tea in India and at least 6 lakh people are associated with factory production of tea. Altogether, the sector supports livelihood of 7-8 million people in India.
- 4 Those at the production end of the tea value chain, be it workers, small tea growers or workers of small tea growers, are already living at the margins and even minor loss of income can threaten their survival. Like any marginal farmer, over 80 percent of the small tea growers have less than 2 hectare of land, making them the most vulnerable segment in the tea value chain. Extreme volatilities in the market for green leaves and processed tea in the wake of the COVID-19 pandemic has increased manifold the insecurities of the small tea growers. The prolonged duration of the COVID-19 pandemic and its social, economic and human costs has already drastically affected upon their livelihood, health and safety. The resilience of the tea workers, small tea growers and their workers in coping up with large-scale infection, self-isolation and treatment needs to be strengthened.
- 5 To ensure social protection, livelihood security and safety from the worst effects of the pandemic, the following steps must be taken by the authorities, in consultation with the Tea Board, CISTA, organisations of tea workers, Small Tea Growers and other stakeholders.
  - a. Ensure access to social protection measures for all tea workers and small tea growers in India.
  - b. Ensure access and continuity of food ration for all those who have lost livelihood due to Covid-19 in the tea plantations and those who depend on tea plucking for livelihood.
  - c. Strengthen the Hospitals and Health Centres in all the Tea Plantations, with adequate supply for medicines and necessary equipment. The Tea Board must take a pro-active role in ensuring affordable health care for all tea plantation workers.
  - d. Establish Vaccination Centres in the neighbourhoods of Worker Lines in all Tea Plantations and ensure off-line access for all the tea workers.
  - e. Declare an economic package for the tea sector, with a special focus on the distraught small tea growers, in consultation with the Tea Board and CISTA
  - f. Ensure strengthening of tripartite consultation and role of workers associations in the campaign against Covid-19 in the tea plantations and the tea sector as a whole.
  - g. The Tea Board must take a proactive role in leveraging the district level and sub-regional offices of the Board to promote awareness about Covid-19 and health protocols among tea workers, small tea growers and other stakeholders.



Labour Dialogue III 22nd October 2021

## Policy Initiatives for Social Security of Informal Workers

### Speakers

**Arya Thomas**

Sangrami Gharelu Kamgar Union (SGKU)

**Usman Javed**

Independent Labour Researcher

**Sidheswar Shukla**

Centre of Indian Trade Unions (CITU)

**Vidya Sagar Giri**

All India Trade Union Congress (AITUC)

### Moderator

**Lokesh**

Executive Director,  
Centre for Education and Communication





***The Supreme Court indicted the central government heavily, because they admitted in the Court that they simply had no reliable data on this vast population of the informal sector. In other words, E-Shram was not an initiative of the Central Government, but something forced upon them by the Supreme Court.***

#### LOKESH

I welcome you to this Labour Dialogue. The Covid-19 laid bare the extreme precarity of life and work conditions of the majority of the working class communities of the country. While the impact of the pandemic was felt worldwide, it was the near total absence of social security measures for the vast majority in our country that led to the tragedy of “mass reverse migration” of the workers back to their homes on foot, braving hunger, violence and death. Despite living and working in the cities for decades, the latter couldn’t provide the informal workers sustenance in the hour of their greatest need.

Recently, there have been some legislative as well as judicial initiatives to address the social security needs of the informal workers. There seems to be an increasing realisation of the need to provide some modicum of identity and welfare measure to the informal workers. At the very least, these initiatives have opened up some space for meaningful conversations on the requirements of the vast majority of the working class people of the country.

The objective of this Labour Dialogue is to discuss the scope, potentials and limits of the recent policy initiatives to provide social security to the informal workers. How and if these initiatives can be leveraged to provide social security to the informal workers, how the various hurdles can be addressed, and how the long term demands of the informal workers can find expression in these policy initiatives, form the subject matter of this Labour Dialogue.

#### SIDHESHWAR SHUKLA

Let me begin with the informal and unorganised sectors. While there is some difference between the two, often they are used interchangeably. Let us not get into that. Overall, the number of workers in the informal sector has been growing constantly and it comprises 93-94 percent of the workforce today. One of the reasons for such massive growth of the informal sector is the agrarian crisis that has forced millions to move to the cities in search of livelihood. This migrant population is often “unskilled”, and they mostly come from economically and socially weaker castes and communities.

Remarkably, nobody has proper records and documentation of this migration process. The workers -when they leave from their homes, there is no record of their migration and there is no proof regarding when did they come to the city, or when did they enter this or that segment of work. The pandemic made this abysmal lack of records absolutely clear. Being part of the Disaster Management Committee of the Delhi State, I saw the unfolding tragedy of how the most distressed and the needy remained outside of the various relief programmes, because they didn’t have adequate documentation. Even for availing rations, Aadhaar was deemed necessary. It was because of this huge exclusion from any meaningful relief and social security measures, that led

to the tragedy of long march of millions workers back to their homes on their foot. These workers realized that without food or money, they cannot live in the city and they will definitely die of hunger and disease. Otherwise, no one would willingly choose to travel hundreds of kilometers on foot or by taking casual rides. It was a great injustice to humanity.

If you look at it at a deeper level, you would find that it is the *logic of capital*, that has led to this situation. Capital realised that it is far too easy to exploit labour via informality, than by bringing them together formally in the factory floor. There is also a psychological aspect to it. In the factory floor or the factory shed, the owner regularly comes across the workers and it may not be humanely possible for him to witness extreme distress and hunger of the workers on a daily basis. But if the work is decentralised and shifted out to the shanties, then the capitalist doesn't have to confront or see the workers on a daily basis, making super-exploitation of them relatively easier for him.

Let me give you an example. Some of us were conducting a survey on fire deaths in Bawana last year. What we witnessed in the process was the extreme meagreness of life and work in the informal sector. There was a couple – husband wife – who were both working in the informal sector. But even that was not enough for their bare survival. So their children of 8-10 years also had to work alongside them. Dalits constitute a disproportionately large segment of this super exploited and oppressed migrant population.

As you know, it was only after the indictment in the Supreme Court that the government took the initiative of E-Shram portal and related measures. The Court indicted the central government heavily, because they admitted in the Court that they simply had no reliable data on this vast population of the informal sector. In other words, E-Shram was not an initiative of the Central Government, but something forced upon them by the Supreme Court.

As things stand today, benefits under the E-Shram are not clear yet. There are two reasons for it. Let me elaborate.

There is this talk in the policy circles that at least a portion of existing social security and welfare schemes should be made available by the government through the E-Shram portal for the informal workers. But then, almost all these schemes are contributory in nature. Can the informal workers really bear the burden of such contributory schemes?

The second point is about the authority to be made responsible for registering the workers through E-Shram. The central government has asked the state governments to take the initiative in registering the workers. But then, if the state governments register the workers, then the workers will view the state governments, rather than the central government, as accountable for providing them the benefits of schemes. The proposal from the central government is that the states should get the workers registered in the existing schemes of the central government (which are mostly contributory), via E-Shram. But as

the informal workers do not have the financial wherewithal to pay their part of the contributions, someone else will have to take the responsibility for the same. As it is the state governments who are getting the workers registered via the E-Shram, so it will be none other than *they* who will be under increasing pressure to bear the financial burden of such contributions. In other words, it will be the state governments who will be made to pay the workers' share of the contribution, to the central government! In financial terms, it will be ruinous to the state governments, as their resource bases are quite limited, especially in these times of the pandemic. For instance, if the Delhi state government is to bear the annual premium of Rs 330/- for each of her 60 lakh informal workers under the Pradhan Mantri Jeevan Jyoti Bima Yojana, then the total financial burden for this scheme alone would be around Rs. 198 crore! This is the chief reason for the current conflict between the central and state governments and the delay in declaring the benefits under E-Shram.

Let me talk about the question of resources a bit more. For the construction workers, we have the Building and Other Construction Workers Welfare Board (BOCW) and it is currently in place in 25 states. The money for the BOCW comes through imposition of a specific cess, which is currently 1 percent. Many of the state BOCWs have substantial amount of money in their hands. Now if the state governments are to finalise the schemes under E-Shram, and make financial arrangements on their own, then they will have to introduce a new cess, like the BOCW.

Today, we should make the demand that given the vast financial powers of the central government, it should take the primary responsibility for social welfare schemes of the informal workers, under the E-Shram. The state governments can be made to take responsibility of special tasks- such as making arrangements for crèche and delivery services for women workers, at state government's expense.

Let me make a number of brief points in lieu of a conclusion.

- 1 Having an E-shram paper (a card, or an acknowledge slip) will go a long way in empowering the informal workers, as it will provide them with some modicum of identification/recognition and identity, something they don't have today. This factor alone should be enough for all of us to take this campaign seriously. We all should try to include more and more workers under the E-Shram.
- 2 The trade union movement is increasingly realising the immense significance of organising the workers in the unorganised sector, as the biggest portion of the workforce comes from this sector. The need to organise the informal workers would require concentrated effort, and innovative strategies.
- 3 The question of informal workers cannot be separated from the question of migration. Yet, for the last 30



***Food security is a must for all informal workers. All those registered through the E-Shram portal can be asked if they have ration cards and if they don't, they should be made part of the universal ration distribution system.***

years, none of the governments in India has shown any willingness to implement the Inter-State Migrant Workmen (Regulation of Employment and Conditions of Service) Act, 1979. Unless steps are taken to protect the migrant workers from exploitation and oppression, meaningful intervention in the informal sector would remain incomplete. In the case of women migrant workers, the question is also about providing safe work environment, as well as community spaces free from sexual harassment and assault.

- 4 Currently there is no redressal mechanism for ensuring due wages for the informal and migrant workers. The existing labour legislations are incapable to do so. What we need at the very least is a quasi-judicial body, where the informal and home based workers can approach with their complaints about non-payment of wages.
- 5 Food security is a must for all informal workers. All those registered through the E-Shram portal can be asked if they have ration cards and if they don't, they should be made part of the universal ration distribution system.
- 6 Specific Welfare Boards for major segments of the unorganised sector must be built and the most crucial and better central government schemes must be extended to the informal workers, while reducing the amount of self-contribution. Specific funds must be clearly allocated for the same by the central government, and it must be ensured that the workers are in a position to access the schemes. The state governments should pitch in the process, by bearing the costs of specific services- such as maintaining crèche for working women and providing them with medical benefits.

#### USMAN JAVED

Today there is no denial of the fact that there has been a consistent decline of the Indian economy since the demonetization, and that unemployment and inequality have touched the highest figures since independence. The Covid-19 induced lockdowns further worsened the situation. Now the question is – what lies forward, where should we move and how?

We all know how the lockdowns led to mass migration of workers from the cities. But there were also significant segments of the population, i.e. those of the elite, who didn't suffer at all from the lockdowns and their entire locking time was spent on acquiring new hobbies, watching movies and such forms of entertainment. Today the top 10 percent of the rich own 77 percent of the country's wealth. 75 percent of the new wealth created goes to the 1 percent of the population. The abject poor in the lowest ladder (constituting around 7 crores of the population) receive none. This is truly an obscene demonstration wealth inequality.

We all know how the lockdowns and their effects on livelihood led to increased number of school dropouts among the poor, and how it affected the diets of the families. Today 20 percent of the

families of our country do not have means to eat as much as they used to do before, i.e. in pre-Covid period. Malnourishment has reached gigantic proportions.

What the pandemic did was to widen and expose the stark inequalities of our society. It was only because things became too visible during the long marches of migrant workers that we saw some modicum of judicial intervention, that led to attempts to build some kind of database of the informal workers. The ruling idea seem to be that “something must be done for the poor”, and that’s it. There is no wider inspection of the dominant economic model, or the direction of the economy.

Today social policy is not seen as a part of development, but something additional to it, i.e. something designed for only very specific sets of the population. Today social policy basically means welfare measures and it has no relation whatsoever with the question of development. The definition of development today means things like conspicuous consumption of the rich,

***The central schemes these days are... are financial products that can be bought in the banks etc. The underlying idea is that since these are financial products, enhancing their valuation must be their central concern. This puts huge numbers of informal workers under increasing market risks.***

land acquisition or growth of white collar jobs. The vast majority of the poor working people are excluded from this model, almost by definition. So welfare for the poor is something akin to an afterthought, i.e. the idea that “something” should be done for them. Including the vast majority into the development model itself is out of the question.

It is not just an accident that the corporates saw Gujarat as the desirable model of development. In terms of social indicators, Gujarat fares very poorly. But since these indicators are not seen as part and parcel of development itself, they could very easily be ignored.

Today, the dominant vision of social security in our country is inalienably linked with three elements: Jan Dhan Bank Accounts, Aadhar Card and Mobile Phones (JAM). These provide the technical infrastructure for the very specific vision of social

security we are witnessing today.

Consider, for instance, three of the most discussed social security policies: Atal Pension Yojna, PM Suraksha Bima Yojna (PMSBY) and PM Jeevan Jyoti Bima Yojna (PMJJBY). Two of these are insurance schemes, while the other is related to pensions. All these three are contributory schemes. It is not difficult to understand why none of these three have seen any signification registration by the informal workers. As per available data, only 10 percent of the unorganised workers have pension coverage through public schemes. In the face of income uncertainty and frequent job change, it doesn’t make any sense for the informal workers to register in these contributory schemes, where you have to regularly contribute money.

Interestingly, it is now being said that those registered with E-Shram will be linked with PMSBY now and the first annual premium will be paid by the central government itself. But what about the subsequent premiums? Also, what if the premiums are raised significantly at a later period? Will state governments be coerced to pay the subsequent premiums on behalf of the workers? We do not have any clarity regarding these.

This is not all. The central schemes these days are essentially insurance driven. In other words, these are financial products. The consolidated premiums paid by the workers can very well be further invested, into equities, for government debts etc. The underlying idea is that since these are financial products, enhancing their valuation must be their central concern. This puts huge numbers of informal workers under increasing market risks. We should not forget that that the private insurance players have warmly welcomed schemes like Ayushman Bharat, where they saw new opportunities to achieve economies of scale, by pooling the meagre resources of millions of poor.

Now there is a danger that the database developed by initiatives like E-Shram, E-Health Card etc may end up in the hands of the unscrupulous private insurance players, without any state supervision whatsoever. They in turn will use these data to develop risk profiles of the poor. While it will reduce the transaction costs of the insurance players, it may lead to the poor paying increasing amounts of premiums for their schemes.

The question is not really about whether this or that scheme will be included by the E-Shram. It is rather about the underlying principles i.e. the question of social contract between the state and the informal workers. This question also decides as to what purposes initiatives like E-Shram will be used.

Contrary to these, in recent times we have seen many innovative strategies that leverage digital technologies for the poor. In Costa-Rica for instance, the wages to the domestic workers are now paid by the service recipient to the



***It is not just an accident that the corporates saw Gujarat as the desirable model of development. In terms of social indicators, Gujarat fares very poorly. But since these indicators are not seen as part and parcel of development itself, they could very easily be excluded.***

bank account of the worker directly. They also pay a contribution for the social security of the domestic workers. This model can be used in India as well, to establish employer-employee relationships in many segments of the informal sector.

Ultimately, the question of decent social security cannot be divorced from the question of more remunerative jobs for the people. To achieve this, we will require active labour policies and proper regulation of capital, something that is virtually absent today. But fulfilling these tasks would require nothing less than immense organisation and movements of the working people.

#### ARYA THOMAS

There seem to be a growing tendency to conflate social security with welfare schemes, and reducing the former to the latter. In effect, it is eroding the *rights based approach* that had traditionally informed the idea of social security, as reiterated by the conventions of ILO. While populist governments and parties across the country today talk about welfare schemes, bank transfers etc., these are not informed by any notion of rights, but by mere electoral calculations. The terrain of politics is radically changing and women – especially poor women – are emerging as an important constituency for all electoral parties. While the latter could be seen as a positive development, the fact remains that electoral doles cannot replace the need for strong social protection legislations that would empower the vast majority of the poor.

As a trade union of paid domestic workers, we strongly feel the need of a specific legislation that addresses the concerns of the domestic workers. Perhaps the only good thing about the Labour Codes is that they have mentioned the Domestic Workers as a separate category of work. But even this is not new. Policy makers and trade unions were already talking about domestic work as a separate category at the time of the promulgation of the Unorganised Workers Social Security Act, 2008.

In the Labour Codes, registration of the domestic workers has been mentioned. But what would be the procedures, how the inclusion of the vast majority of the domestic workers will be ensured, how and if identity cards will be made, what role the trade unions will play in the process- the Codes are silent about these crucial questions. Everything has been left for a latter period, when the Rules will be framed. The same thing can be said about the details of payment for maternity leave and other rights that the Codes mention. Unless robust supervision, inspection and regulation by the state is ensured, no labour law would be effective, and yet there seem to be a growing tendency towards the reverse direction i.e. towards dismantling the already existing supervisory and regulatory powers of the state.

One of the biggest problems faced by the informal workers, especially the domestic workers is that their workspaces are not properly defined by law. Unfortunately, the Labour Codes have done nothing to improve the situation in this regard.

The provision for settlement between the employers and the employees is positively dangerous for the domestic workers, as it may end up pressurising the domestic worker not to pursue her complaint of sexual harassment and assault by the employer. Similarly, the Labour Codes say nothing about how compensation will be paid to the domestic workers for work related accidents and injuries. The stark reality today is that a domestic worker finds herself physically broke by the time she crosses her 40s due to overwork and meagre payment. Covid has exacerbated the already worse condition of the working people, with large numbers of girls as young as 14 years old joining domestic work and dropping out from schools. During the pandemic, many discriminatory and extremely humiliating practices exercised by the elite Residential Welfare Associations also came to the light. In the name of safety norms, the domestic workers were often not allowed to use lifts and main entries to the apartments. Domestic workers are perhaps the only segment of workers, who are literally required to undergo police verification, before they can sell their labour power.

As far as welfare schemes are concerned, what we need today is proper audit of the reach of these schemes, including data about number of people who have opted out of them in the midway, because of various difficulties. For instance, we would not only need data regarding how many Jan Dhan Accounts have been opened, but also how many have closed down, due to lack of adequate funds and other reasons. Unless such comprehensive audit is undertaken, we will never know the actual effectiveness and problems of these schemes.

The entire issue of women's empowerment today is often reduced to advertising this or that credit line for women. There is a positive danger that women may find themselves in extreme debt, if these credit sources are not properly regulated. The schemes which are advertised today as social security schemes are actually deeply embedded in the world of finance, with private players playing a very prominent role. Schemes related to insurance, health and disability have been financialised and are dominated by the central government. The rest of the responsibilities – provident fund, compensation for work injury, skill building, affordable housing, education of the children of the employees etc. have been relegated to the states.

The phenomenon of platformisation seems like it is beginning to touch the field of domestic work as well. How the process will unfold, remains to be seen. It is pertinent to note here that the domestic workers often perform multiple tasks in multiple roles. How all their roles and labour contribution will be recognised and adequately paid through such platforms, remains a challenge. The existing legislations do not recognise the platform workers as an independent category, though there is a mention of gig workers in the Social Security Code. Ensuring the labour rights for the domestic workers through and in these platforms will be a difficult job.

As things stand today, the government has no reliable figure about domestic workers. One reports cites one figure, the other

yet another. At the very least, what we need is a proper database of domestic workers in the country, recognition of their immense role in social reproduction and proper labour rights for all of them.

### VIDYASAGAR GIRI

In the last six years, the informal workers have suffered immensely. According to some estimates, the sector witnessed job loss of more than 2 crores in this period. The agrarian crisis continues to throw up new streams of migrant workers, and unless this challenge is addressed, the misery of the informal sector will not go away.

The E-Shram portal is a much talked about topic these days. The fact remains that it was brought in a hurry, and only after the Supreme Court indicted the government for her lack of data about informal workers. But how that portal is going to

***...while passing the Labour Codes, the Labour Minister himself assured the corporates that there is no need to fear labour laws and that the Labour Codes will further encourage ease of doing business.***

be used is not clear at all.

There is an urgent need to understand the actual intention of the current policies and schemes of the government. It is remarkable that while passing the Labour Codes, the Labour Minister himself assured the corporates that there is no need to fear labour laws and that the Labour Codes will further encourage *ease of doing business*. Words and phrases- such as sustainable development, universal social security etc. are being used in a very misleading manner these days by the authorities. In reality, neither sustainable development, nor universal social security is being ensured.

The Labour Codes have copied the earlier labour laws extensively, and they have carried forward many of the problems associated with the earlier laws. The absence of proper social protection for the informal sector has not been addressed by the Codes. Clear definitions & entitlements of agricultural workers, street vendors, domestic workers and bidi workers are also absent in the Codes. The exclusion



of vast numbers of workers through various thresholds has not been abandoned. The Labour Codes for instance say that the Employees Provident Fund (EPF) is available for establishments with 20 or more employees. But the Arjun Sengupta Report reveals that 98 percent of the establishments in our country have less than 10 employees! That means, workers of these enterprises will continue to remain excluded from EPF. The same applies to the Employees State Insurance (ESI) as well, which is applicable only for establishments with more than 10 workers. The Rules of the Social Security Code says that women in enterprises with less than 10 workers will not enjoy Maternity Benefits.

In the name of labour reforms, what is being done is to further weaken the existing arrangements. The Welfare Boards of construction and beedi workers are being sought to be dissolved. The contribution to the ESI has been reduced. There are around one crore scheme workers across the country, and they are not even recognised as workers by the government. The corpus funds of various boards are being sought to be privatised and attempts are being made to invest them in the share markets. This will put the hard earned money of millions of people into jeopardy.

What is being done today is to dismantle the spirit of tripartism. The trade unions are not properly consulted before bringing in new legislations. These are now seen as mere formalities. This approach is not sustainable.

## Key Points from the Discussion

- 1 Initiatives like E-Shram, if thoughtfully implemented, can help develop proper database of different categories of informal workers. These in turn will be helpful in developing data-reliant policies for the informal sector.
- 2 All the registered workers of E-Shram must be provided with proper identity documents and these should be considered as valid papers for all social security and welfare schemes of the government.
- 3 The issue of benefits through registration must be clarified by the authorities at the earliest.
- 4 Rules and regulations of social security policies need to be made transparent, if they are to acquire the trust of the people. The money of the millions of working poor cannot be allowed to be put under market risks, without guarantees by the state.
- 5 The informal workers cannot be expected to participate in large numbers in the contributory schemes. The central government must take the prime responsibility for the social security of the informal workers.
- 6 The life-cycle-approach needs to be revived in the conceptualisation and execution of social security policies and schemes, instead of mere consideration of profit and loss.



Labour Dialogue IV 18th November 2021

## Social Security for Gig Workers

### Speakers

#### Shaik Salauddin

President,  
Telangana Gig and Platform Workers' Union

#### L Chaturvedi

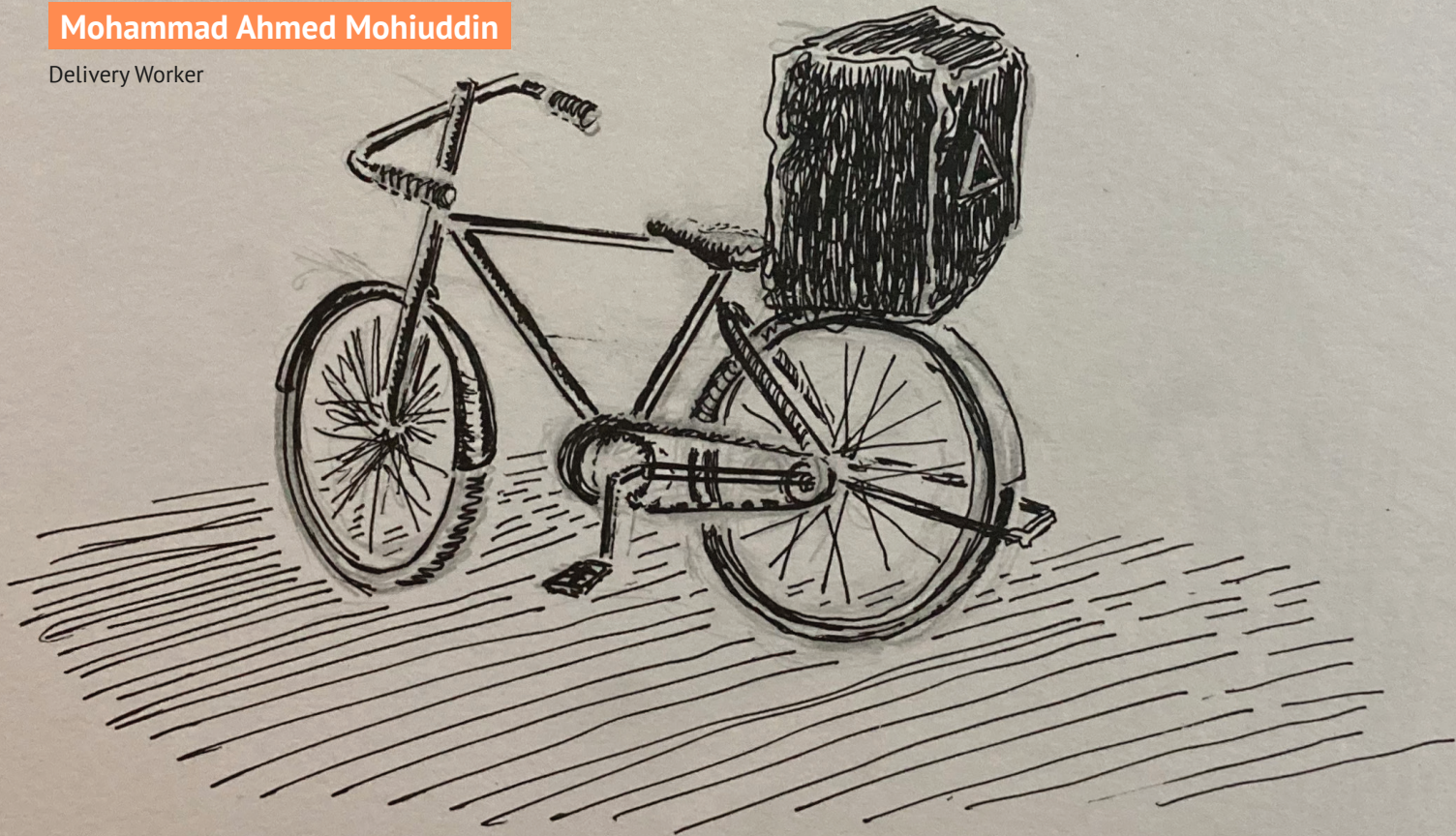
Joint Commissioner of Labour,  
Ranga Reddy Zone, Hyderabad

#### Lokesh

Executive Director  
Centre for Education and Communication

#### Mohammad Ahmed Mohiuddin

Delivery Worker





***Being a new arena of work, the gig workers face manifold challenges. The traditional employer-employee relationships are often not recognised in the case of gig work, thereby posing challenges for labour laws as well. One good initiative in recent times however is the Code on Social Security and Welfare, that mentioned the gig workers, perhaps for the first time, in the realm of labour laws.***

#### SHAIK SALAUDDIN

I welcome you all to today's Labour Dialogue. It is being organised in parallel to a E-Shram registration camp for gig workers. We hope that today's meeting will provide a space for meaningful interaction about the status and need for social security of the gig workers. We also hope to have some discussion about the everyday work experiences of the gig workers, and how the challenges that they face especially with regard to social security can be addressed.

As the President of the Telangana Gig and Platform Workers' Union, I must say that being a new arena of work, the gig workers face manifold challenges. The traditional employer-employee relationships are often not recognised in the case of gig work, thereby posing challenges for labour laws as well. One good initiative in recent times however is the Code on Social Security and Welfare, that mentioned the gig workers, perhaps for the first time, in the realm of labour laws. We are hopeful that in the coming days, the opening made by the Social Security Code- that promises social security for the gig workers – will be further taken forward, and the gig workers will enjoy all the benefits that other workers enjoy under the labour laws.

#### L CHATURVEDI

The government of India has taken many initiatives in recent times to assist the labouring communities, especially in the context of the Covid crisis. In view of the fact that we do not have adequate data about different category of workers to promulgate appropriate social welfare policies for them, the E-Shram portal has been launched. In this, all the key stakeholders – the employers, the workers' organisations and the authorities – will have to work together. The workers organisations have foothold in the labouring communities and therefore they are well placed to provide information to the workers about different welfare policies launched by the government. In making the E-Shram portal a success, close cooperation and initiative of the worker organisations will be required. Once completed, the E-Shram portal will be able to provide comprehensive data about different work categories, their status and needs and help develop evidence based policies for the workers. I appeal all the worker leaders, and civil society organisations to ensure that more and more workers are registered in the E-Shram portal.

#### LOKESH

We are living in very crucial times. On the one hand, the Covid-19 brought the question of workers, especially the informal workers, to the centre of public awareness and discussion. A number of steps have been declared since the first lockdown, to address the needs of this vast segment of the working class. There is also increasing conversation about ways to extend labour rights to the gig workers, and bringing them under the fold of the Labour



Codes. The E-Shram Portal is now one of the most talked about initiative of recent times. There is no doubt that if properly implemented, it can address some of the long pending and complex issues faced by the working class communities.

But on the other hand, there are also concerns and ambiguities. For instance, while the E-Shram portal holds great promises, the concrete benefits that the workers will receive from it, are still not clear. There are also many overlaps. For instance, domestic workers are also being registered, under a different initiative. There is a need to ensure better coordination and transparency in these initiatives, so that the different stakeholders can take informed decisions. The same holds true for the Social Security Code as well, which promises social security for the gig workers, but doesn't spell out the concrete benefits that the workers will receive.

As far as the gig workers are concerned, it is true that as such,

***Often, we (gig workers) are forced to wait for very long time at the restaurants, and we do not get any money for such waiting. As such, by working 8 hours, nowadays we hardly earn Rs 80/-, after excluding fuel cost.***

it is a new field. With the emergence of digital technologies, and digital platforms, now we are witnessing immense increase in app based work, across the country and the world over. In fact, during the heights of the pandemic, it was the app based workers in transport (cabs) and food delivery, who had virtually acted as frontline Covid warriors. At the same time, gig work is also characterised by absence of recognition of the employer employee relationship by the digital bosses, even in cases where the work performed by the gig worker is quite traditional form of work (such as cab drivers, cobblers etc). Many of the gig work apps are now giants in their fields, and while they provide employment opportunities to many, they are also quite reluctant in building the infrastructure, including infrastructure to ensure workspace safety to the workers. We often find that the gig workers work as much as 16 hours a day, without any social security and employment security. The absence of legal recognition of the employer-employee relationship is the biggest hurdle in organising the gig workers and ensuring their rights.

Often the argument is made that it is difficult to extend the

labour laws to the gig workers, because identifying the employer-employee relationship is near impossible in that field. In this context, initiatives like the E-Shram can provide a way out. A worker who registers at the E-Shram should be recognised as a proper worker by the state and in case the state fails to identify the employer, then the responsibility for providing social security and other benefits to the worker should be entirely borne by the state. In this way, registration at E-Shram would also lead to recognition of the worker by the state and extension of the social security and other benefits to her.

Today we hope to discuss some of these points with you and learn about your experiences of working in this field.

### MOHIUDDIN

I am a B.Com student, currently in my third semester. I have also been working with a mainstream food delivery app for the last one and half years in Hyderabad. My experience says that it is us, the workers, who bear the brunt of all volatility and insecurity in the market. Take for instance, fuel prices. Earlier, petrol used to cost Rs. 65/- per litre. Now it is Rs. 95/-. But our remuneration has not been increased accordingly. Earlier, we used to get Rs. 5.2 for every kilometre. Now we get Rs. 5.6 per kilometre, a mere increase of Rs 0.40! As such, the current rate is not even enough to properly cover our fuel cost.

Often, we are forced to wait for very long time at the restaurants, and we do not get any money for such waiting. As such, by working 8 hours, nowadays we hardly earn Rs 80/-, after excluding fuel cost. It is because of such low payment, that some delivery boys work for 16-17 hours per day.

The company works in very shrewd manner to take everything from us and deprive us of our labour rights. When we are recruited, we are not called 'recruits'! Rather, it is said that now we are being 'attached' with the company!

To work in the company, we must have our own bikes. Costs like repairing of the bike, changing tires etc. are entirely borne by the workers. In case we are faced with road accidents, then there are some provisions of health care (in the form of a health insurance up to Rs. 1 lakh), but it is applicable only when the accident happens at the time of traveling to the customers place from the restaurant, with the package in our hands! That means, if I met with an accident while returning after delivery, then the health insurance will not be applicable with me! This is irrespective of whether I was online or offline at the time of accident. This is a very strange way of calculating the "work hour"!

We also face with all kinds of workspace related humiliation and violence. Most of the time, the restaurants don't even allow us to wait at the reception counter, and force us to move outside, in very humiliating manner. Sometimes, drunk

customers refuse to pay cash on delivery, even after delivery of the package. Sometimes the delivery boys are beaten up by the customer. In all these instances, the company takes no responsibility and merely says that we cannot do anything!

The company has no infrastructure to address occupation related hazards and uncertainties. Once a friend of mine was beaten by some drunk customers and he then filed a police case. But even when his innocence was beyond doubt, the company didn't offer to support him in any way! Rather, they kept calling him to enquire why his delivery has not been made within the stipulated time period! At another time, due to a sudden flood in Hyderabad, my bike

***Initiatives like the E-Shram can provide a way out. A worker who registers at the E-Shram should be recognised as a proper worker by the state and in case the state fails to identify the employer, then the responsibility for providing social security and other benefits to the worker should be entirely borne by the state.***

was stuck near a flyover and the entire area was flooded with water. I had a delivery packet in my hands and so I called the company, explained the situation and requested them to cancel the order. They indeed cancelled the order but also imposed a fine of Rs 350/- on me!

To tackle such situations, we have formed our own friendship circles, of delivery boys. So if a delivery boy finds himself in a difficult situation, such as an accident, then we call each other and help him. But it is clearly not enough. We too want full recognition as workers in the company.

## Key Points from the Discussion

- 1 Many workers shared their experiences of working with the app based companies. It was widely felt that the companies consciously try to obfuscate the employer-employee relationship, in the garb of misleading terms such as – independent association, independent contractors etc.
- 2 Registration at the E-Shram portal should facilitate legal recognition of gig workers as proper workers, and all the existing labour rights should be extended to them.
- 3 Identifying the employer should be the responsibility of the state. In case the state fails to identify the employer, then the state itself should borne the entire cost of ensuring social security and other benefits to the worker.



# Organising Garment Workers Challenges and Potentials

## Speakers

**Murli Kumar**

State Vice President,  
AITUC-Haryana

**Usha Saroha**

State President,  
AIDWA-Haryana

**Shipra**

Tailoring Worker

## Moderator

**Lokesh**

Executive Director,  
Centre for Education  
and Communication

**Rajesh Kumar**

Tailoring Worker





***Why does a worker have to work 16 hours each day to earn Rs 18,000 per month, while the legal working hour is only eight hours?***

***Shouldn't wages be such that people are able to earn Rs. 18,000 even while working eight hours each day?***

#### LOKESH

The garment sector in India is characterised by near total absence of formal bargaining arrangements and presence of workers organisations. While recent years have shown some signs of organised mobilisation of garment workers in places like Bangalore, the garment factories of Delhi-NCR have virtually no formal bargaining arrangements or workers organisations. This absence adversely affects all efforts towards ensuring decent work in the garment industry and hampers the process of building sustainability of the sector. The objective of this Labour Dialogue is to examine, analyse and understand the challenges and potentials of organising garment workers in India, especially in Delhi-NCR. Through dialogue amongst trade union leaders, civil society activists and garment workers, this Labour Dialogue discuss the evolution and transformations of the garment sector, reflect on the experiences of organising the garment workers, and explore the potentials of strengthening workers organisations in the garment factories of Delhi-NCR.

#### SHIPRA

I am Shipra and I am originally from Kolkata, Bengal. I have been working with the company called Modlama for the past seven years. Before that, I was working independently on piece-rate basis. As per my personal experience, the garment workers currently have no unity among themselves, and they do not try to understand each other's problems. Many workers don't get the point that if another worker is harassed today, then tomorrow the same thing may happen to him as well. So we all need to come together and raise our voices. I myself have been a victim of sexual harassment by a master-tailor. He said very objectionable things to me and the matter went to the Department of Personnel as well. I told the Officer there – "I am not here to suffer such lewd and objectionable behaviour, especially when I have made no mistake in my work". The Manager supported me and told me that there will be no problem for you. I was successful only because I raised my voice. But it is also true that it is difficult to raise your voice when other workers, other women, do not support you. This needs to change. In the garment factories, women suffer from many problems. We do not have clean and safe drinking water. There are often unfair salary cuts. In many cases, pending salaries are not paid on time. The master tailors terrorise the workers. Only when all the workers will come together and raise their voices against misbehaviour and harassment, then the things will change for all.

#### RAJESH KUMAR

I have been living in Kapashera since 1992 and I am originally from Pratapgarh, Uttar Pradesh. We should all unite together and we should not remain silent. I myself work very hard, 16 hours each day and I get Rs. 18,000/- per month. There is no complaint against me. But many people do not want to work hard. The

thing is – if you do you work properly and complete the target, then nobody will be able to say anything to you. The company is paying us, because they expect work from us. If they demand 100 pieces, then we should be able to give at least 90. But if we do not work hard, then the scope for misbehaviour etc. arises.

### Discussion

It was pointed out by the moderator that we need to ask, why a worker has to work 16 hours each day to earn Rs 18,000 per month, while the legal working hour is only eight hours? Shouldn't wages be such that people are able to earn Rs. 18,000 even while working eight hours each day?

### USHA SAROHA

In the Delhi-NCR region, lakhs of migrant workers work to earn their livelihood. It is these workers who sustain our cities. We can see that the factory owners make more and more profits but the condition of the workers remain the same. Many of the workers remain committed to the company, but the company displays no such loyalty to the worker, especially in moments of crisis. The condition of the garment factories are such that workers often work for long hours while standing, which affect their legs, and create back pain and other health related complications.

***Today the garment workers feel happy when they get overtime work, as it helps them to make some additional money.***

***This is a really tragic situation because eight hour work should ideally be sufficient to support the livelihood needs of all the workers.***

The neighbourhoods where the workers live do not have basic amenities. Workers build the cities, but they remain ignored.

As far as women workers are considered, they face double exploitation – as women and as workers. Often the Supervisors exploit the women workers. Sexual harassment is rampant in the garment industries. Often, the woman worker has to take a very hard decision regarding whether to quit her job or continue

working, as she has lots of household responsibilities on her head. So many women find themselves tolerating harassment and exploitation at workplace for a long time. In such a scenario, it would be totally wrong to blame the victim. Women often face difficulties to raise their voices because of the fear of firing. Jobs in the garment factories have no employment guarantee and security and this further increases her vulnerability.

As per law, not only direct sexual harassment, but also indirect forms – such as making obscene gestures etc. are punishable. But because of insecure work conditions, women workers often feel hesitant to raise their voices and resist harassment. Women workers also face many additional hurdles in work – such as lack of proper clean bathrooms at workplaces, lack of proper spaces for taking lunch, inadequate lighting in the road from home to the factory, lack of safe and affordable transport in the late evening etc.

Today the garment workers feel happy when they get overtime work, as it helps them to make some additional money. This is a really tragic situation because eight hour work should ideally be sufficient to support the livelihood needs of all the workers. Today rather than work supporting life, it is life that is being consumed by the necessities of work. A worker who works for more than 16 hours each day hardly has any family life. How is she going to spend time with her children and other family members? How is she going to sustain her family?

Women garment workers face the double burden of working both in the factory and inside her home. We demand that the unpaid domestic work performed by women should be recognised by the government. That means, the government must offer support in the realm of social reproduction – such as providing affordable education for children, amenities in the neighbourhood etc. It is not just a question of wages only. We also need inclusive social welfare policies. Many garment workers do not have ration cards.

We often see a gap between the workers struggle and women's struggle. For instance, in the militant Hoonda struggle of the workers, we hardly saw any participation of women there. In the more recent farmers agitation, we however saw lots of participation of women. We need to understand that if both men and women participate in struggles and come together, it makes the struggles more sustainable and successful. Therefore, the need of the hour is to take appropriate lessons from the past and present struggles, and devise appropriate strategies that includes both the workspace and the neighbourhood. Only through such comprehensive strategies, we will be able to promote decent work for the workers.

### MURLI KUMAR

Delhi-NCR has a long history of struggle of garment workers. Over the years, the sector has undergone significant changes, thereby posing new challenges and opportunities for the workers. Today, many workers do not consider themselves as proper workers. This is especially true in the case of piece rate workers, who often consider themselves as independent contractors. But in reality, this is not the case and objectively speaking, they are workers just like those who work inside the factory.

The unions are the key to ensure rights of the workers. As a worker, you are entitled to provisions such as the ESI. But often the workers do not have adequate knowledge about their rights, about processes of application etc., and so they remain deprived from their due entitlements. One of the big challenges in the garment sector these days is the lack of proper knowledge among the workers about their actual employers. You must understand that in any labour dispute, first of all you will need to know your actual employers.

It is true that building unions take time. The history of the working class movement shows that whatever we have achieved today, are all because of the struggles of our past generations, of past workers. The right to have a weekday off, the right to eight hour workday- all these are rights that could be achieved only through the united struggles of the workers.

For any union to be effective, it must be based on the majority. Otherwise, it becomes very easy for the employer to divide the workers and destroy the union. That means, we would need patience while building an union. But once established, a union can ensure rights for all the workers.

Workers go through many disputes with their employers. AITUC can assist you in all these matters, especially in the legal matters. AITUC also will help you in approaching the Labour Department. But ultimately, the initiative must come for the workers themselves, if they are interested in building a strong union. Individually, it is never possible to fight the management or the owners. Only through united struggles, the owner can be made to listen to the needs and demands of the workers. Through struggles, the workers, especially women workers change their own lives as well. They begin to develop confidence in public affairs. While her family may resist initially, if the woman worker insists on fighting the good fight, ultimately her family too will come to understand.

## Key Points from the Discussion

- 1 The garment sector today is characterised by low levels of unionisation. This was not always the case. Historically, textile mills were the epicentres of labour struggles in the country.
- 2 The employer-employee relationship in the garment sector is often made ambiguous and grey by the employment of various forms of sub-contracting. While nominally independent, the piece-rate based workers are just like other categories of workers in reality.
- 3 Meagre income, insecure work relations, absence of social security and rampant sexual harassment are some of the biggest challenges faced by the garment workers in India today, especially in Delhi-NCR.



Labour Dialogue VI 18th December 2021

# Ensuring the Rights of Migrant Workers

## Policies, Perspectives, and Possibilities

### Speakers

#### Binod Khadria

President,  
Global Research Forum on Diaspora  
and Transnationalism

#### Manish Jha

Tata Institute of Social Sciences,  
Mumbai

#### Sourya Majumdar

Migrant Workers Solidarity Network,  
New Delhi

### Moderator

#### Mayur Chetia

Researcher,  
Centre for Education  
and Communication





***The Occupational Safety Code has broadened the definition of “interstate migrant workers”... to include any worker who migrates on her own to another state. At the same time, the Code increases the legal threshold of establishments to those with ten workers... leaving out a vast number of migrant workers employed in micro units.***

#### MAYUR CHETIA

Many of the recent legal and policy initiatives have special bearings on the question of rights of migrant workers. While opening up new possibilities, they are also often shrouded with ambiguities and contradictions. The Wage Code has enhanced the coverage of minimum wage provisions to all employees. But at the same time, the Code does not explicitly include in its ambit several vulnerable segments of the migrant workforce, such as domestic workers, home-based workers or workers in the gig economy. The Occupational Safety Code has broadened the definition of “interstate migrant workers” beyond those employed by employers and contractors, to include any worker who migrates on her own to another state, including self-employed workers. At the same time, the Code increases the legal threshold of establishments to those with ten workers (from five as per ISMWA, 1979), thereby leaving out a vast number of migrant workers employed in micro units.

Organised on the eve of the International Migrants Day, this Labour Dialogue will discuss how and if the recent policy and legal initiatives can be leveraged to ensure the rights of the migrant workers. The Labour Dialogue will also discuss about the minimum elements necessary for ensuring social protection for all the migrant workers and what strategies that the trade unions, workers organisations and CSO may need to develop & employ to achieve that goal.

#### MANISH JHA

Let us begin by recognising that all migrants have the right to have rights, just like other human beings. We all know how the Covid crisis brought the question of migrant workers to public attention. Many of us have been talking about migrant workers for many decades. But unfortunately, it took a crisis of such gigantic proportion like the current pandemic, to bring home the centrality of the migrant question in our lives. Only now we are beginning to have some broad public discussion on migrant labour.

As far as figures of the migrants are concerned, we do not have reliable data. As per the Economic Survey of 2016-2017, there are around 100 million migrants, of which 55 million are inter-state migrants. These inter-state migrants are essentially low paid informal workers, whose resource base is meagre, who are poorly educated and who move from one place to another in search of unskilled jobs.

It goes without saying that it is the migrant workers who build our cities; our daily lives are virtually dependent on them. And yet during the time of the lockdown, they were treated as suspects, as corona spreaders. They were baton charged, left to die in the railway tracks, and doused with disinfectants, while trying to go home. All manner of hidden and not-so-hidden

discrimination, and violence were unleashed on the migrant workers.

The pandemic also demonstrated the huge asymmetry in the powers of labour and capital. Draconian restriction on the mobility of labour was imposed, while capital was provided with all manners of relaxations within a few days of the lockdown. In fact, in certain sectors in the very middle of the pandemic capital got rich, like never before. We all know what led to the long march of migrant workers back to their homes, battling all manner of atrocities, humiliations and violence. In statistical terms, only 9 percent of the total working people in this country have access to social security, in the proper sense of the term. The rest of the 91 percent are in the informal sector- i.e. they live and work under precarious conditions with meagre wages, with nothing to fall back upon in moments of crisis.

Now that we are talking about policies and provisions for migrant workers, I want to mention three features that characterise our existing policies on this question.

The first feature is **reductionism**. What is proposed, left alone done, for the migrant workers is only the bare minimum. Such meagreness is justified in the name of fiscal limits or sound budget. Instead, policies should be such that they ensure basic human dignity.

The second feature is **threshold**. We all know how imposition of thresholds end up excluding the most needy, encourage non-compliance and make existing provisions ineffective and redundant. When the vast majority of the establishments have less than 20 workers, it makes absolutely no sense to exclude them from the provisions of labour laws. This culture of thresholds will have to be done away with.

The third feature is **incoherence**. Our authorities share the view that encouraging labour protection is antithetical to labour market flexibility, which supposedly discourages corporate investment. So the thinking is that only by restricting the rights of labour, capital investment and economic growth can be ensured. This approach turns all labour protective initiatives toothless and redundant.

If the pandemic has taught us anything, it is that we cannot continue with our present manner of thinking and doing things. We need bold steps, to protect the interest of the migrant workers, who constitute one of the largest segments of our population. Equally important is the fact that our social policies must be comprehensive and coherent, and migrant labour must have a seat in the policy discussion tables that decide the contours of development.

At the most basic level, all our social security policies and schemes must be portable. Otherwise, the vast majority of the migrant population, who frequently shift jobs, perform multiple tasks and change places, will remain excluded from them. All laws and regulations related to migrant labour must cover all the three crucial nodes- i.e. source, transit and destination areas.

This also means that while framing policies for destination areas, one should also keep in mind the requirements of the source areas.

It is also important that while framing policies, we should keep in mind the circularity, seasonality, and migrant status of the informal workers. Merely terming them as “informal workers” is not enough. Effective policies for migrant workers will be essentially dynamic, i.e. they will keep in view the fact that the migrant workers constantly change their locations and jobs; that the poor often earn their livelihood from multiple sources; that their needs and demands from the labour markets will invariably vary.

It is doubtful how far the new Labour Codes will be able to address the needs of the migrant workers. All the four Labour Codes are characterised by vagueness and lack of clarity. For instance, we do not know what will be the regulations and mechanisms of different Welfare Boards under the new Labour Codes. How portability of benefits for different workers, especially migrant workers will be ensured. In the context of the construction workers, *which* Welfare Board will be responsible for *which* task, if the construction worker moves from one state to another? Portability is absolutely essential to address the needs of the migrant workers. This also requires detailed and well thought out procedures, mechanisms and regulations.

In today's times, expanding the reach of the MGNREGA and the formation of a massive urban employment scheme is absolutely necessary, if the purchasing capacity of the migrant workers is to be enhanced. Such work can take many forms – such as employment generation in infrastructure building, sanitation etc. The important point is – we need active labour market interventions today, if the economy is to be revived. The question of housing rights for the migrants, mid-day meal for the children of the migrants, ration for all the migrants etc. also cannot be ignored. The important point is that all policies and schemes for migrant workers should be informed by the idea of non-discrimination and equal citizenship and all of them must have an in-built portability clause. Many of the new digital technologies can be leveraged towards this end.

## SOURYA MAJUMDAR

Let me begin by recounting a number of relevant events. One day after the first lockdown was declared, on 24th March 2020, the Prime Minister of India declared the inauguration of a *Garib Kalyan Yojna*, with Rs. 1.7 lakh crores earmarked for it. A few days after that, on 27th March 2020, the Home Ministry released an order specifying two measures: 1. curtailing the movement of migrant workers, as part of the lockdown enforcement process 2. specifying that no landlord can extort the migrant workers and that wage dues cannot be denied by the owners to the workers. Interestingly, while



the first measure was enforced strictly, with extreme steps such as – workers being put into large stadiums in Haryana and spreading disinfectants over the bodies of travelling workers in UP and Bihar, the second measure was declared to be only advisory in nature! That means, no penal provisions could be applicable for the violation of the second order.

On 29th March 2020, the Prime Minister again came on the national television and apologised to the migrant workers for the inconvenience faced by them. But then in April 2020, a series of states – Rajasthan, UP, Gujarat and Punjab brought Ordinances that declared that to improve the economic situation, now the workday will be 12 hours a day!

How do we make sense of all these events? How do they relate with each other?

***We do not know what will be the regulations and mechanisms of different Welfare Boards under the new Labour Codes. How portability of benefits for different workers, especially, migrant workers will be ensured?***

The first noticeable element is the combination of a carrot-and-stick policy by the authorities for the migrant workers. Some doles (carrots) will be granted to the migration workers, but any transgression will be dealt with severely. Secondly and equally importantly, the question of *rights* will be entirely ignored. The state will be unbelievably tolerant, ineffective and lax, when it comes to upholding the rights of the workers and ensuring the accountability of the employer.

We all know how by the time of the second lockdown, food insecurity became a major issue. Many of us became involved in providing food packets for the migrant workers. Remarkably, in Karnataka, the Labour Minister explicitly said that they haven't been able to do anything for migrant workers, because they don't have data about such workers! In this regard, a petition was filed in the Supreme Court to make PDS universal, to cover all the needy migrant workers. The Court then began a number of

hearings where the government was asked repeatedly – why it doesn't have data on the migrant workers.

It was *after* this process that the E-Shram registration began. But so far, no benefits have been declared. It should be noted that this is not the first time when people are talking about preparing a database of migrant workers. Similar conversations had taken place in 2008 as well, when the Unorganised Workers Social Security Act was passed. But the difference this time is that data collection is now being undertaken without providing any clarity about the benefits that the migrant workers will receive. At the same time, it is also true that the governments in India have been generally reluctant to collect data on migrant workers, because then the question of rights and entitlements will also arise.

Let us talk a bit about the Labour Codes as well. According to the new Occupational Health Code, establishments with less than 10 workers will not be covered by that Code. That means, the vast majority of the workers will be excluded by it. We also have a new definition of migrant worker, according to which people earning more than Rs. 18,000 will not be considered as migrant workers! Interestingly, if the formula regarding the calculation of minimum wages by the Labour Commission is applied, then that amount would be more than this Rs. 18,000! It should also be noted that the trade unions have been demanding the reconceptualization of minimum wage calculation formula on the basis of 5 dependents, instead of the current three.

In the Social Security Code, it is being said that now we will have universal social security. It removes nine existing Acts, but how the migrant workers will be provided with social security, the Code is silent about that. In the case of ESI and EPF payments, the earlier laws had provisions of penalising the employers, if they fail to make the payments. But now, not only the employers contribution to EPF and ESI have been reduced, the enforcement mechanism has also been made more lax.

The biggest danger comes with the Industrial Relations Code. Now *fixed term employment* has been made the standard in lieu of the *permanent workers*, and hiring-and-firing has been made the usual practice. Now it would be impossible to organise any legal strikes, in any meaningful sense of the term.

As per the Wage Code, now apart from the minimum wages declared by the state governments, the central government will declare a *national floor wage*, which will be lower than the minimum wages declared by the states. It would be anyone's guess as to which wage will become the norm.

Such perverse centralisation will deeply impact the migrant workers. The migrant workers have always been a challenge to the question of federalism. Who will pay for *this* or *that* benefit of the migrant workers, whether the destination state or the source state will make the payment – these have been difficult questions for a long time. The Labour Codes unfortunately provide no clarity on these questions.

The Codes are also silent about two other important questions- housing and culture. Earlier, some of the industries such as mines, textiles etc. used to make housing provisions for the migrant workers. But now this question has been entirely ignored by the Labour Codes. The Codes are also silent about the question of culture and related conflicts – such as conflicts between the local and migrant workers. How and if the migrant workers will be assimilated with the local cultures, how the cultural rights of the migrant workers will be ensured- the Codes are silent about these very pertinent questions.

At the very least, what we need today is the formation of specific Welfare Boards for migrant workers across the country, to meet the needs of the migrant workers. We would also need electoral reforms that would ensure that the migrant workers too can vote in the local elections, i.e. in the destination area where they work. This would ensure some modicum of electoral pressure on the state to work for the welfare of the migrant workers.

#### BINOD KHADRIA

Today we are celebrating the *International Migrants Day*, while we should have been celebrating the *World Migrants Day*. The use of the term “international migration” creates an ambiguity – i.e. as if we are only talking about international migration and ignoring internal migration. So it would be better if we rather talk about a *World Migrants Day*.

We all are familiar with the problems associated with the migration question viz. natives vs. outsiders, citizens vs. foreigners etc. In the time of Covid-19, these problems have accentuated. In fact, during the lockdowns, we saw that the various Indian provinces virtually behaved like sovereign nation-states, restricting the mobility of labour across provincial borders, which further worsened the conditions of the workers desperate to go back to their homes. This means that the time has come to consider the migration question very seriously.

We need to say it very clearly today that we need mobility of labour, in parallel to the mobility of capital. In fact, labour was mobile much before capital. It was only when capital began to sway over labour and developed capacities to replace it, that restrictions began to be placed on the movement of labour.

As far as world-wide policies are concerned, Kofi Annan had tried to introduce the question of migration in multi-lateral dialogues as far back as 2002. But it was considered as a sovereignty issue and the process was stalled. Even today countries are very reluctant to talk about their visa policies with others. It is considered as a hot potato- “an internal matter!” What Kofi Annan did, quite smartly, was to piggy back the question of migration, under the rubric of *Migration and Development*. Since then it is known by that name. Annan had constituted the Global Commission for International Migration (GCIM), which was in place for the period 2002 to 2005. After the report of the GCIM was published, the Global Forum on Migration and Development

(GFIMD) was formed in 2006 and since then it meets once in every year.

When the eight Millennium Development Goals were declared in 2000, it was disappointing to see no mention of migration there. The civil society activists nonetheless hoped that when the Millennium Development Goal period would be over and the time of Sustainable Development Goals (SDGs) would come, the question of migrant labour would be included. But nothing of that sort happened. In 2015, the eight Millennium Development Goals were turned into 17 Sustainable Development Goals. And yet migrant labour was ignored once again. It took the *Refugee Crisis of Europe* for the big international players to finally understand the immense importance of dealing with the question of migration squarely. Conversations on the migration question finally led to the signing of the Global Compact for Migration (GCM) in 2018. Remarkably, the United States under Donald Trump

***The biggest danger comes with the Industrial Relations Code. Now fixed term employment has been made the standard in lieu of the permanent workers, and hiring-and-firing has been made the usual practice.***

withdrew from GCM. Some other countries – such as Australia also followed suit. A large number of countries nonetheless are still part of the GCM. The GCM has currently 23 objectives related to migration.

In today's times, it is very important to talk about these 23 objectives even in the context of internal migration. For instance, we must demand that in formulating policies in all the three nodes vital for migration – the *Source, Transit and Destination* countries/areas – the migrant labour must be made a stakeholder. We often see that it is the Destination countries/areas which come to decide the migration policy, with the Source state made powerless to influence the process. This is not sustainable.

Today, three elements seem to define the contours of migration: *Age, Wage and Vintage*. *Age* deals with the neutralization of the adverse effects of “age-structural change” that can be brought about through the younger cohorts of the returnees that re-migrate a second or third time, the older cohorts of returnees tending to stay on in

the country of origin and adding to the stocks of older workers. The second, *Wage*, refers to the comparative cost advantage lost by the country of origin in global trade when the younger returnee re-migrants take away with them to the destination countries the societal benefits of their lower wages, perks and pensions, and the older returnees add to the cost of production and therefore to prices of goods and services they produce. In addition, this also indirectly adds to the silent backwash flow of remittances out of India by lowering the wages, perks and pensions which determine the remittance-capability of the migrants. The third element- *Vintage*, implies the state-of-the-art know-how and skills embodied in the younger generations of student migrants having access to the latest of curricula. This pre-empts the return of workers even before they complete their studies and become professionals – leading to a phenomenon that may be called “pre-migration” of the “semi-finished” human capital.

In International Migration Policies, the growing tendency seems to be towards *temporisation* of migrants: bring them, get them to work till they are productive, and then throw them out! And then bring in the next batch/generation and repeat the cycle. Such practices increase the vulnerability of the migrant workers- both in international as well as internal migratory contexts. The age profile of the worker is coming down continuously and thereby we are displacing our aged generation. Employing the young worker also means low wages and lower perks, no pension etc. Growing ease in hiring-and-firing is also another form of *temporisation* of labour; it accentuates firing of older workers and hiring new young workers. It can be seen in the context of internal migration as well.

What we witness today is growing incoherence in policy making. For instance, on the one hand, you keep talking about the huge problem of unemployment and on the other hand, you want to raise work hours to 12 hours! How exactly both these objectives are coherent with each other?

What we need today are comprehensive policies on migration that deal with all their dimensions, which include both internal and international migration. For instance, the seven generation formula used for Overseas Citizens of India should be made applicable for internal migrants as well. There is a need to confront the son-of-the-soil attitude and bring forward the idea that we all are migrants. It is true that at the current juncture, we do not expect any bold policy on the question of migration. But that should not stop us from dreaming big and presenting bold policies. Wishful thinking is not altogether negative; they give us a sense of direction about what we need today.

## Key Points from the Discussion

- 1 We need bold, detailed and comprehensive policies on migration that deals with both internal and external migration. If capital is mobile and enjoys unrestricted mobility, the same right should be available to labour as well.
- 2 The nativist approach needs to be countered. It is important to underline that we all are or have been migrants.
- 3 The citizenship rights for the migrants need to be ensured. At the very least, electoral reforms must be undertaken to allow the migrants to exercise their right of voting in elections. This in turn can create a dynamic that would enhance the political participation of migrant labour.



