

# Workers connect...

## Public transport: ensuring right to livelihood

K R Ushakumari rides a scooter, then rows a boat and finally treks 4 km up a forested mountain braving leopards and elephants to teach 14 adivasi children. The journey begins at 7:30 am and she reaches home only by 8 pm. Never a day late, she runs the single teacher programme for tribal areas started by the Kerala government and ensures the right to education of these children. She had no access to any public transport between her home and school for the last 17 years.

A public interest litigation in the Bombay High Court in 2014 sought to highlight the plight of 2,500 children from adivasi families in suburban Goregaon, who have to walk through forest, a national park, every day risking leopard attacks to reach their municipal school. The Brihanmumbai Electricity Supply and Transport (BEST) refused to provide buses on the route claiming that the road is not motorable. The PIL called for a right to public transport as a fundamental right to ensure the right to education.

In this context we need to be mindful whether providing public transport to students alone is enough to ensure the right to education. Teachers and staff who run schools also need transport to ensure they reach these schools. Parents of children need access to transport to get to work so they can afford to send children to school.

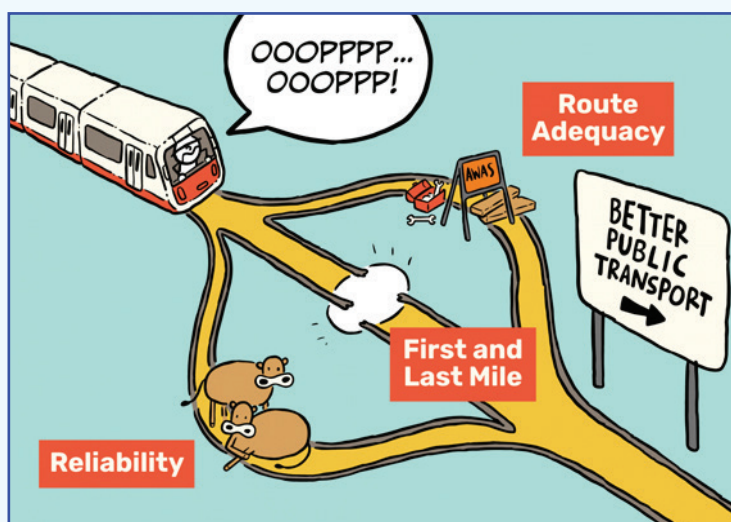
The 7-day long strike of BEST workers of Mumbai in January this year provides us a case to understand the various challenges to ensure the right to public transport for all and the role played by the three main parties: the commuters, management and workers. On the fifth day of the strike, BEST management said they would have to hike bus fares by 50% to meet the union demand. The management however did not increase the fare, the other demands of the workers have also not been met.

Instead, on 25 June, BEST slashed bus fares across the board by 50%. Commuters were very happy. The number of passengers rose by 29% on the first day and by the first 10 days rose by 50% but BEST's revenues slid by 31% on the first day.

### Commuters

**Transport Cost:** Most of Mumbai's working people, many of whom live in the city's outskirts use the local train or public bus for transport. Bus ridership declined over time from 45 lakh passengers in 2005 due to increasing fares. This was revealed by the rise in number of passengers in buses after the BEST fare cut. Other cities also corroborate this fact. Interviews with workers in Chennai reveal that workers spend a quarter of their daily wages in commuting and in Delhi, 34% of the city's population is unable to afford bus fare.

**Lack of Connectivity:** Connectivity is how easily we reach the point of embarking the public transport and how we reach our destination after disembarking. A study done in Ahmedabad showed that 27% of the urban poor do not use public transport due to the lack of connectivity. In the same study, 60% of respondents complained that there are no bus stops in walking distance and 34% said they would shift to public transport if such was the case.



Despite these difficulties, over 58% of commuter in our country use buses. This is because 9 in 10 Indians do not own a motor vehicle and 6 of whom commute to work. In urban centres, bus fares account for 58% of transport expenditure of all urban households and this amount increases, relatively and absolutely, the poorer the commuter is with the top 20% of commuters spend nearly a ninth of what the bottom 20% spends.



Despite wide usage of buses, they form less than 1% of vehicles on Indian roads. Both cars and motorcycles, the overwhelming bulk of vehicles on our roads, are less fuel efficient, more pollutive and occupy more space on a per passenger basis than buses. This composition of motor vehicles makes Indian urban spaces some of the world's most polluted and congested. It also affects the performance of buses.

**Privatisation:** In 2012, most buses in India are privately run with less than 8% being publicly operated by the State Transport Undertakings (STUs). This was not always the case. In 1976, the share of STUs in operating buses had grown to over 45%. Reduced investment in STUs since the mid-1980s has ceded space to the private sector which not just charges commuters more, it also pays its workers less than the STUs.

### Management

When cutting fares in June, the management of BEST management argued that it was done to compete with taxi services like Ola and Uber. This reveals that management has little understanding about its commuter base.

Set up in the 1950s and 60s, the State Transport Undertakings are bodies employing their own

workers, collecting their own revenue and incurring their own expenditures. There are 54 STUs in the country today, most of which are loss making.

**Price sensitive commuters:** The BEST case is a clear case of why the STUs make a loss. Fare reduction expands the price sensitive commuter base but may affect total revenues. This means the lowest income commuter

shifts from using the crowded trains to bus transport when there is a fare cut. It is not the commuter who takes a taxi that shifts. Thus the

number swells considerably but the revenue collected may or may not dip depending on the reduction in fare and on the increase in number of passengers.

**High Investment:** Another factor is that in many Private-Public-Partnership models for STUs, STUs purchase the buses and then these are given to private operators to run. STUs account for a third of bus purchases in India though they operate only 8% of buses. STUs also have higher overhead costs than private firms due to investment in sheds, depots, maintenance and other facilities necessary to operate a bus transport system. In fact, STUs are often marked by insufficient investment in these facilities. Delhi for example needs 460 acres of land to accommodate its 5,583 STU buses but only 257 acres are available. Private operators on the other hand, often employ informal and unregulated firms to provide facilities and services, leech off the public sector or even at time encroach public land to park buses.

**Populist measures of Government:** When governments announce fare reductions or subsidised bus fares for some commuters like students, they often fail to transfer funds to STUs for many years. This issue was raised in Karnataka when transport workers unions

demanding that the state government release Rs. 2,500 crore worth of subsidy relating to student fares. Many struggles between STUs and transport workers reveal a similar demand; for release of funds (Karnataka) and increased allocation of funds (Tamil Nadu).

Merger of STU and state government/municipal corporation budgets have also been proposed. In Mumbai, workers argued that public transport is an essential service and hence should not be scaled down citing losses at BEST, especially when the Brihanmumbai Municipal Corporation (BMC) was the richest in the country and could sustain this essential service.

For private urban bus companies, profits are of primary importance. These profits can be increased only by raising fares and lowering wages. Due to a price sensitive consumer base and some competition from the STUs, the scope for fare hikes is limited. Thus, squeezing the workers is how profits are made. They work longer hours, earn less wages and benefits and are in more precarious forms of employment than the STUs. Reduced wages for workers do not translate into lower fares but just higher profits for private firms.

### **Workers**

In the bus transport sector, workers are employed either by the STUs or the private entities running bus transport. In the STUs, today, workers are also of two categories: permanent workers, with wages and benefits in line with government employees, and contract workers, with wages and benefits more in line with the workers in private buses.

Thus the struggle of STU workers is three fold: (i) to defend the rights of permanent workers and oppose contractualisation; (ii) to oppose privatisation and outsourcing of public transport; and (iii) to defend and expand affordable public transport.

In October last year, over 50,000 STU workers in Haryana struck against plans to induct 720 private buses. Workers demanded that the STU expand its fleet instead and even offered a month's salary to help fund it. In Andhra Pradesh too, STU workers have opposed the moves to downsize the workforce and hire

private buses in a struggle that continues till today.

Workers have also struck for government funding for public transport. In Karnataka, STU workers' unions demanded that government increases fund allocations and exempt the STU from motor vehicle tax and cess on fuel. A World Bank 2002 report found that public transport is taxed 2.6 times more than private transport. Workers also demanded release of Rs. 2,500 crore of student bus pass subsidy which government promised but did not release. In Tamil Nadu and Mumbai too, demands for increased funding were raised. Besides these, STU workers have struck against stagnating wages, intensifying working conditions like in Kerala and at times even against the outright embezzlement of workers statutory dues like in Tamil Nadu.

### **Attack on Public Transport and Workers**

Whenever any demands are raised, workers are attacked in multiple ways.

Courts often declare strikes illegal citing that public transport is an essential service that cannot be disrupted. Governments invoke the draconian Essential Services Maintenance Act, (ESMA) allowing them to declare strikes illegal. Worker, trade unionists and even those lending financial support can be arrested without warrant, fined and imprisoned from 6 months to a year. STU management also victimises workers; sacking or suspending them, hires temporary workers to replace strikes, docks pay and even at times evicts workers and their families from their allotted houses like in Mumbai.

Media demonises the workers depicting them as greedy, and self-serving. Difficulties faced by commuters are pitched against the demands of the workers. What is not stated is that both the workers and the commuters who are largely dependent on buses come from the same social strata. Private buses, auto rickshaws and cabs including app-based operators like Uber and Ola, hike rates to fleece commuters. All this leads to a loss of public support for workers.

In Haryana, community support and solidarity received from workers from different

sectors saw 1.5 lakh workers join the 50,000 STU workers on strike. It was this support that helped workers succeed in opposing privatisation despite ESMA, police assault on workers and arrest of over 250 and suspension of over 500 workers.

Besides anti-strike measures, the private sector sabotages public transport in ways better classified as long-term. Firms across the car and motorcycle supply chain; manufacturers, dealers and financiers, private bus operators, auto-rickshaw owners, app-based cab companies and other employer groups lobby for privatisation and against expansion of STUs. Advertisers and media build the aspirational image of car and bike ownership, inciting many to consider bus transport as something beneath them. This is evidenced by the large expansion of cars and motorcycles. The latter especially occurs parallelly to the shrinking presence of buses.

### **Public Transport as a Right**

It is estimated that traffic congestion cost 4 major Indian cities Rs. 1.5 lakh crore annually. The cost of so many people not being able to travel to work is exponentially higher. The drain on peoples' income from unaffordable transport expenditure in a country where over 57% of workers earn less than Rs. 10,000 per month, is staggering. As news emerges that sales of Parle-G biscuits are falling because people don't have the money to buy them, it is not far-fetched to imagine that maybe a few more biscuits could be purchased if people could spend less on commuting. In such a situation, shouldn't the right to transport also be included to enforce the Right to Work under Article 41 of the Constitution?

Workers and trade unions can only do so much. They are already on the backfoot due to vast unemployment, declining wages and pro-privatisation bent of successive governments. If public transport needs saving and expanding, if the right to public transport as a part of the right to work is to be achieved, then it must be a cause taken up by not just by workers but also commuters and all citizens. Public transport doesn't just benefit workers with better wages and commuters with an affordable and comfortable ride, it saves our

urban spaces from remaining the polluted, congested almost unliveable spaces they have become.

## **Policy News**

### **Kerala: Government revises minimum wages for cinema theatre employees**

21 August 2019: Labour department of the Kerala government notified new minimum wages for cinema theatre workers in the state. The revised monthly wages are as follows:

Category	Basic pay of workers
Grade A	₹15,875
Grade B	₹15,210
Grade C	₹14,400
Grade D	₹13,715
Grade E	₹13,060
Grade F	₹12,440

### **Delhi: Government sets up mental health clinic for municipal workers**

17 August 2019: Taking cognizance of increasing number of cases of depression, stress and stress-induced anxiety among civic workers, the Delhi government has set up mental health counselling and stress management clinics for municipal workers under the North and South Delhi Municipal Corporations. The clinics will serve around 3,500 workers.

### **Code on Wages Bill gets President's assent**

12 August 2019: Despite protests from workers and unions, parliament passed the Code on Wages Bill on 01 August 2019 which combines four existing laws: the Minimum Wages Act, 1948, the Payment of Wages Act, 1936, the Payment of Bonus Act, 1965, and the Equal Remuneration Act, 1976. The Bill received President's assent on 12 August 2019. The bill had seen countrywide protests when it was introduced in the first sitting of 17th Loksabha as it dilutes the powers of inspectors, provisions for inspections and various other protections for workers under law.

### **Goa: Government amends Factories and Boiler Act, allowing women to work night shift**

01 August 2019: The Goa government has



amended the Factories and Boilers Act allowing women to work in factories between 9pm and 6am. Companies employing women in night shifts will have to seek prior consent of women workers and provide them canteen facilities and transport to and from work.

## **Legal News**

### **Maharashtra: Bombay High Court reprimands National Textile Corporation Limited for gender based discrimination**

22 August 2019: A division bench of justices Akil Kureshi and S J Kathawalla, while hearing the petition of a woman clerk in Podar Mills, a unit of National Textile Corporation Limited (NCLT) rapped the corporation for discriminating among employees based on their gender in offering them work extension after retirement. NCTL offers an extension of 3 years in service tenure only to men as per its rules. The Court has asked NCTL to stop the discriminatory practice and frame rules which are inclusive of all genders.

### **Tamil Nadu: Madras High Court stays government order declaring the auto component manufacturing sector a public utility service**

03 August 2019: Justice V. Parthiban of Madras high Court has stayed Government Order dated 14 June 2019 declaring the auto component manufacturing sector a public utility and emergency service. The GO had brought auto component manufacturing under the Essential Services Maintenance Act which curbed workers' right to strike work and hold protests. The GO was issued in light of recent militant industrial action in the Sriperumbudur-Oragudam belt which houses automobile companies like Honda, Yamaha and Royal Enfield among others. Justice Parthiban held that the GO suffered from "arbitrariness and non-application of mind" while staying the government order.

## **Collective Bargaining**

### **Maharashtra: BEST workers launch indefinite hunger strike, demand wage revision**

28 August 2019: Over 22,000 workers of the Brihanmumbai Electric Supply & Transport

(BEST) Corporation have gone on indefinite strike following the failure of negotiation talks between the union and management regarding wage revisions. Management has offered a wage hike in the range of ₹5,000 to ₹15,000 per month depending on seniority and grade pay. Workers are demanding a minimum pay hike of ₹8,000 per month and that BEST fill all vacant positions.

### **Andhra Pradesh: ASHA workers demand ₹10,000 monthly wage**

26 August 2019: Thousands of Accredited Social Health Activists (ASHA) and Community Health Workers held a demonstration in Vijaywada demanding that the incumbent Chief Minister fulfil his election promise of raising the monthly wages of ASHA workers from existing ₹3,000 per month to ₹10,000. ASHA workers also demanded immediate release of arrears of their honorariums which has not been paid over last 4 months.

### **Punjab: Over 2,000 contract workers strike work, demand regularisation**

26 August 2019: Over 2,000 contract workers employed by the Post Graduate Institute of Medical Education and Research (PGIMER) went on strike demanding regularisation and equal pay for equal work. Workers from hospital administration, kitchen staff and security guards joined the strike demanding that management respect the order passed by the Supreme Court and pay them the same wages and benefits as their permanent counterparts.

### **Tamil Nadu: Ashok Leyland workers reject management's bonus proposal, observe sit-in strike**

19 August 2019: Over 2,000 workers have been observed sit-in strike at the Ennore plant of Ashok Leyland under the banner of Ashok Leyland Employees Union demanding 10% increase in bonus. Ashok Leyland whose profits soared 21% in 2018-19 to ₹2195 crore from ₹1814 crores in 2011-18 has offered workers a 5% bonus which the workers have rejected

### **Maharashtra: Safai karmcharis protest non-payment of arrears**

08 August 2019: Over 1,000 workers of Navi

Mumbai Municipal Corporation protested outside the headquarters of the corporation demanding their arrears be paid. Supreme Court had ordered the civic body to raise the wages of contract workers engaged in waste picking in the city in October, 2018, however the NMMC which employs over 6,277 contract safai workers hasn't complied to the order yet.

## **Workplace Safety**

### **Manufacturing**

On 27 August, Navin Kumar (47) was killed due to an electric shock after the machine he was working on developed a technical snag. Navin was employed in a plastic bag manufacturing company in Shimlapuri, Ludhiana. Police have initiated an enquiry under Section 174 of Code of Criminal Procedure (Cr.PC).

On 25 August, Anuj (22) died while Anil Singh, Intezar, Vivek, Sushant, Jagatpal, Om Parkash, Shibu, Akashdeep, Jasbir, Amit, Ashwin and Anoop Singh sustained serious injuries due to explosion at Nector Life Science Limited, a pharmaceutical company in Derabassi, Punjab.

On 15 August, Vikash Singh (35) and Rajinder Prasad (30) were killed due to explosion in the boiler unit which they were repairing at the CPH Manufacturing LLP factory at Pune. The Company has announced a compensation package of Rs.2 Lakh each. No FIR has been filed in the matter.

On 14 August, Mayazhgan (45) was killed in an explosion at firecracker manufacturing unit in Madurai. Police have registered a case against Mumoorthy, manager of the factory and foremen Rajendra Nallusamy.

On 12 August, Rahul Reddy and Rajasekhar were killed in an explosion at Aurobindo Pharma, a medicine manufacturing unit at Srikakulam, Andhra Pradesh.

On 13 August, Daya Ram (32) a migrant worker from Bihar died and 4 other workers sustained severe burn injuries as fire broke out at Gaba Sweet Shop in Ludhiana.

On 7 August, Jhumli Mavi (45) and Varsha Mavi (18) died of asphyxiation while cleaning the boiler at Valiant Glass Pvt Ltd, Boisar, Mumbai. The workers were provided no safety

equipment by the employers. Directorate of Industrial Safety (DISH) sealed the manufacturing unit.

### **Sanitation**

On 29 August, Balraj Souda (50) drowned in a sewer he was cleaning in Krishna Colony of Sector 7, Gurugram, Haryana.

On 28 August, 4 workers died of electrocution when they entered to work in an under-construction sewerage line in Udaipur, Rajasthan. Electricity was flowing in the sewerage line from a nearby 11KV pole due to heavy rains in the area. Police have filed a complaint under death by negligence against the contractor who employed the safai workers.

On 23 August, 5 contract safai workers Sandip (30), Shiv Kumar (32), Horil (35), Damodar (40), and Vijay Kumar (40) all hailing from Samastipur district of Bihar died of asphyxiation when they entered to clean a drain in Ghaziabad, Uttar Pradesh. None of the workers had any safety gears on them when the accident took place. Police has initiated an inquiry under Cr.PC.

On 17 August, N Sakthivel (27) and R Madhavan (38) died while D Sandhippu (40) fell unconscious due to asphyxiation when they entered to clean a drain in the Nambiar Nagar area in Nagappattinam. The workers were not provided any safety gears and employed on contract by the Nagappattinam Municipality. Police have filed a case of suspicious death under Cr.PC.

On 2 August, Bhriguram Mandal, Simran Munian and Basudev Mandal died of asphyxiation when they entered to clean the water sump of an under-construction building in Pandara area, Ganjam, Odisha.

### **Construction**

On 9 August, Arjun Singh Kaivartya (34) died after falling from the 9th floor of an under-construction building in Pune, Maharashtra. Police have booked the contractor for neglecting safety standards. The worker was not provided with any safety equipment, neither a safety net was installed at the building.

On 1 August, Rohidas Lalasaheb Bhosale (34)

died after falling from the 7th floor of an under construction building at Wakad, Maharashtra.

## Mining

On 20 August, 2 workers - Rup Narayan and Akhtar Husen died while 4 others survived injuries as roof of the underground mine caved in on them in Jhilmil Coalfields, a subsidiary of the South Eastern Coalfields Limited in Koriya district of Odisha.

## Others

On 18 August, Mahesh (23) came in contact with a live wire and died of electrocution while cutting the tobacco crop. Two other who went to rescue survived severe burn injuries.

On 18 August, Mullar, migrant worker from Uttar Pradesh died while 4 others Gulmar, Nazeer, Muneer and Muzbair died as fire broke out in a furniture factory in DJ Halli area of Bengaluru. The workers were sleeping in the factory when the incident took place. Police has found an electrical short circuit as the reason for the fire and arrested owner of the factory Masoor Khan for negligence and not following safety measures.

On 13 August, Ashish Kumar and Vicky Chauhan died due to an explosion in the engine room leading to a major fire on offshore support vessel Coastal Jaguar near Visakhapatnam Port. The vessel had been contracted by Hindustan Petroleum Corporation Limited and was on trial run when the incident took place. The vessel had 29 crew members on board of which 2 died, 12 survived 50% to 60% burns and 15 suffered minor burns and injuries.

## News From Around the World

### **Philippines: Workers demanding regularisation brutally attacked by police**

19 August 2019: Workers of chemical factory of Peerless Producers Manufacturing Corp. (Pepmaco) in Calamba were brutally attacked by the police on the 15th day of their protest demanding regularisation of work and revision of wages. Over 20 workers suffered serious injuries and had to be hospitalised following police action to stifle the protest.

### **Mexico: Mining workers' struggle yields victory, Grupo Mexico pays \$19 million as**

## **profit share**

18 August 2019: Mining workers have emerged victorious in their 12-year long struggle between the mining company Gropo Mexico and worker's union Los Mineros. Profit sharing is a constitutional right in Mexico, where workers are owed a percentage of the profits made by a company. Los Mineros had filed a case against the company in 2007 for not sharing profits with the workers employed in Cananea Copper Mine in Sonora. After an 8-year long legal battle, the Federal Board of Conciliation and Arbitration had ordered that the company pay \$19 million as profit share to workers in 2015. Finally, Grupo Mexico paid workers their due share of the profits for the year 2007 on 02 August 2019 where each worker received around \$6,000 to \$12,000 based on pay scale and seniority.

### **Lesotho: Sexual harassment rampant in global garment supply chain, workers forced into sex by supervisors for wages and holidays**

15 August 2019: Workers in the global supply chain of garment brands like Levi Strauss, Wrangler and Lee have reported rampant sexual harassment and coercion at workplaces in Lesotho. Workers are fired, wages are deducted and promotions stalled for refusing sex with managers and supervisors. The abuses violated workers' rights under Lesotho's labour laws, international standards and the codes of conduct of the brands sourcing from these factories.

### **France: Healthcare workers strike work to oppose Health Bill 2022**

15 August 2019: French hospital workers went on strike against President Macron's healthcare legislation, which came into force in March. Of the 478 emergency services in the country, 216 participated in the strike against cost-cutting measures, shortage of doctors and temporarily closing services. Health Minister Agnès Buzyn announced 70 million euros in additional funding to quell the strike. However, workers stuck to their demand of creating 10,000 additional jobs, a wage increase of 300 euros net per month, and an end to all closures of hospital facilities.

### ***Qatar: Migrant workers defy Kafala system, strike work against delay in wages at FIFA 2020 World Cup site***

***08 August 2019:*** Defying the 'Kafala' system which prohibits migrant workers from organising into unions and undertaking any industrial action, over 5,000 workers went on strike against delays in payment of wages and inhuman working conditions at FIFA 2020 World Cup project sites in Qatar. Workers did so risking arrest, cancellation of work permits and deportation. Over 30,000 migrant workers from South-Asian countries like Bangladesh, India, Nepal and Pakistan are working in Qatar in infrastructure projects linked to the FIFA 2020 world cup.

According to the Nepalese government 1,426 of its people have died in Qatar since it was awarded the World Cup in 2010. Some died in accidents, while others died from fatal heat-related illness after working in temperatures exceeding 45 degrees.

### ***Kenya: Workers protest against meagre wages and overtime work at African Development Bank funded dam project***

***06 August 2019:*** Over 1,000 construction workers employed by the Thwake Multi-purpose Water Development Program, a project funded by the African Development Bank went on strike against low pay, arbitrary dismissals, lack of toilets, drinking water and personal protective equipment, job grading, denial of off-days, abusive language and sexual harassment by the supervisors. The project is contracted by China Gezouba Group with a \$90 million funding from ADB.

### ***US: Apple concedes to employing children for manufacturing iPhones***

***20 August 2019:*** AppleCo. has conceded to employing child labour, misclassifying workers as trainees and apprentices and making them work overtime without pay at Foxconn, the Chinese company it contracts out production of iPhones and Macbook laptops after documents confirming employment of 16 year old school children surfaced in the media.

In the past Foxconn has been infamous for its exploitative work conditions leading to worker suicides due to work induced stress and

anxiety. However, it remains a major supplier to all major technological brands including Amazon and IBM.

## ***Our Story***

On 8 August, over 174 years ago, the Parliament of the United Kingdom passed the Inclosure Act, 1845. One among a series of laws, majority of which was passed between 1750 and 1860, it allowed for commons, or communally held and cultivated land and pastures to be converted into pieces of individual property to which the owner could deny access and use.

Feudal lords in England did so with an alarming pace. Between 1750 and 1820, peasants were dispossessed of about 30% of all agricultural land in England often accompanied by violence and brutality. This created a new class of people; peasant with rights to the land and a share in village life were transformed into workers with nothing but their labour to sell. Enclosures allowed landlords increase land productivity. Many former peasants, now agricultural workers were made unnecessary for agricultural production. It was these workers that flocked to cities and towns to work in the expanding industry for the lowest of wages, longest of hours and worst of working conditions. They formed the labour force of the Industrial Revolution.

In India, we still see today what happened all those years ago in England. Farmland is acquired for industrial development, often without consent. Coastlines are encroached by ports and industrial clusters. Forests are diverted for mining and other business purposes, including tourism. All these play a similar role to the Inclosure Acts. They deprive farmers, fish workers, forest workers, etc. of land essential to sustaining their livelihoods. Deprived of such, these people are forced to join the lowest end of the workforce, working for the lowest of wages, longest of hours and in the worst conditions. However, as the lack of jobs grows more acute, it is doubtful if there will be any work available for them.