

Workers connect...

At what cost are we building #PowerfulIndia?

The energy policy of India is largely defined by the country's expanding energy demand and our failure to produce it. India is the third largest primary energy consumer in the world after China and USA, 56.26% of this comes from coal.

The Energy crisis

On one hand we have a growing demand for energy and on the other, we are struggling to meet that demand. Access to electricity is one of the most defining elements of the inequality that exists in our country.

The government of India announced on 29 April this year that it had completed the electrification of all inhabited villages in India. This, like most other such announcements, had its own As what h a m a line. According to the definition of the Union power ministry, a village is said to be electrified if only 10% of the households

in it have power connections and if there is electricity in the public institutions in the village. So by ensuring as little as 10% access, the government can declare a village electrified.

Despite Minister for Coal, Piyush Goyal's promise to end dependence on coal imports, India's thermal coal (mostly used for power generation) imports rose by 8 percent and coking coal imports by about 13 percent in 2017-18. State-owned Coal India (CIL) has struggled to supply adequate coal to power plants, to meet the growing demand and in fact, even meet the scaled down target of

2017-18.

Almost every government since 1991 has considered opening up the country's coal sector to competition. The Narendra Modi government first passed the Coal Mines (Special Provisions) Ordinance as soon as they came to power in 2014 and finally succeeded in legislating the Coal Mines Special Provision Act, 2015 which allowed entry of private companies in coal mining. The rationale provided for this was that this will increase production of coal, make it more competitive and so on. This ordinance and then the law removes the restriction on

end use from the eligibility to undertake coal mining except in the case of certain specified coal blocks. What this means is that now private coal companies can mine coal and sell it in the open market for any use without any restriction.



Energy demand against bad jobs, loss of livelihood and destruction of environment

56.26% of India's energy demand comes from coal. 80% of coal produced in the country comes from CIL. Only 1 out of every 10 tonne extracted by CIL is from its underground mines. Underground mines contribute 20 per cent of production in Australia, nearly 40 per cent in the US and 86 per cent in China. Of the existing underground mines, CIL plans to shut down 37 by the end of this fiscal year. Thus, the policy emphasis is on open pit mining.

Why do companies choose Open Pit mining?

Advantages	Problems
Less capital intensive than underground mines	Requires acquisition of large tracts of land destroying agricultural and forest lands
Easier to detect	Loss of livelihood of people dependent on this land
Easier to extract	Loss of homes of people in this area and resettlement costs
Easier to transport	Destruction of the existing environment and soil fertility
Larger machines can be used for mining than in underground mining	Pollution of air, water due to coal dust and its health impact
Requires less training of workers	Social conflict develops between different sections of these areas
Requires less investment in safety	Leads to Land Subsidence
	Leads to underground fires leading to accidents, damage to lives and property and depletion of reserves.

According to some market analysts, the average cost of open-cast coal for Coal India is about \$13 a tonne while that for underground mines, is about \$75 per tonne. Thus while the monetary cost of production of coal using the Open Pit method is low, its social cost far exceeds its advantages. It starts by displacing people from villages, destroying forest and agricultural lands, polluting air and water, taking away homes and livelihoods of the displaced people and the concomitant health costs of the people living in that area and working on these mines.

Over and above these problems, CIL employs along with its 2.98 lakh permanent workers and about 1.13 lakh contract workers according to their Annual Report of 2017-18 and the latest collective bargaining agreement. This is a very conservative estimate of the number of irregular workers employed in these mines. According to union sources, a lowest category permanent worker earns about Rs. 26,000 per month plus benefits while a contract worker, doing the same job, would make about Rs. 6,000 without any benefits. This huge gap in wages and benefits between the workers creates a situation where unionisation of the precarious workers becomes an uphill task. The open pit mines actually make it easier to hire contract workers, as this

requires less training. Thus the number of contract and other irregular workers has increased significantly over the years and most of whom remain outside the reach of trade unions. Apart from hiring miners sourced from contractors, CIL also has a range of other outsourced workers engaged in operations and logistics.

Lax Regulation – Devastated Environment

In fact based on the Supreme Court order in the Common Cause vs Union of India case filed by the NGO Common Cause seeking to regulate mining lessees for rampant unlawful mining in Odisha, Odisha government slapped Rs. 8,297 crores on Mahanadi Coalfields Ltd, a subsidiary of Coal India as fine for unlawful production of coal violating environmental clearances in March this year. The two-judge bench of Justice Madan B Lokur and Justice Deepak Gupta directed that the compensation will be payable “from 2000-2001 onwards at 100 per cent of the price of the mineral”, and should be deposited on or before 31 December 2017. The SC has been also hearing cases of illegal mining by Jindal Steel and Power Ltd., Rungta Mines Ltd., Sarda Mines Pvt. Ltd. and Essel Ltd separately. The compensation on the companies has been levied as per provisions of the Mines and Minerals (Development and Regulation) Act, 1957 as amended in 2015. Section 21(5) of

the Act, empowers the state government to recover the price of the illegally-mined ore from each defaulting lessee. In addition, the government can also recover any rent, royalty or tax, for the period during which such illegal mining activity was being carried out outside the mining lease area.

Where do we go from here?

Unlawful mining is a perfect entry point for raising the following questions:

- Who does this coal belong to? The coal companies or the Communities they displace?
- What about the environmental damage? What will we leave for our children?
- Energy that we generate with this coal – who is it for?

Mining can be made more environmentally sustainable with least human cost by developing and integrating practices that reduce the environmental impact of mining operations and creating alternate livelihood opportunities for those who are displaced by these activities. To ensure environmental sustainability, measures such as reducing water and energy consumption, minimizing land disturbance and waste production, preventing soil, water, and air pollution at mine sites, and conducting successful mine closure and reclamation activities are incorporated while to reduce human cost, the entire process needs to be more democratic and inclusive. This also requires effective regulatory mechanisms that are stringently implemented by specific regulatory bodies with sufficient powers.

Policy News

Assam: Government employees to face wage cuts for not taking care of dependent parents, disabled siblings

30 July 2018: Assam government has promulgated the Assam Employees' Parents Responsibility and Norms for Accountability and Monitoring Bill, 2017 which mandates state employees to take care of their dependent parents and disabled sibling(s).

The newly promulgated legislation also has a clause for deduction of salary up to 15% of those employees who fail to take 'good' care of their dependent parents and disabled sibling(s). Government intends to extend this act in future to cover MLAs, MPs and employees of PSUs.

Central Trade Unions Boycott Labour Ministry's consultation process

24 July 2018: All Central Trade Unions, except BMS have boycotted Labour Ministry's tripartite consultation on the Labour Code on Social Security stating that no cognizance has been taken of suggestions made earlier and that the government was doing a formality of holding these meetings. The CTUs sent a joint letter to the ministry notifying that they have had a similar experience in all consultations held in regard of the Labour Codes and have decided to keep out of all further meetings till their suggestions are taken into consideration.

Labour Ministry proposes amendment in the Trade Union Act, 1926

21 July 2018: The Labour Ministry has proposed amendments to the Trade Union Act, 1926. The amendments would allow registration of federation of unions at the state level. Presently, the provision of recognition of Trade Union confederations is limited at the central level. There are 13 recognised Central Trade Unions. Suggestions and comments on the proposed draft can be sent to the Ministry by 10 August 2018.

Delhi: Government decides to do away with labour contractors and middlemen in recruitment of contract workers

19 July 2018: Delhi government's labour panel has recommended doing away with labour contractors, labour agencies and middlemen in hiring of contract workers by government departments. The panel noted that the present system of outsourcing of personnel leads to violation of minimum wages, non-payment of provident fund and other allowances besides incurring different charges and taxes. It also recommended the government to hire more labour welfare

officers so that the implementation of the provisions of Contract Labour (Abolition and Regulation) Act, 1970 can be ensured.

Kerala: Government amends Shops and Establishments Act, women can now work night shifts

15 July 2018: Kerala government has amended the Shops and Establishments Act, 1960 allowing women to work night shifts. Earlier, women could not be employed between 7pm and 6 am. The amendment also includes a clause directing employers to make arrangements for women to sit during working hours in showrooms and retail textile/garment shops. Employers will also have to ensure transport to women employees working night shifts.

Legal News

Uttarakhand: High Court says denial of maternity leave for third child unconstitutional

30 July 2018: The High Court of Nainital has ruled that denying working women the benefits of Maternity Benefit Act for third child is against Article 42 of the Constitution and Section 27 of the Maternity Benefit Act, 1961. Article 42 of the constitution states that the State shall make provision for securing just and humane conditions of work and for maternity relief based on which the Court held the opinion that the State cannot shelve its responsibility because an individual already has 2 children.

Supreme Court pulls up Centre on Welfare Scheme for Construction Workers

20 July 2018: A bench comprising justices Madan B Lokur and Deepak Gupta rapped the government on their laxity to formulate a scheme for welfare of construction workers. The division bench was hearing a PIL on the utilisation of cess funds lying unused with the Welfare Board of Construction Workers.

The bench has set 30 September 2018 as the deadline for government to come up with a concrete scheme, it also warned the state that no extension would be granted for finalising the scheme.

Tamil Nadu: Labour Court orders reinstatement of Hyundai worker retrenched for union activities

11 July 2018: A Chennai Labour Court has held illegal the retrenchment of a Hyundai workman named Sridhar. Hyundai Motor India Ltd. had dismissed the services of Sridhar in 2007 after a 6 month long domestic enquiry to derail the union registration process at its Chennai plant. Hyundai had come down heavily on workers in 2007-08 when workers had withdrawn their membership of the management led yellow union and filed an application to register a union of their choice.

Discrimination

Archaeological Survey of India dismisses 300 contract staff workers

22 July 2018: The Kolkata sub-division circle of Archaeological Survey of India (ASI) has contracted out the maintenance work of monuments under its jurisdiction to private contractors, dismissing the services of 300 contract workers who are presently employed by the ASI. The move aimed at 'cost-cutting' has rendered jobless, workers who have been employed by ASI for more than 10 years.

Collective Bargaining

Nurses gain major wage hike in Tamil Nadu

26 July 2018: In November 2017, around 3,000 nurses went on a strike demanding higher wages, eight-hour work shifts and permanent jobs in Tamil Nadu. The government has finally considered their demands and issued a notification raising the wage of nurses employed on contract from Rs.7,700 per month to Rs.14,000 per month. The move will benefit over 3000 nurses working on contract basis in Primary Health Care centres, government hospitals and government medical college hospitals across the state. the nurses will also get an annual hike of Rs 500 and would be a part of the Employees State Insurance (ESI) scheme.

The benefits of wage hike are retrospective and will be considered to be applicable from April, 2018 onward.

Haryana government kneels to demands of ASHA workers

21 July 2018: Haryana government has issued a notification raising the fixed salary of Accredited Social Health Activist (ASHA) and various incentives entitled to them after 3000 ASHA workers called for a two-day sit in on 15th and 16th July 2018 under the banner of Haryana ASHA Worker's Union.

As per the notification fixed salary has been hiked to Rs.4000 per month. The incentive for hospitalised delivery has been raised from Rs. 300 to Rs.400. The incentives for Home Based Post Natal Care (HBPNP) and Antenatal Care (ANC) has been increased to Rs 350 from Rs 250. The incentives for vaccination have been increased to Rs 250 from Rs 150 along with a fixed salary of Rs. 4000 per month.

The notification also states ex-gratia of Rs 3 Lakhs for the family of the ASHAs in case of death on duty and preference to eligible ASHAs in the appointments of regular/contractual MPHWS (F) and staff nurses. The move will benefit around 20,000 ASHA workers employed by the state.

Chennai: High Court directs police to file FIR against management, as workers intensify protest

19 July 2018: Madras High Court has ordered Chennai Police to accept the FIR of 56 trainees against the management of DMC Automotive, a Korean automobile parts supplier company which the Police had earlier refused to file. Last month Trainee workers employed for more than 6 years had put down tools demanding their services be regularized. To suppress the strike management had terminated the services of 24 workers including union office bearers and initiated a domestic enquiry. Workers had approached the police as management was not letting workers represent themselves during the enquiry.

Health and Safety

DGFASLI and Gujarat Maritime Board sign MOU to improve health and safety in Shipbreaking Industry

11 July 2018: Gujarat Maritime Board and Directorate General Factory Advice Service & Labour Institutes (DGFASLI), the factory inspection body of Labour Ministry have signed a Memorandum of Understanding to train workers and supervisors engaged in the Shipbreaking industry of Alang, Gujarat to improve the health and safety conditions in the area.

Alang which provides employment to more than 25000 workers is infamous for its hazardous working conditions leading to work related deaths and high rate of accidents.

Workplace Safety Watch

On **28 July**, 3 workers Rohit Jadhav (18), Vijay Chavda (19) and Adam Sama (24) died due to electrocution while 2 others sustained serious injuries while putting up an electric pole. The workers were employed under contract by **Paschim Gujarat Vij Company Ltd. (PGVCL)**.

On **31 July**, Sanjay Kumar Singh (45) employed as a lineman in the **Uttar Pradesh Power Corporation** was electrocuted to death while replacing a damaged underground wire in **Sector 142, Noida**, Uttar Pradesh. An FIR has been lodged by the Surajpur police station against the power corporation, as the worker was not provided any safety gear, although the equipment was available with the corporation.

Construction

3 migrant construction workers Rakesh Kumar (32), Satranjan (32) and Manoj Kumar (26) died due to electrocution after they came into contact with high-voltage wires on **8 July** in **Mayapuri Colony in Ludhiana, Punjab**.

Workers had refused to work at the site as High voltage electric cables ran across the under-construction building. Police has filed an FIR against house owner Raju Lemon under IPC section 304 (culpable homicide not amounting to murder) against the employer **Raju Lemon**.

On **7 July**, 2 migrant construction workers from Bihar, Sajid (22) and Javed (27) died

after falling from the 7th floor of an under-construction building of the **Gaur City Seventh Avenue (GC-7)** site owned by **Gaursons** in **Greater Noida, Uttar Pradesh**. The workers fell into a lift shaft which had no protective covering or warning sign.

On **25 July**, Venkatesh (45), a painter died when a lift collapsed on top of him at **Rajeshwari Apartments** in **Malleswaram, Bengaluru**. The police have registered a case of death caused by negligence under Section 304A of the Indian Penal Code against the employer.

Manufacturing

On **12 July**, 6 workers K Manoj Kumar (24), B Ranganath (21), SM Wasim Basha (26), K Siva Maddileti (26), K Yugandhar (37) and G Guruvaiah (45) died due to asphyxiation and 4 other workers were severely injured, when they inhaled poisonous gas that leaked from a rolling furnace at the Brazilian Steel giant **Gerdau GM** at Tadipatri of **Anantapur district in Andhra Pradesh**. The company is infamous for health and safety lapses, in 2017, ten workers were killed at Gerdau's Ouro Branco plant in Brazil.

On **30 July**, 3 workers Ashish (24), Bhajanlal (40) and Harun asphyxiated to death, following a gas leakage at a tarpaulin dyeing factory, **Durga International Factory** in Singrosi, Unnao, Uttar Pradesh. The workers inhaled toxic gases emitted from a dye mixing tank while repairing the nozzle of a 20 feet tank where tirplas were dried. 2 others Hariram and Akhilesh were hospitalised in a critical condition.

On **19 July**, 3 workers Jogendra (22), Guddu (18) and Ajay (26) died of suffocation after inhaling toxic fumes emitted from a septic tank filled with animal remains that they had stepped down to clean in **Alipura, Meerut, Uttar Pradesh**. 3 other workers were hospitalised under under critical condition. The company **Al Yasir Export Pvt Ltd.** is owned by brother of former **Bahujan Samaj Party (BSP) MP Haji Shahid Akhlaq**. Police has arrested the owner and manager of the company under Section 302 (murder) of IPC.

Sanitation

On **10 July**, SSubramani (40) a contract sanitation worker employed by Bruhat Bengaluru Mahanagara Palike (BBMP) committed suicide facing severe financial problems as he was not

paid wages since January 2018.

Subramani has been a contract worker with BBMP for the last 18 years. Around 7000 workers have not been paid their wages in Bengaluru. No case against the contractor or against BBMP have been registered.

On **8 July**, Roshan Lal (45) a cleaner, Mahesh (28) a pump operator and Bulbul (26), choked to death while cleaning a 40 feet deep sewage tank due to lack of oxygen at Dabur Talaab Colony, Loni, Ghaziabad, Uttar Pradesh. The sewage treatment plant owned by the **Uttar Pradesh Jal Nigam** has been contracted out for maintenance to a private company **Envirocon Engineering Company**. No safety equipment or training was provided to the workers.

The UP Jal Nigam has lodged a FIR against Envirocon Engineering with charges for violation of The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, and SC/ST (Prevention of Atrocities) Act. **4 Uttar Pradesh Jal Nigam officials, project manager SP Singh, assistant engineers Rameshwer Dayal and Anil Verma, and junior engineer Kapil Kumar** have been suspended for the lack of vigilance in enforcing the safety guidelines stated in the contract.

In and Around

Goa government rejects mining company's plea for retrenchment of 345 mining workers

20 July 2018: Goa Rajya Kaamgar Mahasangh registered a major victory against the management of Chowgule Group's mining division as the government struck down management's application for retrenchment of 345 mining workers from Pale, Costi and Sirigao region of Goa. In April the management had terminated services of around 500 workers.

News from Around the World

US: EPA slaps \$3.1 million fine on DuPont for gas leak at the plant

31 July 2018: Environmental Protection Agency and Department of Justice of United States has slapped a penalty of \$3.1mn on the multinational company DuPont for negligence and pollution. In 2014, 11,000 kg of methyl mercaptan leaked at a pesticide manufacturing unit at DuPont's La Porte plant because of a series of maintenance errors. Two unsuspecting

workers died when they attempted to clear a vent that they didn't realize contained methyl mercaptan; two others died trying to rescue them.

The agencies found DuPont in violation of 22 norms of the Occupational safety and Health guidelines and ordered the company to pay \$1.06 million as penalty towards OSH violations. The company was forced to stop operations at the plant in 2016 due to repeated negligence and inability to defer hazards.

South Korea: Samsung recognises first contract worker's union

29 July 2018: Samsung Electronics Service, the repair subsidiary of technology giant Samsung Electronics has recognised the union representing contract workers and agreed to regularise the services of 8000 workers currently employed on contract.

Samsung is infamous for its union busting policies. Only nine of Samsung's nearly 60 units have unions and fewer than 300 of Samsung's 200,000 domestic workers are unionised - well below the national average of South Korea which stands at 10 per cent.

US: Court directs employers to pay overtime wages to workers for tasks performed after clocking out

27 July 2018: The Supreme Court of California has ordered employers to pay overtime wages to workers for tasks that they are required to perform before and after their clocking hours. Court noted that workers employed in super markets, retail chains and restaurants like Starbucks etc., who are mostly employed on hourly wage contracts have to transmit sales data, move furniture and lock up the store which takes 10-15 mins of their time after clocking out from their workday. The court ruling states that workers must be compensated for this extra time in accordance of overtime wage norms.

Palestine: Fired UNRWA worker sets himself ablaze

27 July 2018: United Nations Relief and Works Agency (UNRWA), the UN agency tasked with assisting impoverished Palestinian refugees in the Israeli-occupied Gaza and West Bank terminated the services of 125 workers and downgraded the employment status of 800 other workers from full-time to part-time.

The relief agency cited 'funding-cuts' to be the reason behind this massive slashing of employment. A laid-off worker set himself ablaze in front of the office of the UNRWA while workers were staging a protest against mass layoffs and demanding reinstatement.

Namibia: Supermarket retail chain Shoprite sues striking workers for \$3.3 million

27 July 2018: Shoprite, Namibia's largest supermarket retail chain has sued its workers citing losses incurred due to a strike which workers staged three years ago.

In 2015, 93 Shoprite workers had struck work for two days demanding increase in wages, housing and medical allowance. To suppress the strike company had hired the services of temporary workers.

Three years later, the company has approached Court demanding that workers pay the cost, company had to incur on hiring temporary staff and losses it incurred due to strike.

Shoprite workers have voted to go on strike against management's lawsuit.

South Africa: Constitutional Court orders employers to regularise workers if contract extends beyond three months

26 July 2018: The highest court of South Africa has delivered a historic judgement against labour brokers in the country. The Constitutional Court ordered that employers have to absorb workers employed under contract in case the contract extends beyond three months. After the judgement workers who are employed through labour brokers on contract will become permanent once their work tenure stretches beyond three months. The case was filed by the National Union of Metalworkers of South Africa (NUMSA) against the unfair practices of one of country's largest labour brokering company Assign Services.

Bangladesh: Trade Unions oppose amendments to the Labour Code

19 July 2018: Trade Unions in Bangladesh have boycotted the tripartite consultation meeting organised by the labour department as their demands were not included in the final draft which is to be put before the cabinet for approval.

The Trade Unions have been demanding six-

month maternity leave for private sector workers, as available to public sector workers currently. And that the word 'maternity benefit' be replaced by 'maternity leave' in the new code.

Denmark: Gig economy workers secure social security and employee status through collective bargaining

04 July 2018: 450 workers of app based cleaning service provider company Hilfr organised under the banner of United Federation of Danish Workers popularly known as 3f have signed a collective bargaining agreement. The agreement ensures that status of the worker changes from self-employed contractor to employee upon completion of 100 working hours.

The agreement also raises the pay of the workers from €15.50 to €19 per hour. Upon completion of 100 hours the workers will also start receiving pension benefits, holiday pay and sickness benefits as per law.

Uber drivers win worker status and wage hike

Kenya: Digital Taxi Association of Kenya has signed a deal with taxi aggregator services like Uber and Taxify which would allow workers cushioning in case of companies dipping their prices to beat the competition. Under the new agreement drivers will get minimum 33 shillings per km as opposed to fluctuating existing prices which hovered around 14 shillings per km. The agreement covers around 2,200 taxi drivers.

US: A Labour Court of the New York city has held that Uber drivers are employees of the company and not self-employed, therefore entitled for unemployment insurance benefits. The Court in its order has also stated that the same applies to 'similarly situated' workers. The decision has been lauded by the Taxi Drivers Alliance, a workers' collective which has been pursuing cases on behalf of the drivers. Uber employs more than 65,000 drivers in the state of New York. According to one study if all Uber drivers were to be considered workers, Uber would be the largest private employer in the state.

Corporate Watch

Workers successfully dent e-commerce giant Amazon's Prime Day sale

Around 1200 workers in Spain and another 3000 in Germany went on a three-day strike while Polish workers slowed down work in protest of worker rights violations at Amazon's warehouses across Europe between 16-19 July 2018, the same period during which the company held its yearly flash sale 'Prime Day' expecting estimated sales of \$3.4bn.



Jeff Bezos the owner of Amazon is currently the world's wealthiest man with net worth of \$140Bn earns 140 times more than his

average employees. His company hires worker on hourly contracts on minimum wages and tight deadlines, so much so that workers urinate in bottles as they can't afford to take pee breaks fearing they would miss work targets.

Amazon has been notoriously infamous for union busting since its inception in 1994. A New York Times reporter who went undercover at one of Amazon's warehouse reported that the internal website of the company has guidelines and procedures for managers on how to crush unions and stifle the freedom of association at the workplace.

Amazon workers work under sophisticated surveillance systems, under high stress conditions for long hours. Earlier last year, Amazon workers were forced to wear digital bands which would give a vibrating alarm if the worker would take longer than the 'standard' time assigned for the task. As a result of strenuous work and highly intimidating work environment amazon worksites report one of the highest occupational health injury cases. According to a news report Amazon's warehouses in Britain used ambulance services 600 times in the last three years.