

# **Judgment on 18 July 2012 Maruti Suzuki Incident**

## **12 Union Office Bearers plus 1 given Life Sentence in Maruti- Suzuki case**

Additional Sessions Judge R.P. Goyal on 10 March 2017 held them guilty of murder, attempt to murder, destruction of evidence and criminal conspiracy.

## **18 more workers held guilty!**

14 workers were let off by the court for their days spent in jail during the trial as the term of sentence, while the remaining 4 workers were sentenced to five years imprisonment.

## **116 workers Acquitted**

**All 147 workers were charged under  
the same FIR**

# Workers connect...

## Where Have All Our Women Gone?

This Women’s Day let us not talk of women and how they work but let us talk of why they do not work? Why they leave the labour market? Why is the participation of women in the labour force in India one of the lowest?

**India: Labour force participation of women is about 24% generating about 17% of the GDP according to a recent estimate.**

The National Sample Survey data show that labour force participation rates of women aged 25-54 have stagnated at about 26-28% in urban areas, and fallen substantially from 57% to 44% in rural areas, between 1987 and 2011.

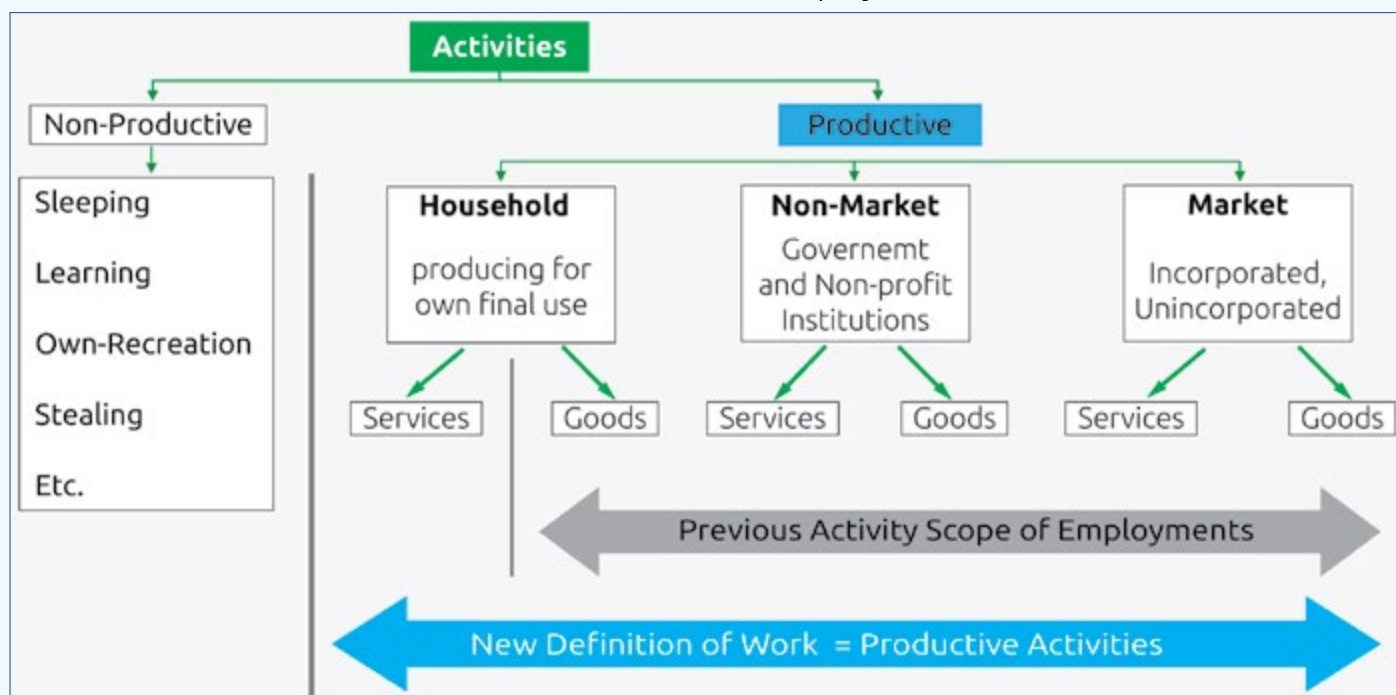
Several reasons have been given for this decline: (i) increased school enrollment of girls; (ii) lack of employment opportunities for women; (iii) increase in household income leading to change in preference; and (iv) invisibility of women workers and hence mis-measurement of female labor force participation. (ILO, 2014)

In 2014 the ILO adopted a new definition, based on the recommendations of the 19th International Conference of Labour Statisticians (October 2013), to include all the activities that constitute the unpaid care economy and household chores (see image below).

NSSO data on employment however does not still include the categories of workers who “attend to domestic duties only” and who “attend to domestic duties and were also engaged in free collection of goods (vegetables, roots, firewood, cattle feed), sewing, tailoring, weaving, etc for household use”. As a result a large section of working women remains undocumented. If such women are counted among workers, women’s workforce participation rate in 1999-2000 would increase from 35% to 89% in rural areas and 17% to 81% in urban areas while in 2011-12, the participation rate would be 85% in rural areas and 80% in urban areas (Jayati Gosh, 2016). In this case the decline in participation rate is not significant and can be attributed to many factors including the agricultural crisis in the rural areas. So what has actually happened is not a decline in women’s participation in work, but a shift from paid or recognised work (in most cases in rural areas from agriculture and in urban areas from low wage sectors) to unpaid care work.

But some other key facts that explain the shift or the reason for this shift:

1. Most women are employed in low wage - low value added sectors, mostly in informal employments.



2. Most care work, of children, aged, differently-abled, both paid and unpaid, are performed by women;
3. Average life expectancy is increasing leading to increasing number of dependents in need of care.
4. Public expenditure on social sector has remained at best stagnant, with expenditure on health at 0.3%, and on education at 0.47% of GDP.

With limited public provision and disappearing social provision of care, the burden of care for children, old and ill continue to be the responsibility of women. This is, however, not just because women are seen as care givers in a patriarchal society. Most women work in low wage sectors. But this is not skill related. The institutional framework of wage setting, the tripartite mechanism, is male dominated which views women's work at best as supplemental to family income. As a result, sectors which primarily employ women workers have low wages. In times of exigency, it thus makes perfect economic logic in a family unit, that the woman with a low wage withdraws from the labour force to cut the loss of income of the family. Thus, in every occasion of illness or any other need, it is the woman who takes a day off to take care.

Research shows that job losses and public spending cuts in social benefits and services are typically offset by the additional time and effort devoted by women to care giving and other unpaid work, with women acting as a "safety net of last resort" in economic downturns (Elson, 2014; UNRISD, 2010).

Labour force participation of women is critically linked to three main issues:

- (i) Sharing of Care work by Men to make the necessary shift from viewing women as the 'safety net of the last resort'. To do this it is essential to:
  - (a) Ensure Wage parity across sectors to make it as costly to withdraw women from the workforce as men – ensuring wages in sectors dominated by women are at par with sectors dominated by men.
  - (b) Paid Parental leave for care giving – Except for the time needed for recovering from childbirth and exclusive breastfeeding, much of the care work that a small infant

needs is not directly related to women's biological role and can be divided between both parents. High childcare costs can be a further disincentive to start or return to work for a second earner in a dual earning couple

(c) Care credits - Many – mostly developed – countries have introduced policies to recognize and reward periods of caregiving through pension credits. France extended pension credits to fathers (Fultz, 2011).

(ii) Increasing Public Social Spending to shift the burden of care from women to the public care system

(a) Increased public spending on health and improvement of services, through regular employment of healthcare service providers.

(b) Increased public spending on child care facilities (Increased budget for ICDS and regularized work and increased wages for Anganwadi workers) for quality child care.

(c) Increased public spending on and improved quality of school education and mid day meal through regularization of services of teachers and support staff to prevent school drop outs, especially of girl children to take care of household responsibilities in order to ensure their mothers can work

(d) To ensure pension pegged to the last drawn wage or the minimum wage, whichever is higher, for informal workers through progressive taxation (Arjun Sengupta Committee recommendation, Unorganised Sector Social Security Act)

(e) Unpaid volunteer work in public services (honorarium work) to be recognized as waged work and paid at government pay scales.

## Policy News

### **Draft Labour Code on Social Security and Welfare**

**16 March 2017:** The Ministry of Labour and Employment has prepared a Preliminary draft of the Code on Social Security and Welfare by amalgamating 15 Labour Laws pertaining to social security and welfare including the EPF Act, the ESI Act, the Maternity Benefit Act, the Payment of Gratuity Act, the Employees Compensation Act, the Unorganised Social

Security Act, and various Welfare Cess /Fund Acts.

*Comments/suggestions of the public are invited on this draft Code for consideration by the Ministry of Labour & Employment by 15 April 2017 in a prescribed format.*

## **Collective Bargaining**

### **General Motors workers sign wage pact with management:**

Talegaon, 25 March 2017: The General Motors Employees union and the management signed a 3 year wage settlement which will be effective from 1 April 2017 till 31 March 2020. The Talegaon production unit employs over 2,500 workers. According to the new wage settlement the workers will receive 80 per cent of the increased component in the first year followed by 10 per cent each in the remaining two years.

### **GSRTC workers win arrears:**

Surat, 16 March 2016: Three unions of transport workers jointly called a 2 day strike demanding implementation of Seventh Pay Commission wages for workers, payment of arrears for the last 33 months and non-privatisation of Gujrat State Road Transport Corporation (GSRTC) bus depots on 16 March 2017 after a negotiation meeting with the Chief Minister Vijay Rupani failed. A settlement was signed between the workers' union and the GSRTC after several meetings with the Managing Director of GSRTC.

As per the settlement, 45000 workers of GSRTC will get arrears as per Sixth Pay Commission scale for the period of 33 months by 30 April 2017 and the implementation of the Seventh Pay Commission will be done in co-ordination with other boards and corporations of the state government.

## **Discrimination**

### **Mass closure of abattoirs will hit Muslim and Dalit working people:**

The newly elected Uttar Pradesh Chief Minister Adityanath's crack down on abattoirs and meat processors has led to many meat shops being burnt and ransacked. The UP government has sent out an elaborate list of necessary infrastructure for retailers that will possibly force them to down shutters permanently. Further, all people working at meat shops will have to obtain health

certificates from government doctors. The meat would also have to be certified by authorised veterinarians.

The meat industry has gone on strike to protest these arbitrary closures and non-renewal of licences. The consequent meat and leather shortage has hit consumers, industries and jobs.

The closure of Uttar Pradesh's slaughterhouses could leave a couple of million people jobless in the state, affect its allied industries and choke small but important revenue streams for its poor farmers, especially in drought-prone areas, mostly muslims and dalits. The drive against slaughterhouses could impact three critical industries: Meat packaging, livestock and leather.

Uttar Pradesh accounted for nearly 43 per cent of buffalo-meat exports in 2015-16, the highest among all states, according to data published by the Agriculture and Processed Food Export Development Authority (APEDA). Leather ranks eighth among India's top export earners, with about 46 per cent of what is produced being exported, according to the Council for Leather Exports (CLE). A third of these exports go from Kanpur.

Uttar Pradesh is the largest producer of meat in India, according to the Agriculture Statistics Report, 2015. In 2014-15, it contributed 21 per cent of the meat produced in India. Of the 75 slaughterhouses registered with the APEDA for meat export, as many as 49 are in Uttar Pradesh. Of the 72 government-approved abattoirs across the country, 38 are in Uttar Pradesh, according to UP Pollution Control Board based on NoCs issued.

According to the All India Meat and Livestock Exporters' Association, a ban on meat exports would mean a loss of at least Rs 11,350 crores of revenue for the state. And if it persists the for next five years, then the revenue loss can mount up to Rs 56,000 crore. In the year 2015-16, UP exported 5,65,958.20 metric tonnes of buffalo meat. In 2014-15, India leather exports were valued at \$6.4 billion (Rs 39,097 crore) and in 2015-16, at \$5.8 billion (Rs 38,396 crore), according to Council for Leather Exports data. The Indian leather industry provides formal and informal employment to 2.5 million people, mostly dalits and muslims: A third of leather workers are women and a fourth are scheduled castes and tribes.



## Health and Safety

### **No night shifts for women in IT/BT firms, recommends women and child welfare panel:**

**28 March 2017:** The joint house committee of the state legislature on women and child welfare recommended that women working in Information Technology (IT) and Bio-Technology (BT) companies not be assigned night shifts in the interests of their safety. The recommendation was made in the committee's 32nd report on 27 March 2017.

This recommendation goes against the state government's decision to remove restrictions on allowing women to work on night shifts in all sectors. The government had amended the Shops and Commercial Establishments Act, 1961 and the Factories Act 1948 to make the changes in the work schedule.

## Workplace Safety Watch

### **5 workers die of asphyxiation at food processing plant :**

Five workers died due to inhalation of poisonous gases while cleaning the chemical tank at a food processing plant Anand Aqua Exports in West Godavari district of Andhra Pradesh on 30 March 2017.

### **Garment factory catches fire in Ghaziabad:**

Ajanta, a denim manufacturing unit caught fire after a boiler kept in the factory blasted on 21 March 2017. No serious injuries or casualties were reported at the factory as the accident happened past working hours.

### **Workers killed in blast at fireworks factory:**

Five workers including three women were killed due to a blast owing to heat and mismanagement at the factory on 11 March 2017 at Sivakashi, Tamil Nadu. The blast occurred in the shed where chemicals like Sulphur and Aluminium were being mixed. The accident left four other workers severely injured.

### **3 workers die while cleaning manhole:**

Three workers including a supervisor died of asphyxiation while cleaning a manhole in Bengaluru on 7 March 2017. Government officials have been trying to dodge the responsibility of the accident by claiming that these workers were employed on contract and the government had no information that they were going to clean the manhole in the night.

### **Kerala mandates three-hour rest for workers in the afternoon:**

**Thiruvananthapuram, 19 March 2017:** The Labour Commissioner of Kerala has rescheduled work hours of workers, making it mandatory for employers to provide three hours rest in the afternoon everyday, keeping in view the rising temperatures in summer.

The new order has been issued under section 24(3) of the Kerala Minimum Wages Rules, 1958. Under this rule, workers will avail compulsory rest period from 12 noon to 3 pm. The revised work hours will be valid up to 30 April. Employers have been asked to reschedule the work hours of labourers to an eight-hour period between 7 am and 7 pm.

## Legal News

### **Karnataka Government extends retirement age to 60 years in Private sector; Not applicable to clerical staff, IT:**

**Bengaluru, 28 March 2017:** Karnataka government on 27 March announced the extension of retirement age from 58 to 60 years for private sector employees. This will come under effect from 27 March 2017.

This notification however exempts IT-BT companies and companies with less than 50 employees.

### **Parliament passes legislation to raise maternity leave to 26 weeks:**

**New Delhi, 10 March 2017:** The Maternity Benefit (Amendment) Bill, 2016 was passed by the Lok Sabha on 9 March that will entitle women working in the formal sector to paid maternity leave of 26 weeks, up from 12 weeks.

The new law will apply to all establishments employing 10 or more people and the entitlement will be for only up to first two children. For third child, the entitlement will be for only 12 weeks.

The amendment provides for 12 weeks of maternity leave for women who legally adopt a child below three months of age and also for commissioning mothers (defined as a biological mother) who uses her egg to have a surrogate child. In such cases, 12-week period of maternity leave will be calculated from the date the child is handed over to the adoptive or commissioning mother.

The amendment also includes provision of

a crèche in all workplaces with 50 or more employees irrespective of gender. However, the visiting right at the crèche is restricted to women employees. The amendment also includes provision of work from home for mothers, if the nature of work assigned permits her to do so.

### ***Provident fund withdrawal rules eased for Government employees:***

7 March 2017: The rules for withdrawal of Provident Fund for government employees to meet family expenses have been amended. An employee can now withdraw up to 12 months' pay or 3/4th of amount on credit, whichever is less. The amount of advance shall be recoverable in a maximum of 60 installments. Earlier employees were allowed to take an advance of only 3 months' pay or half the amount on credit.

The new rules allow withdrawals for education, obligatory expenses, cost of legal proceedings, defence, illness and purchase of consumer durables. For illness, withdrawal may be allowed upto 90% of the amount standing on credit for the employee.

Also, the new rule allows subscribers to take advances for house building and reconstruction after completion of 10 years of service and not 15 years of service as earlier.

## ***News from Around the World***

### ***Airport ground staff in Germany strike for better wages, working conditions:***

On 28 March, the Verdi union signed a three-year agreement to end the dispute by ground staff at the Berlin airports.

The 2,000 ground support staff struck work on 10 March, followed by a two day strike on 12 and 13 March demanding an increase of €1 in their hourly pay to €12 and better working hours, arguing that their workload is increasing with the growing number of passengers and a greater focus on security.

The agreement, reached through mediation, envisages an average 14 percent rise (an increase of €1.54) in the hourly wage over three years made in four stages and improvements in workers' contracts

Ver.di also signed a wage agreement with Spanish ground handling services group Acciona, on 23 March averting strikes at the Frankfurt airport. In Frankfurt, around 800 ground staff will receive

a pay increase of €1.15 an hour in three steps, equivalent to an average wage hike of around 9 percent. In addition, workers will receive an additional day of paid vacation from their fifth year with the company, plus one more a year later.

### ***Trump revokes Fair Pay and Safe Workplaces Order:***

27 March 2017: On March 27, Trump revoked the 2014 Fair Pay and Safe Workplaces order that ensured that contractors on federal contracts of more than \$500,000 comply with 14 labour and civil rights laws and disclose civil judgments, arbitration awards and administrative determinations involving labor law violations.

The Fair Pay order was put in place after a 2010 Government Accountability Office investigation showed that companies with rampant violations were being awarded millions in federal contracts. In an attempt to keep the worst violators from receiving taxpayer dollars, the Fair Pay order included two rules that impacted women workers: paycheck transparency and a ban on forced arbitration clauses for sexual harassment, sexual assault or discrimination claims.

### ***Brazilian trade unions and social movements hold day of action against pension reform:***

16 March 2017: Brazilian trade unions, civil servants, rural workers staged nationwide demonstrations on 16 March against President Michel Temer's pension reform plan, with hundreds of protesters occupying the finance ministry in the capital Brasilia.

The government plans to set the minimum age of retirement at 65, with a minimum contribution of 25 years. The decision has provoked much anger, as many people are able to draw their pension at 54. Further, the proposed changes in labor law would "give companies more flexibility in hiring, including allowing longer temporary contracts, more part-time work and longer work days. President Temer has further threatened to cut public programmes such as Bolsa Familia if they are not able to implement the austerity programme.

### ***Walkout by German Amazon workers:***

More than 900 workers of Amazon, members of the Ver.di union, at its German warehouse in Rheinberg, held a one-day strike demanding coverage under the terms and conditions

relating to retail workers rather than at present as logistics workers.

This has been a four-year-long struggle by the Amazon workers in Germany. German logistics workers are paid a lower wage and have worse terms and conditions compared to retail workers. This industrial action comes before the start of the collective bargaining round that will begin in Germany for retail workers.

### **2,000 rail workers undertake industrial action across UK:**

About 2000 members of the Rail, Maritime and Transport Union at Southern Railway, Merseyrail and ArrivaTrains North walked out for 24 hours in a growing row over the role of conductors on 13 March 2017.

RMT members are taking their 30th day of strike action, in a dispute which started almost a year ago and is the longest running in the transport industry.

### **French workers get 'Right to Disconnect' from emails out of working hours:**

French workers are getting the legal right to avoid emails after work hours. This came into force on 1 January 2017.

Companies with more than 50 workers will have to draw up a charter of good conduct, setting out the hours when workers are not supposed to send or answer emails. France has a working week of 35 hours, since 2000.

### **Uber drivers in Melbourne and Brisbane strike:**

**11 March 2017:** According to the Ride Share Drivers United (RSDU) group, more than 2,000 Uber registered drivers in Melbourne and Brisbane participated in its call for a "No Uber Tuesday" Log-Off protest.

A published list of demands includes an increase in minimum rates of pay, a limit to the hours a driver can work in a shift, and a softening of the deactivation policy that bans low-rated drivers from using the ride-share app.

Uber drivers in other major cities like New York and New Delhi and Bangalore in India have also been protesting against the US-based company's decision to reduce fares.

### **Successive strikes by Air Traffic Controllers and Air France cabin crew over Work**

### **Restructuring:**

Air traffic controllers, members of the UNSA union, downed tools at Brest, Bordeaux and Aix-en-Provence airports as part of their four-day strike that began on 6 March 2017. On the second day, the controllers at Nice and Marseille airports also joined.

Five unions representing cabin crews at Air France held a three-day strike beginning March 18. Around two-thirds of the workers were involved. The strike was to oppose a new contract put forward by Air France that would impact pay, conditions and promotion prospects, and would see the introduction by Air France of a low-cost subsidiary operation, Boost.

### **Corporate Watch**

### **Amazon proposes to invest \$ 500 million in food e-retail in India:**

**31 March 2017:** Following the government decision last year to allow 100 per cent Foreign Direct Investment for marketing, including through e-commerce, of food products manufactured and produced in India, Amazon has proposed to invest \$ 500 million in food e-retail.

This comes simultaneously with the GMB trade union in the UK filing a legal claim against Birmingham-based logistics firm UK Express, on behalf of workers at Amazon. The union is addressing the issue of worker classification of the Amazon workers. The drivers at Amazon according to the union should be classified as workers, rather than as self-employed, and argues that their full employment rights such as the minimum wage and holiday pay should be upheld.

The case follows after the GMB Union's victory over Uber last year and legal action against Hermes.

GMB's reasons for its claim that the drivers should be workers include Amazon imposing control on drivers relating to routes, sanctioning them for 'poor performance' and requiring them to pay for a van hired from the company. Furthermore, Amazon Logistics require the drivers to be available for 15 days per month. They have also cited limited right of substitution - money is deducted from a driver's pay if they cannot work. Moreover, drivers are all prohibited from working for a competitor.