

MEMORANDUM

13th April 2020

To,
The Union Labour Minister
Government of India
New Delhi

Sir,

Sub: Legislation of Labour Codes by Stealth

It has been brought to our notice that the Government of India is in the process of enforcing the three labour codes namely the Industrial Relations Code 2019, the Code on Social Security 2019 and the Occupational Health, Safety and Working Conditions Code 2019 that at this time are before parliament through ordinance or executive order. This comes along with the proposal that government would also through ordinance or executive order seek to increase working hours from 8 hours to 12 hours a day. In a fortnight from now we will all mark May Day reflecting the global long struggle by the working class for the 8 hour work day that has been recognised by every successive government of this country and by the Ministry of Labour and Employment too.

We, the undersigned twelve trade union organisations – representing workers across every sector and state of this country – wish to place on record our strongest objection to this undemocratic and unacceptable action by government.

The Industrial Relations Code completely undermines the right to freedom of association as currently enshrined in our constitution, paves the legal way for employers to promote their own trade unions and eliminates the possibility of collective bargaining. The code significantly eliminates the possibility of strike action that is a legitimate part of a collective bargaining process.

The Code on Social Security dilutes the existing provisions of provident fund and employee state insurance including the legislative guarantees presently enjoyed which ensure employer contributions towards them. While it claims to provide ‘universal’ social security to ‘all workers’ including those not covered by PF or ESI it does so only in name in the absence of either specific healthcare and pension benefits that are in turn financially provided for through legislation.

The Occupational Health, Safety and Working Conditions Code 2019 while diluting various conditions of health and safety at a time when workplace accidents are on the rise does away with the responsibility of the principal employer in the case of contract labour effectively legalising the already widely recognised system of contract labour.

The foregoing apart all three codes along with already legislated Wage Code 2019 are complicated and contradictory through the use of multiple definitions and jurisdictions which

would at best result in long and endless litigation than there already is and at worst even greater exploitation than there already is. Furthermore the codes result in significant abrogation of legislative rights through the rule making powers being granted to the executive.

The overwhelming majority of trade unions have expressed their objections to the above codes on amongst the above counts. Trade unions have also expressed the lack of consultation including through the existing tri-partite forums apart from wider consultations. We have also drawn attention to the fact that one-way web-based consultation process is inherently undemocratic.

Three weeks into the government enforced lockdown as a result to the Covid-19 Pandemic it is now apparent that employers have taken significant advantage of the situation. An overwhelming majority of the country's contract workers have received only partial wages for the month of March 2020 if any wages at all. This includes frontline workers who have continued to work though the lockdown. This includes non-payment by labour contractors to both government and public sector undertakings. Nearly half the working population who are migrants and work as casual and day labour have received no wages at all for this past month. We can have not had a starker measure legal 'compliance' in our country at a time when employers are bound by the Government of India's orders under the National Disaster Management Act, 2005.

In view of the foregoing any action of the Government of India with regard to bringing forward the labour codes will amount to coercive action against the country's working people and an undemocratic act directly and unambiguously favouring employers. In such an event we, along with other trade unions, would be left with no choice but to oppose these actions through all such democratic means available to us.

Thanking you,

Yours Sincerely,

Gautam Mody

Gautam Mody
General Secretary
NTUI

Vijay Kumar
President
AIFTU (New)

Sudipta Pal
Advisor
ECLTSAU

B. Pradeep
General Secretary
IFTU

S. Venkateshwar Rao
President
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Kanhai Baranwal
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General Secretary
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